



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.03 p.m. – 6.40 p.m.**

**Gibraltar, Thursday, 18th January 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.03 p.m.*

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

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Thursday 18th January 2018 – Order of Proceedings.

(i) Confirmation of Minutes. The Minutes of the last meeting of Parliament which was held on 22nd November, 5th and 6th December 2017.

5

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

*Mr Speaker signed the Minutes.*

## COMMUNICATIONS FROM THE CHAIR

### **Congratulations to Sir Joe Bossano KCMG MP on receiving knighthood from Her Majesty the Queen**

**Clerk:** (ii) Communications from the Chair.

10

**Mr Speaker:** This item on the Agenda affords me the opportunity to pull rank. Moreover, the fact that I was first elected to this House on the same day as the Hon. Sir Joseph Bossano, back in 1972, perhaps also makes it appropriate that I should be the first one to congratulate the hon. Member today.

15

By any yardstick, an unbroken period of public service of 45½ years and still going strong is a remarkable achievement and throughout that time, the hon. Member has always fought Gibraltar's corner without fear or favour.

I am delighted that his well-deserved knighthood can also be enjoyed by his wife, now Lady Rose Bossano, who has been a pillar of strength for him.

20

My sincere and heartfelt congratulations to the hon. Member and to Lady Rose. (*Banging on desks*)

The Hon. the Chief Minister.

25

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if you have known him for 45-plus years, you know that Joe Bossano is the hardest taskmaster that there is in Gibraltar politics. If you do

nothing, Mr Speaker, in your life, you will do nothing wrong – except of course that it is wrong to do nothing.

If you do things, Mr Speaker, especially if you do a lot, it is likely that amongst all the good that you have done, you may also do something which is not entirely to the pleasure of all those  
30 around you and Joe Bossano, Mr Speaker – Sir Joe Bossano KCMG MP, (*Interjection by Mr Speaker and laughter*) as I believe his name will now feature in the *Hansard* of these proceedings, has done a lot for this community, Mr Speaker. He has done perhaps more than most for this community.

He has, therefore, in my view, Mr Speaker, rightly earned the respect of most, if not all in our  
35 community. And he has delivered more than most for this community. He is also therefore, necessarily incurred the displeasure of some, when he has thought it necessary or appropriate in the public interest of Gibraltar to do so, and quite right too, Mr Speaker.

He has been the person who has most developed in the public consciousness of Gibraltarians the doctrine that the right of self-determination is acquired through the attainment first of the  
40 self-sufficiency of a people.

Mr Speaker, he is a man who has led on issues of union rights, he is a man who has led on issues of human rights and of course he was the man who in great measure led the battle on parity.

He led us through a difficult period when the Ministry of Defence was withdrawing the amount of spending it made in the Gibraltar economy. He transformed Gibraltarians into a  
45 community of home owners. He introduced the concept of the mandatory scholarship for undergraduates and I can tell hon. Members in this House and in the community at large that when the time came to have the debate to prepare the manifesto for the 2011 General Election, it was him leading the argument that we should introduce mandatory scholarships also for  
50 postgraduates in today's economy.

He led on the concept of reclamation to gain land from the sea and to be able to extend further our community. And of course, one of the incarnations of which he is proudest is Community Care: a charity that every quarter has a positive effect on the lives of so many of his fellow Gibraltarians. I will not say 'fellow pensioners', Mr Speaker; I will just stick to 'fellow  
55 Gibraltarians'.

But going back a little further and perhaps in terms of the most apposite today, Mr Speaker, this is a man who led in respect of the various processes that required opposition from Gibraltar. Whether it was the Strasbourg process, the Lisbon process or the Brussels process and the  
60 bilateralism linked to the United Nations resolutions that saw the transfer of the Gibraltar sovereignty into Spain, they found a rock of opposition in Sir Joe Bossano from the mid-1970s, when the attempts began to try to suck Gibraltar into those processes.

Then as Chief Minister, Joe Bossano, as he then was, led the return of Gibraltar to the United Nations. Mr Speaker, that return continued unabated whilst Joe Bossano was in Government; it continued whilst hon. Members were in Government, except for this agreement between us as  
65 to attendance at the C24 after 2006.

Joe Bossano continued whilst he was in opposition, funding the trips out of his own pocket because he thought it in the interest of Gibraltar to turn up at New York every year on two occasions and to go to the UN seminar wherever that might be held in the Pacific or in the Caribbean, where he is recognised by the secretariat of the United Nations as an authority on  
70 the right of self-determination of the people of the non-self-governing territories.

Mr Speaker, I should add that in respect of the latter, in respect of the seminar, they paid his way for some time because they wanted him involved in those deliberations of theirs.

Mr Speaker, therefore, in the context of all of that and all of the things that Joe Bossano has done which I cannot reflect just in the moments that we have here as we begin our  
75 parliamentary session, in the things that I have written about the merit of this award since it was made, those who know Joe Bossano know everything that he has done and anybody who studies the history of Gibraltar will realise the impact of the return to Gibraltar of Joe Bossano in 1972

and the effect it has had on the plans some others might have had for the future of this community.

80 Therefore in the grant of this honour, Her Majesty the Queen has not just rightly recognised somebody who I think the whole community is proud to see take a knighthood, but I see personally huge vindication of the legitimacy of the stands that Joe Bossano has taken since 1972 and vindication, if I may say so, for all those of us who have stood with him and I do not just mean for election, but who have stood with him in respect of the defence of the principles  
85 that he has espoused, in respect of the policies that he has espoused and in respect of the politics that he has represented and represents.

If I may say so with respect, Mr Speaker, I will say proudly that in my view, and I believe it is the view of all his Government colleagues, no one in the modern era has done more for Gibraltar to remain British than Joe Bossano – sometimes even in the face of the British, and I think that is  
90 the most important part of the contribution that Joe Bossano has brought to the modern history of Gibraltar. In our view therefore, Mr Speaker, Her Majesty could have chosen no better knight to continue to guard against any erosion of her unhindered dominion over British Gibraltar.

But I do think, Mr Speaker, that Sir Joe Bossano will be no silent knight. I do not expect that he is going to keep his views to himself, now that he has been knighted, in a way that others  
95 might think was more appropriate. I think that this vindication, this recognition is simply going to spur him on to do more and that is exactly the effect that those of us who believe in him would want to see.

Joe Bossano, Mr Speaker, I think has still got a lot to do. He represents a part of the past modern history of Gibraltar, he represents the present and I think he also represents a huge part  
100 of the future. He hates it when anybody gets up and says something nice about him. Imagine how much he must be hating the fact that we are all saying things about the fact that he has been honoured by Her Majesty herself! It must be embarrassing indeed to be lauded in your own presence, but it is a sign of his longevity that he is lauded whilst he is still a Member of this Parliament and still very active. It is a recognition of what he still has to contribute.

105 I say to the House today that the Government will, at the appropriate time, be moving a motion to bestow, with the support I hope of the whole House, the Freedom of the City of Gibraltar on Sir Joe also, now that Her Majesty has recognised his contribution as well. We think on this side of the House that it is important that the recognition of the people of Gibraltar in the way that the people of Gibraltar bestow that recognition also be considered.

110 Now, I suppose he will have to declare a conflict of interest and not vote on that motion, but it will be the best way of reflecting the requited love of the people of the Rock who he loves so much. Mr Speaker, he is to all of us an inspiration and a mentor. (*Banging on desks*)

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

115 **Hon. E J Phillips:** Mr Speaker, may we on this side of the House echo the sentiments expressed by Mr Speaker and the Hon. the Chief Minister and congratulate Sir Joe and indeed Lady Bossano and his extended family for this great honour that has been bestowed on Sir Joe.

120 Clearly the Chief Minister has set out the background to the honour insofar as Sir Joe's commitment – the commitment of the Father of the House to Gibraltar – and unquestionably 45 years of politics is certainly an unquestionable commitment to Gibraltar, despite where we sit on this side of the House.

125 There are many areas on which there has been disagreement over the many, many years between Sir Joe and his opposite numbers on this side of the House, and when he was sat on this side of the House, but clearly that is not for today. Today is to warmly and genuinely congratulate Sir Joe on his honour and also to remind our community of the work that he did together with others, in relation to our transition from an MOD-based economy to part of what it is today, together with others that led after him.

130 It is also true that we are reminded of his efforts and his work in relation to parity. And most importantly for me in fact is that most Members in this House of course are beneficiaries of the mandatory scholarship and the work that Sir Joe has done in relation to education and the development of opportunity for young people in our jurisdiction. I think many in this community, if not all of us that have been the beneficiaries of that, owe him a great debt insofar as the work he has done to develop opportunity for young people.

135 Although we may disagree moving forward and I think Sir Joe and I have had various debates on the question of how we increase opportunity and offer better opportunity to those in our community moving forward, it is right to recognise the hard work that Sir Joe has done in relation to mandatory scholarships, together of course in creating a nation of home owners, which I think is again an achievement that he should duly be recognised for.

140 What we say in this House, certainly on this side, is that we warmly congratulate him on this great honour and that for Lady Bossano. *(Banging on desks)*

**Mr Speaker:** Dr Joseph Garcia.

145 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I would also like to if I may, to congratulate my friend and colleague, Sir Joe Bossano on the award of this honour by Her Majesty the Queen.

As you have rightly said, from 1972 until 2018 having the confidence of the electorate and of your fellow countrymen in election after election and being elected to this Parliament and to the House of Assembly before it for such a long period of time, is a record for Gibraltar and 45 years is the longest period of time that anybody has been elected to any of our institutions. That is a truly remarkable achievement.

150 I think one trait that Sir Joe has always shown is that his expositions and has taken positions on principle and not on their popularity, and that has continued throughout the years and it continues indeed to this day.

The analysis I recall he made at the time of the Brussels Agreement, of the Lisbon Agreement, at a time when people were taking different views on it, have been borne out in the fullness of time. It has been shown that the analysis that he made after these agreements were struck was actually the correct analysis and these views are now widely shared by everyone, even by those who opposed and who took a different opinion at that moment in time.

160 In 1965 he started with the pro-integration movement and since those days until today I think, Joe is still a revolutionary at heart, somebody who has never sought honours for himself and who probably finds, as the Chief Minister has rightly said, this whole process of congratulations uncomfortable and embarrassing.

165 The reality is that he deserves nothing less. He has been an ardent exponent of the Gibraltarian identity; he has contributed to its development significantly; the establishment of National Day in the early 1990s; his defence of Gibraltar at the United Nations – all that adds to the record that he has created in defending this community locally and abroad and in advocating our right to self-determination and our equal determination to reject the Spanish claim.

170 So it is, Mr Speaker, a very well deserved honour. It is an honour for him, for Lady Rose, for this House and indeed for our country as a whole. *(Banging on desks)*

**Mr Speaker:** The Hon. Daniel Feetham.

175 **Hon. D A Feetham:** Mr Speaker, I am delighted to be able to rise and to add my own voice to the voice of the Chief Minister, the Deputy Chief Minister and the Leader of the Opposition in congratulating Sir Joe and also Lady Rose on what is by any measure, in my view, a well-deserved and indeed a belated honour that should have been bestowed on the hon. Gentleman a long, long time ago.

180 It is a great privilege and also it is a great honour to represent this community and also to do  
what he has done, which is to lead this community for eight years in what has been a career  
spanning 45 years. But it is also phenomenally difficult as well to be a leader of this community  
and indeed to represent this community, even though it is a great privilege. The size of Gibraltar,  
185 the closeness with the electorate, it bring with it dynamics that make it at times very difficult  
indeed.

There is one quality which the Hon. the Deputy Chief Minister alluded to which I have always  
admired in the hon. Gentleman, and that is that he makes and he also defends decisions,  
however unpopular those decisions may be, but he takes them out of principle. In my view, that  
is something that our electorate expect out of its politicians. It is something that our electorate  
190 respect in its politicians and you do not have to agree with the decisions that people take, but  
you do respect the fact that people do make, as the hon. Gentleman does, decisions out of  
principle.

As he knows, because he knows that even though I am one of the fallen – one of the fallen! -  
that I came to Gibraltar in order to follow him. He knows that. Things did not work out, but that  
is the reality of the situation. I have spent the last 17 years opposing him! (*Laughter*) But I did  
195 come back in order to follow him.

There are two principles that he has always adhered to that I have, in my own political career  
and indeed as Leader of the Opposition, sought to weave into my own political discourse, out of  
conviction, and that is firstly the resolution to be resolute in the defence of our homeland; but  
200 secondly, that in order to be resolute in defence of our homeland in the long run, you must also  
be able, in a community like Gibraltar, to be able to say no to people when that is justified, to  
live within your means, to make sure that you save for future generations, and to make sure that  
you have an overriding duty to protect the standard of living not only for working class people,  
but indeed for everybody in Gibraltar today but also tomorrow too; and that that part of that  
205 Gibraltarian way of life that you are protecting is also protection against outside pressure from  
Spain, from the United Kingdom. It is terribly important that we live within our means, that we  
always have sight of those kinds of issues because they are – in my respectful view and I have  
always understood it, that is also his discourse – inextricably wound up.

I have to say, Mr Speaker, that although I have spent 17 years opposing the hon. Gentleman,  
210 I am proud that my family has always and will always be linked with the hon. Gentleman and  
stood shoulder to shoulder with him right up to the end of the 1990s, when my father resigned  
from politics. I have absolutely no hesitation in adding my voice to congratulate the hon.  
Member. (*Banging on desks*)

215 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I rise from this corner of the House to congratulate  
the hon. Gentleman. We have not always agreed on much, but I suppose that maybe we can  
220 agree on the fact, coming from a political family, that politics takes its toll on the family as much  
as on the politician himself or herself.

So I take this opportunity to wish congratulations to Sir Joe and his entire family on this  
knighthood.

Thank you. (*Banging on desks*)

225 **Mr Speaker:** The Hon. Neil Costa.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I think it is the very first  
time ever that I stand in this House to congratulate and to speak on the merits of a particular  
230 person. I think that it is in the character of Sir Joe that he should be a living legend today in our  
politics.



I remember, Mr Speaker, in St Anne's, when in 1987 the class was asked as to whom parents would vote and every single person in that class – and there are other persons in this building today, who were also part of that class – who held up their hands to say that they would be voting for Sir Joe and his team. It is incontrovertible, Mr Speaker, that Gibraltar underwent a transformation during those eight years, in terms of the mandatory grants where students who wanted to go to university and who may not have obtained three As nonetheless went. I thought that was transformative.

I think the fact that there was so much reclamation and co-ownership and affordable homes built for the community, that was transformative, Mr Speaker, and also of course as has been mentioned, the tenacious defence of Gibraltar's interests abroad in foreign affairs. Very few people will also doubt that Joe was also transformative and fearless in the way that he defended Gibraltar.

Mr Speaker, Sir Joe for me has always been an inspiration and certainly a guiding light. I do not think I have ever told him this, but I in fact was drawn to politics when I was in St Anne's because of his programme, because of his politics. Every day he has served as a true inspiration for me. He always has time for me to provide guidance and to provide advice.

He has been a tireless and fearless promoter I think of all of us on this side of the House, always ready to help, always ready to provide advice, always ready to be painfully honest when required and, Mr Speaker, from the bottom of my heart I wish to sincerely thank Sir Joe and Lady Rose. I think that it is most certainly a most well-deserved and richly deserved honour and I could think of no-one better to be knighted than Sir Joe Bossano. *(Banging on desks)*

**Mr Speaker:** The Hon. Lawrence Llamas.

**Hon. L F Llamas:** Mr Speaker, from the other corner of the House, I would like to congratulate Sir Joe Bossano and his family and anybody who supports the last 45 years in which he has been serving this community.

For my part, having served this community for just two years, knowing what it entails, the endurance that Sir Joe has had over the last 40 years is admirable and I congratulate him.

Thank you very much. *(Banging on desks)*

**Mr Speaker:** The Hon. Dr John Cortes.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I had the honour and pleasure of serving with the Hon. Sir Joe Bossano when he was Chief Minister. I was the General Manager of St Bernard's Hospital at the time and we achieved great things then.

I also had the honour and pleasure of working with Lady Rose Bossano when she was a union representative. We developed an excellent working relationship and took the health service very far and completely converted the old health service at the time, back in the late 1980s, and gave it another boost of life, which we then took on again when we were elected more recently.

Apart from that, Mr Speaker, I do not know whether other people are aware that it was in the Government of Sir Joe Bossano that the first Minister for the Environment and the first Ministry of the Environment was created.

It was during his time and because of his vision and his commitment to the environment that the Botanic Gardens were created, that the Nature Reserve was created, that nature conservation legislation was created. So that Sir Joe Bossano had a profound effect on my own life personally and I owe him much of my development since then, but also to the environment and the governance of the environment in Gibraltar.

I am not going to repeat everything that has already been said that I totally agree with, but I thought I had to add my own personal congratulations. We go back a long, long time and I never

thought at the time that I would have the honour and pleasure of serving with him as a Minister in the Government.

285 So, my own personal congratulations to Sir Joe, Lady Rose and all the family, who I know very well. *(Banging on desks)*

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I too wish to add my congratulations to Sir Joe because, Mr Speaker, I think I have known Sir Joe since the day I was born. Mr Speaker, I was born in the same year that Sir Joe founded the GSLP and I am a  
290 third generation member of the party that he created. It is therefore, no surprise, Mr Speaker as to why all my life I have looked up to Sir Joe Bossano, particularly because of his socialist principles that he has enshrined throughout his life and in Gibraltar.

Mr Speaker, I have to have particular gratitude to Sir Joe because I am one of those in the generation of Gibraltar that we have to be particularly grateful to the visionary policies that  
295 were introduced in the late 1980s and the early 1990s such as the grants that were given to students, Mr Speaker. I and people of my generation are examples of the success of the policies of Sir Joe Bossano's Government at the time.

Mr Speaker, we all know that Sir Joe's principles and steadfast ideals are unquestionable and it is always about having Gibraltar and the best for Gibraltar and Gibraltar citizens in his heart. I  
300 frequently refer to Sir Joe as my role model and as a legend, and I know that he hates it when I say it but it is true, Mr Speaker: you cannot help but feel like that with someone who has been a very close family friend all my life.

I therefore wish to also extend congratulations to Sir Joe, to Lady Rose and all of the family.  
*(Banging on desks)*

305 **Mr Speaker:** Perhaps for the sake of the accuracy of *Hansard*, I should have said that that was the Hon. Samantha Sacramento.

The Hon. Albert Isola.

310 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, Sir Joe is probably having the worst time in Parliament in 45 years this afternoon, but I think it is absolutely right and proper that we should be airing our thoughts on an individual whose contribution to Gibraltar, as the Chief Minister has said before, I think is unprecedented.

It is impossible in the time that we have today to begin to list each of the things that he has  
315 been involved in, whether it is defence of our community, whether it is in relation to our health services, our housing, our education, our business community and indeed our economy. Because in each of those areas that I have mentioned, his contribution and the work that he did between 1988 and 1996 is absolutely critical and crucial to the success that we enjoy today.

Because what he did in those years was do what was joked by Members on the other side of  
320 the House as, 'Oh yes, so Joe Bossano is going to deliver an economic miracle!' The truth is, he actually did. Because what he did in those eight years in the transformation from the MOD to a private sector based economy was an absolute economic miracle. And the success that we have enjoyed since then can be traced and tracked very simply back to the work that was done in that time.

325 A few of the speakers today have talked about his vision and I think that is absolutely right. When you rewind the clock to 1990 and you imagine a socialist Chief Minister of Gibraltar engaging with a professional accounting firm, like KPMG I think it was at the time, who were instructed by Joe – *(Interjection)* PWC my apologies – who were instructed by the Chief Minister at the time to do a review of our entire financial services product range to see how they could  
330 be improved, to see how they could be adapted and made more fit for purpose at the time, the first and only time it has ever happened. And those same products today are still being used by our professionals every day of the week. That is the sort of vision that Sir Joe has brought to Gibraltar and to this Parliament and that is which we should be applauding.

335 But there is another side to the man which we all know and love. Every single time that  
Sir Joe has stood in an election in Gibraltar in the 45 years that he has been, whatever the result  
the day after the election, he has gone back to thank the people in all the estates that voted for  
him. You would say that is clever politics: it could be, but to do it every time you have lost an  
election, to still go back to the people and thank them for trusting you with their vote, is  
340 something that I have never, ever seen before and I am delighted that this party, under our  
current Chief Minister's tenure, is continuing with that programme in thanking people for their  
support the morning after an exhausting night, when people have voted for you at the election.  
That tells you a little bit about the principles-based individual that Sir Joe is and has led by  
example for all these years of service.

345 Mr Speaker, when I heard the news of the appointment, I was absolutely overjoyed and what  
struck me most was that many of my friends who have not voted for him every time that he  
stood for election like I have said to me was that they too were delighted, because even they  
recognise the contribution, not just to Gibraltar but its structure; its fundamental base of  
success in its economy is down to Sir Joe. Even they, those who have not voted for him, fully  
agree that this honour is necessary and very, very richly deserved.

350 I have had the benefit of working with Joe within this party since 1987-88 but of course as a  
young child when Sir Joe would come home to my house in Bell Lane, in the days of the IWBP, I  
had the pleasure as a younger child of having spent many, many fantastic hours listening and  
learning from this wonderful Gibraltarian.

355 So it is with huge pleasure that I congratulate Sir Joe, Lady Rose and the family on an honour  
that is absolutely deserved and I am delighted to be a part of the Parliament that is here to greet  
him.

Thank you. *(Banging on desks)*

**Mr Speaker:** The Hon. Paul Balban.

360

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I cannot remain  
seated and not contribute and therefore also I wish to associate myself with the comments  
made here today.

365 I have had the privilege of sitting at the left hand of this man, the Father of the House, for six  
years; now giving me also a great opportunity to share time with him and to discuss matters  
while I sat behind him. A man who, love him or not, agree with him or not, you cannot fail to  
recognise what he has done for Gibraltar and its people. His beliefs and his actions have been  
purely dictated by what in his mind he felt was best for Gibraltar and its people, and he has  
stood by this regardless as a man of principle.

370 I have many things to thank Sir Joe for, not least his work on the Government's mandatory  
scholarships for all, which allowed me to gain an education and countless others in Gibraltar. His  
addictive attraction to the youth and its work with them is something quite remarkable and  
special.

375 I see countless young people run up to him to greet him or simply shout out his name, 'Joe,  
Joe', and I have been present when this has happened and you can see the immense pride  
within him every time that happens.

380 Only yesterday I was given a photo of him taken at this year's New Year's bash standing with  
my eldest daughter, the same daughter who clung to him just a few years ago now, thinking that  
he was Father Christmas – but if not Father Christmas himself, she was already thinking that  
there was something very special in him.

Sir Joe is synonymous with Gibraltar. I wish to congratulate him for his work and his wife,  
Lady Rose for her years of support. I am sure that she would love me to say that clearly behind a  
great man, there is a greater woman.

Congratulations, Sir Joe. *(Banging on desks)*

385

**Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Mr Speaker, the Members of this House I think have already said a great deal about the qualities and virtues of Sir Joe. I alas have only known him in active politics for the last two years. But I can say, Mr Speaker, from my heart, that it has certainly been an experience (*Laughter*) and in every exchange that we have had across the floor I certainly do learn something new each time. I think just for that, Mr Speaker, I thank Sir Joe for his contribution to politics.

He said recently, I think in a *Chronicle* interview, that he felt that if in Gibraltar and in politics you could make a contribution you should do so. I think, Mr Speaker, he has certainly done so – 45 years' worth of doing exactly that. I do know he is a man of conviction, a man of principle and I salute him for that, and I think the people of Gibraltar also salute him for that.

Thank you, Mr Speaker. (*Banging on desks*)

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

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, in honouring Sir Joe, I can say that when I returned from the UK in 1987 to become a young teacher, one of the things that I did was join the union and join the GSLP. I was a member of the GSLP for a long time and during the time that I was in the union, one thing that I remember when I was negotiating with him, Juan Carlos and Joe Moss, one of the things that were very clear to me was that if you made your case, whatever the case, and you made your arguments, then you would be listened to and they were implemented. That was Joe Bossano who at the back used to say, 'If you can justify why you should get things, you will get them'.

Due to differences that we had, I presented myself in 1996 and lost my deposit and there was a change of Government. But in the year 2000, when the Liberal Party and the GSLP got together, one thing that I asked Joe Garcia to say to Joe Bossano was, 'Look, I have been very much of an opposition against the GSLP in many cases. How do you feel now that I present myself with you?' I can tell you, there was not a shadow of doubt because Sir Joe actually realised that I was defending the teachers and that what was I was doing was as a matter of principle, and that is why he used to agree with these things.

After that, from the year 2000, I sat on that side in the Opposition because that is when the GSLP Liberals were in Opposition as an alliance, and I can tell you that the experience, the wise advice that I used to get from Joe Bossano in helping me draft questions, in helping me deal with the issues at the time is immense. I could not have had a better person helping me draft questions and getting statistics, which he used to love me to get from the utilities, whether the utilities were ... how many units things were costing and all that.

But it is a learning curve. Whatever I know now about politics and whatever I know now about this House is thanks to Sir Joe. He has given me a vision and that is why it is very easy for me to be on this side and to be serving in a Government with Sir Joe.

So, Sir Joe, thank you very much for helping me and I think you really deserve what you have got and also Lady Rose, I would also like to congratulate her.

Thank you very much. (*Banging on desks*)

**Hon. T N Hammond:** Mr Speaker, I do not rise simply to continue to the misery that Sir Joe must be enduring or indeed to –

**Mr Speaker:** Let me say for the record of *Hansard*, the Hon. Trevor Hammond.

**Hon. T N Hammond:** – or indeed because I do not want to be the only one in this House not to rise and say something in terms of congratulating Sir Joe, and indeed I do congratulate Sir Joe. In the two years that I have now spent in this House, I have learned to appreciate a very

different side to Sir Joe that I was not aware existed prior to entering this House and that is a side that represents a man who dearly loves politics. I will not say loves politicians, but whether  
440 you are with him or against him, he has a deep respect for what you do and say. That is always very evident in interactions both in this House and indeed outside of this House.

So in that regard I think the honour is wholeheartedly deserved. The surprise for me was not so much that the honour was extended to Sir Joe, but that he accepted. (*Laughter*) But there you go! (*Interjection*)

445 So Sir Joe and all your family, congratulations. (*Banging on desks*)

**Mr Speaker:** On this historic day, 18/1/18 – again I am pulling rank – something that I forgot, really, is that Members have mentioned the extent to which the hon. Member was responsible for improvements in various areas of public administration.

450 I recall how from 1972 to 1980 with his questions from that side, from the Opposition, he influenced the work of a young Minister for Labour and Social Security who adopted measures like legislation against unfair dismissal, linking the level of old age pensions to average earnings. Those were matters which, from where the hon. Lady is sitting, he urged me to adopt and I was very happy to do so. A lot of the credit is due to him in that respect as well. (*Banging on desks*)

455 And last but by no means least, the Hon. Edwin Reyes.

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

It is indeed a real personal pleasure for me to be able to stand up today and round up and re-echo, and re-echo the ... what is it the 15 or 16 ...? (*Interjection*) Yes, the congratulatory  
460 messages towards Sir Joe.

Sir Joe and I, I do not know if he remembers or not, actually first came into contact in a formal situation way back in 1973. I had just left school and was working as an extremely young civil servant at the time and I had joined the GGCA union. Sir Joe was considered as a walking legend already back in 1973. They were the early, early days of the fight for parity and Joe  
465 Bossano sat there in his right as a branch officer of the TGWU and certainly we all looked forward, like my colleagues have said, to the inspiration that Joe gave. He always came across as an extremely fair person, he came across as someone who would never be afraid to call a spade a spade and when he had to put someone in their place, he did it with a decorum and a smile that only Sir Joe could have done.

470 I know he has done it in this House (*Laughter*) for the last 45 years, and in the 10 years that I have sat in this House, Joe and I have never coincided on the same side, we have been on one side or the other, but certainly I welcome the way that he has encouraged Ministers to work, like Mr Speaker has just said, the way that he can advise you behind the Speaker's Chair and above all, his frankness and his love for Gibraltar and all things Gibraltarian is what will always remain  
475 in my heart.

Congratulations, Sir Joe, for many more years to come. (*Banging on desks*)

**Clerk:** We now carry on: (iii) Petitions; (iv) Announcements; (v) Papers to be laid.

480 **Mr Speaker:** For the first time in this Parliament (*Laughter*), the Hon. Sir Joseph Bossano.

**Members:** Hear, hear! (*Banging on desks*)

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** I do not know whether I have earned the honour in the last 45 years, Mr Speaker, but  
485 I have certainly earned it in the last 45 minutes! (*Laughter*)

I can understand the surprise that I have been persuaded to accept the honour because I do not believe in honours. That is to say I am a socialist and we socialists believe that a better world can be created, one in which there is not a hierarchy.

490 But clearly I was wrong because the reaction has been that I have made more people happy by saying a three-letter word in five minutes than I have done in 45 years for all the other things put together because the response to the information that came out, the news that came out in the New Year, has been quite astonishing, I have to say.

I knew that those close to me who had been urging me to accept this for many years would  
495 be happy that I had finally relented. It is not very often that people change my mind! But certainly I did not expect that almost every sector in Gibraltar and every person that I have known either as a friend or a foe would be so happy to see it happening.

I think it is good that it should be so, because when the whole of our community celebrates something, we do something that is the envy of the rest of the world, when we all share in  
500 something and we see it as a collective good.

You know we always see that every year on National Day. On National Day we put our differences on one side and we are one people and I think when we are like that about an individual, if it happens to be the misfortune that on this occasion it is me, (*Laughter*) that what is happening is a good thing.

505 So I would like to thank everybody, Members of the House, my colleagues here, my family in the GSLP and my biological family, and everybody that has written to me or e-mailed or texted me. I am still in the process of answering each one individually, it reduces my efficiency of and productivity but I have to do it! (*Laughter*)

I think that there are two important messages that I would like to take this opportunity to  
510 give for the benefit of Gibraltar and for the benefit of my colleagues in Parliament, whose responsibility it is to lead the people of Gibraltar in the problems that we face in the future like we have faced in the past.

I think the importance of economic self-sufficiency in our case is greater than in any other community because we have got somebody on our doorstep who is several thousand times  
515 bigger than us that wants to take us over against our will. Therefore, economic strength is not just something desirable; it is something *essential* for our survival.

We are not in a position to be able to say no to the UK, no to Spain and no to the UN if we are not in a position to pay our way. That is why it is so important to be prudent in the use of money and to be putting money away for the future. You know, the rainy day fund now has got  
520 universal acceptance – well, it used to be derided as a joke in 1996!

It is easier for politicians to do things that are popular with the money rather than to leave it as I did for somebody else to use it to be popular with the money I left him, which is what happened. (*Laughter*) And that meant that you are tempted to say, 'Well, I am not going to  
525 make the same mistake twice.' Well look, my advice to my colleagues is well we have to make the same mistake again, even if the same thing happens again in the future, because it is the right thing to do.

It is the right thing to do that when we have got an opportunity to have more money than we need to spend, that that money should be there for the time when we may not have more money than we need to spend, and there is therefore a strength in having that money there.

530 The thing that has got mentioned less but in fact what was then the rainy day fund has now become the standard for anybody that creates a sovereign fund because whatever is the source of their revenue there is a surplus and they do not spend the surplus. They do not give it away back to taxpayers. They actually put it away in order to provide a safeguard.

In the world in which we live, independent of our own particular problem, today, in my 45  
535 years of experience, I have to say the level of uncertainty in the world is something that I have not seen before in the whole of the 45 years. I think the level of uncertainty on a global scale is unparalleled and it is the first time that that level is happening since 1945, since the end of the war when the European countries decided that they should work to have a permanent peace time, which has only been broken occasionally in different geographical spots.

540 But what we are seeing also is a reaction against the establishment almost everywhere. That is a myth that I do not object to. (*Laughter*) But the way that that reaction is manifesting itself is

545 very dangerous because the reaction against the establishment is a reaction that is leading to people that instead of being people who seem to be capable of improving on the performance of the establishment, in many cases – in the case of the United States – that is now a scenario that the most powerful nation in the world is being led in a direction which changes almost on an hourly basis, never mind from one day to the next.

550 We cannot escape what happens in the world. The nature of the global economy is such that every day that globalisation is reaching deeper and deeper into every corner of life. We have to position ourselves wherever the future is going to be. The essence of success is to make a judgement – an intelligent judgement based on a logical analysis of where the world is going to be in x years and be there when that happens and be ahead of the rest.

555 That is part of the responsibility you have in Government. That sometimes makes it difficult for the people in the Opposition who may not understand where it is that you are heading for in what you are doing today. But again, in the case of Gibraltar we have to do that on the basis that there is somebody a few yards away from us that does not want us to succeed and therefore, planning for success requires us to do it so that when things are dried and signed is when we then can have the luxury of making them public because otherwise, they might never happen.

560 I believe that one of the most important things that has happened since the entire process of the attempted handover of Gibraltar to Spain which is what we have been subjected to in this Parliament almost since 1972 – certainly it is was not as clear in 1972, but it became very clear post-1975. But already in 1972 I think the transition was being seen in Spain. The days of the dictatorship were numbered and the position in the United Kingdom was changing, not in the political sphere in the people in Whitehall, that a Spain that had a democratic government should receive greater reception to its aspirations over Gibraltar than a dictatorship had.

565 As far as we are concerned in Gibraltar whether there is ... I often used to say if there were to be a socialist republic in Spain and a Conservative government in the United Kingdom, I have no doubt where I would want to be: as a socialist with a Conservative government in London and not with a socialist government in Spain.

570 Governments change. You cannot put the destiny of a country and its people simply because a particular government be there at a particular point in time because you do not know. We have seen how the things in the Córdoba Agreement that the previous Government genuinely believed could not be cherry-picked, they did not just pick a cherry; they picked the whole tree when they came in! Therefore, we know that we need to learn from those lessons when we take decisions for the future.

575 But for me there are some very important things about the situation we have today and one of the most important is that we have got a situation where we agree on both sides of the House of the need to be prudential in the use of money and put money away for the future. The rainy day fund is now a position that Members on that side take as well as we do and as important for the security of our country.

580 And we both agree that there is no future in the bilateral Brussels process which for many years only the GSLP was the entity that attacked Brussels when other people were defending it, Mr Speaker. I know that the position of the AACR was not one that was particularly popular within the AACR, but one that the leadership of the AACR at the time felt that it was and said so publicly. The best that could be obtained in the circumstances was what was agreed in Brussels and the same was true of the airport deal which is now being revived again by Spain.

585 So, we are now back with Spain thinking that it has the upper hand, as it has thought so many other times in our history and it is up to us – not just the Government, but we the 17 representatives of the people of Gibraltar – it is up to us to make sure that we fight shoulder to shoulder to defeat Spanish aspirations for Gibraltar.

590 And of course as I am the Knight Commander for the Queen (*Laughter*) I would expect every man and woman in this House to do their duty! (*Banging on desks*)

**Mr Speaker:** After those 17 communications from the Chair (*Laughter*) we can move on.

PAPERS TO BE LAID

**Clerk:** (vi) Papers to be laid – the Hon. the Chief Minister.

595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I thank you on behalf of the whole House for your indulgence in respect of Communications from the Chair.

Can I reflect that it is probably the first time in the history of his presence in this House that Joe Bossano comes to a Parliament where the Opposition come to praise him and not to bury him, (*Laughter*) and can I beg your forgiveness for the disclosure by Neil Costa that in 1987 there was a plot at St Anne's School to vote for Joe Bossano and not for Adolfo Canepa. (*Interjection by Mr Speaker and laughter*)

600 To take a leaf out of the things that Paul Balban said, Mr Speaker, I rise from the right hand of the Father with the honour to lay on the table the Consolidated Fund (Supplementary Funding) Statement (No. 1) 2015-16, the Consolidated Fund (Reallocation) Statement (No. 2) 2015-16, the Improvement and Development Fund (Reallocation) Statement (No. 1) 2015-16 and the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2017.

605

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

### ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q1/2018

Chinese trade mission –  
Tangible outcomes

610 **Clerk:** We now move to Answers to Oral Questions. We commence with Question 1/2018. The Hon. R M Clinton.

**Hon. R M Clinton** Mr Speaker, can the Government advise if there have been any tangible outcomes from the four-day Chinese trade mission to Gibraltar in November 2017?

615 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

620 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Yes, Mr Speaker.

**Hon. R M Clinton:** Mr Speaker, would the Hon. Minister care to share with the House what those tangible outcomes might be – whether there are any inward investments or any particular business lines that the Government are looking to develop with the Chinese?

625 **Hon. Sir J J Bossano:** No, Mr Speaker.

**Hon. R M Clinton:** Mr Speaker, seeing as the Minister is not willing to share with the House any of the tangible outcomes, may I ask perhaps if he could tell the House who paid for the visit?



630 **Hon. Sir J J Bossano:** Mr Speaker, I am not prepared to share any tangible outcomes because in fact I am following his advice, which is also my view, that we should not make announcements until they are signed, sealed and ready to be delivered. That is what he said we should do and that is what I am doing, although I would have done it even if he had not advised it.

635 The visit was funded by the Embassy in London, except for what was provided here in terms of receptions or the accommodation and that kind of thing. They paid their own fares to Gibraltar and we looked after them while they were here, which is the normal thing that happens in situations like this.

640 I can tell him that I will be staying a day in London during our visit next week and I can tell him that I will be having meetings in London with both the China Development Bank and the Bank of China, so that shows that something is happening.

**Q2-5/2018**

**Public debt, liquid reserves and General Sinking Fund balance –  
Figures as at 1st October 2017**

**Clerk:** Question 2. The Hon. R M Clinton.

645 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st October 2017?

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

650 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 3 to 5.

**Clerk:** Question 3. The Hon. R M Clinton.

655 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, being 1st October 2017?

660 **Clerk:** Question 4. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all savings bank accounts and cash held for the following date, being 1st October 2017?

665 **Clerk:** Question 5. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund at 1st October 2017?

670 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

675 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, the position as regards the total liquid assets composition, when, where and how these are invested on a particular date chosen by the Member opposite continues to be as previously stated.

The figures requested for 1st October are: gross debt, £447.7 million; General Sinking Fund, £5.2 million; aggregate debt, £442.5 million; cash, £150.4 million; net debt, £292,100,000.

**Q6-7/2018**

**Government supply workers –  
Maternity leave; services provided**

680 **Clerk:** Question 6. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, what is the Government's policy in relation to supply workers who have been covering vacant posts for over 12 months within the Civil Service, Government-owned companies or agencies and have to take themselves up to six months' maternity leave?

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

690 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Question 7.

**Clerk:** Question 7. The Hon. L F Llamas.

695 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule as at 8th January 2018 relating to supply workers within the Civil Service, Government-owned companies and agencies detailing: (a) the Department/company/agency the worker is providing services for; (b) the grade/position the supply worker is covering; (c) the reasons for which the cover is required; and (d) since when the supply worker has been providing services to the Civil Service, agency or company?

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

705 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, it is not possible to provide the information for the date required in the timescale of the question. If the hon. Member repeats the question for the next meeting it will be answered.

710 As regards persons employed by private sector companies and who provide relief cover, they are employed on private sector pay and conditions of employment. It is not therefore a matter of Government policy but of statutory provisions.

**Mr Speaker:** May I say to the hon. Member I would have no difficulty in exercising my discretion and allowing him to put the question again at the next meeting.

715 **Hon. L F Llamas:** Mr Speaker, I understand fully that obviously the employees and supply workers are employed directly by private sector companies and as such their conditions and rates of employment are as such. However, when a person is covering a vacant post within the Civil Service over 12 months they commence to acquire rights towards that post or to any other

720 vacancy which may arise within the Civil Service. Therefore, does the Government not see that perhaps there is a case of discrimination where women who are covering for these vacant posts are then having to leave to take three to six months maternity leave but then when they return from their maternity leave they go back obviously to the private company and they lose out on that right which they acquired and perhaps they might be sent to another company or agency where the right is lost?

725 Therefore, Mr Speaker, would it not be possible for the Government to look into this policy? I believe there is a case for discrimination because obviously men do not have to have babies and the vacant post continues, so it only affects a demographic of women who have to go and exercise their right of maternity leave.

730 **Hon. Sir J J Bossano:** I am not sure whether the hon. Member is saying that it has happened to somebody or that it is capable of happening to somebody, (**Hon. Chief Minister:** Absolutely.) but I am certainly not aware that it has happened to anybody and I am certainly prepared to have a look at the point he has made; I thought he was referring to the nature of the entitlement that exists amongst the workers. Certainly I am not aware that anybody was deprived of the  
735 opportunity of applying for a vacancy on the basis that they were back in doing supply work but there had been an interruption in the period because of their maternity cover. If it happens, then I think he has got a point that merits examination but we will see if it is really happening or not. I do not think we would take a policy decision on something that is not happening and has not happened just because it might.

740

**Mr Speaker:** From a procedural point of view, may I advise the hon. Member there are two things that he can do: he can either write to the Hon. Minister saying 'please can I have the information in February'; or for the February meeting you can give notice of the question straight away, but for the February meeting.

## CULTURE, THE MEDIA, YOUTH AND SPORT

Q8/2018

### Gibraltar Sports and Leisure Authority – Grade 9 Administrative Assistant post

745 **Clerk:** Question 8. The Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question W194/2017, can the Minister for Sport update this House in respect of the Grade 9 – that is Administrative Assistant – post, which was or is vacant within the Gibraltar Sports and Leisure Authority?

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**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the vacant Grade 9 Administrative Assistant will be advertised shortly, after which the standard recruitment and selection process will be undertaken.

755

**Hon. E J Reyes:** Mr Speaker, this question obviously was a follow-up to the Written Question last time where the Minister in his Written Answer said that there was one vacant post, a Grade 9, which we have now heard is to be advertised shortly. Is the Minister aware, can he  
760 confirm, that this is the only pending vacancy at the moment, or have there been any changes?

765 **Hon. S E Linares:** Mr Speaker, after the extensive review that we have had in the GSLA, which I have explained in this House before to the hon. Member, this is the last post in the managerial side of the GSLA. As the hon. Member knows, there are admin and then there are the SLOs and centre managers and all those other posts, but in the case of the management this is the last post to be advertised.

**Q9/2018**  
**GSLA indoor facilities –**  
**Cancellations**

**Clerk:** Question 9. The Hon. E J Reyes.

770 **Hon. E J Reyes:** Can the Minister for Sport inform this House as to how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's indoor facilities since September 2017, indicating the location, date and reason for the cancellation?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

775 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Tercentenary Hall was closed for the Christmas and New Year events on 19th December 2017 to 3rd January 2018. The impact on sports use was minimal due to the normal diminished use because of the festive period and training allocations were not requested.

780 Additionally, the Victoria Sports Hall had been closed on Tuesday, 9th January 2018 after 3.30 p.m. due to water ingress.

785 **Hon. E J Reyes:** Mr Speaker, in my question on Gibraltar Sports and Leisure Authority's indoor facilities, I took it that within that the 25-metre pool or the pool for the learning of swimming and so on should have been included. Can the Minister confirm that those have not required any closures at all?

790 **Hon. S E Linares:** Mr Speaker, I do not have that information, actually, but I will ask for him if the pool was closed. I guess that in the question when you say indoor facilities they have taken it as should I say the 'dry' indoor facilities, but I will check for him.

**Hon. E J Reyes:** Yes, I am satisfied, Mr Speaker, if the Minister is going to check and if he has anything then in a follow-up session ... if he is able to present it during this session of Parliament, so much the better because then it remains in *Hansard*. I appreciate it.

795 **Hon. S E Linares:** Mr Speaker, just to say that I will be communicating with the CEO straight away after this – at least the exchanges we are having now – to find out whether the answer also includes ... i.e. that there was no closure of the pool.

**Q10/2018**  
**GSLA facilities –**  
**Criteria for whole season bookings**

**Clerk:** Question 10. The Hon. E J Reyes.

800 **Hon. E J Reyes:** Can the Minister for Sport say what are the qualifying criteria in order to be able to attain a fixed booking or allocation valid for the whole season in respect of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

805

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, fixed bookings or allocations in respect of facilities are only offered to those governing bodies of sports who are registered with the Gibraltar Sports and Leisure Authority. In addition, regulated and registered commercial entities, i.e. aerobic classes, are also allocated slots for the whole season on a rental basis.

810

**Q12/2018**  
**Garrison Gymnasium –**  
**Policy re use**

**Clerk:** We move to Question 12. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain the change in policy for usage of the Garrison Gymnasium, given the facility is being used but not by the whole of the sporting community?

815

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, there has not been any change in policy regarding the usage of the Garrison Gymnasium. No GSLA facility is used by the whole of the sporting community.

820

**Hon. L F Llamas:** Mr Speaker, in the last session I asked about allocations to Garrison gym and there had been none. This time – well, December last year, in 2016 – the Hon. Minister did say that the Garrison gym would undertake a refurbishment which would enable the use for the sporting community. However, it seems that the Garrison gym is back up and running but no allocations have been made, and at the same time we do not have any allocations or identification of who the premises are being exclusively used by. Is the Minister able to confirm what the situation is?

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**Hon. S E Linares:** Mr Speaker, the situation is exactly the same as I said when this question was last posed, which is that the Garrison Gymnasium is still under the auspice of the GSLA. The GSLA will give allocations to the general ... and that is why I said it is not used by the whole of the sporting community.

835

Does the hon. Member expect that every single sport is going to be using the gym? The gym will be used by those sports that might not have allocations elsewhere, so it might be two sports that use the Garrison gym as opposed to the whole of the community or the whole of the sporting fraternity. What I am saying is that the gym itself allocations... As has been the case, the

840 GSLA will be ... Because of the refurbishment, the allocations have not yet been given, but once the refurbishment is finished, allocations will be given to those sports which will be able to use the gym.

845 **Hon. E J Reyes:** I think I understand that, but the allocations ... Am I right then in saying that the allocations will be available to those who fall under the criteria that he answered in Question 10 – that is, as well, not only governing bodies but also registered businesses and so on? Am I correct in deducing that as well?

850 **Hon. S E Linares:** Yes, Mr Speaker, as has always been the case with the GSLA, the GSLA is the one that manages the allocations of these premises. So, when sporting governing bodies come and ask for an allocation, depending on the sport and depending on the places that are allocated, they are given allocations.

855 For example, I can tell you that allocations for basketball are not any more given in the Garrison gym because the Garrison gym happens to have a low ceiling and it is not the actual size of a basketball court, although there are baskets there. I remember playing basketball there and it was not the actual size of basketball, so we have other facilities which we then allocate to the basketball the GABBA to play in the Tercentenary Hall, albeit in the Victoria Sports Hall and not in the Garrison gym. But there might be other sports that might be able to use that and that is up to the GSLA to give those sports the allocation in the Garrison gym.

860 **Hon. L F Llamas:** Mr Speaker, given that there is a sign belonging to a football club outside the gym, can the Minister confirm that the gym has not been given exclusively to one football club in particular?

865 **Hon. S E Linares:** No, Mr Speaker, I have just said that the gym ... What has been given to the football club that he is mentioning is just the mezzanine. I know the hon. Member knows that place really well. It is just a mezzanine of the premises, so the premises has a mezzanine and then there is the gym. That football club has taken over because we have come to an agreement that they can use the mezzanine. They have refurbished the mezzanine and therefore the mezzanine they can use as their club. The rest of the gym is still for the community, not the whole of the community but the community who are able to use it.

870 **Hon. D A Feetham:** Mr Speaker, just returning a moment to Question 10, the Hon. the Minister said commercial entities as well as sports organisations. If I give the hon. Gentleman an example he will know where I am coming from with this particular question.

875 At the Tercentenary Hall on 31st December there was an event that was for all intents and purposes an event run by the Young GSLP, where I am told in fact the Hon. the Father of the House, Sir Joe, provided a speech. If, for example, the Young GSD would wish to undertake something similar at some point, how would that be structured? Would it be structured (*Interjection*) by a commercial entity? How much experience does that commercial entity have to have in order to be able to book something like that? Could he give us a flavour of that, please? (*Interjection*)

880 **Hon. S E Linares:** Yes, Mr Speaker, it is very simple. If the person who is in the young youth GSD, *the* person, can come and approach the GSLA and say they want to do a function there, (*Interjection*) they can then go through the process as if it was a private entity. A private entity pays for the use of the hall, but so does the GSLP youth pay for the use of the hall; there is a fee and any private ...

890 What we cannot have is what we used to have with the previous administration, where you have private entities doing, for example, concerts in the MUGA area, the private entity making the money and taking all the profits and the GSLA being left with a bill, and the bill is the

overtime of the people who have to be there, the cleaning and any damage that is done to the place. So we do not allow private entities to do events there unless they pay the fee, and the fee is to cover the costs to the GSLA. I think it is sensible that the Government does not have to subsidise private entities to use the venue and the Government subsidising and then they take their profit. That is the idea.

**Hon. D A Feetham:** Thank you very much and I quite understand the rationale behind it. The confusion has arisen – and we were debating it internally – because the hon. Gentleman in his original answer said ‘commercial entities’ and of course a political party is not a commercial entity. So effectively the answer is that it is open to private entities as long as they pay their way?

**Hon. S E Linares:** Yes, but the GSLP contracted a private entity to do it for them, so they can say ... The GSLP says, ‘I want to organise –’ (**Hon. Chief Minister:** A private party.) (**Hon. A J Isola:** A joint venture.) Yes, well, a joint venture! What happens is that there is somebody who organises it for the GSLP youth and then they come as an entity and they say, ‘Well, we want to do this for the GSLP youth.’ So it is similar to what the hon. Member has explained, yes.

**Hon. E J Reyes:** Just one small thing, Mr Speaker, because I know the Minister quite well and I am sure he is not trying to mislead this House or anything but perhaps it could be misinterpreted. In referring to how facilities have been used in the past, the Minister said under previous administrations private entities have used the place and it could have been deduced that the GSLA had to foot exclusively the bill for overtime and so on without having recovered those expenses from the private entity. I can testify in this House that certainly during my tenure as Minister for Sport, the CEO of the Sports Authority did include the costs of any GSLA staff that may have had to work over and above for that there. If I am wrong, then the Minister can obviously check the information, but I do not want to just accept it on a point blank basis without either of us having the real facts, having checked it up on the accounts. But I know recovery of those moneys did have to come through, and the Estimates Books in the past I believe will reflect that.

**Hon. S E Linares:** Mr Speaker, he is right in the sense that what entities used to do before was leave a deposit, so any private entity that used to use the premises of the GSLA, the other CEO used to say, ‘Right you put down a deposit just in case there is ...’ and it used to be only damages but the rest was not charged and what they used to have was a deposit. I think, if I remember correctly, it was in the region of £500, where the private entity used to put up front £500 and then give back to the GSLA the premises. If there were any damages, they used to deduct the damages from the £500 but there was not a regime of actual charging all the costs.

#### Q13/2018

#### Ministerial direct allocations over £2,000 – Government website

**Clerk:** Question 13. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Minister for Culture confirm that all ministerial direct allocations over £2,000 appear on the Government’s website in a document entitled ‘Government Contracts GC.6 Government awarded contracts (over £2,000) by Ministerial application’?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I can confirm that all ministerial direct allocations over £2,000 on behalf of my Ministry appear on the Government's website.

If the hon. Member opposite wants to write to me with any particular contract he feels has been awarded or is not listed on the website, I can investigate the matter and revert to him with further information in this respect.

**Hon. L F Llamas:** Mr Speaker, there is one query and I will say it now: can the Minister explain why he has not included in this list the allocation to Neon Angel Ltd for the MTV Gibraltar Calling Music Festival in this document?

**Hon. S E Linares:** Mr Speaker, because that did not go out to tender. Neon Angel are the agents of MTV. (**A Member:** Direct allocation.) No, we came to this House and gave a whole explanation because the question was posed before about Neon Angel and the relationship between Neon Angel, MTV and the Gibraltar Government. The hon. Member may want to go back to *Hansard* and see that everything was explained there in relation to Neon Angel.

**Hon. L F Llamas:** Mr Speaker, if I recall correctly, the Minister said that he would not divulge the value of the contract due to commercial sensitivity. Is that correct?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman needs to put his question into context. The Government made a public statement in a press conference that this was being directly allocated and gave the reasons why it was being directly allocated, and said that the amount would be reflected in the Estimates as the cost of the concert but not the detail of the amounts paid to each party. And so, Mr Speaker, I think the Government has done exactly what the hon. Gentleman has asked us, whether we have done or not. That is to say we have disclosed any contract which has not been awarded by tender. That is the contract that the hon. Gentleman is referring to in respect of Neon Angel because it was directly allocated in the context of the statements which set that out in detail at the press conference, which was followed up with a press release, which is on the record, and the statements in this House when we have been questioned about it.

**Hon. L F Llamas:** Mr Speaker, although I agree that that is how the Government presented the festival, in the past obviously it has been through a tender and the taxpayer has been – (*Interjection*) Well, at least it was on the same document on the Government website, so the taxpayer was able to compare the value of the previous organisers in comparison to what we have now. At the moment we are not seeing what the direct value of this contract is and I feel that the taxpayer is not being informed of the full disclosure of this contract.

**Hon. Chief Minister:** Mr Speaker, for all of the reasons that we have set out before there are some contracts which are commercially sensitive. The hon. Gentleman may want to go back and read what we said about the music industry and the commercial sensitivity of it, but the taxpayer knows exactly what the Music Festival costs because it is set out in the Estimates and then the Hon. Mr Clinton asked us to tell the House not just what the estimate had been but what the final account is and we provide that when it is ready and we have a ding-dong about when it should be ready, but when it is ready it is provided for.

So you have an estimate of cost and then you have an actual cost. The breakdown within that of each artist, each organiser etc. is not provided because it is that sort of industry; it cannot be provided. We would not be able to go back and organise it the following year if we had disclosed



sensitive information the year before about an artist, about an agent etc. Nobody would touch us.

990 But the taxpayer knows exactly what it costs and what he or she gets for the value that is paid. So on an estimate of £2.5 million you got one concert one year and on an estimate of £2.5 million a year later you got a different concert the year after – so you know what you are getting. Whether Bananarama costs x or whether Duran Duran costs y or whether the agents that organise them cost x or cost y is not detail that we can give, but I have told the hon. Gentlemen before – at least I think I have told one of them – this is not information that we will  
995 keep from them, it is just information that we are not allowed to give publicly. Therefore we are quite happy to tell them the amounts behind the Speaker’s Chair on the basis of confidentiality, but they cannot share that amount because this is the nature of that industry. It would be the death knell of the Gibraltar Music Festival if we started to disclose what we are paying artists and what we are paying agents or what we are paying organisers. It would be the end; nobody  
1000 would touch us the year after.

Assuming that hon. Gentlemen want to see the Government prosper and deliver on its commitments – and one of the things that we were committed to doing was to organise a mega concert; we are now organising a mega festival – we want to continue doing that because we think it is good, not just for taxpayers but for Gibraltar as a whole in the context of the  
1005 entertainment that is provided, how Gibraltar becomes a magnet for people, how international companies based in Gibraltar bring their international boards to Gibraltar around the Music Festival, all of the things I have said before when I have had to justify the existence of the festival to Members opposite who sometimes feel as if they do not want us to continue with it.

Well, we think it is a good thing for Gibraltar, we are going to continue with it and we are not  
1010 going to do things or give information which does not enable us to continue with it.

**Mr Speaker:** Let me make one position clear. Under the guise of the question in the manner in which the hon. Member has made it, the Minister has invited him to say whether there is any instance where the information has not been included and he is prepared to investigate and  
1015 revert to him. I cannot allow, in the exercise of my discretion of the matter of the Music Festival, greater ventilation of the matter than I have already done. There have been a number of exchanges on the Music Festival which do not arise directly out of this question, so I warn the hon. Member that I will allow him one last question but that is it.

**Hon. L F Llamas:** Mr Speaker, I just wanted to clarify that it has got nothing to do with the artists or the agents who are bringing the performers over; it is to do with the organisers that the taxpayer used to see what the organisers were costing the taxpayer and that is no longer the case. I feel that obviously the commercial interests of a private company are being put over and above those of previous organisers, and the Gibraltarian taxpayer is none the wiser.  
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**Hon. Chief Minister:** That is plainly and utterly ridiculous! How are the interests of the commercial entity being put ahead of the interest of the taxpayer if what we are doing is in the interest of the taxpayer to ensure that the taxpayer can continue to enjoy the festival at the best possible prices? Does he think that we do not want to disclose it, Mr Speaker, because it costs us  
1030 more if we do that? Doesn’t it obviously make sense if you apply a modicum of consideration that we are saying that we should not disclose it because that is how we get a better deal? Well, look, Mr Speaker, maybe by WhatsApp he can be told what to ask us next.

**Q14/2018**

**Gibraltar Music Festival –  
Impact of change of dates**

**Clerk:** Question 14. The Hon. L F Llamas.

1035 **Hon. L F Llamas:** Mr Speaker, has the Government considered the impact of the return of students to university when changing the dates of the Gibraltar Music Festival?

1040 **Mr Speaker:** Let me make it abundantly clear before the Hon. Minister answers this question that I will only allow supplementaries in respect of students, no other members of the community. Are you with me? Very well, answer then.

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1045 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Yes, sir.

**Hon. L F Llamas:** Mr Speaker, can the Minister confirm how many students the Government expects will not be able or be able to attend the festival?

1050 **Hon. S E Linares:** Mr Speaker, to tell him the truth I would not know how many students would like to go to the Music Festival, so that question does not arise. How on earth could I assume? Or is it that all the students who go to the UK like music? Is it that every single student who is studying in the UK is going to come to the Music Festival? There are probably students who do not like music and therefore they do not come to the Music Festival. What I am saying to him in answer to his question, which is 'did we take into account?' ... I have already given a public statement as to why we chose the dates. There is a reason why we chose the dates. So, yes, of course when the dates were given to me one of the things that I said was, 'Well, the students are probably going to miss out' – and one of them is my daughter, who is cursing me because I have got it on the 21st and the 22nd and she might be leaving for university on the 19th. These are things that you have to work around other people. I have told him that we work around the GFA. It is to do with the dates that the GFA give us. So, do I take into consideration? Of course I take into consideration. These are people that are not going to pay in because if there are 200 students that are not going to come to the Music Festival, it means that we are going to make less money from those 200 people, but I expect people to come from the UK on that date because it might be better that they come from the UK on that date.

1065 Mr Speaker, I can tell him that I have got a little bit of experience of doing events now, I think, and when you do events of course you look at whether it is the high or low season of tourism; whether the fraternity of darts, for example, are going to come in March or April; which is the best time after the premier league in darts; are we going to have the tournament here. All these things are taken into consideration, of course they are, but when you are tied up with the GFA telling you these are the only ...

1070 By the way, last year the hon. Member must know that on 3rd September when we were all enjoying the Music Festival there were about 150 people going to Faro at the same time because there was a football match on the same day. We could then dictate, because the Victoria Stadium was ours, and I said to the GFA, 'I am sorry, you are going to go to Faro because I am doing the Music Festival on that date.' This year, because of what we have done with the GFA, it is a completely different ball game; I cannot do it on the week that it was done last year because there are football matches. That is where the dynamics of all these things are. So yes, of course I take ... That is why I said yes, sir – there is no other answer to the question: of course I did take into consideration students and everybody in the community.

**Q15/2018**  
**MTV Gibraltar Calling –**  
**Viewing figures**

1080 **Clerk:** Question 15. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, with regard to last summer's MTV Calling Festival, does Government accept viewing figures in the UK; and if so, how do they measure up to the one billion global audience that they said it would reach?

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**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the one billion reach figure has a specific definition in the media industry in that it is an estimate of the total number of people who can access, i.e. see, a particular TV programme on MTV networks globally as opposed to the number of people that actually watch the programme.

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To date the programme has been broadcast in 16 countries and on five MTV channels. Furthermore, *MTV Gibraltar Calling World Stage* was also broadcast last Friday, airing around another 150 countries worldwide.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, it is very easy to say 'access' but at the end of the day no one cares about access unless you actually watch it, and the Broadcasters Audience Research Board (BARB), who provide a minute-by-minute report which I have right here, on two of their programmes have shown that the average viewing was 0.06% at best on both programmes. So how can the hon. Gentleman expect us to believe that simply because it has got a access to a worldwide audience that everybody watched it, when at the end of the day the typical rate of viewing was 0%? Either the hon. Gentleman has misled the House or somebody in MTV has misled the hon. Gentleman about the potential of who was going to watch this programme, or these programmes, which both came at 0%.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, nobody has misled the House. What the House has been told is that this is the reach, in other words the number of people who can watch it – 0.6% of the UK watching population on television is more than watched the year before, I think the hon. Lady will accept that, so the exposure is going further, let alone what the hon. Gentleman has told her, which is the many other instances when the programme has been shown.

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The hon. Lady just wants to concentrate on two occasions when the programme has been shown because of the data that she has, no doubt having read an article about the subject in the *Gibraltar Chronicle*, as we all did. If that is the case, then the hon. Lady of course is entitled to say, 'On this occasion it was watched only by this number of people: are you disappointed?' Of course I am disappointed, Mr Speaker. I would like 100% of the UK audience available to switch off BBC1, switch off BBC2, switch off Channel 4, ITV and Channel 5 when there is something on which is about Gibraltar on MTV, and when *Gibraltar: Britain in the Sun* is on, I would like people to switch off MTV, switch off Channel 4, ITV, BBC2 and BBC1 and just watch *Gibraltar: Britain in the Sun*, because as a proud Gibraltarian I think we would all agree we want the whole of the available UK audience to watch the programme about Gibraltar – let alone when I am on *Andrew Marr*, Mr Speaker! If the Gibraltar programme is then going to be shown on the worldwide channels, as the hon. Gentleman has told her that it is being shown, not all of which are subject to the BARB because one of those Bs stands for 'British', we do not know exactly how many people have watched this programme but we know it has been watched by many more people who did not watch the programme, that did not exist, the year before; and we know that the advertisements that were shown about Gibraltar and MTV reached an audience.

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1130 What the hon. Lady has to decide is whether she is taking the position that having the exposure is valuable or that you only are interested in actual viewers. This is a very live issue in the world of advertising. Do you pay a channel based on the number of people who might watch it, on the number of people who do watch it on average, or the number of people who watch the programme where your advert appears? If you have ever done a contract for advertising you have to pay based on the potential reach of the channel and its average view, and that is what the hon. Gentleman has talked about in this House when we have been talking about viewers, 1135 when we have been talking about the potential number of viewers. We are very happy that the Gibraltar programme is going further; we wish it would go even further still. Perhaps as we continue in this process we will be able to persuade more people to watch the magnificent Gibraltar Music Festival programmes that are being produced by MTV.

1140 The reality is that this is a great advertisement for Gibraltar, it is a good thing for Gibraltar, Mr Speaker, and I do not understand why Members – if I may say so, on the extremes on the other side – now seem to want to do it down. Perhaps we should consult them on the list of people who are coming to perform and we might find them happier Members of the concert-viewing community.

1145 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with respect, I think we continue to be misled.

By the way, following on from the Chief Minister talking about *Britain in the Sun*, just to get an idea, the BARB has shown that *Britain in the Sun* gets 1.9 million viewers. Now that is viewing. Viewing is 1.9 million, which would only have been a fraction of the one billion we were told, but actually we had 7,000 people watching this. So, of course my position is that I want to know whether Gibraltar has had the exposure that we were promised or led to believe, and saying that this was only the British association that was putting out the figures and that therefore does not mean much, I think actually the MTV show being in Gibraltar, for obvious reasons of proximity and accessibility, if it was going to be watched anywhere at a peak it was going to be the UK. So, even taking that as an average and timesing that by 30, you do not even get to 1150 130,000.

1155 So, yes, I continue to think we have been misled and I would like to ask the Government if they actually agreed to pay MTV to air the *Gibraltar Calling* shows directly or indirectly.

1160 **Hon. Chief Minister:** No, Mr Speaker, there is no question of us having paid MTV to air a show directly or indirectly. We explained to this House what the deal with MTV was when we came to this House and we set out to the hon. Lady and all Members opposite what the position was.

1165 If 0.06% of the global audience watched, that is 600,000 people around the world watching a programme about Gibraltar. If 0.06% – (*Interjection by Hon. Ms M D Hassan Nahon*) Mr Speaker, I understand that 0.06% is in the UK; I just made the point to her that it was in the UK. I am extrapolating to her 0.06% of one billion, which is the potential global audience of channels ... If we achieve 0.06% it is 600,000 people. If 7,000 of those are in the UK then 593,000 are in the rest of the world, which might not hear about Gibraltar so often.

1170 Mr Speaker, are we dissatisfied that there have not been one billion people watching? Yes. Are we dissatisfied that 1.9 million people did not watch? Yes. Are we dissatisfied that 52 million people in the United Kingdom did not watch? Yes. Do we want more to watch? Yes. Does that mean that this is the wrong deal? Quite not the case, the opposite: this is exactly the right deal because it is putting us in a position where we are potentially having that reach and where potentially more people will watch in the future, and perhaps this could become a classic and more people will watch it again in the future. 1175

But, Mr Speaker, I do not understand the belligerence. Why is it that hon. Members opposite, at least those at the extremes, do not appear to want us to do everything possible to advertise Gibraltar? I am left with the view that if we were now doing it with local promoters we would be

1180 told that we should consider doing it with international promoters who might give us a potential global audience reach of up to a billion.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, advertise by all means if it is viewed and absorbed, not if you get a 0% viewing rating.

1185 Following on from the question that has been confirmed that you paid MTV –

**Hon. Chief Minister:** Mr Speaker, a point of order. I said the opposite. I said we did not pay MTV. We did to air this programme. We did a deal which included a television programme, so the opposite.

1190 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Culture therefore confirm whether this Government still believes, despite all these contradictory figures and promises, that the MTV deal is good value for taxpayer's money, or is this actually a case of a salesman pitching massive numbers to Government, the Government failing to conduct its own due diligence and now finding itself in a position where it either holds the provider to account and risks political  
1195 embarrassment or carries on rolling forward as if everything is going to path.

**Hon. Chief Minister:** Mr Speaker, I can confirm on behalf of the whole Government, before giving way to the Hon. Minister for Culture, who is going to give the hon. Lady more figures, that we consider that having a potential global reach of one billion is very good for the Gibraltar taxpayer, that we will continue not out of a fear of political embarrassment – which will not  
1200 scare us; if we ever do something which turns out to be wrong, we will be the first to tell the public that we think we have got something wrong and we will deal with it – but that this is the right thing to do, both from the point of view of the entertainment provided, the cost at which the entertainment is provided and the potential reach of the advertisement that is this  
1205 programme after the entertainment has been provided. A very good deal too. I commend the Minister for Culture for having done it, I believe it is absolutely right that we continue and I do not understand the potential motivation for Gibraltar not to make an international advertisement of a function in Gibraltar which is a promotion of what we do in Gibraltar.

I give way, before I sit down, to the Hon. Minister so that he can give her the figures that he  
1210 has available.

**Hon. S E Linares:** Mr Speaker, first of all I would like to say to the hon. Lady that I do not know where the figure of 7,000 comes from. (**Hon. Ms M D Hassan Nahon:** Three and a half thousand.) She mentioned 7,000 in the BARB, which I have figures from of exactly how many  
1215 people saw it. If she wants to go and say to the whole of Gibraltar that it is only 7,000 people who saw it, that is wrong.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, they may actually have been the same three and a half thousand twice, so he might be wrong.  
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**Hon. S E Linares:** Mr Speaker, what she does not understand is that you might have one programme which is shown and maybe only 7,000 people see it, but if the programme is repeated and repeated then they add on how many people have seen it because there is the iPlayer and there are different ways in which people see different programmes. Nowadays you  
1225 do not just sit and say, 'Oh, hold on, at seven o'clock we all have to sit round the TV and see *Gibraltar Calling.*' (**Mr Speaker:** I do.) Well, you do, sir, but then there are different ways of – (**Mr Speaker:** I'm a dinosaur) Yes, but there are different ways and means of seeing the programme. It is there for people on demand to see programmes and I can tell the hon. Lady that her figures are wrong.

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**Hon. Ms M D Hassan Nahon:** They are not mine, they are BARB'S.

**Hon. S E Linares:** And I have got BARB'S figures: 162,000. (**Several Members:** Hear, hear.) (*Banging on desks*) If the hon. Lady wants, I can now quote figures: 282,000 – (*Interjection*) Yes, I have got it here: 282,000 because you can have one TV seen by four people or one TV seen by no one, and therefore it is very difficult to see how many people are actually watching this.

And then we go to the advertising value and the social media value. MTV has millions of Twitter followers. I took a photograph with Scotty T, who has 1.8 million, and I said, 'Here, have a photograph with the Minister in *Gibraltar Calling*'. He was brilliant, the guy, and he said, 'Now I am going to put it on my Tweet.' Look: he has got 1.8 million followers. And it goes on and on. *That* is the value and I can say to the hon. Lady that it has been valued as in advertising air time to 1.4 million.

**Hon. Ms M D Hassan Nahon:** But none of them watched it.

**Hon. S E Linares:** *Nada no se entera.*

**Mr Speaker:** Next question.

## INFRASTRUCTURE AND PLANNING

### Q16/2018 Castle Steps – Ramps

**Clerk:** Question 16. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker – (*Interjection*) To more important matters, yes! Is Government intending to replace the ramps on Castle Steps to facilitate disabled and pushchair access as well as improve access to the emergency services?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the ramps at Castle Street were always intended to be temporary and were originally placed by developers to allow contractor vehicles access during refurbishment works to certain properties within the area. The ramps were defacing the original steps and in recent times were being used to illegally park vehicles in what is a pedestrianised area.

The Technical Services Department is already exploring the possibility of introducing pushchair ramps as currently exist along lower Castle Street.

### Q17/2018 Upper Town escalator – Breakdowns and costs

**Clerk:** Question 17. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, since 1st September 2017, on how many occasions has the Upper Town escalator been unserviceable, and for each occasion for how long was it broken and what was the cost of repair?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

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**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the major repairs required and carried out in September and finalised in November cost £74,316.73.

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During the period commencing 22nd November to 31st December 2017 the Upper Town Link escalators were out of service on five occasions as per the schedule I will now hand over, and on every occasion repaired under the annual maintenance contract at no additional cost.

**ANSWER TO QUESTION 17/2018**

**UPPERTOWN LINK ESCALATORS – FAULTS**

Date Reported	Fault Details	Date Repaired	Duration	Cost of repair
15.06.17	BOTH escalators out of order due to major breakages because of water ingress. 130 steps needed replacing. One escalator fixed	30.09.17	3.5 months	<b>£23,078.92</b>
15.06.17	Second escalator now fixed	15.11.17	5 months	£51,237.81
22.11.17	DESCENDING escalator out of order	22.11.17	<1 day	£0.00
23.11.17	ASCENDING escalator out of order	24.11.17	1 day	£0.00
01.12.17	ASCENDING escalator out of order	01.12.17	<1 day	£0.00
15.12.17	ASCENDING escalator out of order	19.12.17	4 days	£0.00
24.12.17	ASCENDING escalator out of order	27.12.17	3 days	£0.00
07.01.18	DESCENDING escalator out of order	Still broken		
09.01.18	ASCENDING escalator out of order	11.01.18	2 days	£0.0

**Q18/2018  
Fixed Penalty Notices –  
Forward-facing motorbikes**

**Clerk:** Question 18. The Hon. T N Hammond.

**Hon. T N Hammond:** Since the introduction of speed cameras, how many Fixed Penalty Notices have been rejected by the RGP for forward-facing motorbikes?

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**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1285 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, since the introduction of the speed camera pilot scheme a total of 608 motorcyclists who were exceeding the speed limits have been fined using the cameras that capture the image of the rear of the motorcycle. A further 98 cases are being pursued by the RGP from images arising from cameras that capture only the image of the front part of the motorcycle.

1290 The Government expects that the introduction at the end of the pilot scheme of more cameras which capture the rear of motorcycles will result in more motorcyclists being fined for falling foul of the law. We would hope, however, that as motorcyclists see the effects of the speed cameras, their pockets, if not their consciences, will mean that less and less people offend.

1295 Finally, Mr Speaker, the Government is not aware of any model of motorcycle which has yet been developed or imported to Gibraltar which is not forward facing

**Hon. T N Hammond:** Indeed, very droll. I used the terminology that the Minister himself used at the last session of Parliament, which is why I thought by describing it that way he would understand the question.

1300 He did not actually answer the question, which is whether any had been rejected by the RGP.

**Hon. P J Balban:** Mr Speaker, those are the statistics that we have in our possession.

1305 **Hon. T N Hammond:** If I may then, just to make sure that I have understood the statistics, 608 were ... The question was how many Fixed Penalty Notices have been rejected by the RGP; the answer I received was that 608 people have been fined, 98 further are being investigated. Therefore, am I to assume that zero have actually been rejected, that there is not a case of one instance where it was not possible to identify the rider or pursue it?

1310 **Hon. P J Balban:** Mr Speaker, I have given the hon. Gentleman the figures for the amount of people that have been pursued. One must remember that before this pilot scheme was implemented everyone who rode along that road, either on a motorcycle or in a car, would have gone past at the speed they wished and only in a few instances where perhaps the RGP had the roving cameras in sight would it have been potentially possible to have caught these individuals who are obviously flouting the law. Ever since this pilot scheme has come into effect, there has  
1315 been a considerable decrease in the speed along this road, making it a lot safer, clearly, markedly safer not only for drivers but for pedestrians and for everyone in Gibraltar as a result of this pilot scheme.

1320 I am very clear and I have stated very clearly that this is a pilot scheme and before such a scheme there was no control. What will happen in the following months is that we will increase the amount of cameras throughout Gibraltar and we will also tackle the issue from both angles, as I have said in answering the question. A pilot scheme is there to be looked at, to see how it can be improved with other locations. As I said, there is a marked improvement on what was there before and this Government is extremely proud of the effect it has had on calming road traffic, making the streets safer and also reducing the levels of pollution, in terms of noise  
1325 pollution, because fast vehicles mean greater noise on our roads.

We will continue embarking upon this scheme and we can safely say it will cease to be a pilot scheme because clearly it is working and all we need to do is make it work even better in the future.

1330 **Hon. T N Hammond:** Mr Speaker, the question was not designed to pass any kind of judgement on the scheme itself. I welcome the scheme, I want it to work as well as possible; I think it is a very good and very necessary part of managing traffic on our roads.

However, the Minister still has not answered the question or confirmed whether no Fixed Penalty Notices to motorbikes have been rejected. That is all I am after: whether it is possible



1335 under the current scheme for you, if you are riding a motorbike, to pass one of these cameras in  
excess of the speed limit and not to be pursued by the RGP because it is simply impossible to  
identify either the bike or who was riding it. That is all I am asking, it is quite straightforward,  
and the information I have indicates that certainly some at least are being rejected, or it is not  
1340 possible to pursue every case where motorbikes have been flagged up and photographed by the  
cameras; but if the Minister can confirm this is otherwise I will be very happy.

**Hon. P J Balban:** And the question that has been answered is the one referring to forward-  
facing motorbikes. If the hon. Gentleman wishes further information he can pose a more specific  
question on that matter and I will be happy to respond to him at a later date.

1345

**Hon. T N Hammond:** Mr Speaker, is the Minister being deliberately obtuse? (*Laughter*) The  
question is about motorbikes and whether it has been possible to fine every single one of them  
that has been captured on the camera or whether they are being actively pursued. It is not  
about those that have been fined, it is about those that have not been fined and he has not  
1350 answered whether any have not been able to be fined for that reason.

**Chief Minister (Hon. F R Picardo):** I do not know whether the hon. Gentleman is being  
particularly obtuse on purpose or whether we all stand accused of the same thing. What we are  
saying is all motorbikes are forward facing, so the statistics that the hon. Gentleman seems to be  
1355 asking us for, we find difficulty in trying to identify. All motorbikes are forward facing, and so if  
all motorbikes are forward facing we are giving him the data in respect of which the  
prosecutions are being pursued or people have been dealt with, but we are giving him that data  
in respect of a pilot programme – a pilot programme which the hon. Gentleman has already told  
him is being changed to include the ability to identify a vehicle from the front and the back at  
1360 the same time so that we can see the licence plate ... if it is a motorbike which only has a licence  
plate on the back, how to identify them in that way. That is how the speed camera works: it  
works by identifying the licence plate. But the whole point of his question, Mr Speaker, is that it  
is phrased about forward facing motorbikes. All motorbikes are forward facing. We are giving  
him the statistics we have of prosecutions, or Fixed Penalty Notices or whatever it is, given in  
1365 respect of such bikes.

**Mr Speaker:** I think the hon. Member is entitled to receive information in the future in  
respect of the 98 cases that are being pursued. If some of those are rejected, then that would  
satisfy the Minister in respect of his actual answer, which was about any of them being rejected.  
1370 If the process had not been completed, obviously the Hon. Minister is not in a position to give  
the information, but I will allow the matter to be pursued at the next meeting if the Minister has  
the information by then. Can we move on then?

**Hon. T N Hammond:** If I just add one thing, Mr Speaker, yes, I agree entirely and if it is the  
1375 case that in every case where a motorbike is involved there has either been a fine or they are  
currently being pursued – in other words there are none that have been dropped entirely – then  
I can fully understand the Minister's answer.

**Mr Speaker:** And therefore in the future I think we are all agreed that the questions would all  
1380 deal with motorbikes or motorcycles. Okay?

**Hon. Chief Minister:** Mr Speaker, there may be instances where not involving a motorcycle,  
involving a motor vehicle of another sort – there may not be a prosecution because there may  
be another difficulty with a camera, which is not the identification of a number plate on the  
1385 front or back of a vehicle. What we are doing is we are giving the numbers that we have of  
prosecutions commenced, because if we start to look at why has a prosecution not been

1390 commenced or why has a fine not been issued there could be a myriad of issues in respect of that. There could be issues in respect of visibility at a particular date in question, there could be issues relating to the conditions of the road at the time, which might be identified and which might lead people to decide that it is not appropriate to issue FPNs or any other prosecutorial mechanism in respect of that moment.

1395 **Mr Speaker:** Does the hon. Member have any supplementary arising from the question on the escalators?

**Hon. T N Hammond:** I will have to look at that in a while.

**Mr Speaker:** Okay, well, I think this is a convenient point in which to have a recess of 20 minutes.

*The House recessed at 5.06 p.m. and resumed its sitting at 5.27 p.m.*

## CULTURE, THE MEDIA, YOUTH AND SPORT

Q9/2018

### GSLA indoor facilities; cancellations – Further information

1400 **Minister for Culture, the Media Youth and Sport (Hon. S E Linares):** Mr Speaker, if I may, it is in relation to the question that the hon. Member asked me about the pool and about whether we had closed down the pool, and I have already got an answer to that.

Just to say that on Tuesday, 10th October 2017 the pool was closed for one hour due to solid stool and it was at 18.25 when there was a Tarik swim session.

1405 Then on Thursday, 12th October the pool was closed for super chlorination because of somebody who had had a diarrhoea incident that occurred within the pool.

On Friday, 20th October 2017 the pool was closed at 5.45 for 30 minutes, again for another of those incidents.

1410 And then the last one was on Thursday, 7th December, where the pool had to be closed due to an electrical problem that occurred in the GEA electrical meter room. The incident occurred at 7.36 and the pool was closed until it was actually fixed.

1415 **Hon. E J Reyes:** I am very grateful for that, Mr Speaker. The only one I did not catch was on 12th October, the length of time it was closed. Was it the whole day? He never mentioned any actual timing – *(Interjection)* 12th October.

**Hon. S E Linares:** The pool was closed for 24 hours.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q19/2018

DNA testing of dog faeces –  
Number of samples tested, results and fines

**Clerk:** Question 19. The Hon. T N Hammond.

1420 **Hon. T N Hammond:** Mr Speaker, continuing on the scatological theme, how many samples of dog faeces have been sent for DNA testing since 1st September (*Laughter*), have any results yet been received and have any fines been issued under this scheme?

1425 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, 25 samples have been collected since 1st September. One positive result has been received and one fine issued under the scheme to date.

1430 I need to qualify that, Mr Speaker: there were in fact two positive results but they were from the same dog, so the view was taken that, being the first one, only one fine would be issued and I am informed only today that another batch of results has come in and there appear to be a number of matches there too, so they will be processed and fines issued.

1435 **Hon. T N Hammond:** Mr Speaker, does the Minister think that the pace of collection may increase as we get more habituated to this process, bearing in mind 25 collections since 1st September does not represent a very large number?

1440 **Hon. Dr J E Cortes:** Mr Speaker, the point is that of the first results received there were quite a number of non-matches, which means that the dogs had not been registered. It obviously is clear that if you have had your dog registered and you are law abiding, you are not usually going to let your dog deposit faeces in the street because you know you are going to get caught, but if you have not bothered to register your dog then you are going to take the risk. What we have now done is we have changed the emphasis over the last couple of months to challenging people with dogs and asking for evidence of registration. We are doing it in a conciliatory way and warning people that they have to do it and we have been able to entice a number of people who have not registered their dogs to do so. We will shortly step that up and then we will be issuing fines to anybody who has not followed the legal procedure. So the emphasis changed from collecting the faeces to identifying those who were breaking the law by not having registered, and hopefully that will then sort itself out.

**Hon. T N Hammond:** Mr Speaker, I certainly welcome the Minister's words in that respect. Clearly, if people are not registering their dogs it is impossible to fine them.

1455 Will the Ministry be making it known through a public campaign of some description to warn people that this is happening and you had better register your dog quickly because otherwise fines will be issued?

1460 **Hon. Dr J E Cortes:** Yes, Mr Speaker, the hon. Member may recall that we introduced this regime in January last year and we gave a period of grace of about three months. We intend to do the same and by the middle of March we will then change the chip almost and issue the necessary press comments and so on to encourage people to make sure that their dogs are properly registered, and then we will continue and enhance the number of samples collected. Hopefully the time will come when there is nothing to collect, but sadly I do not think that will actually happen.

**Q20/2018**  
**Beach lifeguard services –**  
**Privatisation**

1465 **Clerk:** Question 20. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, does Government intend to privatise the lifeguard services at the beaches; and if so, will the contract go to tender?

1470 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1475 Mr Speaker, the Government is exploring options to improve the service offered to the public. No final decisions have been taken.

**Q21-22/2018**  
**Skywalk –**  
**Confirmation of completion and reason why not yet open; admission charge**

**Clerk:** Question 21. The Hon. T N Hammond.

**Hon. T N Hammond:** Can Government confirm that the Upper Rock glass walkway has been completed; and if so, when it was completed and why it has not yet opened?

1480 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1485 Mr Speaker, I will answer this question together with Question 22.

**Clerk:** Question 22. The Hon. T N Hammond.

**Hon. T N Hammond:** Does Government intend to charge for access to the glass walkway on the Upper Rock?  
1490

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1495 Mr Speaker, although the Skywalk itself was completed last year, as I think I have said before in this House, additional works along Douglas Path had to be carried out since then. These works are nearly complete and the Department is now finalising the management aspects of the attraction ahead of the official opening.

1500 The Government is considering whether to introduce a separate charge for access to the glass walkway.

**Hon. T N Hammond:** I did not quite catch the phrase the Minister used, but it certainly sounded like management speak in terms of finalising – was it ‘finalising’? – who will manage the Skywalk that you referred to?  
1505

1510 **Hon. Dr J E Cortes:** Mr Speaker, what I said is that it was realised that the attraction would increase the footfall around Douglas Path and therefore some works had to be carried out to make that safer, which is what is being done now; and I said that we were considering whether there would be a separate charge for access to the walkway or whether it will be included within the general Upper Rock charge. *(Interjection)* Mr Speaker, I cannot hear.

**Hon. T N Hammond:** And in between those two points you made, you made a further point about the management of the walkway.

1515 **Hon. Dr J E Cortes:** Oh, yes, sorry. The management aspects of the attraction, as to how it is going to be run: it is related to whether there would be a separate charge and therefore you would have to raise a fee there. That is the sort of thing that we are considering.

1520 **Hon. T N Hammond:** So, Mr Speaker, can the Minister confirm which Department will be responsible for the Skywalk?

**Hon. Dr J E Cortes:** The Department responsible for all the sites on the Upper Rock now is currently the Department of the Environment and Heritage.

**Q23/2018**  
**Gibraltar Nature Reserve Management Plan –**  
**Publication of final version**

1525 **Clerk:** Question 23. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, when does Government intend to publish the final version of the Gibraltar Nature Reserve Management Plan on its website?

1530 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1535 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government will publish the final version of the Gibraltar Nature Reserve Management Plan on its website – there is a draft version already there, just for clarification – as soon as it is ready to do so. It is currently not possible to give a firm date, given that the plan forms part of a wider and ongoing management review.

1540 **Hon. T N Hammond:** Does the Minister envisage the plan being changed substantially after the consultation process?

1545 **Hon. Dr J E Cortes:** Not changed, Mr Speaker, but expanded. Given that the Department of the Environment, Heritage and Climate Change now is responsible for the sites, which was not the case when the plan was produced, there has been a change in the way that we run the different attractions and we are trying to marry the two and come up with a product that will be beneficial both for residents and tourists, and that is the process that ... So the actual management aspects in the draft are not expected to change in themselves but the remit will widen to other areas.

1550 **Hon. T N Hammond:** So, one final question. I am not going to try and pin the Minister down to a date because he has clearly said that he cannot provide one, but are we talking about

perhaps the second half of this calendar year? Just to have a rough idea when maybe to come back with another question.

1555 **Hon. Dr J E Cortes:** Certainly within this calendar year and I suspect that we may be making announcements around the summer with a view to implementing in the autumn, but it is not a firm commitment.

**Q24-25/2018**

**Upper Rock Nature Reserve –  
Works to remove *Chasmanthe Floribunda* and *Acanthus* plants**

**Clerk:** Question 24. The Hon. T N Hammond.

1560 **Hon. T N Hammond:** Was any work conducted during 2017 – and forgive me if I pronounce it wrong – for the removal of the invasive species *Chasmanthe Floribunda* from the Upper Rock Nature Reserve, and where did that work take place?

1565 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 25.

1570 **Clerk:** Question 25. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, was any work conducted during 2017 for the removal of *Acanthus* plants from the Upper Rock Nature Reserve, and where did that work take place?

1575 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Hon. Dr J E Cortes:** Mr Speaker, *Acanthus* plants from different locations within the Upper Rock were removed, notably firebreaks, Jews' Gate, along Engineer's Road and Willis's Road.

1580 *Chasmanthe floribunda* were also removed from the roadsides near St Michael's Cave, St Michael's firebreak, Ince's Farm and Tovey Battery.

**Q26/2018**

**2016 *Thinking Green Digest* –  
Publication date; air pollution data**

**Clerk:** Question 26. The Hon. T N Hammond.

1585 **Hon. T N Hammond:** Mr Speaker, when will Government publish the 2016 *Thinking Green Digest* and will it contain data for air pollution?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1590 Mr Speaker, the 2016 *Thinking Green Digest* is available online already from the Gibraltar Government website under Publications in the Environment section.

Data concerning air pollution are included within the 2016 *Statistics Digest*, which is the partner publication, which is also available online.

**Q27/2018**

**Thinking Green underwater camera –  
Current status, breakdowns, maintenance and repair costs**

**Clerk:** Question 27. The Hon. T N Hammond.

1595

**Hon. T N Hammond:** Mr Speaker, can the Government say if the Thinking Green underwater camera is currently working, how often was it unserviceable during 2017 and what were the maintenance and repair costs for 2017?

1600

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1605 Mr Speaker, the Thinking Green underwater camera is presently offline since it is being serviced by the Department's diving team. It should be back online before the end of the month.

The camera has not been unserviceable in 2017. It has, however, been offline on seven occasions for a variety of reasons unrelated to unserviceability, such as internet connectivity problems. There were no maintenance and repair costs during 2017 since this was carried out internally by technicians from the Department of the Environment, Heritage and Climate Change as part of their routine duties.

1610

**Q28/2018**

**Environment Charter 2006 –  
Current status**

**Clerk:** Question 28. The Hon. T N Hammond.

1615

**Hon. T N Hammond:** Mr Speaker, does Government agree with and adhere to the principles set out in the Environment Charter 2006, which remains on the Government website but has not been renewed and so remains with the former Chief Minister and the former Minister for the Environment as signatories?

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

1620

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1625 Mr Speaker, the Government not only agrees and adheres to the principles set out in the Charter, we have implemented it and enshrined it into Government policy, which the GSD, who signed it, failed to do. To us, it is not a paper exercise, as it clearly was for the GSD. This administration has made it a reality in the working practices of the public sector.

**Hon. T N Hammond:** So on that basis, Mr Speaker, would the Minister consider actually putting his own signature and that of the Chief Minister on the Charter just to complete the exercise, if you like?

1630

**Hon. Dr J E Cortes:** Mr Speaker, it is not necessary because this is signed by a Chief Minister and a Minister for the Environment and therefore we consider it still valid.

I think I am shortly going to put my signature on a document which will be much, much more extensive than this, and then this one will almost become irrelevant.

**Q29-31/2018**

**Europa Foreshore tunnels –**

**Sampling; environmental management plan; environmental impact assessment**

1635 **Clerk:** Question 29. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, were samples taken prior to the recent washing out of the tunnels accessed via the Europa Foreshore both before the activity took place and subsequent to it?

1640

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 30 and 31.

1645

**Clerk:** Question 30. The Hon. T N Hammond.

**Hon. T N Hammond:** Was an environmental management plan implemented for the works currently underway in the tunnels accessed via the Europa Foreshore?

1650

**Clerk:** Question 31. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, was an environmental impact assessment conducted for the works currently underway in the tunnels accessed via the Europa Foreshore?

1655

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, both environmental and heritage assessments were indeed carried out by officials from the Department of the Environment, Heritage and Climate Change in consultation with experts.

1660

As part of the ongoing environmental management inspections, the Department has been regularly monitoring the works and liaising with the appointed contractor to ensure that no significant ecological impacts occur within the reserve.

1665

There has been no washing out of the tunnels.

**Hon. T N Hammond:** Mr Speaker, could the Minister advise who those experts were who were consulted, and would he be able to make those reports that were made available to me?

1670



1675 **Hon. Dr J E Cortes:** Mr Speaker, the experts consulted included the Gibraltar Museum, the Ornithological and Natural History Society and the Gibraltar Heritage Trust. I am not aware of the format in which those comments were made but I am very happy, if he writes to me, to look into it and to make them available.

1680 **Hon. T N Hammond:** And, Mr Speaker, the Minister is absolutely certain that at no point during the building and construction phase up to this point has anyone effectively flushed out the tunnels with a hose or cleared out any rubbish that was in the tunnel by flushing with water?

1685 **Hon. Dr J E Cortes:** Mr Speaker, I saw the post on Facebook where this was claimed to have happened. I take all these things very seriously; I was very upset at the allegations. I was there on site the following morning at eight o'clock. I personally inspected the area. I determined that there was no evidence of flushing, certainly no significant flushing of any type. There was litter as a result of a digging operation, which I personally helped in collecting and removing, but certainly there was no evidence at all of the alleged flushing by loads of dirty water. It was simply not the case. I was there myself. I took photographs and a colleague, a senior member of the Department of Environment and Climate Change, was there with me. It is an area that I love and have worked very hard to protect through the decades and I took it very seriously and I personally inspected the site: there had been no flushing of any significance.

**Q32-35/2018**

**Renewable energy –**

**East Side power generator serviceability and output;  
proportion of total power from renewable sources and targets**

**Clerk:** Question 32. The Hon. T N Hammond.

1695 **Hon. T N Hammond:** Mr Speaker, following on from Question 322/2017, can Government confirm that the East Side wave power generator is still serviceable and whether it has suffered any periods of unserviceability since 1st June 2017; and if so, provide details of these?

1700 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 33 to 35.

1705 **Clerk:** Question 33. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, following on from Question 323/2017, what has been the average monthly output and peak output of the East Side wave generator since 1st June 2017?

1710 **Clerk:** Question 34. The Hon. T N Hammond.

**Hon. T N Hammond:** What proportion of the power generated in Gibraltar is produced from renewable energy sources?

1715 **Clerk:** Question 35. The Hon. T N Hammond.

**Hon. T N Hammond:** Has Government set targets for production of power from renewable energy sources; and if so, could the Minister describe these targets?

1720 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the East Side wave power generator is still serviceable. However, being a prototype wave power generator, it will occasionally undergo modifications in order to enhance its efficiency and when these are ongoing it might indeed be out of service.

1725 The wave generator average monthly output since 1st June 2017 has been 82.5 kWh. Peak output was 3.2 kWh.

1730 In 2017 a total of 93,048 kWh were generated from renewable sources and fed into the network. In addition, there are also solar thermal installations at the GSLA, Victoria Stadium Tercentenary Hall, Tangier Views and St Bernard's Hospital which contribute to reducing the amount of power generated conventionally in Gibraltar.

The total is estimated to be around 1% of total generation. Government's aim is to achieve a minimum of 20% from renewables by 2020.

**Q36-37/2018**  
**LNG facility –**  
**Safety report**

1735 **Clerk:** Question 36. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, can the Government confirm that the safety report for the LNG facility being reviewed by the competent authority is that required by Directive 2012/18/EU?

1740 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 37.

1745 **Clerk:** Question 37. The Hon. T N Hammond.

1750 **Hon. T N Hammond:** Can Government confirm that the documents that they published prior to the last election and presented to the public as LNG safety reports were not the safety reports required by Directive 2012/18/EU and did not contain the information mandated by that document, and that the latter document is at present under the scrutiny of the competent authority and has not yet been published?

1755 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1760 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, yes, sir, the safety report has been submitted in compliance with Part IIA of the Public Health Act section 95F and is being assessed by the Health and Safety Executive (HSE) on behalf of Environmental Agency, which is the competent authority.

1765 The report 'Gibraltar LNG storage: Pre-consent advice and three zone maps for the Shell  
proposal' was made public by the Government on 12th November 2015 and was approved by  
the UK HSE in accordance with UK standard procedures. This report was presented over and  
above the legal requirements of Directive 2012/18/EU as transposed in Gibraltar law. The HSE  
considered the report and produced the three zone maps which confirmed the suitability of the  
project to progress to the next stage. In addition it should be noted the stricter standard that  
applied to the report published by the Government in November 2015 was a proper and full  
analysis of the proposal for LNG storage and not an unreliable attempt at scaremongering like  
1770 the report published by the hon. Member opposite which was funded by a Russian-backed  
competitor of Shell in an episode of political skulduggery, which the people passed judgement  
on, on 26th November 2015, delivering to Members opposite their worst General Election  
results in 25 years.

1775 **Several Members:** Hear, hear. (*Banging on desks*)

**Hon. T N Hammond:** So, Mr Speaker, the Minister is confirming then that when we are  
talking about safety reports the only safety report that actually matters in all of this is that one  
prescribed by Directive 2012/18/EU, the one which we all thought was in the Government's  
hands and was supposed to have been published, and which the Government perhaps suggested  
1780 was the relevant safety report to the people of Gibraltar when in fact it was not the safety  
report that is mandated and required by the EU, and indeed the safety report that contains all  
the essential and critical information with respect to liquid natural gas.

Is it not the case that when the Government issued that report, what they effectively did was  
make the public believe that they were issuing the appropriate safety report under Directive  
1785 2012, when in fact it was nothing of the sort and contained none of that information, and that  
that report has still not been made public because it is still under scrutiny? And will the  
Government make that report public now?

1790 **Chief Minister (Hon. F R Picardo)** There is nothing we would like more than to rerun the 2015  
election – nothing we would like more!

**Several Members:** Hear, hear.

1795 **Hon. Dr J E Cortes:** Mr Speaker, a little translation to what the Chief Minister has just said is  
he removed the words from my mouth: *me quitó las palabras de la boca*. If the Member  
opposite really wants to rekindle the debate which was so dramatically rejected by the people of  
Gibraltar, I will take him on.

1800 **Mr Speaker:** If he wants to do that and the hon. Member wishes to engage him in that, he  
will have to bring a motion to the House because I am not going to allow that this afternoon.  
Also, we are not here to go over the events prior to the General Election of 2015. Okay?

**Hon. Dr J E Cortes:** Mr Speaker, I will then keep it very brief and thank you for that advice  
which I will take with great pleasure.

1805 I disagree that the only report that matters is the one that is coming. All of these reports have  
been done with the utmost diligence by all the top experts and the report that we published in  
November 2015 the law did not require us to publish but we published it nonetheless and it was  
completely and thoroughly scrutinised by HSE.

1810 There is an additional report which is currently going through the process, which is the report  
that will be published which contains the preconstruction which was passed and vetted by HSL  
and therefore the construction has proceeded, and the pre-operational report, which is in the

process of a very thorough discussion and which will of course be published once it is completed.

1815 I can say, Mr Speaker, just to offer a little bit more information, that the intensity and the thoroughness with which we are dealing with this matter is much more than Shell has ever had to bear anywhere else in the world.

**Q38 and 42-43/2018**  
**Cleaning of public areas and facilities –**  
**Tenders received; current workforce;**

**Clerk:** Question 38. The Hon. R M Clinton.

1820 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many tenders it has received on 27th November 2017 for the ‘provision of urban and street cleaning, upkeep of public areas and other public facilities’, have any been accepted and for what contract amount?

1825 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 42 and 43 from the hon. Lady.

1830 **Clerk:** Question 42. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** With reference to the future of the current Master Service workforce, how are their interests going to be guaranteed vis-à-vis the successful supplier?

1835 **Clerk:** Question 43. The Hon. Ms M D Hassan Nahon.

1840 **Hon. Ms M D Hassan Nahon:** With reference to the future of the current Master Service workforce, can Government guarantee that the successful supplier will manage the workforce and all the work specified within the tender document for public cleaning and that there will be no subcontracting?

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

1845 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, four tenders were received in the first stage of a two-stage tender process. These four applications are currently being assessed to be shortlisted and invited to submit priced bids. Therefore, this contract has not yet been awarded.

The tender document specifically makes reference to TUPE provisions.

1850 All four tender submissions have stated in their bids that there will be no subcontracting. In any event, the Government of Gibraltar would not have allowed this, in the same way that it does not allow the current contractor to subcontract.

1855 The Government will, in the contract negotiations, be working in the interest of both the taxpayer and the workforce, given that we see those interests as being aligned. We will not allow current terms and conditions to be eroded and will be seeking improvements where commercially possible.

1860 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with reference to Question 42, with regard to key personnel in the draft service agreement, with regard to key personnel, what role does Government envisage that they will play in connection with the new setup? I ask because schedule 5 in the draft service agreement, which deals with key personnel, is empty.

**Hon. Dr J E Cortes:** Mr Speaker, I am not sure whether the hon. Lady is referring to what will happen once the tender is awarded or during the negotiations in the tender.

1865 **Hon. Ms M D Hassan Nahon:** It is ambiguous to me – that is why I asked – because I do not understand who or what key personnel is now in Master Service: what is the current definition of key personnel?

1870 **Hon. Dr J E Cortes:** Mr Speaker, I think I would need notice to the amount of detail that I am being requested and I would be very happy to look into it and seek clarification, but the hon. Member is making reference to a specific section in a very vast document and I would not like to try and give what I think the answer is without checking the facts. I think it would be reasonable to at least be given notice. I am happy to respond if the hon. Lady wants to write to me. In the meantime I will seek clarification.

1875

**Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker – thank you to the hon. Gentleman. I will write to him and seek clarification.

1880 In clause 13.2 it talks about the Government having the power to get people dismissed as the authority whilst they will not be the employer. If there are issues with unfair dismissal, the fallout will be for the employer, not for the authority, so how will that work appropriately?

**Hon. Dr J E Cortes:** Mr Speaker, I believe that this is exactly the same as is currently in the present contract and the Government has never exercised that ability (**Hon. Chief Minister:** In our time.) in our time. It may have happened before our time.

1885 Because it is an exclusive Government contract there may be, very rarely, occasions on which the Government has to act categorically if there has been any particular misconduct and so on and therefore it would have to perhaps take certain action. It is highly unlikely that it would happen. I cannot envisage anything that would trigger that off in the normal run of things, but it is something that the Government does reserve as an option in the public interest and because  
1890 it is a considerably large contract taking a large amount of taxpayers' money.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you for that. If I could just ask one more question. I am aware that the union representing the bulk of the Master Service workers has been trying to achieve a meeting with the hon. Gentleman. At what point will the union be brought in to guarantee the existing and improved terms and conditions for the workforce?  
1895

**Hon. Dr J E Cortes:** Yes, Mr Speaker, there have been meetings. The concerns of the members have been made to me directly and to the Chief Minister directly and to both of us together. They have raised a number of concerns. We have reassured them at meetings, we have reassured them at the motions that we had in Parliament just a few months ago and I think that my closing paragraph in my answer to Question 43 should further reassure them that we will have the interests of the workforce very much at heart – it is paramount to us, so I think that they need to be reassured that we will continue discussing, but clearly the contract is awarded by the Government and not by the union, but obviously the union's views will be very much taken to heart.  
1900  
1905

**Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

1910 If I may ask the Minister: does he have an idea as to when the tender process will be complete and when he will be in a position to award the contract?

**Hon. Dr J E Cortes:** No, Mr Speaker, there is a tender board appointed. It is run by senior officials of the Government; I am not directly involved. I can seek that information but I do not have it at this moment.

1915

**Q39/2018**

**New buildings and refurbishment of schools –  
Update re completion dates, contractors and costs**

**Clerk:** Question 39. The Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide updated information in respect of the new buildings and refurbishment of schools which Government announced it will be undertaking, together with a schedule of completion dates, details of the contractors carrying out each project and the estimated costs of each project?

1920

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

1925

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I provided the completion dates in my answer to Question 711/2017; there has been no change.

The contractor for Notre Dame School is GJBS. The other projects have not been allocated. Estimated costs cannot be made public as we are engaged in a competitive procurement process.

1930

**Hon. E J Reyes:** Not even the estimated costs for the one already awarded?

**Hon. Dr J E Cortes:** No, Mr Speaker, because potential contractors could take the estimated costs of the one that we are embarked on as an idea of what we may or may not be willing to consider. We feel that we should not pre-empt the issue and therefore we do not feel that it is correct at this time to reveal the estimated costs of the one that we have begun.

1935

**Hon. E J Reyes:** And, Mr Speaker, so that I know for future reference, does Government intend to publish the full costs once it has awarded all the projects to the contractors? Does it intend to publish of its own accord or would the Minister like me to re-table this question in a few months' time – unless he can give a firm commitment now and make a note to table it in a few months' time?

1940

**Hon. Dr J E Cortes:** Mr Speaker, I cannot say when. This is a matter which obviously will become public in due course. The hon. Member has a right to ask whatever question he wishes to ask, so I do not think I can comment any further on that.

1945

**Q40/2018**

**Gibraltar Teachers' Association –  
Review of salaries structure**

**Clerk:** Question 40. The Hon. E J Reyes.

1950

**Hon. E J Reyes:** Can Government confirm if it has recently entered into a commitment with the Gibraltar Teachers' Association to carry out a major review of their salaries structure?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, this is not the case.

**Q41/2018**

**St Martin's School –  
Provision of new bus**

**Clerk:** Question 41. The Hon. L F Llamas.

1960

**Hon. L F Llamas:** Mr Speaker, can the Government update this House as to the provision of a new bus for St Martin's School?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I am surprised that the hon. Member has not set up an online questionnaire asking what make of bus we should get and sat in front of it for a few hours to ensure he clicks it 802 times, but there we go. **(Hon. D A Feetham: Oh, oh, oh!)**

1970

Mr Speaker, the bus is scheduled to arrive in March.

**COMMERCE**

**Q70 and 83/2018**

**Business licensing process and regulation of real estate agents –  
Updating of legislation**

**Clerk:** We now move to Question 70. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if it has reached agreement with the Gibraltar Federation of Small Businesses in their joint review of the current 'cumbersome' business licensing process, and when does the Government anticipate bringing amendments to the legislation to Parliament?

1975

**Clerk:** Answer, the Hon. the Minister for Commerce.

1980

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 83.

**Clerk:** Question 83. The Hon. E J Phillips.

1985

**Hon. E J Phillips:** Can the Government state its position with regard to the regulation of real estate agents?

**Clerk:** Answer, the Hon. the Minister for Commerce.

1990

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, the hon. Member asks when the Bill to amend the Fair Trading Act will be brought to Parliament. The Bill was published on 5th October 2017 and we are finalising the regulations in preparation for the approval of this Bill by Parliament.

1995

Government has conducted its own review of the Fair Trading Act which goes beyond the proposals of the Chamber of Commerce and the GFSB and we have extensively consulted with them in respect of these. We are currently awaiting their final comments on the details, the principles of which have already been agreed.

Mr Speaker, the regulation of estate agents is governed by the Fair Trading Act.

2000

**Hon. E J Phillips:** Can the Minister clarify as to what code of conduct is relevant to the real estate agents in Gibraltar?

2005

**Hon. A J Isola:** Mr Speaker, the Fair Trading Act and the regulations that impose standard terms of trade that they must each comply with. It goes beyond in terms of client accounts now that poker applies in terms of money laundering and items of value. So the regulations that are there already. I do not think I need to give my friend legal advice.

2010

**Hon. R M Clinton:** Mr Speaker, just to clarify with the Minister, he mentioned the Bill that was published on 5th October 2017. My reading of it is to do with the exchange of information and the solution of certain functions of the Business Licensing Authority, but not necessarily the review to which he is referring, which I assume must still be subject to agreement in order to be able to bring such a Bill to the House. I guess what I am saying, Mr Speaker, is that this particular Bill as published does not address the concerns of the various chambers.

2015

**Hon. A J Isola:** Mr Speaker, that Bill that he refers to also says, and I will read:

AN ACT to repeal certain provisions and to amend others of the Fair Trading Act 2015 relating to business licensing,

– which is what the question is about –

in particular as regards the dissolution of the functions of the Business Licensing Authority;

– which is what we are consulting on –

to provide for the exchange of information or intelligence ...

2020

So, yes, this is the Bill which will enable us to introduce the regulations which are in discussions with the GFSB and the Chamber of Commerce.



**Q71-82/2018**

**Financial Services Commission –**

**Appeals by licensed entities; appointment of inspectors;  
appointment of skilled persons and hybrid skilled persons with powers of an inspector;  
new licences issued; enforcement strategy**

**Clerk:** Question 71. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, does the Government intend to retain the right of licensed entities to apply to court for a stay of decisions of the Gibraltar Financial Services Commission pending determination of any appeal against decisions of that body?  
2025

**Clerk:** Answer, the Hon. the Minister for Commerce.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, I will answer this question together with Questions 72 to 82.  
2030

**Clerk:** Question 72. The Hon. D A Feetham.

**Hon. D A Feetham:** I can see I am not going to get very far today on these questions. How many appeals to the Supreme Court from decisions of the FSC were filed in 2017?  
2035

**Clerk:** Question 73. The Hon. D A Feetham.

**Hon. D A Feetham:** How many times has the FSC appointed inspectors under section 101 of the Financial Services (Insurance Companies) Act 1987 to investigate the affairs of anyone carrying or suspected of carrying on insurance business in each of the calendar years since 2007?  
2040

**Clerk:** Question 74. The Hon. D A Feetham.

**Hon. D A Feetham:** In relation to the preceding question on the appointment of inspectors under section 101, please state whether the organisation for whom the inspector worked, consulted or was a partner at the time of the appointment was based in or outside Gibraltar and what did each appointment ultimately cost the entity investigated?  
2045

**Clerk:** Question 75. The Hon. D A Feetham.  
2050

**Hon. D A Feetham:** How many appointments of inspectors have been made under section 8 of the Financial Services (Information Gathering and Co-operation) Act 2013 in each calendar year since that Act was introduced?  
2055

**Clerk:** Question 76. The Hon. D A Feetham.

**Hon. D A Feetham:** How many appointments of skilled persons have been made under section 7 of the Financial Services (Information Gathering and Co-operation) Act 2013 in each calendar year since that Act was introduced?  
2060

**Clerk:** Question 77. The Hon. D A Feetham.

**Hon. D A Feetham:** In respect of the appointments made under sections 7 and 8 of the Financial Services (Information Gathering and Co-operation) Act 2013 since that Act was  
2065

introduced, please state whether the organisation for whom the inspector or skilled person appointed worked, consulted or was a partner was based in or outside Gibraltar?

**Clerk:** Question 78. The Hon. D A Feetham.

2070

**Hon. D A Feetham:** How many appointments of hybrid skilled persons with the powers of inspectors have been made by the FSC in agreement with licensed entities in each calendar year since 2013?

2075

**Clerk:** Question 79. The Hon. D A Feetham.

**Hon. D A Feetham.** In respect of hybrid appointment of skilled persons with the powers of inspectors, please state whether the organisation for whom the inspector of skilled person appointed worked, consulted or was a partner was based in or outside Gibraltar?

2080

**Clerk:** Question 80. The Hon. D A Feetham.

**Hon. D A Feetham:** In respect of (a) the appointments made under sections 7 and 8 of the Financial Services (Information Gathering and Co-operation) Act 2013 since that Act was introduced and (b) hybrid appointments of skilled persons with the powers of inspectors since 2013, what was the cost to each licensed entity of those appointments?

2085

**Clerk:** Question 81. The Hon. D A Feetham.

2090

**Hon. D A Feetham:** Can the Government please provide details of the 50 licences that the CEO of the FSC told GBC on 18th December 2017 had been issued in the areas of insurance, pensions and banking?

**Clerk:** Question 82. The Hon. D A Feetham.

2095

**Hon. D A Feetham:** During her interview with GBC on 18th December 2017 the CEO of the FSC said there had been a new approach to enforcement by the FSC. Is the Government content with this new approach?

2100

**Clerk:** Answer, the Hon. the Minister for Commerce.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, firms will continue to have the right to apply to court to stay decisions of the GFSC, and in 2017 there were 21 appeals from 11 firms to the Supreme Court.

2105

Since 2007, no inspectors have been appointed under section 101 of the Financial Services (Insurance Companies) Act 1987 to investigate insurance activities and consequently the answer to Question 74/2018 is no firm was engaged to carry out this work.

Under section 8 of the Financial Services (Information Gathering and Co-Operation) Act, one inspector was appointed in 2014 and four inspectors were appointed in 2017. Under section 7 of the same Act no skilled persons have been appointed since the Act was introduced, and since 2013 one hybrid skilled person with the powers of an inspector has been appointed. All persons appointed under this Act have been from firms in Gibraltar and the United Kingdom.

2110

Where firms have paid moneys to meet the costs of inspectors or skilled persons pursuant to sections 7 and 8 of the Act, or hybrid appointments of skilled persons, that information is confidential to the firms. In respect of fees incurred by the GFSC themselves, the GFSC in its annual report provides details of all these payments made to firms.

2115

In 2017 there were 47 new licences issued, which naturally include insolvency practitioners, statutory auditors and individual directorships, and a further four were licence extensions. All of these are on the GFSC website.

2120 The Government is content with the enforcement strategy of the GFSC.

**Hon. D A Feetham:** Mr Speaker, just in relation to the penultimate answer that the hon. Gentleman gave in terms of the breakdown, can he provide me with an actual breakdown of the 50 licences?

2125

**Hon. A J Isola:** Mr Speaker, the firms themselves where licences were granted are online. I am not going to give you the firms, but if you want the areas: AFIM authorised, one; AFIM registered, five; bank extension, one; bureau de change, one; category 3 investment firm, one; company manager, four; EIF, six; EIF directors, two; E - money institution, one; general insurance intermediary, one; individual company manager, eight; insolvency practitioner, one; insurance cell, three; insurance company, six, which includes three extensions; insurance intermediary general, one; insurance manager, six; personal pension scheme controller, one; statutory auditor, two.

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**Clerk:** We now return to Question 47. The questioner is the Hon. R M Clinton.

**Hon. R M Clinton:** Sorry, Mr Speaker, can I just go back to the Minister's answer to Question 82 and ask him if he is entirely satisfied or he identifies himself with the comment from Ms Barrass, who said that the new statutory regime that will come into force over the next year will look and smell a lot like the UK? Is that the Government's intention?

2140

**Hon. A J Isola:** Mr Speaker, Question 82 was in respect of the enforcement strategy and the enforcement strategy has been in place since 2016. I am not sure if this question is in any way related to it. Don't forget that the LRP programme, that may be what I think you are picking up on, which ... I have not seen or heard that quote, or read that quote so I am not going to be able to address myself to it, but I can tell you that the LRP is a Government programme which we are working on hand in hand with the FSC and it is the subject of extensive consultation with the Finance Centre Council and will be the subject of further public consultation before then. So it is not as if the LRP is in the ownership of the FSC; we are working with them. It is very much Government driven. It is legislation and therefore there will be full and complete consultation with the sector, even though we have already started that with the Finance Centre Council in tranches, which is the most manageable way to deal with it. We are comfortable that we will get the result that we all want.

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## HOUSING AND EQUALITY

### Q47/2018

#### New affordable housing scheme – Expressions of interest forms received

**Clerk:** Question 47. The Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise how many expressions of interest forms have been received in respect of the new affordable housing scheme announced on 28th September 2017?

2160 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, a total of 4,087 questionnaires have been received since 28th September 2017.

**Q48/2018**  
**Regulation of private landlords –**  
**Government position**

**Clerk:** Question 48. The Hon. E J Phillips.

2165

**Hon. E J Phillips:** Can the Government state its position in relation to the regulation of private landlords?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

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**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the regulation of private landlords is provided for in the Housing Act 2007. This Act, and particularly the provisions that relate to commercial residential landlords, is currently under review.

**Q49/2018**  
**Disability Act 2017 –**  
**Delay re coming into force**

**Clerk:** Question 49. The Hon. L F Llamas.

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**Hon. L F Llamas:** Mr Speaker, why is the Government delaying the coming into force of the Disability Act 2017 debated in this House in July last year.

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

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**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, Government is not delaying the coming into force of the Disability Act. May I remind the hon. Gentleman that this Government has pioneered legislation that will give people with disabilities more rights and respect within our community, something that no previous Government has delivered.

2185

It is normal practice when large pieces of legislation are introduced that they not come into force immediately and that their implementation be staggered so that everyone is familiar with the obligations under the Act. I made this clear and said that extensive training and awareness would be provided on the legislation ahead of it coming into force, and this is exactly what we have been doing to ensure that the legislation is an absolute success.

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**Hon. L F Llamas:** Mr Speaker, does the hon. Member have a schedule by when she estimates the staggering of the effective dates to be?

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**Hon. Miss S J Sacramento:** Yes, Mr Speaker, as I have said before, we have a schedule that will deliver some ... I have said in the past that the introduction of the legislation will be staggered, some sections of the legislation will be introduced sooner than others, but the hon. Gentleman needs to understand that this legislation primarily relates to Government policy and

2200 he can rest assured that Government policy is up to speed on matters of equality, inclusion and disability and all the policies are being applied throughout the Government in a way that is unprecedented.

2205 **Hon. L F Llamas:** Mr Speaker, if you will allow this supplementary: during the Disability Act debate and prior to that debate coming to this House we had a private conversation in which the hon. Lady assured me that there would be guidelines being published as from September in areas where the legislation is not being introduced because the domestic legislation already provides for that. Does the hon. Lady have an estimated date by when those guidelines will be published? I have not seen anything.

2210 **Hon. Miss S J Sacramento:** Mr Speaker, in fact the guidance booklet that the hon. Gentleman is referring to, that I explained I would be issuing as a further assistance and guidance in the successful implementation of this landmark legislation, has already been published. From memory I am sure that we have published two and possibly three. We are publishing them as we go. In fact, we are publishing them in order to deliver the training so that people have a point of reference when they undergo the training – people particularly internally in different  
2215 Government Departments – so that they have a point of reference on what is required from them in terms of policy and in the legislation.

#### Q50/2018

#### Supported independent living – Plans for those with mental health problems

**Clerk:** Question 50. The Hon. L F Llamas.

2220 **Hon. L F Llamas:** Mr Speaker, does the Government have any plans to provide supported independent living for members of our community who suffer from mental health problems?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

2225 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are now various types of provision of supported independent living for people with mental health problems. What is offered is person centred and according to individual needs.

There is residential accommodation provided at the new Ocean Views for some patients who have been clinically discharged but require a high level of supervision and support.

2230 As a result of collaboration between the Housing Department and the GHA, there now also exist flats in the community which are staffed by clinical carers provided by the GHA Mental Health Services.

Furthermore, for those who are independent, they will live in the community with outreach support provided via the GHA or the Care Agency.

2235 And finally, in addition, the Housing Department has developed a protocol with the GHA in the event that an existing tenant may require support, so that referrals and assistance are seamlessly provided.

**Q51/2018**  
**Housing waiting list –**  
**Backdated applications**

**Clerk:** Question 51. The Hon. L F Llamas.

2240 **Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide details of applicants to the housing waiting list who have had their applications backdated, including: (a) the date the application was accepted; (b) the list the applicant was placed on; (c) the position on the list the applicant entered in; (d) the date the applicant was removed from the list; (e) the type of property the applicant obtained on removal from the list (Government rental, affordable housing or other)?

2245

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

2250 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, since December 2011 a total of 11 applications have been backdated. Details are as follows: (a) eight applications were accepted in 2012, two in 2013 and one in 2016; (b) all the applicants were on the waiting list; (c) this information is not reflected in our records; (d) one applicant was removed in 2012, one in 2013, four in 2014, three in 2015, one in 2017 and one in 2018; (e) all properties allocated were Government rentals.

**Q52/2018**  
**Housing matters –**  
**Lack of statistical information on Government website**

2255 **Clerk:** Question 52. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can the Minister for Housing explain the lack of statistical information in respect of housing matters on the Government website?

2260 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

2265 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, we had noticed some errors in the information that was being uploaded and as a result of this we carried out an in-depth review of the whole system. The new format has now been agreed and the Housing Department is in the process of inputting the statistics in the new format and will upload them as soon as they are ready.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, the same question was posed almost one year ago by my hon. Friend to my right, Edwin Reyes, and the hon. Lady then said, and I quote:

Discrepancies and inaccuracies in the presentation of the data were noticed. The complete system is currently under review in order that statistics going forward are presented as accurately as possible. I hope the exercise is complete within six months.

2270 I would like to ask why it is still an ongoing issue and why, if a year ago we were referring to the statistics of the year before, why is it that the statistics of the last year are not up now. Why are they being treated in the same way as the problem that had occurred a year ago with the year before?

2275 **Hon. Miss S J Sacramento:** No, I have already given the reason. It has got nothing to do with  
them being either this year's or last year's. It is that they were wrong. They were being collated  
in the wrong manner, unfortunately, and they were not being presented in a manner that I  
thought was helpful. That is why I asked that there be a review in the way that we gather the  
information and that we present the information in a way that is obviously accurate and more  
2280 relevant to anybody who is checking the statistics. The information needs to be drawn from  
various Departments and that is where the main source of the confusion was coming from,  
because we had to rely on statistics provided to us by the Housing Department and by the  
Housing Works Agencies and various other entities as well, and it just happened that figures  
were not matching.

2285 We have looked at the whole system. It has unfortunately taken the Department a bit longer  
than they envisaged but I was presented with the new draft formats at a meeting, I think some  
two weeks ago. The whole format has been agreed and it is a question of the Department just  
getting the information up to date so that it can all be uploaded at once.

2290 **Hon. Ms M D Hassan Nahon:** Thank you for that answer. Considering that we are already six  
months past the timing that the hon. Lady gave us, how much longer are we to wait before we  
can expect the statistics to be up and running again?

2295 **Hon. Miss S J Sacramento:** Mr Speaker, I know that the Department has been working very  
hard on this, which is something of course that they need to do over and above the day-to-day  
business of the running of the Housing Department and the hundreds and hundreds of calls that  
they receive on a daily basis from members of the public. As I have just said in the answer to the  
previous supplementary, I was presented with a final review of what was going to be presented  
and the Department is currently in the process of analysing the data that is going to be  
presented. I do not think it will take very long; I would envisage maybe a couple of weeks. I know  
2300 that the Department is giving it a lot of priority, but priority in the whole context of allocating  
flats as soon as possible and dealing with repairs and dealing with the ordinary day-to-day  
business of the Department.

**DEPUTY CHIEF MINISTER**

**Q84/2018  
Key worker housing –  
Update**

**Clerk:** We move to Question 84. The Hon. E J Phillips.

2305 **Hon. E J Phillips:** Can the Government update the House on the development of key worker  
housing?

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

2310 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, a total of three developments  
comprising 382 studio apartments and 139 one-bedrooms have been tabled before the  
Development and Planning Commission and described by the applicants as key worker  
accommodation.

**Q85/2018**

**Bayside, St Anne's and St Martin's Schools sites –  
Expressions of interest received**

**Clerk:** Question 85. The Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise how many expressions of interest it received on 21st December 2017 for the sites of Bayside, St Anne's and St Martin's Schools respectively; and have any been accepted, and if so, for what consideration?

2320

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government has received two expressions of interest for the Bayside School sites, two for the St Anne's School sites and five for the St Martin's School sites. They came in just before the Christmas break and are still under consideration.

2325

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Does he have an idea as to when these will be determined? Does he think in the next months, six months or the lifetime of this Parliament, or some other timeframe?

2330

**Hon. Deputy Chief Minister:** Mr Speaker, the expressions of interest are still under consideration and we are still looking at them, so it is really difficult to determine at this stage how long that process is going to take.

2335

**Hon. R M Clinton:** Thank you. And would it be the Government's intention that the expressions of interest, if they are accepted ... that there would be payments in advance of the site being vacated, or would you expect a land sale to go through after the site has been vacated?

2340

**Hon. Deputy Chief Minister:** Mr Speaker, those issues will be part of the negotiation, whichever entities turn out to be successful in this process.

2345

**Hon. R M Clinton:** I see. So, Mr Speaker, if I understand the Minister correctly, the Government at the moment has not set out a negotiating position as to what it is it would prefer?

2350

**Hon. Deputy Chief Minister:** Mr Speaker, the Government has not yet decided with which of the parties it wants to negotiate, neither what the terms of the negotiation will be. Once we establish and we analyse the contents of all the different expressions of interest, we will be in a better position to answer that question.

2355

**Hon. R M Clinton:** Mr Speaker, just one final question for the Minister. Of the expressions of interest received, would he be able to advise if, certainly for each of the three sites, there has been one particular tender that has tendered for all three sites; or, Mr Speaker, if I may clarify, there has been a tenderer that has tendered for each of the three sites?

2360

**Hon. Deputy Chief Minister:** Mr Speaker, I would not be able to answer that question because I do not want to mislead the House. I am not absolutely sure. If the hon. Member would be kind enough to table that question again in the next meeting of the House, I will have the information before me at that point.



**Q86/2018**

**Chinese and Commonwealth nations –  
Nature of interest in Gibraltar**

**Clerk:** Question 86. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Deputy Chief Minister state precisely what interest the Chinese and leading nations of the Commonwealth have shown in Gibraltar following his statement in his New Year's message to that effect?  
2365

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the interest that exists is commercial and economic.  
2370

In relation to China, this is being driven by my colleague the Minister for Economic Development, Sir Joe Bossano, and also the Minister for Commerce, Albert Isola.

The interest shown on the part of Commonwealth countries, while also commercial and economic, comes in the context of the decision taken by the United Kingdom to leave the European Union and the new trading relationships that are expected to emerge post Brexit. There is also a political dimension to this.  
2375

**Hon. L F Llamas:** Mr Speaker, thanks for that answer. Would the Deputy Chief Minister be able to provide details of which are those leading countries in the Commonwealth we are currently dealing with?  
2380

**Hon. Deputy Chief Minister:** Mr Speaker, some of those are public and we have made announcements of the countries that we have met. Others I would rather not tell the hon. Member across the floor of the House because in our experience then those countries get written to by third parties and we would rather avoid that situation, so I am very happy to tell him outside the Chamber.  
2385

**Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am left with no doubt that the Hon. Sir Joe Bossano KCMG MP has left the Chamber to avoid us once again tributing him for the award that he has received from Her Majesty the Queen. I warned him that we would once again engage in tributes before the recess and before the adjournment and he quickly decided that he would leave the Chamber rather than suffer again the ignominy of us telling him how much we value him and his contribution to public life.  
2395

Mr Speaker, I would now adjourn the House to Monday, 29th January at 2.30 in the afternoon. If it is of any assistance to Members, I intend to deal with the remaining business of the House on that day and adjourn *sine die* if time allows at the end of that evening.

**Mr Speaker:** The House will now adjourn to Monday, 29th January at 2.30 in the afternoon.  
2400

*The House adjourned at 6.40 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 2.36 p.m. – 4.32 p.m.**

**Gibraltar, Monday, 29th January 2018**

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# The Gibraltar Parliament

*The Parliament met at 2.36 p.m.*

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

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

## **Standing Order 7(1) suspended to proceed with laying of papers**

**Clerk:** Suspension of Standing Orders. The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):**  
5 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 reports on the table.

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

## **PAPERS TO BE LAID**

**Clerk:** The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

10

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):**  
Mr Speaker, I have the honour to lay on the table the Social Security (Insurance) Act (Amendment of Contributions) Order 2017 and the Social Security (Insurance) Act (Amendment of Appointment) Order 2017.

15

**Mr Speaker:** Ordered to lie.

# Questions for Oral Answer

## **TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT**

**Q44/2018**

**Visitor arrivals –**

**Figures for July to December 2017**

**Clerk:** We now move to Answers to Oral Questions and we resume at Question 44.  
The Hon. T N Hammond.

20

**Hon. T N Hammond:** Mr Speaker, can Government provide the totals for visitor arrivals by land, air and cruise ships and the total visitor arrivals if different from the sum of the above, by month for the months of July to December 2017?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

25

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the information requested in respect of the visitor arrivals by land, air and cruise ships, as well as the total visitor arrivals for the months July to December 2017 is as follows. I have been provided with the information on the answer sheet rather than as a schedule, so I will read them out and I can make a copy available later on to the hon. Member.

30

Visitor arrivals by land, air and cruise ships July to December 2017: July, land 877,848, air 29,533, cruise ships 44,616; August, land 1,028,424, air 28,038, cruise ships 59,557; September, land 943,587, air 27,545, cruise ships 57,214; October, land 932,691, air 17,000, cruise ships 47,744; November, land 808,481, air 10,028, cruise ships 33,332; December, land 762,411, air 9,179, cruise ships 11,689.

35

In respect of all visitor arrivals from July to December 2017: July, total visitor arrivals were 953,771; August, 1,117,861; September, 1,029,745, October, 998,916; November, 852,896; December, 783,872.

**Q45/2018**

**Civil Contingencies Co-ordinator –  
Filling of post**

**Clerk:** Question 45. The Hon. R M Clinton.

40

**Hon. R M Clinton:** Mr Speaker, further to its advertisement on 7th August 2017, can the Government advise if the position of Civil Contingencies Co-ordinator has been filled; and if so, by whom?

45

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the post was filled by Lieutenant Colonel Ivor Lopez, the Ex-Commanding Officer of the Royal Gibraltar Regiment. He took up his duties on 7th September 2017.

50

**Hon. R M Clinton:** I thank the Minister for his response. Mr Speaker, can the Minister advise what qualification he has in respect of emergency planning, resilience and response?

55

**Hon. G H Licudi:** Mr Speaker, I was not involved in the selection process, so I have not looked at that, but he was the Ex-Commanding Officer of the Royal Gibraltar Regiment and I expect that he would have been very well versed and very well qualified in all types of emergency and logistics planning.

60

What I can tell the hon. Member, given that he took up his post on 7th September 2017, is that he is in fact doing an excellent job in all the logistics and emergency planning in Gibraltar from a civil contingencies point of view. As Minister for Civil Contingencies, I am absolutely delighted with the work that he is doing. That is not to take anything away from his predecessor, Leslie Edmonds, who did the job for a number of years after his retirement from the Fire Service, but now we have a full-time and, I consider, very ably qualified person doing this very important job for Gibraltar.

65

**Q46/2018**  
**Tourism Instagram page –**  
**Lack of activity**

**Clerk:** Question 46. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Could the Ministry of Tourism account for the lack of activity in its page on social media platform Instagram since July 2017?

70

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):**  
Mr Speaker, the Gibraltar Tourist Board operates three channels of social media, namely Twitter, Facebook and Instagram. We have been active on Twitter and Facebook but, due to an oversight, not on Instagram since July last year. This was rectified as soon as the oversight was brought to our attention.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you to the Minister for that answer. Will the Government from now on prioritise Instagram, as it has said that it does with Facebook and Twitter, in order for Gibraltar's profile not to come across as shoddy, because Instagram is a very prominent social media platform these days?

85

**Hon. G H Licudi:** Mr Speaker, I do not agree that we come across as shoddy in any way just because we have not been active on Instagram. It is not a question of prioritising Instagram over other social media platforms but ensuring that we are active on Instagram in the same way as we are on the other platforms.

90

This was, as I mentioned, an oversight. Systems have been put in place to make sure that this sort of thing does not happen, and people will be overseeing the activity on all three social platforms to make sure that Gibraltar gets the exposure on this media that we should get and we deserve.

**HEALTH, CARE AND JUSTICE**

**Q53/2018**  
**Parole system –**  
**Aspects for reform**

**Clerk:** We move now to Question 53. The Hon. D A Feetham.

95

**Hon. D A Feetham:** Mr Speaker, what aspects of the parole system is the Government considering reforming?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

100

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the question of reform of the parole system is currently being considered by the Law Commission.

105

The entire system of parole in Gibraltar is under review. The Law Commission has requested evidence, following its first meeting on 12th December last year, from a number of stakeholders so as to inform its views. These include the Parole Board, the Prison Service and the Probation Service. It is likely that further evidence will be sought following the second meeting.

**Hon. D A Feetham:** Mr Speaker, does the Hon. the Minister for Justice agree with me that great care needs to be taken in relation to reform of the parole system here in Gibraltar, in particular in relation to very serious crime?

110 The question of parole in the United Kingdom has come under a lot of media scrutiny in relation to the Worboys case, and does he not agree with me that at the moment the law in the most serious of cases – and I am talking about sentences that are life sentences – require ... a prisoner will not be granted parole unless he presents no risk to the public? That, at the moment, is the test and does he not agree with me that it is important not to water down that test?

115 I will just give him an example of why that is so by reference to, for example, what is going on in the UK. If you ever had a Worboys case here in Gibraltar, there is nowhere to hide for the victims of rape, for example, which it is in that instance. I am not suggesting that it is justified that Worboys be released in the United Kingdom – it has come under a lot of criticism – but in 120 the UK you can move into the next borough or the next county or you can go north, you can go south or you can move away. Here in Gibraltar you cannot do that, you cannot move into the next county, and you are likely to be coming face to face with the perpetrator of a very serious crime.

125 There is also an additional reason, in my respectful view, which ought to be kept in mind as to why we should not water down the requirements in relation to parole. In Gibraltar, as indeed in the United Kingdom, when an individual applies for parole or comes up for parole, the victims are asked for their view. In Gibraltar it is very difficult for a victim of a very serious crime to be providing their views honestly and earnestly because going through that victim's mind, what that person will have in their mind is, 'Well, if I add another year or another two years or 130 another three years to a person being incarcerated because of representations that I have made, if that person then comes out and I cannot avoid that person down Main Street or in town it is going to be very awkward,' or, naturally, a victim is going to be thinking there could be repercussions for the victim, rightly or wrongly. Therefore, it is *really* important that we are very careful about the work that is done in this area and for the *very* serious crimes – serial rapists, rapes, violent crimes – that the requirements that are there in place today are not watered 135 down.

**Hon. N F Costa:** Mr Speaker, I think that the hon. Gentleman has asked me two questions among his remarks.

140 I am not sure from where he makes the assumption that we are in any way talking about watering down the provisions –

**Hon. D A Feetham:** I am not saying that.

145 **Hon. N F Costa:** – of the Prisons Act; quite the contrary. My view – and it is a personal view and I am obviously only one of the Law Commissioners; there are other Law Commissioners who will be weighing into the review of the parole system – is we will be looking at the point at which a person becomes eligible for parole, whether the eligibility for parole should vary depending on the type of offence for which the person has been sentenced and we will be looking at the models in other jurisdictions.

150 I think that the fact that we have a Supreme Court Judge, the Stipendiary Magistrate and other senior members of the community and the fact that we are asking for evidence from professionals like the Parole Board and the Probation Services and HM Prison, shows the seriousness with which we are embarking on this very serious endeavour. Therefore, the hon. Gentleman can rest assured that we will take our deliberations and the evidence as put to us extremely seriously. But to assuage any concern that the hon. Gentleman may have, we are in no way, even before having heard any evidence and even before entering into the minutiae of the deliberations, thinking of diluting any part of the Prisons Act.

**Q54/2018**

**Escalators outside Hospital –  
Repairs**

**Clerk:** Question 54. The Hon. T N Hammond.

160

**Hon. T N Hammond:** Mr Speaker, considering the amount of time that the escalators outside the Hospital have been unserviceable, does the Government plan to repair them; and if so, when?

165

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the escalators outside the Hospital are currently operational.

**Q55/2018**

**Gibraltar Health Authority –  
PricewaterhouseCoopers review**

**Clerk:** Question 55. The Hon. R M Clinton.

170

**Hon. R M Clinton:** Mr Speaker, further to Press Release 626/2017 on 23rd October 2017, can the Government advise if the PwC value for money review of the Gibraltar Health Authority has been completed and will the Government provide a copy of PwC's report?

175

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the PwC audit has not been completed to date. These reports are commercially sensitive and will not be made public.

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**Hon. R M Clinton:** Mr Speaker, given that the report is for the benefit of the GHA, I personally fail to see why they would be commercially sensitive. Perhaps the Minister could indicate to the House why, in his belief, they would be commercially sensitive.

185

**Hon. N F Costa:** Mr Speaker, it is not my belief: the reports are commercially sensitive. They are being prepared by a firm of accountants and therefore the nature of the report concentrates on financials, procurements, processes and contracts, and within those reports there will be detail relating to contracts between the GHA and a particular operator and there will also be detail and advice to the GHA on how to, for example, obtain better value for money and how best to achieve that. To lay upon the table of this House or to provide a copy will be to disclose any strategy that is contained therein which has been designed for, as he says, the benefit of the GHA to be able to get the maximum out of the advice that PwC provides us to see how we obtain value for money in procurement and other areas and how to better manage contracts with certain providers.

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I tell him all of this just so that he understands my thinking, but quite apart from the fact that I would not have made the reports public in any case, the business terms do not allow us to make the reports ... private. It makes it very clear that the reports be fed only and exclusively for the GHA and that they are not to be copied to anybody else.

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**Hon. R M Clinton:** Mr Speaker, as the Minister will be well aware, usually those disclosure provisions also include a paragraph that says 'not without our prior permission', so I am sure PwC, if the Minister asked, would be more than happy to do so.



Besides that, my question to the Minister is: would he be willing to make at least available what the terms of reference were for the report?

205 **Hon. N F Costa:** Mr Speaker, as I have told the Hon. Mr Llamas, I will be happy to make a statement once the advice that has been provided to us by PwC has borne fruit, but to provide in public details of what it is that we are looking into will necessarily alert those partners the GHA currently has contracts with that we are looking into these matters. We want to be able to keep our powder dry, look at the very detail and granularity of those relationships, dissect them, understand them, see how we can make them better and then go to those commercial partners. To ventilate those details in public will in effect neuter our ability to do so.

**Hon. R M Clinton:** Mr Speaker, I understand what the Minister is saying.  
If I can just ask one final supplementary: have PwC used the services of the Principal Auditor in any way, or are they doing this completely independently?

**Hon. N F Costa:** Mr Speaker, the services being provided are completely independent of the Principal Auditor.

220 **Hon. D A Feetham:** Mr Speaker, may I ask a supplementary? The starting point, in my respectful view, on matters of disclosure must be surely that it is in the interests of transparency to disclose reports on important work by the Government. Therefore, if it is possible to disclose, and particularly, I also say, in an area where there has been a considerable overspend over the last few years, which is health – and I saw the hon. Gentleman’s interview on GBC a number of weeks ago just precisely on that point ... Because of transparency, because it is an area of overspend, there is a public interest in more, not less, disclosure, and therefore will the Minister not agree to reconsider his position and perhaps disclose the report in a redacted version, or alternatively more generic parts of the reports, leaving out specifics that may impact on commercially sensitive information?

230 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman knows, because I was on his side of the House six years ago, there has been an overspend in the GHA I think every year – except one, in fact, under my hon. predecessor Dr John Cortes – so the House is fully aware of the overspend in the GHA.

235 In respect of whether the report ought to be redacted and parts disclosed, I will not change my position because, in addition to the reasons I provided to the Hon. Mr Clinton, the reports will necessarily also mention officials within the GHA who have been dealing with and have been managing these relationships, and to therefore ventilate any part of the report, where the community will be able to see immediately who are those persons managing those relationships, any statements made therein will undoubtedly impact on the person. So for that reason as well I will not be making the reports public.

245 **Hon. D A Feetham:** Mr Speaker, attempting to find common ground across the floor of the House on what is an important issue, what about a statement to the House on the report when the report is produced that deals with generics, non-specific –

**Hon. N F Costa:** I have already said so, yes.  
Mr Speaker, I am grateful that the hon. Gentleman has given way. As I have already explained to the Hon. Mr Clinton and to the Hon. Mr Llamas, I will be making a statement in Parliament, which will probably be during the course of my Budget speech, that will set out the fruit of the advice provided by PwC, and by the remarks I will make, generalised as though they will be, it will be clear on what areas we have sought advice.

**Q56/2018**  
**Obesity in Gibraltar –**  
**Under-17s**

**Clerk:** Question 56. The Hon. E J Phillips.

255 **Hon. E J Phillips:** Mr Speaker, in light of recent PCC statements regarding obesity, can the Government confirm what is the current obesity level, by percentage, of persons under the age of 17?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

260

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I refer the hon. Gentleman to the Health Matters report of 2015, available on the GHA website, where the following statistics are available with regard to obesity levels in Gibraltar: 60% of Gibraltar's population are overweight or obese and 24% of Gibraltar's population are obese. The obesity level by percentage for persons under the age of 17 is not available.

265

**Hon. E J Phillips:** Mr Speaker, would the Minister agree with me that, given the fact that obesity is a very complex issue involving behaviour, environment and possibly genetics and culture, that we should improve the strategy in relation to obesity? And what are the Government's short-to-long-term aims in relation to reducing obesity in Gibraltar?

270

**Hon. N F Costa:** Mr Speaker, given that it is his first supplementary question, I really do not want to seem combative but I have politely referred him to the GHA's lifestyle survey where the objectives of the Government are clearly stated. I have nonetheless also given him some information, even though it is public, and as the hon. Gentleman knows, given that the information is public he should not even be asking me the question.

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**Hon. E J Phillips:** Mr Speaker, to respectfully disagree, I have asked an important question about obesity levels in our community relating to children, which I think should be an important aspect of his work, and frankly, to be referred to public documents is completely ridiculous. I have asked this very simple question on how we are going to tackle obesity in our children and there should be an answer to that question. He should be able to answer that question. If he does not have the information, will he be able to ascertain what the obesity level is for children under the age of 17?

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**Hon. N F Costa:** Mr Speaker, it really takes some nerve to come to this House late, not be acquainted with the Rules of the House – *(Interjections)*

**Mr Speaker:** Order! Let's keep our cool.

290

**Hon. N F Costa:** – which clearly states in Standing Orders that if information is publicly available the Rules of the House do not permit questions to be put to Government Ministers.

I politely, and for his ease of reference, read out what part of the GHA lifestyle survey says and I have politely told him now, again, that if he wants more information he can refer to the public document and, once he has read it, if there is no information within it which he wants, he can then ask me a question in the House.

295

**Q57/2018**

**Alternative and homeopathic remedies –  
Government position re GHA**

**Clerk:** Question 57. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, what is the Government's position in respect of alternative and homeopathic therapies at the GHA?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, any treatment or therapy provided to a patient must be of the highest standards and based on the best clinical evidence and clinical peer reviews. There are many alternative and homeopathic therapies that do not fulfil these criteria and, as such, cannot be supported by the Gibraltar Health Authority.

**Q58/2018**

**Stem cell therapy –  
GHA position**

**Clerk:** Question 58. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, what is the GHA's position with regard to the use of stem cell therapy?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, there are currently very few clinical indicators for the use of stem cell therapy in mainstream clinical practice in the NHS and other publicly funded European health services. This technology is improving all the time and it is the Government's policy to allow these therapies, as long as they are approved by the National Institute for Health and Care Excellence in the United Kingdom.

**Q59/2018**

**St Bernard's Hospital catering –  
Provision of healthy eating options**

**Clerk:** Question 59. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm what measures are in place to ensure that food prepared for in-patients at St Bernard's Hospital and for purchase by visitors contains low sugar and low salt and provides for healthier eating options?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA caters for individual diets. Low-sugar and low-salt options are available upon request.

330 The GHA liaises closely with their top specialist dieticians. The menu always has a light/low-fat option, mainly of grilled fish such as fresh tuna, swordfish, salmon, cod and lean chicken breast and meats, amongst other offerings. Patients who require a low-salt diet will receive a low-salt diet and this is the case for an endless array of special diets, which can simply be gluten or lactose intolerance or a more complex ketogenic diet.

335 All meals are freshly cooked and served. Since the catering department was relocated to St Bernard's Hospital it can act swiftly in cases where patients have concerns over any meal not of their liking and a new alternative is supplied to the patient within minutes. This, unfortunately, was not the case when the former administration located the catering department in the North Mole: any concerns raised by patients took a long time for the situation to be resolved.

340 The Hospital canteen is operated by a commercial entity that provides a varied menu for visitors and staff and also allows for clients to order out of the standard menu as requested.

**Q60/2018**  
**St Bernard's Hospital –**  
**Bed capacity rate**

**Clerk:** Question 60. The Hon. E J Phillips.

345 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the bed capacity rate over the last three months?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

350 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, total bed capacity is 130 beds and there have been no changes over the last three months.

**Q61-62/2018**  
**Accident and Emergency –**  
**Average wait time; wait target**

**Clerk:** Question 61. The Hon. E J Phillips.

355 **Hon. E J Phillips:** Mr Speaker, can the Government state what the average wait time is at A&E?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

360 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, this question will be answered together with Question 62.

**Clerk:** Question 62. The Hon. E J Phillips.

365 **Hon. E J Phillips:** Can the Government state what the A&E wait target is?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, over the last three months the news headlines in the UK once again, and highly regrettably, have been about an

370 NHS in crisis. I think the whole House will have been shocked to have read of patients dying in  
hospital corridors and waiting for hours in the back of ambulances during the ongoing winter crisis  
because the NHS has been unable to cope due to underfunding and understaffing. In recent weeks  
375 some hospitals have been so overloaded that they have been looking after as many as 120 patients  
a day in corridors and nurses are also treating patients in the back of ambulances. Overcrowding  
and understaffing has forced the NHS to cancel hundreds of thousands of routine operations  
with the Health Secretary in the UK apologising unreservedly to those affected. It has also been  
reported that under-pressure medics have stated they were working in 'battlefield' conditions,  
prompting 16 hospitals to declare black alerts, which is the highest level of alert and means full  
380 bed capacity has been reached and that patients arriving at A&E were having to be taken to  
another hospital. NHS figures show that on one particular busy night 18 large hospitals in 12 NHS  
trusts across England did not have a single spare bed. My own personal alarm was compounded  
when I read that senior doctors had written to the British Prime Minister that, due to winter  
pressures, some patients were dying prematurely. New NHS figures have disclosed that the  
385 percentage of patients being treated within four hours at hospital-based A&E units in England  
fell last month to its lowest level ever, 77.3%, triggering the following statement from the  
Royal College of Emergency Medicine, which represents A&E doctors: 'Our emergency  
departments are not just under pressure, but in a state of emergency.' The Imperial College  
Healthcare Trust has said its A&E is currently working at twice its capacity.

It is in the light of these sometimes harrowing facts about the state of the NHS and against  
390 this background that I come to consider Gibraltar's Accident and Emergency Department. As this  
House knows from press reports, Gibraltar is also experiencing a surge in winter influenza and  
other flu-like illnesses. The A&E department saw a total of 500 attendances from  
22nd December to 27th December 2017 and the wards have had increased admissions from just  
before Christmas.

395 During 2017 the A&E Department attended to 31,931 patients. In December last year 382  
patients presented at A&E with flu-related symptoms. This was 44% higher than during the same  
period in 2016. Of those 382 patients, 46 required admission to hospital. This is double the  
number compared to December 2016. Moreover, the total number of laboratory confirmed  
cases of influenza for the whole of last year was 193% higher than the previous year. Already  
400 this month we have seen an increase in the number of confirmed cases of influenza of 25%  
when compared to last January. It really is therefore with great pride and satisfaction and with  
full credit to our dedicated A&E staff to note that the average waiting time at the A&E  
department during 2017 from arrival at A&E and being first seen by a clinician was one hour and  
27 minutes. The average waiting time at the A&E department for the same year from arrival at  
405 A&E to departure from the department was two hours and 47 minutes.

Notwithstanding the increase in A&E attendances in the whole calendar year, and the surge  
during December and the increased number of admissions due to influenza, the GHA has not  
had one single operation cancelled due to non-availability of beds since 10th January last year.  
(**Chief Minister:** Hear, hear.) Further, there was average nightly bed capacity of 32 beds between  
410 22nd December and the 27th December – that is to say during the most pronounced winter  
surge.

I am sure that all hon. Members will join me in unreservedly thanking the excellent and  
magnificent clinical, emergency, administrative and industrial staff at St Bernard's for their  
dedication and commitment to our community's care. I think that we must congratulate the  
415 GHA for these average waiting times, which are well within the four-hour maximum waiting time  
set by the NICE guidelines, which is also our target. I will not hesitate to say that those of our  
staff who work at A&E are absolute angels of care and treatment. I will also say that the  
appointment of matrons has been a huge success. I would also add that part of our success has  
been linking social care and healthcare and providing care plans for patients at home.

420 It was heartening to see the British Prime Minister, the Rt Hon. Theresa May MP, follow our  
policy lead in this respect. It is now over a year since the Hon. the Chief Minister created the

Ministry of Health and Care, something finally done in the UK only this month and warmly welcomed by all professionals. This joined-up approach has been instrumental in us ensuring bed resiliency. That is how A&E staff are able to admit those who need admission and that is how we ensure we do not have to cancel any operations.

But it will not surprise a single hon. Member in this House that I think that the system still has room for improvement so we can make the discharge of accident and emergency care more efficient for our excellent clinicians and emergency teams. To my mind our professionals are second to none and we must surely be the envy of other clinical settings, and I must work even harder still to facilitate the execution of their life-saving functions. To this end my Ministry the GHA and the A&E department in particular are actively assessing the Department's workings to determine how we can improve further.

Finally, Mr Speaker, I would add one more thing, which is that every member of our community is responsible for ensuring that they only attend A&E, in other words Accident and Emergency, if they have an accident or an emergency. *(Banging on desks)*

**Mr Speaker:** Any supplementaries following that short answer from the Minister? *(Laughter)*  
Next question.

**Q63/2018**  
**A&E admissions –**  
**Plans to reduce pressure**

**Clerk:** Question 63. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, obviously this is a potentially linked question, therefore I reserve my bullets for this question.

What plans, apart from those recently announced for the PCC appointment initiative, do the Government have in respect of reducing pressure caused by the volume of admissions at Accident and Emergency?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I suppose that he meant the bullets metaphorically, given that we are talking about A&E services.

My Ministry and the PCC, including the Deputy Medical Director, PCC Manager and Clinical Nurse Manager, have been working on a series of measures it was due to announce on Wednesday, 17th January. Given the question that the Hon. the Leader of the Opposition has asked, we did not hold the press conference or issue the press release, in accordance with the conventions of this House. We will proceed to make a public statement after the conclusion of the question and answer session.

Further, an A&E consultant who started work at St Bernard's Hospital on 13th November is currently working on a review of the workings of the A&E department.

I take the opportunity to remind the House that in the last calendar year, 2017, my Ministry and the GHA have already introduced the following measures partly in an attempt to reduce pressure at A&E and the PCC. These actions are as follows: (1) new procedures and protocols in the Elderly Residential Services, following the recruitment of three part time GPs, to reduce the need for ERS patients to attend A&E and the PCC for medical attention; (2) the introduction of the Community Mental Health Team Outreach Programme for patients living with mental health issues, by way of three enrolled nurses with experience in mental health providing community services; and (3) increased staff at A&E to one senior charge nurse in every shift, including the night shift, and the recruitment of a full-time consultant.

**Q64/2018**  
**Gibraltar Health Authority –**  
**Complaints from service users**

**Clerk:** Question 64. The Hon. E J Phillips.

470 **Hon. E J Phillips:** Can the Government confirm the number of complaints it has received from the service users of the Gibraltar Health Authority for every month in the last six months?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

475 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the number of complaints the GHA received from service users in the last six months is as follows: July, 16; August, 45; September, 44; October, 10; November, 19; December, 7.

**Q65/2018**  
**Gibraltar Health Authority –**  
**Disputes with service users settled out of court**

**Clerk:** Question 65. The Hon. E J Phillips.

480 **Hon. E J Phillips:** Can the Government confirm how many disputes with service users have resulted in legal settlements/compromises, broken down into claims not issued or issued before the courts in the last 12 months?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

485 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, in the last 12 months the GHA settled a total of 11 disputes, 10 of which were settled out of court.

490 **Hon. E J Phillips:** In relation to those 10, were they in relation to those where claim forms had not been issued?

495 **Hon. N F Costa:** Mr Speaker, my supplementary information does not make it perfectly clear. The information says out-of-court settlements, so I am assuming that implicit in that note is that there have been claims issued and served, but I will, when I sit, send an email to my office and I will be able to answer him during the course of the House.

**Q66/2018**  
**St Bernard's Hospital –**  
**Number of staff sick days recorded**

**Clerk:** Question 66. The Hon. E J Phillips.

500 **Hon. E J Phillips:** Can the Government confirm by percentage the number of sick days recorded, certified or otherwise, by staff at St Bernard's Hospital in the last three months?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, it is a disproportionately lengthy task to provide the percentage of the number of sick days recorded by all staff at St Bernard's in the last three months as this data would have to be manually retrieved and would entail going manually through thousands of records. I hope the Hon. the Leader of the Opposition understands that, given the laborious exercise, it would take staff away from their principal role in the Hospital. If the Hon. the Leader of the Opposition would like to know the percentage for medical, clerical or nursing grades, may I suggest he chooses one grade and one particular month.

We have, however, been able to extract by percentage the number of sick days recorded by ambulance and industrial staff at St Bernard's Hospital in the last three months: in respect of ambulance staff, sick days against daily staffing levels, 1%; industrial staff, sick days against daily staffing levels, 7%.

**Hon. E J Phillips:** I am grateful for that information and clarification as to how a figure could be arrived at if it was asked in a specific way, but would the Minister know the average sick rate across the board? I assume it would probably involve the same process and therefore be laborious and take our health workers away from their main tasks.

**Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct.

**Q67/2018**  
**St Bernard's Hospital –**  
**Overtime**

**Clerk:** Question 67. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state by percentage the level of overtime being conducted at St Bernard's Hospital by all staff over the last three months? Mr Speaker, I preface that that also may be information that may not be easily ascertainable.

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Actually, Mr Speaker, that was a lot quicker to retrieve, as we have been keeping a close eye on overtime being worked.

A total of 92% of the overtime annual budget has been worked by all staff at St Bernard's Hospital as at 31st December last year.

**Q68/2018**  
**Xanit –**  
**Termination of arrangements**

**Clerk:** Question 68. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm whether the arrangements with Xanit have been terminated?



**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

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**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I refer the Hon. the Leader of the Opposition to the answer that I provided Mr Llamas to Questions 655 and 656/2017. For the same reasons, principally that we are in the middle of detailed discussions with Xanit, I will not be drawn into providing a blow-by-blow account of the negotiations. I can assure the Hon. the Leader of the Opposition, however, that I will be happy to make a full statement to the House at the conclusion of those discussions.

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**Hon. E J Phillips:** Whilst I appreciate, of course, that the Government may be in delicate discussions and negotiations with various parties, it is a pretty simple question as to whether we are now effectively reducing our use of Xanit or using some other provider.

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I only ask this question because a number of people have asked me that question, given that their care has now been transferred somewhere else. Obviously I do not want to go into detail about any other service provider, but it is a very clear question. I do not want the detailed knowledge of the negotiations – clearly that would not be in the interests until that has been concluded by the Government – but some indication as to whether the Government now intends to lessen its reliance on Xanit and move to another service provider would be helpful, I think, to those people that are receiving those services in the public.

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**Hon. N F Costa:** Mr Speaker, I think I can answer the hon. Gentleman by saying this: whether treatment, procedures and so on are provided by one Spanish provider or another is ultimately a clinical judgement, so that if I recall the last email I may have seen on this subject, there have been Gibraltar patients attending reviews and even surgeries, but I will not be adding anything else to that answer.

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**Hon. E J Phillips:** Just to clarify the position, as things currently stand the relationship with that particular Spanish provider that is in Question 68 has not yet been terminated – that is correct? The position is that the relationship is still ongoing and we have a contractual relationship with Xanit?

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**Hon. N F Costa:** The position, Mr Speaker, is that we are discussing the arrangements.

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**Mr Speaker:** Next question.

**Hon. E J Phillips:** Mr Speaker, one last question. Therefore, given the fact that matters are still at, I assume, high-level discussions between the Government and that service provider, are patients still being sent to that service provider?

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**Hon. N F Costa:** Mr Speaker, the answer that I just gave to the hon. Gentleman ... to be clear, I am not providing him with a yes or a no. I just want it to be clear. I also want to be clear that we are in the midst of the very granularity of the discussions. Notwithstanding those discussions and notwithstanding that, as you would expect, there are different positions by both parties to those discussions. As I have told him, from my own recollection of emails that I have read, patients have been referred to Xanit for follow-up appointments and I also recall procedure referrals only in December of last year. So, in short, patients have been attending Xanit recently as well.

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**Q69/2018**

**Hospital beds at home –  
Long-term provision for sick children**

**Clerk:** Question 69. The Hon. Ms M D Hassan Nahon.

590 **Hon. Ms M D Hassan Nahon:** Does the Ministry of Health commit itself to providing a hospital bed for any child who may be sick enough to require one long term in his or her own home?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

595 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Ministry for Health is entirely committed to provide all the necessary home equipment for children with long-term medical conditions once an assessment has been carried out by the Paediatric Multi-Disciplinary Team.

600 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Health give us an indication of how long this process can take from start to finish?

605 **Hon. N F Costa:** Mr Speaker, I am advised that the average times are one week for the assessment and up to four weeks for procurement of the bed under normal circumstances; in an emergency a bed could be made available sooner.

610 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I ask because I have discussed one particular issue with the Minister in the past of a child who has been waiting for a much longer time than has been quoted to me just now. So I ask the Minister if he would be willing to reassess the process and its timing so that children do not suffer, effectively, by this delay.

615 **Hon. N F Costa:** Mr Speaker, I am perfectly aware of the case that the hon. Lady raises. In fact, I have personally attended the premises and the Hon. the Chief Minister also attended the premises, so we are *au fait* with the facts of this particular case. I agree with you that the bed should have been provided much sooner to this parent in question. She knows me well enough to know that my reaction was not the coolest when I found out the time that it had taken –

**Chief Minister (Hon. F R Picardo):** Far from temperate.

620 **Hon. N F Costa:** Far from temperate, the Hon. the Chief Minister is saying, and as a result of that we have most seriously tightened up the procedures in that respect, which is why I was careful to say the ‘average’ time.

**CHIEF MINISTER**

**Q87/2018**

**Credit Finance Company Ltd –  
Financial information**

**Clerk:** Question 87. The Hon. R M Clinton.

625 **Hon. R M Clinton:** Mr Speaker, can the Government provide a copy of the financial information for Credit Finance Company Ltd for 2017, previously referenced as CF1 and CF2, that was in the past published on the Gibraltar Government website?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as hon. Members will know, we are in the process of auditing the accounts of CFCL for the years since its incorporation. Once those audits are complete we will advise him that they are available at Companies House. This will then bring this company in line with all other Government companies, the accounts of which are also being completed despite the failure by the former administration to have even started these since the late 1990s. Once these audits are completed, we will then be in a position to provide an update to these figures with the certainty that they will be consistent with any adjustments arising from the audit process.

**Hon. R M Clinton:** Mr Speaker, the Chief Minister is aware that Credit Finance Company Ltd was in fact incorporated by *his* Government and there is absolutely no reason why the accounts should not have been audited and filed much earlier if he is such a proponent for early filing of audited accounts.

I fail to see why then the Government published, and in fact it is still available on their website, CF1 and CF2 for 2016 and I would be grateful if the Chief Minister could explain the inconsistency in his approach if he is happy to allow the 2016 figures to be publicly available but he will not release the 2017 figures.

**Hon. Chief Minister:** Mr Speaker, there is no inconsistency in my approach. I remind them every time I have the chance to do so that they stopped filing the accounts of the companies. I remind them that we have been committed to filing the accounts of the companies, the companies that they refer to when they are in opposition as a web of companies and they refer to when they are in Government as the totally proper and appropriate Government company structure.

The Government company structure is undergoing the audit process. We have had to recreate for many of the companies the accounts from the 1990s when they stopped filing the accounts. In terms of consistency, I applaud the fact that the hon. Member is in fact one of the few people who I think has actually been in the GSD since then, so perhaps I can be generous and blame him exclusively for all of the GSD's failings since the late 1990s.

What we are saying is that all of the company accounts will shortly be ready, including CFCL, and we want to ensure that there is consistency in the figures of the audit and in the figures that are published, and therefore we will publish all of the figures at the appropriate time, or rather we will file the accounts at the appropriate time.

I do not think there is any inconsistency in what I am saying. In fact, I am advised by those who also practise in his former profession and in whom I have more faith – at least, it is not that I have less faith in him, it is that I have more faith in the fact that they are looking after my back rather than he might be looking after my back – that what I am saying is entirely consistent with the position we have taken and absolutely the right approach to take.

But I would also say this, Mr Speaker: when he sees the audited accounts of CFCL, what he will see, and I trust he will comment favourably on, is the full repayment of the *Sunborn* loan.

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

**Hon. R M Clinton:** Mr Speaker, in order for me to comment favourably or unfavourably on any repayment of any loans, I trust the Chief Minister is undertaking to ensure that Credit Finance Company Ltd files its full accounts at Companies House and not abbreviated accounts, as I have been told previously in answers to questions that I am only entitled to that which the public can see at Companies House, which is only that which the company is required to file at Companies House, i.e. an abbreviated balance sheet.

Is the Chief Minister committing to provide the full, unadulterated, unredacted financial statements of Companies House as signed off by Pricewaterhouse, the auditors?

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**Hon. Chief Minister:** Mr Speaker, of course I am committing to file the full unredacted etc. filed, but what will be public will be what is public for every other company and he will be able to access what is public. If he is able to access such accounts in respect of the company of which he was a director for many years, he will be able to access similar accounts in respect of Credit Finance Company Ltd, nothing less – but obviously nothing more, Mr Speaker – and in that I would expect that he would want to talk about the full repayment of the *Sunborn* loan because every time we talked about Credit Finance Company Ltd before, (*Interjection*) we have wanted to talk about the *Sunborn* loan in his House.

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The Hon. Mr Feetham actually – (*Interjection*) Mr Speaker, I am giving an answer which the hon. Gentleman might find is elliptical in its relevance and I might come back to something which is absolutely in point in respect of the issue that he is raising. Every time we have dealt with the issue of Credit Finance in this House it was the issue of the *Sunborn* loan which hon. Members said was the thing that was going to undo not just that company but the public accounts of Gibraltar. The Hon. Mr Feetham, when he was Leader of the GSD – in fact, during the General Election campaign and maybe even featuring the hon. Gentleman – was responsible for that party presenting party political broadcasts with reference to the *Sunborn*. In fact, I seem to recall the Hon. Mr Clinton playing Monopoly and buying and selling the *Sunborn* in the context of explaining these issues. (*Interjection*)

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So, Mr Speaker, all of the information which is relevant to be able to make public determinations about Credit Finance Company Ltd is of course going into its accounts and he will be able to access such of the accounts that people are able to access in respect of companies in the normal way. I think that is absolutely appropriate, it is what we have been committed to and we are going to file them not just in respect of Credit Finance Company Ltd but in respect of every company in the Government group, including all of the companies that they stopped filing the accounts for. Let's be very clear: the GSD, of which he was then a Member, stopped filing the accounts of the Government companies. They were doing it and they stopped it, Mr Speaker. So if they are going to accuse us of not being transparent because we are playing catch-up in the filing of the Government accounts, can they at least take the blame for stopping the process of filing the company accounts?

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**Hon. R M Clinton:** Mr Speaker, we are talking about a company that they incorporated and has nothing to do with any catch-up exercise. Furthermore, Mr Speaker, it is becoming apparent that the Government only pays lip service to transparency in that they have only the intention of providing to the public the very bare minimum that is required. If I am correct in what the Chief Minister is saying, he is saying he will only publish that information that the company is required to publish, and I assume from that – and the Chief Minister can confirm yea or nay – it will be the abbreviated balance sheet or any other such information but not the full accounts. Frankly, Mr Speaker, without the full accounts there is very little sensible assessment that can be made of the state of the Credit Finance Company.

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Furthermore, Mr Speaker, the Chief Minister conveniently sidestepped the question as to why CF1 and CF2 for 2017 have not been published on the Government website. It is still there for 2016, so why won't he publish it for 2017?

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**Hon. Chief Minister:** Mr Speaker, it is really quite remarkable that we are being told that all we are going to file is not enough because it is the bare minimum, and yet that is what the law requires; and it requires it not just of the Government but of every company that passes a particular threshold. Mr Speaker, the bare minimum. It is the bare minimum, and that is the description that the hon. Gentleman has given, that they failed to file in respect of the

730 Government companies. It is the law that they failed to comply with in respect of the Government companies.

Mr Speaker, this Government will comply with the law. We will reconstruct the accounts and we will file, as required by law, the accounts for all the Government companies. They cannot get off the hook that they made for themselves. They said in 1996 that they would file the accounts of Government companies. They started to do so when they were required by law to do so, because that came in under their time. Then they stopped doing so. They failed to comply with the bare minimum, they failed to comply with the law and now they say how dare we comply with the bare minimum – you could not make it up. (*Banging on desks*)

740 **Hon. R M Clinton:** Mr Speaker, would the Chief Minister agree with me that any Government-owned companies are of public interest and therefore maximum disclosure is desirable?

745 **Hon. Chief Minister:** Absolutely right, Mr Speaker, and that is why we are going to comply with the maximum disclosure required by law, which they failed to comply with.

**Mr Speaker:** On to the next question please. We are getting unnecessary repetition. The same question is being asked and the Government, the Chief Minister, is giving the same answer. I have heard it three times. So unless you have something fresh to provide ... If you are going to ask the same question as your colleague has been asking, I am going to rule it out.

750 **Hon. D A Feetham:** Mr Speaker, I think that you have given pretty much a lot of indulgence to the Chief Minister in the way that he is answering the questions.

If I may be allowed to ask my own supplementary but also prefix this, as is the custom, (**Mr Speaker:** Short.) with two *very* short ... No, very short. I certainly was not a Member of this party in the 1990s when the practice first started, but of course I note that he was not a Member of the GSLP either, he was a Member of another party, and indeed – (*Interjection by Hon. Chief Minister*) Absolutely, and indeed I do carry on my person, actually – I am very attached to it – a membership form of a Government Minister for the GSD, so obviously he was on this side, there was a Member on that side and there was a Member on this side too.

760 In relation to the *Sunborn*, Mr Speaker, never did I suggest in the exchanges that I had with the hon. Member – and I ask him to ferret out the position if it were otherwise – that the loan was going to cause the ruin of Gibraltar or the *Sunborn*. No, what I castigated the Hon. the Chief Minister about was that when I asked has the Government directly or indirectly provided any loans to the owners of the *Sunborn* he said no, and my point was that a Government-owned company is the Government indirectly providing loans. That was the point.

765 But, Mr Speaker, at the centre of our exchanges on Credit Finance has been my assertion, going back to 2013, that the Government had not been transparent and the Government's assertion for most of that time that in fact it was providing a lot of information certainly in these tables, CF1 and CF2, on the Government website. My question is: what has prompted the Government to change tack and go from that position, telling me just barely a year ago, 'We are providing all this information in CF1 and CF2' and now not publishing that information throughout 2017, and to date it has not been provided? Unless, of course, it is an oversight, and if it is an oversight that is the answer; but if it is being done on purpose, can the Government please explain the change of policy and the reason why it is now not providing that information, given that it underpinned the Government's arguments that it was providing all this information and therefore was being totally transparent with the people of Gibraltar?

770 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman must think that gambling is a very good thing and a sure bet, because in respect of Credit Finance and the public finances, and in particular in respect of Credit Finance and the *Sunborn*, he used to say, when he was the much

missed then Leader of the Opposition, that we were gambling with Gibraltar's public finances because we were lending to the *Sunborn*. If that is not to say that we were taking an unnecessary risk by lending to the *Sunborn*, then I do not know –

785 **Mr Speaker:** May I tell the Chief Minister that if I hear the word *Sunborn* again I will move on to the next question.

**Hon. Chief Minister:** The *Sunborn*, Mr Speaker. *(Laughter)*

790 **Mr Speaker:** It is no longer necessary to bring the *Sunborn* Hotel into the ambit of the answers to the questions that are being asked.

**Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman was saying that the lending to the vessel that is a hotel and casino which is moored at the area of the Ocean Village was a gamble and therefore a bad thing. Now that it has been seen publicly that we have been fully repaid, that Credit Finance has been fully repaid, I would have thought he would either wish to say that the gamble paid off and that we were right or, at least to acknowledge that perhaps it was not such a gamble after all.

800 In respect of the filing of the balance sheet, as I would have called it, all I am saying is we are about to file the audited accounts and that means I am advised it is better to proceed now with the audited accounts, and that is what we are going to do.

But, Mr Speaker, given your decision to move on to another question if I ever mention the word *Sunborn* again – *Sunborn*, Mr Speaker! *(Laughter)*

#### Q88/2018

#### South Jumpers Bastion site – Gibraltar Broadcasting Corporation relocation

805 **Clerk:** Question 88. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government provide a copy of a lease or licence agreement entered into in respect of the South Jumpers Bastion site for the relocation of GBC together with the option to purchase agreement?

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

**Chief Minister (Hon. F R Picardo):** I am almost tempted to start by saying the name of a hotel in the north district, Mr Speaker.

815 The commercial documentation entered into with the developer landlord for the new purpose-built premises at South Jumpers Bastion is commercially sensitive and is not a public document.

820 The key commercial terms were included in our press release, which is Press Release 745/2017, and are summarised as follows: the completion date is the end of 2019, the rental is £300,000 per annum and the option to purchase is at £7.5 million. I expect that this is normal in such circumstances. The lease will be entered into once the redevelopment is complete. Once we enter into the lease it will be registered with the Land Registry within the statutory period required for registration, as set out in Gibraltar law.

At this stage, the hon. Gentleman can seek a copy himself from the Land Registry at Land Property Services, as the terms of the lease will be entirely public and fully transparent.

825 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's response. I would be grateful if the Chief Minister could explain the Government's reasoning for, on the one hand, tendering for the redevelopment of South Jumpers Bastion, awarding the tender for a total of £300,0000, entering into a licence agreement with the developer for that same £300,000  
830 aforementioned and then an annual licence payment or licence fee of £100 a year – to go from that to an agreement which is, in his words, commercially sensitive, requiring a rent of £300,000 a year and an option to purchase for £7.5 million. And I would also be interested to hear how the sum of £7.5 million has been arrived at.

**Hon. Chief Minister:** Well, I would have thought it was obvious for a man of commerce. What  
835 he does not tell you there, Mr Speaker, in the context of the way that he has put it, is when that expression of interest or tender was granted. It was granted some years ago, and in fact the developers were developing that on their own account as an office building. They were developing it originally as their office building and then they decided to sell that office building. They had a number of parties interested. They approached the Government, we had to relocate  
840 GBC and therefore we considered the possibility of that being the new home for GBC. At the same time, we were going out to expressions of interest in respect of another site. We waited for a little whilst we explored further with this particular development company the opportunities that they presented for us. We then decided that we nonetheless wanted to see what came out in terms of expressions of interest for GBC to be relocated to the site at Queen's  
845 Hotel and Queen's Cinema. What came back we did not find more commercially attractive, so we decided that this was the more commercially attractive route to pursue.

It is a site that was granted to a third party, it will be developed by a third party and the building will be owned by a third party. We will be tenants in that building. That is the reason for the payment of the rent. It is not an unattractive rent for the size of the property, as the hon.  
850 Gentleman might be able to work out for himself, and the option to purchase is to give an opportunity in the future, should we decide that it is more attractive to own rather than to rent, to have the opportunity to purchase.

That is the reasoning. I cannot imagine that he did not understand that when he set out to ask the question.  
855

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his response. Can he advise the House whether any premium has been paid for that option?

**Hon. Chief Minister:** None, Mr Speaker.  
860

**Hon. R M Clinton:** And, Mr Speaker, can the Chief Minister advise as to ... the decision to move into this location was considered in the context of his previous manifesto commitment to include it within the National Theatre complex; and if so, why the change in thinking now?

**Hon. Chief Minister:** Well, Mr Speaker, I have just explained it to him. I have just told him that we looked at the expressions of interest that came in respect of the Queensway and Queen's Cinema site, the Queen's Hotel and Queen's Cinema site, and they were not as commercially attractive as this option was. And this in any event will be completed sooner. GBC has been at its current location for well-nigh-on 30 years. It needs to move quickly and this  
870 development is going to be available sooner than the other development. In consultation with the management and staff at GBC the decision was made that this was the better location for GBC, and given that this is a commitment to GBC and the people at GBC thought it was a better opportunity for them, that is why we pursued it.

**Q89/2018**

**Buses –**

**Replacement of entire fleet using buy-back clause**

**Clerk:** Question 89. The Hon. T N Hammond.

875

**Hon. T N Hammond:** Mr Speaker, is it Government's intention to replace the entire bus fleet by exercising the buy-back clause within the original purchase agreement during the life of this Parliament?

880

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is looking at different possible permutations in respect of the buy-back clause.

885

**Hon. T N Hammond:** And, Mr Speaker, of those possible permutations, will one of them be exercised within the lifetime of this Parliament?

**Hon. Chief Minister:** They might all be, Mr Speaker.

890

**Hon. T N Hammond:** They might, but not definitely then.

**Hon. Chief Minister:** Some might definitely be, some might definitely not be.

**Hon. T N Hammond:** So is it possible that none will be?

895

**Hon. Chief Minister:** Anything is possible, Mr Speaker. *(Laughter)* Possibility in every direction, Mr Speaker. *(Banging on desks and laughter)*

**Q90/2018**

**Midtown Parking –**

**Modifications to pedestrian doors**

**Clerk:** Question 90. The Hon. L F Llamas.

900

**Hon. L F Llamas:** Mr Speaker, further to the answer given to Question 557/2017, can the Government update this House on the modifications to the pedestrian doors at the Midtown Parking?

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

905

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I understand that the developer and the contractor are about to make their recommendations to Government and we will be in a position to make an informed choice quite soon.



**Q91-93/2018**

**Marriott Hotel, former coach site, Rooke site –  
Status of development plans**

**Clerk:** Question 91. The Hon. L F Llamas.

910

**Hon. L F Llamas:** Mr Speaker, further to question 209/2017, can the Government give reasons why the building of the Marriott Hotel or a second hotel option being discussed by the Government appears to have fallen through or changed?

915

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 92 and 93.

**Clerk:** Question 92. The Hon. L F Llamas.

920

**Hon. L F Llamas:** Mr Speaker, what is the expected cost for the building of the prefabs at the former coach site and until when does the Government expect them to be there?

**Clerk:** Question 93. The Hon. L F Llamas.

925

**Hon. L F Llamas:** Mr Speaker, can the Government reveal with whom they are negotiating for the development of the former Rooke site?

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

930

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Hon member is making assumptions as to the redevelopment of the Rooke site which are not correct. Nonetheless, and as previously stated and suggested by the hon. Members opposite, an appropriate announcement will not be made on these developments until the ink is dry on the agreement.

935

The expected construction cost for the modular – and I must stress *moveable* – buildings being erected at the former coach site is £3,263,097. The entities being relocated from the Waterport site will operate from here until decisions are taken by the Government regarding their permanent future locations. These buildings will, however, have a life beyond their present temporary life at this site. They are easily capable of being dismantled and Government has already earmarked other potential future uses.

940

**Hon. L F Llamas:** Mr Speaker, is the £3 million price paid just for the framework, or does that include the actual foundation fitted by the contractors?

945

**Hon. Chief Minister:** As far as I understand, the whole thing, Mr Speaker.

**Hon. L F Llamas:** Mr Speaker, with regard to the Marriott Hotel or the second hotel option, it is separate to the Rooke? My understanding is that nobody knows what is happening at the Rooke. It is at the Marriott or the second hotel option which seems to have fallen through or changed? I would appreciate it if the Chief Minister could offer some clarity on it. The last time we asked this question was back in March, I believe, and the reason given for not allowing cars to move into the area to have the area ready was to have it ready for use in case a contract was actually awarded. Could the Chief Minister offer some clarification on what is happening at that specific site?

955

**Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman is wrong again. It is not true that nobody knows what is happening in respect of the Rooke site. It may be that nobody knows on that side of the House, but on this side of the House, various of us know what is happening in respect of the Rooke site. But hon. Members have elected to vote in the turkey referendum for Christmas and they have told us not to say anything until agreements have been completed, so we will indulge them in their election and we will not say anything until agreements have been completed.

In respect of what is known as the Victory Place side of the same plot, it is wrong to assume that there are not continuing discussions in respect of hotels and with different hotel chains.

**Hon. L F Llamas:** But is it then, Mr Speaker, that the Marriott Hotel and the second hotel option have moved away from discussions, or are these two potential candidates still in negotiations with the Government?

**Hon. Chief Minister:** Mr Speaker, I am not going to make an announcement until the ink is dry on the paper, but the hon. Gentleman is making assumptions and, as the hon. Gentleman knows, to assume makes an 'ass' of 'u' and 'me', to quote the American spelling of donkey.

**Hon. L F Llamas:** Mr Speaker, one final question, although I presume I know the answer: is the Government still negotiating with London and Regional Property as announced in October 2015 for the development of the Rooke?

**Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

**Hon. R M Clinton:** Mr Speaker, if I may ask a supplementary of the Chief Minister: how many prefabs are to be constructed on that site? Does £3.26 million just cover the ones now? How many are we talking? How many prefabs is it that that sum covers?

Also if I may ask the Chief Minister: where will we see that expenditure going through in the books of the Government? Will it be the Improvement and Development Fund, or is this being funded through a Government-owned company?

**Hon. Chief Minister:** Mr Speaker, I am going to need notice of the question in respect of the number of buildings because I think that there are different ways of looking at those buildings, and they are modular so I cannot remember exactly what the numbers of those buildings were. There are a number of them in different configurations that there are going to be; it is not just one building.

Mr Speaker, in terms of the expenditure, I believe this is company expenditure.

**Hon. R M Clinton:** Mr Speaker, I would be grateful if the Chief Minister could advise which entity or company is actually paying for this.

I must say I must admit I find it surprising that the Chief Minister does not know what he is buying for £3.26 million, which is possibly half the cost of buying GBC's building.

**Hon. Chief Minister:** Mr Speaker, that is a complete nonsense. It is not that I do not know what I am buying; it is that he has asked me for a specific number and if I give him a number and I get it wrong then I will be misleading the House, even if I do so inadvertently, and I do not want to mislead the House even inadvertently.

His question does not arise from this because this is a question about cost; he is asking about the number of buildings. I can tell him there is one across, there is one which is

vertical, there is one that is next to the old hut that was there, which is all about the area of St John Ambulance. So I can tell him from memory that it might be three, but if it is four or if there are two that make up one building, he will then accuse me of misleading the House.

1010

If he wants to pretend that I do not know what I am doing, Mr Speaker, but have an argument with the 10,500 people that voted for him – for me, rather, which is almost double the number of people that voted for him ...

1015

**Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's answers and I am happy to see he is still getting his numbers wrong.

Can he advise how many of these prefabs have been erected to date? And he still has not answered the question as to which Government company is paying for them.

1020

**Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman sometimes tells us that he is not a numbers man – I am not surprised, given the analysis that he has given a number of speeches in this House.

On the opposite side they say that he is their expert on finance and public finances. Well, he has come late to public finances. He seems to understand very little about public finances, and given that I have told him that I am unable to give him an exact number as to the buildings which have been erected, I am not going to be drawn any further. If he wants the number, he can just write to me and I will give it to him, or he can ask me again, but it is very clear that all he wants to do is to try and score political points. I thought he was supposed to be the serious one on that side; that is why I used to call him Mr Beige. He has got a bit of a spark, Mr Speaker, but for all the wrong reasons.

1025

1030

**Hon. R M Clinton:** Mr Speaker, obviously I should have got a law degree from Oxford in order to know something about numbers, but alas I did not, instead of which I am a chartered accountant, and I am sure he is as well.

1035

Mr Speaker, I ask again, for the last time: which Government company is paying for this?

**Hon. Chief Minister:** Mr Speaker, it is not that *I* have said that the hon. Gentleman is not good with numbers; it is that *he* has said, in the course of some of the things he has said in this House, that he is not good with numbers. I am quite happy to get that little “chivatito” – which, by the way, in Spanish means ‘person who tells tales’ – to reflect back to him exactly when it was that he made those remarks, Mr Speaker.

1040

He is, of course, I have no doubt, able to obtain a law degree from Oxford. I do not know what that jibe brings to this debate, but if he needs any references I will be delighted to say that I think he is not a bad bloke but that sometimes he gets things a little bit upside down.

1045

**Hon. R M Clinton:** Mr Speaker, and you may tell me off again, I did say it the last time, but again: which Government company is paying for this?

**Hon. Chief Minister:** Mr Speaker, I need notice of the question. That is what I told him before: I need notice of the question because that is not something that was set out in respect of the question originally put.

1050

**Hon. L F Llamas:** Mr Speaker, just one supplementary: is the Chief Minister able to explain to us what procurement process, if any, has been carried out in constructing these portakabins?

1055

**Hon. Chief Minister:** The work has been undertaken by GJBS, Mr Speaker.

1060 **Hon. L F Llamas:** Mr Speaker, was that through direct allocation or was it through the three-quotes system.

**Hon. Chief Minister:** Mr Speaker, GJBS is owned by the Government, so in effect we are doing it ourselves because it is being done by GJBS.

**Q94/2018**  
**Disability Allowance –**  
**Reason for delay in increase**

1065 **Clerk:** Question 94. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain why there is a delay since August last year in increasing the Disability Allowance in line with the cost of living?

1070 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I can confirm that the Disability Allowance has been increased in line with the cost of living as announced in my Budget speech last year.

1075 **Hon. L F Llamas:** Mr Speaker, the Hon. the Chief Minister would perhaps take note and look into this. I have had representations from various members of the community and they assure me that there has been no increase in cost of living since August. They are promised continuously that this will take effect in December, then in January, and now they are hoping it will happen in February. Will the Chief Minister look into this, please?

1080 **Hon. Chief Minister:** Well, Mr Speaker, I have checked and I am told that the Disability Allowance has been increased as set out in my Budget speech. The hon. Gentleman might want to check again.

## Questions for Written Answer

1085 **Clerk:** We now move to 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 W1/2018 to W4/2018 inclusive.

**Mr Speaker:** Ordered to lie.

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

##### **Proceeds of Crime (Amendment No. 2) Bill 2017 – First Reading approved**

**Clerk:** Order of the Day. Bills – First and Second Reading.

1090 A Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes.  
The Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to  
1095 move that a Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected  
purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Proceeds  
of Crime Act 2015 and for connected purposes be read a first time.  
Those in favour? (**Members:** Aye.) Those against? Carried.

1100

**Clerk:** The Proceeds of Crime (Amendment No. 2) Act 2017.

##### **Proceeds of Crime (Amendment No. 2) Bill 2017 – Second Reading approved**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to  
move that the Bill be now read a second time.

1105 The Bill expands the definition of ‘unlawful conduct’ within the Proceeds of Crime Act  
2015. Unlawful conduct will also include behaviour outside Gibraltar by a public official  
which constitutes gross human rights abuse, defined as torture or inhuman, cruel or  
degrading treatment of a person on the grounds that they have been obtaining, exercising,  
defending or promoting human rights or have sought to expose gross human rights abuses  
1110 conducted by a public official. As a result, any property obtained through this conduct will  
be subject to the existing civil recovery powers within the Act.

These amendments reflect a similar change made in the UK earlier this year stemming  
from the so called ‘Magnitsky Amendment’, named after the Russian lawyer Sergei  
Magnitsky. Mr Magnitsky was tortured and died in prison in Moscow in 2009 after exposing  
an alleged \$230 million fraud carried out by certain leading Kremlin officials.

1115 Mr Speaker, I will also move amendments to the Bill during Committee Stage. The  
amendments make it a criminal offence for a person to breach the duty not to disclose  
confidential information held or obtained from the GFIU pursuant to section 1L.

An amendment to section 146(6) has also been made to clarify the role of appropriate  
persons such as the AG and police and customs officers in investigations under Part 6.

1120 Finally, an amendment is required to change the year and amendment number cited in  
clause 1 of the Bill. The Act shall now be known as the Proceeds of Crime (Amendment) Act  
2018.

I commend the Bill to the House.

1125 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1130 **Clerk:** The Proceeds of Crime (Amendment No. 2) Act 2017.

**Proceeds of Crime (Amendment No. 2) Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1135 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes. The Hon. the Minister for Health, Care and Justice.

1140 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a first time.

1145 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Medical (Gibraltar Health Authority) (Amendment No. 2) Act 2017.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
Second Reading approved**

1150 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The Bill amends the Medical (Gibraltar Health Authority) Act 1987 for the purposes of making changes to the regulation of meetings and procedures of the Authority specifically in relation to quorum and allowing for the appointment of a substitute member on occasions where a member is unable to attend a meeting.

1155 **Mr Speaker,** I will also be moving an amendment to the Bill during the Committee Stage. An amendment is required to change the year and amendment number cited in clause 1 of

the Bill. The Act shall now be known as the Medical (Gibraltar Health Authority) (Amendment) Act 2018.

1160 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Roy Clinton.

**Hon. R M Clinton:** Mr Speaker, as the Minister will be aware, I have in the past attended the public meetings of the Gibraltar Health Authority Board. I must express a degree of  
1165 puzzlement at this amendment that has come before the House today and I will explain my reasoning as follows.

The amendment refers specifically to section 3 of the Medical (Gibraltar Health Authority) Act 1987. Section 3(1) lays out the membership of the Health Authority and I will quote:

- 3.(1) There is hereby established a Gibraltar Health Authority, which shall consist of –
- (a) the Minister, as chairman;
  - (b) the Chief Secretary of the Government;
  - (c) the Medical Director;
  - (d) three registered medical practitioners

1170 I will give way.

**Hon. N F Costa:** Mr Speaker, I am grateful to the hon. Gentleman for giving way.

The Bill amends section 5 of the Act and the '3' refers to the members required, not section 3.

1175 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister's intervention but I was aware of that; what I am doing is putting this in context. As I said:

- (d) three registered medical practitioners appointed by the Government on the nomination of the Medical Advisory Committee;
- (e) one person appointed by the Government after consultation with the Gibraltar Trades Council; and
- (f) three other persons appointed by the Government not being persons in whole or part-time employment under the Crown in right of its Government of Gibraltar, of whom one shall be a barrister or solicitor of the Supreme Court;
- (g) the Financial Secretary.

1180 Mr Speaker, when you add up those numbers, I make that out to be 11 and I see the Minister nodding in agreement. That is 11 members of the authority, which is why it is relevant to section 5(1), which says at present:

The quorum at all meetings of the Authority shall be five members in addition to the chairman or other person presiding

which means, as it currently stands, of 11 members you would need six members to be present in order to achieve a quorum. I see the Minister nodding in agreement. So, based on simple maths, six of 11 is 54.5% of the GHA board members.

1185 Mr Speaker, the amendment that the Minister is proposing is in section 5.1. Instead of having five plus the Chairman it will be three plus the Chairman – in other words, four members of 11 – and, if my maths is correct, that is 36.36% of the membership of the board, which seems to me remarkably low, and unless the Minister has good reason to have a concern for the attendance at the GHA board I fail to see why the quorum requirements have been dropped so dramatically, especially in what is such an important board and given  
1190 the care that has been taken to ensure that of the 11 members of the board there is representation from various fields and sectors. Certainly in the boards that I have attended I

1195 have noticed that, barring perhaps one or two particular functions, the board is generally fairly well attended, so I would be interested to hear what the Minister's reasoning is for this drop in the quoracy of the board – and it is quite a significant drop in quoracy, in terms of percentage, from 54.5% to 36.36%. I fail to see why the Minister would have difficulty in achieving a quorum.

1200 In addition, the further amendment which the Minister is seeking is to allow substitutes to attend on behalf of members of the board and I would be grateful if the Minister could, in his response, explain to the House whether these substitutes are *de facto* alternates, i.e. although I notice in section 2B that he proposes that the person nominated shall with the leave of the secretary of the Authority be deemed to be a member of the authority, I am not sure whether there is a two-step approach, whether somebody would suggest an alternate and then require approval – I say 'alternate'; I should say 'substitute' here and use his language – to attend the board meeting in the place of the member.

1205 And then, Mr Speaker, there is the additional concern to ensure that whoever it is that is named as a substitute meets the original requirements of the Act in terms of membership of the board – for example, if an individual is registered or appointed as a registered medical practitioner, that his substitute should equally be a registered medical practitioner, or indeed a person 'not being persons in whole or full or part-time employment under the Crown' being [inaudible] etc. I am not sure how the Minister will ensure that is complied with by these amendments and perhaps he may wish to use the word 'alternate' instead of 'substitute' and that alternates are named in pretty much the way they used to be in the boards such as the Financial Services Compensation Board or the Deposit Guarantee Board where you would have a member and a named alternate, which would then satisfy the requirements of the Act.

1215 And so, Mr Speaker, I must admit a degree of puzzlement as to the requirement for this change in primary legislation to the quoracy requirements of the board and indeed the substitute requirements for the board. In fact, if the wording for the substitute requirements were worded in a perhaps tighter form, there perhaps would be no need to amend the quoracy requirements of the board because a member could then just send their alternate and therefore you would not have a quoracy problem or need to reduce it from five to three.

1220 The Minister has provided, in a way, if he is having problems achieving quoracy, two solutions to the one problem, when really all he needs is one of those solutions. In fact, I would say perhaps the second solution would be the more appropriate, provided of course the substitute – or, as I would call it, the alternate – is identified and named accordingly in advance, and therefore he would have no problems in achieving quoracy.

1230 And so, Mr Speaker, I would welcome the Minister's comments on my observations, which again I make purely in good faith in the sense that I do not understand the requirement for these amendments in the way they have been put to the House.

Thank you, Mr Speaker.

**Mr Speaker:** Does any other Member wish to speak on the general principles and merits of the Bill?

1235 I call then on the mover to reply. The Hon. Neil Costa.

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman is of course, as he knows, welcome to the GHA board meetings; I know that he enjoys them and we enjoy having him there.

1240 You really never know what is going to excite the imagination of hon Members opposite. I came prepared to speak more on the Bill that we just debated and I never expected to have such a detailed thought-out process in respect of the minor amendments that we have made to the Gibraltar Health Authority Act.



1245 Although again I welcome his contribution in the House, I do not agree with him that a drop from five to three is either dramatic or significant. His contribution could certainly be characterised as dramatic, but I do not think that the numerical equivalence is such to merit such an adjective, but once again I applaud his zeal.

1250 There was in fact an issue when we last had the GHA board, where because of the month perhaps – I think it may have been December – we were at the brink of not being able to hold a meeting because of the quorum requirement of five, and as a result we held a meeting and decided to reduce the number of the quorum from five to three so that a meeting would be quorate with three members of the board. We do not expect that there will be a dilution or diminution of the attendance of members of the board. It is there only as an ‘in case’ measure that we once again have any particular board where for that particular board we are unable to have a quorate meeting.

1255 I take the point that he makes in respect of ‘substitute’. He prefers the word ‘alternate’. We in fact consider the word substitute to be the same as alternate, so we are considering it in exactly the same way. The issues that he mentions in respect of how is the GHA going to properly police that the alternate or substitute is in fact the right alternate, given the requirements of the Act in section 3, as he eloquently explained, to be of that particular category – well, that is why it says that it would be with the leave of the Secretary or the Authority. And to assuage his concerns, and I hope to his full satisfaction, internally we are of course ... and we have already sought the members – not from all of them but from some of them – to provide already the names and telephone contacts of those alternates that we can call in the event that a particular member is unable to attend.

1265 So I thank the hon. Gentleman for his questions and I hope I have been able to answer them.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Medical (Gibraltar Health Authority) (Amendment No. 2) Act 2017.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

1275 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

1280 **Mr Speaker:** The Hon. Mr Clinton might be interested to know that the required quorum of this Parliament is 35.3%.

**Hon. N F Costa:** I wish I had known that! Thank you, Mr Speaker. Superb! (*Laughter*)

**Legal Aid and Assistance (Amendment) Bill 2017 –  
First Reading approved**

1285 **Clerk:** A Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes. The Hon. the Minister for Health, Care and Justice.

1290 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Legal Aid Assistance (Amendment) Act 2017.

**Legal Aid and Assistance (Amendment) Bill 2017 –  
Second Reading approved**

1295 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

In line with the consultation paper issued last year to reform legal assistance, this Bill amends the Legal Aid and Assistance Act. The Bill makes three minor amendments, which are as follows.

1300 Firstly, the Bill amends section 20(1) by increasing the penalty for making false declarations in support of a claim for legal assistance from a fine of £100 to a fine not exceeding level 4 on the standard scale – in other words a £4,000 fine, which I am sure all hon. Members will agree is surely right to attempt to minimise abuses when expanding the scope of and access to legal assistance.

1305 Secondly and to this end we have taken the opportunity to amend the penalty for making false declarations in support of a claim for legal aid and placed it on a par with legal assistance. Accordingly, the penalty contained in section 7(2) has been increased from four to six months and the fine from £100 to a fine not exceeding level 4 on the standard scale.

1310 Thirdly, we have amended section 13(1) to allow financial eligibility for legal assistance to be calculated by way of a formula if the need arises.

Mr Speaker, as I mentioned at the outset of my remarks, a consultation paper was issued last year and these proposed legal assistance reforms. The Bar Council have now written to me with further representations regarding the consultation paper and my team and I are reviewing these representations with a view to agreeing any changes with the Bar Council.

1315 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

1320 I therefore now put the question, which is that a Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Legal Aid Assistance (Amendment) Act 2017.

**Legal Aid and Assistance (Amendment) Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

1325 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

1330 **Mr Speaker:** The Hon. the Chief Minister.

**COMMITTEE STAGE AND THIRD READING**

**Mr Speaker:** The Hon. the Chief Minister.

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Proceeds of Crime (Amendment No. 2) Bill 2017, the Legal Aid and Assistance (Amendment) Bill 2017, and the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017.

*In Committee of the whole Parliament*

**Proceeds of Crime (Amendment No. 2) Bill 2017 –  
Clauses considered and approved**

1340 **Clerk:** A Bill for an Act to amend the Proceeds of Crime Act 2015 and for connected purposes.  
Clause 1 as amended.

1345 **Mr Chairman:** The Hon. the Minister has given notice of a procedural amendment to this one and to the next three Bills, which really just amount to updating them and substituting 2018 for 2017 wherever they occur. Is that agreed? Yes.

**Clerk:** Clause 2.

1350 **Mr Chairman:** So, clause 1 as amended stands part of the Bill and now clause 2 stands part of the Bill.

**Clerk:** Clause 3 as amended.

1355 **Mr Chairman:** Clause 3, again the Minister has –

**Hon. D A Feetham:** Mr Chairman, may I ask a question in relation to this amendment?

**Mr Chairman:** Yes, please do.

1360 **Hon. D A Feetham:** Can the Hon. the Minister just explain this amendment again? I know that he touched upon it during the course of his speech. I am thinking about something and it may well be that I have got it absolutely wrong, but could he just explain the reason for the amendment?

1365 **Minister for Health, Care and Justice (Hon. N F Costa):** Are we talking about 1L?

**Hon. D A Feetham:** It is 3B. Well, they are both connected, in fact.

1370 **Hon. N F Costa:** Mr Chairman, is the Hon. Mr Feetham speaking about what would be the new 1L(1)?

**Hon. D A Feetham:** Yes.

1375 **Hon. N F Costa:** In short, when we considered the amendments in relation to making unlawful conduct include unlawful behaviour which constitutes gross human rights abuses, we started on a longer discussion of the Bill and a discussion arose as to whether breach of section 1L in fact constituted a criminal offence or not. Given that there were three lawyers in the room and none of us could convince the other and we all agreed that we could all be right, we thought it was the safest thing to include sections 1, 2 and 3 for there to be no doubt.

1380 **Hon. D A Feetham:** I have just seen this amendment today. I do not know whether it was provided last time, but I have seen it today. Section 1L is about information that is provided by GFIU, so does this amendment extend to a situation where GFIU phones a bank – I give the hon. Member just an example which I have come across many times during the course of my practice – GFIU tells the bank, ‘Provide us with information or there is an investigation in relation to a particular bank account,’ and what this amendment basically does is if that information is then divulged by the bank to a third party it is a criminal offence, but presumably it does not include the taking of legal advice by the bank. It is in section 5 of the Act.

1390 **Hon. N F Costa:** Yes, Mr Chairman, section 5 would make it clear that it is not an offence to obtain independent legal advice.

1395 **Hon. D A Feetham:** Sufficiently tied in with this amendment?

**Hon. N F Costa:** Yes.

**Mr Chairman:** Is the amendment agreed to? Clause 3 as amended stands part of the Bill.

1400 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and for connected purposes.

1405 Clause 1.

**Mr Chairman:** As amended to substitute 2018 from 2017. So, clause 1 as amended stands part of the Bill.

1410 **Clerk:** Clauses 2 to 3.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

1415

**Mr Chairman:** Stands part of the Bill.

**Legal Aid and Assistance (Amendment No. 2) Bill 2017 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Legal Aid and Assistance Act and for connected purposes.

Clause 1.

1420

**Mr Chairman:** As amended, 2018 in lieu of 2017, stands part of the Bill.

**Clerk:** Clauses 2 to 3.

1425

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Proceeds of Crime (Amendment No. 2) Bill 2017 –  
Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 –  
Legal Aid and Assistance (Amendment) Bill 2017 –  
Third Readings approved: Bills passed**

1430 **Mr Chairman:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Proceeds of Crime (Amendment No. 2) Bill 2017, the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2017 and the Legal Aid and Assistance (Amendment) Bill 2017 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

1435

**Mr Chairman:** I now put the question, which is that the Proceeds of Crime (Amendment No. 2) Bill 2018, the Medical (Gibraltar Health Authority) (Amendment No. 2) Bill 2018 and the Legal Aid and Assistance (Amendment) Bill 2018 be approved. Those in favour? (**Members:** Aye.) Those against? Carried.

1440

**ADJOURNMENT**

**Hon. Chief Minister:** Mr Speaker, I understand that the motions that are on the Order Paper are to be taken at the next meeting of the House and I therefore now move that the House should adjourn *sine die*.

1445

**Mr Speaker:** I now propose the question, which is that the House should now adjourn *sine die*.

I now put the question, which is that the House now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Carried. The House will now adjourn *sine die*.

1450

*The House adjourned at 4.32 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.33 p.m. – 5.55 p.m.**

**Gibraltar, Wednesday, 14th February 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.33 p.m.*

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

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament Wednesday, 14th February 2018. (i) Oath of Allegiance; (ii) Confirmation of Minutes. The Minutes of the last meeting of Parliament which were held on 18th and 29th January, 2018.

5

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

*The Minutes are confirmed and signed.*

## COMMUNICATIONS FROM THE CHAIR

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid.

10

The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table, the amended Annual Report of the Gibraltar Police Authority for the year ended 31st March, 2017.

15

**Mr Speaker:** Ordered to lie.

**Hon. Chief Minister:** I have spoken to hon. Members opposite about the need to table this amended version of the report.

20

**Clerk:** The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I have the honour to lay on the table, the Accounts for the Gibraltar Port Authority for the financial year ended 31st March 2015.

25

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

### CULTURE, THE MEDIA, YOUTH AND SPORT

Q95/2018

#### **Rocks dumped at Coaling Island – Origination, purpose and assessment**

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
We commence with Question 95/2018, the Hon. T N Hammond.

30

**Hon. T N Hammond:** Mr Speaker, where do the rocks being dumped in the sea at Coaling Island originate and can Government state for what purpose they are being dumped there and if the works have been subjected to a full Environmental Impact Assessment and if this has been presented to the DPC?

35

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the rocks being placed off Coaling Island originate from the works at Lathbury Parade ground to construct the new sports facilities.

40

A substantial amount of limestone bedrock is being broken out which is similar to the rocks used for sea defence structures and this is being temporarily stockpiled for use in future sea defence works.

No Environmental Impact Assessment has been undertaken as these works are not reclamation but before works started, various key entities were consulted including the Department of the Environment and the Gibraltar Port Authority. The Town Planning Department were also informed.

45

Arising from these consultations, a number of surveys were carried out including a protected species survey and a seabed survey. A number of environmental measures have also been put in place including the deployment of a protective boom fitted with a silk curtain fender.

50

**Hon. T N Hammond:** I understand then that if the rocks are being stockpiled there, there would be an intention to lift them out again at some point in the future and it just strikes me, would it not have been more straightforward to have conducted such stockpiling on the east side reclamation?

55

**Hon. S E Linares:** Mr Speaker, the volume of the rocks generated is substantial, therefore on plan the excavation footprint is the size of a football pitch and the running track over a depth exceeding six metres.

The stockpile of the rocks on land would have required a very large footprint which is simply not available so it would not have fitted on the east side because of the amount of rocks that have been excavated.

60

So that is the answer as to putting it on the east side, so we could not have stockpiled it on the east side.

65

**Hon. T N Hammond:** Mr Speaker, can the Minister give a flavour of how extensive the surveys he has said were conducted in order to protect the potential marine environment in that area, and why wasn't there an option of actually conducting a proper Environmental Impact Assessment which would have assured us that there is no environmental damage being conducted to potentially endangered species in that area?

**Hon. S E Linares:** Well, Mr Speaker, for a start I am quite satisfied that they did do the survey before they were stockpiled where they were. So much so, that we actually had some species removed from the place because they are protected species. So that is how extensive the survey went and we even had some limpets removed from some rocks before the stockpiling of these rocks.

So, I am quite satisfied that this was done, and as I said in the answer to the original question there was no need for an EIA at this point. The EIA would have to be done once the rocks are moved to become part of the reclamation, but not for stockpiling at this present time.

**Hon. T N Hammond:** Just one more question, Mr Speaker, as the Minister raised the subject of limpets, about which I am not an expert. But I am aware that the last time limpets were relocated the entire rocks were moved, it was not a case of removing the limpets from the rocks because clearly that would damage and potentially kill the limpets.

Is the Minister saying that entire rocks were removed from the area and if so, at what cost?

**Hon. S E Linares:** No, Mr Speaker, in this case although it took about three or four days to remove them, it was not removing the whole rock it was actually removing the species to some other area, which is pretty easy to do if you know how to deal with limpets.

**Hon. E J Reyes:** Mr Speaker, may I out of curiosity; I am always thirsting for knowledge. The Minister said at the end of the answer to the original question that they had placed a *silk* curtain. Could he enlighten us non-environmentalists what a silk curtain is?

**Hon. S E Linares:** Mr Speaker, in my answer I have silk but I am corrected and apparently it is silt, for the silt. *(Interjections)*

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can be of assistance, I believe that what you have is a silk curtain that holds in silt. *(Laughter)*

So, in order for there not to be a silt curtain, in other words in order for there not to be silt going everywhere, you put in a silk curtain which holds in the silt.

Yes, and I do not know whether the protected species was a Member of the GSD for example, there are very few of them about, or a limpet or whatever it is, but the silk curtain prevents the silt affecting the protected species.

**Mr Speaker:** Next question.

**Hon. R M Clinton:** Thank you, Mr Speaker.

I just have a couple of supplementaries, can the Minister actually quantify in terms of cubic metres how much he expects in terms of rock, to be – using his own words – stockpiled there?

I am conscious of the fact that the Minister said this is not a reclamation project in itself and these are stones that will be used later on, I presume what he is telling the House is that there will be an exercise at some point in the future to actually go back, pick them up from where they have been dropped and move them somewhere else which would obviously involve some cost.

But having actually having witnessed the dumping by lorries of these rocks into that area, there is obviously going to be a time when there is a limit to how many rocks can be dumped in

the same area and there is going to have to be some form of reclamation in order to continue to fill in the area.

120 Can the Minister advise whether there is a project, these rocks are presumably going to break the surface, and *de facto* reclaim the area and it is going to appear as land; or is there anything involved in this stockpiling of rocks which effectively will set up a land road surface in that area?

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has asked whether we have the information as to the cubic metres of rock that we expect will be taken from the site. We do  
125 have that information, it is 65,000 cubic metres that are expected.

Now, Mr Speaker, the hon. Gentleman in relation to the rest of his question knows, and I do not think it arises from this but I am happy to assist the House and not require him to ask a specific question, knows that we have already announced that there is going to be a reclamation in front of Coaling Island, so the reasoning is therefore for using this site that we will be able to  
130 move the rocks to form part of the revetment.

Now 65,000 cubic metres of rock might sound like a lot, but it may not even be enough to finish the revetment of the sort of reclamation that we envisage being in that area, although part of it may involve caissons being used rather than just rock revetment. And given the cost of double handling rock and other such materials, we will reduce the cost considerably by having  
135 the rocks in that location, and simply having to displace the rocks rather than having to once again truck them down to the area if we had put them on the east side, for example, which would have cost twice again because of the double handling that would have been involved.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for the additional  
140 information. Just for the sake of completeness, am I correct in understanding then that these rocks will have to be dredged up at some point in the future and located in wherever the sea wall would be in the future?

**Hon. Chief Minister:** Well I think the hon. Gentleman is using the wrong nomenclature, I do  
145 not think you can dredge a rock. I think you can displace a rock, you can move a rock but as he and I know once something heavy is under water it is much easier to move, including me for example!

So, the hon. Gentleman will understand that moving a rock that is under water is easier than moving a rock from Lathbury to the east side and then moving it from the east side to Coaling  
150 island.

#### Q96/2018

#### Gibraltar Broadcasting Corporation – Subtitles for local programmes

**Clerk:** Question 96/2018, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state what steps, if any, are being taken  
155 by the Gibraltar Broadcasting Corporation to ensure that subtitles for local programmes on television are available for the hearing impaired?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

160 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, GBC already provides closed captioning for the hearing impaired on its 'video on demand' service via the GBC Player that can be found on the Corporation's website. Subtitles are available within 48 hours of the programme first airing on GBC TV.

The corporation is currently investigating the possibility of introducing an element of subtitles on air, although this does not include live programmes, which would require a significant investment in technology and recruitment of additional specialist personnel.

165

**Hon. E J Phillips:** Mr Speaker, I thank the Minister for the answer to that particular question. A number of people have approached me with hearing impediments in relation to this particular issue in relation to subtitles and obviously the GRA have issued several guidance notes, first of all in December 2013 in respect of accessibility for people with hearing and visual disability, and latterly on 17th March 2017 in which certain observations were made to the technical aspects of subtitling.

170

Is the Minister aware of those particular guidance notes issued by the GRA? I invite him to at some point, perhaps not today, comment on those to me privately. I would like to know whether or not subtitles can be provided on GBC news, for instance, because many people with hearing impediments get the news quite late, as you say 48 hours later, and it would be very helpful for members of our community that do have hearing difficulties to follow the news when it is delivered. If the Minister could give some information about the possible costings, or the 'significant' costs that the Minister alludes to, that would be helpful.

175

**Hon. S E Linares:** Well, Mr Speaker, initially it is not possible to give the costings of what is still at the investigation process, but I know GBC is investigating and the part where it says that it is the 'on air' is like for example the news could well be subtitled when it goes on at 11 o'clock rather than the 8.30 one. So those are the things that are being looked at.

180

I am aware of what the GRA is saying and I am also aware because we have had representations from the fraternity of people who have a hearing impediment. So, it is a thing that GBC is taking seriously but again it has to be in proportion to the financing and the availability of technology and also whether it is actually a thing that if we can provide it in another way, we would do so.

185

#### Q97/2018

#### Europa Point shooting facilities – Government's relocation plans

**Clerk:** Question 97/2018, the Hon. E J Reyes.

190

**Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 595/2017, is the Minister for Sport now in a position to inform this House of Government's plans for the relocation of the shooting facilities presently sited at Europa Point?

195

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, it is now public knowledge since the whole of the project was presented to the Development and Planning Commission, which is a public forum, for guidance and advice.

200 The area in the North Mole has been identified to build the shooting range. The building will include stores, car parking spaces and offices which are much needed in the area.

**Q98/2018**

**Gibraltar Sports and Leisure Authority –  
Grade 9 administrative vacancy**

**Clerk:** Question 98/2018, the Hon. E J Reyes.

205 **Hon. E J Reyes:** Further to the answer provided to Question 8/2018, can the Minister for Sport update this House in respect of the Grade 9 that was an Administrative Assistant post, which was vacant within the Gibraltar Sports and Leisure Authority?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

210 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the GSLA, the Gibraltar Sports and Leisure Authority, has currently advertised this post internally within the public sector.

**Q99/2018**

**Gibraltar Sports and Leisure Authority –  
Staff vacancies to be filled**

**Clerk:** Question 99/2018, the Hon. E J Reyes.

215 **Hon. E J Reyes:** Can the Minister for Sport inform this House of any staff vacancies or posts which are currently waiting to be filled on a substantive basis within the Gibraltar Sports and Leisure Authority?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

220 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, there are currently five vacancies of Pool Operative/Lifeguard. Closing date was yesterday Tuesday, 13th February.

225 **Hon. E J Reyes:** Mr Speaker, may I ask the Minister to confirm that we can deduce from that that there is no other post that has been covered in an acting basis by someone of a lower grade acting for a higher grade? Is that a correct assumption?

**Hon. S E Linares:** Yes, sir.

**Q100/2018**

**Gibraltar Sports and Leisure Authority –  
Cancellations since 1st January 2018**

230 **Clerk:** Question 100/2018, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sport inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's facilities since 1st January 2018, indicating the location, date and reason for the cancellation.

235 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, allocations at the Victoria Sports Hall were cancelled due to water ingress on the following dates: 9th January 2018, 14th January, 28th January and 4th February 2018.

240

**Hon. E J Reyes:** Mr Speaker, last time I asked this question I had to clarify, and the Minister kindly sought out the information. What I really mean when I put down Gibraltar Sports and Leisure Authority's facilities, last time I said it was my intention to include the swimming facilities – what is sometimes commonly known as the GASA facilities – but perhaps I can quantify this one further.

245

I know that perhaps technically a facility may fall under a school grounds, for example, St Anne's School, but yet after school hours it is commonly known and recognised that it becomes a Gibraltar Sports and Leisure Authority facility. I do not know whether the Minister has that information at hand or he may need to find it.

250

**Hon. S E Linares:** No, Mr Speaker, because if the hon. Member would have asked that, I think it would have been the Hon. Minister for Education who would have answered that although the GSLA, as he well knows, is in charge of the allocations of the school, it is not in charge of the maintenance or the upkeep of the facility.

255

Therefore, if the question is the Gibraltar Leisure Authority's *facilities*, technically the schools are not the GSLA's facilities they are the Department of Education's facilities. But if the hon. Member wants to know about that he can well put the question, but it is not the GSLA's facilities, these are school facilities belonging to the Department of Education and therefore it is the Department of Education that deals with all the maintenance or issues like water ingress for example, if there is any in any of the school halls, and not the GSLA.

260

So, when he posed the question it was the GSLA's facilities and this is the only one where there has been water ingress.

#### Q101/2018

#### Sports-related grants – Payment details

**Clerk:** Question 101/2018, the Hon. E J Reyes.

265

**Hon. E J Reyes:** Can the Minister for Sport provide updated details of all payments made during this current financial year in respect of any sports related grants?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

270

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite, a schedule in respect of all payments made during this current financial year in respect of any sports-related grants.

**Answer to Question 101/2018**

Gibraltar Darts Trophy	132,499.20
World Pool & Snooker Championships	168,176.00
Commonwealth Games Reception	2,592.00
Gibraltar Kennel Club	10,012.50
Gibraltar Classic Vehicle Association	1,200.00
Gold Coast Expenses	5,965.00
U 23 Qualifiers International Darts Competition	110.00
World Pool Masters	160,000.00
Gibraltar International Backgammon Tournament	70,500.00
Hockey Challenge Cup	850.00
Extra cleaning services contracted for the Gibraltar Song Festival	192.00
International Bike Rally	241.64
Harley Davidson Club	4,500.00
Maccabi Gibraltar	4,000.00
Extra cleaning services contracted for Boxing event	38.40
Eurafrica Trail Event	2,3339.39
Gibraltar International Junior Chess Championships	40,000.00
King's Bowl Bowling Tournament	16,000.00
Extra cleaning services contracted for Philharmonic event	250.00
Gibraltar Squash Open	6,000.00
Gibraltar Chess Trophy Sponsorship	200,000.00
Commonwealth Queen's Baton Relay Reception	1,200.00

**Grants awarded to Sporting Associations, 2017/2018**

Netball Association	13,340.51
Target Shooting	5,745.93
Shooting Association	11,933.61
Darts Association	15,812.50
Hockey Association	15,587.41
Ten Pin Bowling Association	2,631.06
Athletics Association	6,302.11
Basketball Association	46,644.10
Triathlon Association	3,025.00
Rowing Association	2,381.56
Swimming Association	4,380.34
Pool Association	5235.00
Backgammon Association	3038.36
Sea Angling	5,518.54



**Sports Grants awarded for International Competitions, 2017/18**

Island Games 178,257.67

**Grants awarded for Sports Development Projects, 2017/2018**

280

Cricket Association	1,394.13
Cycling Association	311.00
Shooting Federation	3,349.04
Badminton Association	3,242.14
Rowing Association	4,750.75
Hockey Association	3,684.00
Athletics Association	4177.25
Basketball Association	814.04
Karate Association	961.00
Taekwondo Association	311.99
Ice Skating Association	397.23

**Q102/2018**  
**Cultural grants –**  
**Payment details**

**Clerk:** Question 102/2018, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Culture provide updated details of all cultural grants awarded during this current financial year?

285

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, since my answer to Question W196/2017, one further cultural grant of £3,000 has been awarded to the Gibraltar IDF Dance Association in their participation at the IDF World and European Championships 2017 and 2018.

290

I take this opportunity to remind the hon. Member that updated information is regularly posted on the HMGoG website.

**Q103-106/2018**  
**Gibraltar Football Association –**  
**Victoria Stadium: agreements, payments, compensation, instalments, delays**

**Clerk:** Question 103, the Hon. E J Reyes.

295

**Hon. E J Reyes:** Mr Speaker, can the Minister for Sport update this House with details of agreements entered into and payments made to date by the Gibraltar Football Association in respect of all facilities which they lease at Victoria Stadium?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

300

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 104 to 106.

**Clerk:** Question 104, the Hon. R M Clinton.

305

**Hon. R M Clinton:** Mr Speaker, can the Government advise if it has agreed to pay any compensation to operators of catering establishments in the Victoria Stadium Complex, as a result of the anticipated sale to the Gibraltar Football Association and if so, to whom and in what amount?

310

**Clerk:** Question 105, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government confirm that the two £5 million instalments payable by the GFA in this current financial year, are still expected to be paid before 31st March 2018?

315

**Clerk:** Question 106, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government confirm the lengthy negotiations since the announcement was made in April 2017 in finalising the sale of the lease for the Victoria Stadium to the GFA will not result in the taxpayer being worse off?

320

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, HM Government announced on 18th April 2017 that it had reached an agreement with the GFA on the sale of the Victoria Stadium.

325

The announcement stated the GFA would pay £16.5 million for the purchase of the land in three instalments with funds exclusively provided by UEFA and FIFA. Two instalments of £5 million each will be paid in the current financial year 2017/2018, with a third payment of £6.5 million paid in the 2018/2019. That is exactly what is going to happen.

330

At present HMGoG is working closely with the GFA in relation to the terms and conditions of the sale. There have not been lengthy negotiations, as stated in the question from the hon. Member. What there has been is careful co-ordination between the Government and the Gibraltar Sports and Leisure Authority and the GFA as to how to manage the transition period.

335

As hon. Members know, the Sports Hall is part of the sale. Therefore, all sporting associations who regularly use these facilities including the track and field are to continue to use them and will do so for a period of time, while all the other *wonderful* facilities are being constructed.

There is only one operator having a catering establishment in the Victoria Stadium and we are still negotiating terms and conditions with the directors.

340

The taxpayer will certainly not be worse off but much better off. Better off with football acquiring a new Cat 4 National Football Stadium; two alternative pitches for domestic games at all levels; sufficient training facilities and pitches to meet all demand within Gibraltar and at least two indoor futsal pitches.

345

Gibraltar clubs will be better off since they no longer need to train in Spain, they will be able to base all their training needs in Gibraltar. Rugby and cricket will be better off and be able to enjoy their own state-of-the-art facilities at Europa Point. Indoor sports and cultural entities will be better off since they will be able to enjoy new and more modern multi-purpose hall at Europa Point, in addition to the continued use of the Tercentenary Hall and the rest of the Bayside area.

350 HM Government will also have funds available to invest in hockey and other sports like paddle tennis as has been seen with the new refurbished courts at Bayside. All this will assist basketball, netball, volleyball, badminton and squash, amongst others.

Darts will be better off since they finally will have the area they desperately need and deserve, which they have been seeking since 1958, given their international achievements.  
355 Athletics will be better off when they obtain an enhanced 400 m track at Lathbury Parade. Swimming will be better off with a new, much needed, 54 m indoor pool.

Premises for associations and clubs, offices, lecture theatres, treatment rooms and boardrooms are all being included in all these facilities being developed.

A specific new facility has already started for our Special Olympians who have done us proud  
360 so many times. And all facilities will be made available to our schools.

The taxpayer is already benefitting through a huge economic activity and investment on the infrastructure without costing a penny to the taxpayer.

The benefit will be seen when we see 2,500 athletes coming to our shores for the Island Games in 2019; 2,500 athletes will be filling all our hotels. Friends and family who will be  
365 accompanying the athletes and who will drink and eat in our bars and restaurants during the nine days they will be here. Therefore, all businesses will be better off.

After the Island Games, all our facilities will be the legacy of the Games with these new facilities capable of bringing to Gibraltar many more people in the form of events such as athletics meets, Rugby 7s and 15s tournaments, international swimming competitions and more  
370 netball tournaments, the Association is keen to host amongst others.

The fact that international football will be played here is yet another benefit to our taxpayers and our economy generally. All in all, a win-win situation not only for the taxpayer but for our children, our young people and even our elderly.

I would at this point like to give my sincere thanks to all. To all sports associations who are  
375 being very co-operative in working with us together, so that all the facilities will comply with all international requirements and also for being patient and helpful during this two-year transitional period in which there are disruptions due to all the construction going on.

**Hon. E J Reyes:** Mr Speaker, in my own question which was number 103, the Minister has  
380 reminded us of the agreements entered into with the Gibraltar Football Association and even the target payment dates and so on.

But my question does say the payments *made to date* by the Association and I have not heard the Minister confirm the figure of what payments have been made to date.

**Hon. S E Linares:** Mr Speaker, as I said in my lengthy answer, there has not been any figures  
385 yet because of the leases. We are looking at leases, we are looking at contracts, we are looking at agreements as my answer stated.

So, whether the hon. Member says has any monies passed, the answer is no; but we are guaranteed and part of the agreement was that it will be paid before the end of this financial  
390 year – the amounts that were two instalments.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. If he could perhaps come back to my specific question in respect of the catering, the one catering  
395 establishment in the stadium complex: can the Minister advise whether this catering establishment has a licence agreement from the Government or a lease, and has the occupier or the operator of this catering establishment indicated the Government any sums of money they would be seeking in terms of compensation at this stage?

Furthermore, I would remind the Minister and I am grateful for his clarification that he  
400 expects the £10 million by the end of the financial year, but by my calculation he has 45 days to get it in.

405 **Hon. S E Linares:** Mr Speaker, as in the occupier of the one operator having a catering establishment in the Victoria Stadium, he has a lease and we are negotiating with him because part of the lease is where the GFA will be, so there are negotiations with it; but at the moment we are still negotiating with the directors as to how we work that one out.

**Hon. E J Phillips:** A question, Mr Speaker, so you are negotiating with this individual relating to the level of compensation? Is that part of it?

410 **Hon. S E Linares:** Not necessarily, Mr Speaker.

**Hon. E J Phillips:** Either you are or you are not. I am not too sure of the answer to that question – ‘not necessarily’ is not really an answer, with respect.

415 **Hon. S E Linares:** Well, Mr Speaker, when it is negotiations it can be either one or the other. We are in negotiations, that was the crux of the answer. If you are in negotiations, you do not give away whether it is one or the other; we are still negotiating.

420 **Mr Speaker:** Next question.

**Hon. R M Clinton:** Sorry, Mr Speaker I will be brief, my colleague may want a question as well.

425 Just coming back to finalise on the lease: are the negotiations for the complete surrender of the lease or partial surrender of the lease?

**Hon. S E Linares:** Well, Mr Speaker, as I said these are negotiating issues.

430 **Mr Speaker:** The answer that the Minister gave in his first answer was: ‘there is only one operator having a catering establishment in the stadium, we are still negotiating terms and conditions with the directors’. That is in the main body of his answer. (*Interjection*)  
Next question.

**Q107/2018**  
**University of Gibraltar Halls –**  
**Expected cost and name of contractor**

**Clerk:** Question 107/2018, the Hon. L F Llamas.

435 **Hon. L F Llamas:** Mr Speaker, can the Government state the expected cost for the building of the University of Gibraltar halls and the name of the contractor?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

440 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the exact cost of the project to develop accommodation in the area of the University of Gibraltar has not yet been determined. We are still in negotiations with the contractor in relation to certain items.  
The name of the contractor is Casais.

445 **Hon. L F Llamas:** Mr Speaker, I can understand that perhaps there will be small items of construction in terms of materials, etc. used which may affect the final monies paid for this project. But certainly the Government will have entered a contract with a contractor to provide

this facility and therefore, there must be a ballpark figure towards this project already allocated, and a vehicle through which it will be financed.

450

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we repeatedly have to deal with these issues in the House. I mean it is almost as if hon. Members want us to get the worst possible deal for the taxpayer.

455 Now, if hon. Members are being told that we have not been able to finalise a figure, it is because we are trying to get a better deal for the taxpayer than the one that has already been presented to us. But some works can be done whilst other aspects of the contract are finalised. That is where we are.

460 We had lengthy exchanges in this respect in particular in relation to the magnificent car-parking facility now provided in the centre of town, where we said repeatedly we would provide the information once we finalised the amounts to be paid, but we were pushing to ensure that we got the best deal for the taxpayer.

465 Now, when you enter into an agreement with the contractor, the contractor is still negotiating with sub-contractors, and if a price is given in which the contracting party – the Government – has agreed with the contractor, then the sub-contractor is able to work out how much he can squeeze the contractor for.

Those are the issues, Mr Speaker. As soon as everything has been dealt with and finalised we will be in a position to give a final figure and do so when it is not in the interest of the taxpayer to continue a negotiation to squeeze the best possible price.

470 That is what we insist on doing, I would have thought we would have enjoyed the hon. Members' opposite support for that.

**Hon. L F Llamas:** Mr Speaker, can the Government explain what procurement procedure has taken place in the development of this project?

475 **Hon. Chief Minister:** Yes, Mr Speaker, we have sought quotes from a number of entities.

**Hon. L F Llamas:** And can the Government confirm whether this was the cheapest quote?

480 **Hon. Chief Minister:** Mr Speaker, I believe this was the cheapest quote for the work that the Government required.

**Hon. L F Llamas:** And finally, Mr Speaker, has the Government undertaken an assessment as to how these halls will be populated once the project is completed?

485 **Hon. Chief Minister:** Of course, Mr Speaker.

**Hon. L F Llamas:** And is the Government able to disclose that assessment?

490 **Hon. Chief Minister:** Mr Speaker, why would we disclose that assessment at this stage if we are not yet at the stage where the facility is finalised? What is it that the hon. Gentleman wants to know? Perhaps if he asks us specifically about that, we may be able to share some information with him, but he almost wants us to come up with the marketing brochure that we might use at the end, now.

495 I mean it does not make any sense, Mr Speaker, this is an attempt to waste everybody's time.

**Mr Speaker:** Next question.

**Hon. E J Reyes:** Mr Speaker, sir may I?

500 **Mr Speaker:** Yes.

**Hon. E J Reyes:** Is this an opportune moment, if there are no further supplementaries to this question I would like to go back to Question 101 when you deem it.

505 **Mr Speaker:** The one where the –

**Hon. E J Reyes:** The one where they had the schedule, but I think we need to finish the supplementary on this one first.

510 **Hon. R M Clinton:** Thank you, Mr Speaker, thank you.

I am grateful to the Chief Minister for expanding on the answer. I just have one question for him, if he can advise the House the cost of building these units which I understand will be Halls of Residence for the University of Gibraltar, are these to be borne by the Government entirely i.e. through the Improvement and Development Fund, or is there some other mechanism? And am I correct in my understanding then that it is the intention of the Government to gift this building to the University of Gibraltar?

**Hon. Chief Minister:** Mr Speaker, there are a number of questions there, not just one. The Government is looking at various options to finance this build.

520 **Mr Speaker:** The Hon. Edwin Reyes.

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

In the schedule provided as an answer to Question 101 I have tried to have a quick look to a previous answer I had via Written Question 195/2017. I notice first, Mr Speaker, the headings seem to have changed which makes it rather difficult to track but I thought – and I would like the Minister to confirm – he said this is an updated list of what has been paid in this year.

530 And if one looks at the 2017 answer for example, there was a £709 expenditure towards pistol shooting which in February 2018 does not appear in my schedule, it seems to have disappeared. Therefore, I am giving the Minister the benefit of the doubt, it cannot have been updated if it is missing data that was there before. Either the figure increases or it remains the same, but it seems to have disappeared.

And whereas in the previous schedule of last time, the Minister very kindly and very helpfully put down grants awarded for hosting special sports and leisure events, for example he had the backgammon tournament of which I know there has been a lot happening in that respect recently, I cannot find the backgammon tournament in the update of February 2018.

540 Maybe because that heading is missing as the heading of support granted to sporting societies, probably means the same as grants awarded to sports associations. But I need the Minister to confirm that where one reads societies it means the same as associations and there is no heading at the top of these - the answer to schedule Question 101 – whereas there was in the previous one.

If the Minister does have that information now, Mr Speaker, in the spirit of wanting just that information I do not mind delaying it and the Minister can come back at a convenient stage when you allow such a thing to be tabled properly and double checked.

545 **Hon. S E Linares:** Well, Mr Speaker, first and foremost the backgammon is on the list, it is Gibraltar International Backgammon Tournament £70,500. It is nine down the line of the schedule. Gibraltar International Backgammon Tournament, that is the first one.

The second one that the hon. Member is saying about, the target shooting, remember this is the current one so therefore if the target shooting had £700-odd when you asked the question

before, it means that now they probably have applied for more money and it is updated from £700 to Target Shooting £5,745.

555 But given that the hon. Member is not happy with certain things, I have no problem in going through it with the hon. Member, like we have done before, and go through and see which are the ones ... because from the two he has mentioned they are there, and I have an explanation and I have just said it. But if he wants, I mean it is up to him how he wants to tackle this.

560 **Hon. E J Reyes:** Well, Mr Speaker, I did not use the words target shooting, I used the specific title here which is pistol shooting, because target shooting is what appears in the 2018 answer and I have been looking for what was given in the 2017 answer which was pistol. In 2017 it was given under the heading Grants Awarded for Sports Development Projects, and under Grants Awarded for Sports Development Projects neither pistol nor target – sorry, it just says Shooting Federation which is... and my interpretation is that it encompasses the triple pistol, clay and so on.

565 So at first glance it is extremely difficult to decipher this. But I think the Minister has extended an invitation for us to meet behind the Chair. We can do so and then if one has to modify anything in *Hansard* –

570 **Mr Speaker:** I prefer that since my understanding is that pistols would be firing at a target. In any case you might as well settle it behind my Chair.

575 **Hon. S E Linares:** Yes, Mr Speaker, I am happy to do so because yes there is. I can see where the hon. Member could be well confused where it says Target Shooting in one place and then there is another one that says Shooting Federation in another. And anyway, there are three different associations and clubs of shooting, so we will shoot each other behind the Chair.

**Mr Speaker:** Well, let us get on with Question Time.

## INFRASTRUCTURE AND PLANNING

**Q108/2018**

**Black cabs –**

**Purchase agreement**

580 **Clerk:** Question 108, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, further to Question 231/2017, are the black cabs now available for purchase in left-hand drive and has Government finalised its agreement with the Gibraltar Taxi Association regarding their purchase?

585 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

590 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, no left-hand drive variants are available yet of the new black cabs, the TX Model and no agreements have been finalised with the Gibraltar Taxi Association.

**Hon. T N Hammond:** Mr Speaker, does the Minister have an update on when the left-hand drives might be becoming available?

595 **Hon. P J Balban:** Mr Speaker, the left-hand drives are starting to become available now, as we speak. In fact, there is an order which has been placed and the first 25 units are currently in production for a company, for a client in Holland. This is the first 25 units at the moment and there is actually no availability for anyone else because obviously they manufacture right-hand drive vehicles and they have just started to move into left-hand drive territory.

600 **Hon. T N Hammond:** I thank the Minister for that update and I presume therefore that we are a lot further than we were when I last asked this question in terms of being able to procure the vehicles.

Therefore, in that light has the Minister engaged or has Government engaged with the Taxi Association reference the purchase at all yet?

605 **Hon. P J Balban:** Mr Speaker, the first thing that we have to do is to ensure that when these cars become available, they are suitable for Gibraltar's roads and until the thorough checks are carried out then we are not in a position to actually finalise or progress down the route of negotiation with the GTA.

610 **Mr Speaker:** Next question.

**Q109/2018**  
**Parking schemes –**  
**Parking permits per household**

**Clerk:** Question 109, the Hon. L F Llamas.

615 **Hon. L F Llamas:** Mr Speaker, without disclosing the household itself, can the Government provide a schedule on the number of parking permits issued per household since the recent launch of the parking schemes and the residential building or road that the household belongs to?

620 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over.

Schedule to Q109 of 2018

Housing Block	1 Permit	2 Permits	3 Permits
Alameda House	44	4	
Governors Meadow House	38	11	1
Kingsway House	54	10	
Picton House	38	10	
Queens Hotel	12		
Red Sands House	32	8	2
Sandpits Road	9	1	
Ross House	38	4	
Sandpits House	8	2	1



Trafalgar House	38	5	
Victoria House	31	7	

625 **Mr Speaker:** Given that the hon. questioner wishes to come back if necessary, Question 110.

**COMMERCE**

**Q110/2018**

**Gibraltar Financial Services Commission –  
Statutory Review**

**Clerk:** Question 110, the Hon. T N Hammond on behalf of the Hon. D A Feetham.

630 **Hon. T N Hammond:** Mr Speaker, when will the Statutory Review of the Gibraltar Financial Services Commission carried out in 2016, be published?

**Clerk:** Answer, the Hon. the Minister for Commerce.

635 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, it is Government's intention to publish the Statutory Review shortly.

That does not mean that I am accepting in any way that it is a 2016 Statutory Review, because obviously that is not when it was completed.

640 **Hon. T N Hammond:** I appreciate this may not directly arise from the question, but can the Minister advise how much the exercise has cost to date?

**Hon. A J Isola:** Mr Speaker, no, I cannot, but what I can tell him is that I recall it was well within the budget that the FSC had provided for in its accounts.

645 **Hon. T N Hammond:** Mr Speaker, I know we have been around this particular buoy before: when the Minister says shortly, are we talking days, weeks, months, years? *(Interjection)*

650 **Hon. A J Isola:** Mr Speaker, shortly. It is due very shortly – I mean, shortly. *(Interjection and laughter)*

**Mr Speaker:** Next question.

**Q111/2018**

**Gibraltar International Bank –  
Banking facilities for cryptocurrencies**

**Clerk:** Question 111, the Hon. T N Hammond on behalf of the Hon. D A Feetham.

655 **Hon. T N Hammond:** Mr Speaker, has the Gibraltar International Bank obtained alternative clearing facilities to enable it to offer banking facilities to cryptocurrency-related service providers?

**Clerk:** Answer, the Hon. the Minister for Commerce.

660

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, this work is commercially confidential.

**Mr Speaker:** Next question.

**Q112/2018**

**Data-cable security vulnerability –  
Safety of Gibraltar’s networks**

665

**Clerk:** Question 112, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, following recent reports in the UK media relating to data-cable security vulnerability, is the Government confident that Gibraltar’s networks are safe from sabotage and attacks?

670

**Clerk:** Answer, the Hon. the Minister for Commerce.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, Government’s Data/Voice communications infrastructure at the data centre and official buildings have appropriate physical security measures in place. These range from security personnel on-site, CCTV and access control systems.

675

**Mr Speaker:** Next question.

**ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION**

**Q113/2018**

**Wastewater treatment plant –  
Question deferred**

680

**Clerk:** Question 113, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government confirm that the entire £22 million cost of the announced wastewater treatment plant will be borne by the Improvement –  
(*Interjections*)

685

**Mr Speaker:** In the absence of the Minister, is any other Minister answering this question, otherwise we can defer it? (*Interjection*)

I think we will defer it, shall we? (*Interjections*) We move on to Question 139.

**HEALTH, CARE AND JUSTICE**

**Q139/2018**

**Illegal use of fireworks –  
Government intended action**

690 **Clerk:** Question 139, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

**Hon. E J Phillips:** Mr Speaker, what does the Government intend to do about the illegal use of fireworks in Gibraltar?

695 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Government supports the celebration of the festive season, which on New Year's Eve has traditionally meant the discharging of fireworks. Government nevertheless believes that this should be done in a safe, legal and responsible manner and has, for some years supported the awareness campaigns conducted by the GFRS and the Royal Gibraltar Police.

700 As in previous years Customs, the Royal Gibraltar Police and the Gibraltar Fire and Rescue Service jointly engaged in their annual awareness campaign. These highlight that fireworks are prohibited imports, except under licence granted by the Collector of Customs, warning about the possible criminal offences concerning the use and possession of fireworks in certain circumstances, and setting out the Firework Code for the safe handling and use of fireworks. The campaign is promoted through social and traditional media outlets.

705 As part of this campaign, GFRS fire prevention officers distributed firework safety awareness flyers and placed posters at prominent locations. As an innovation and in a bid to curtail the indiscriminate discharge of fireworks in the run up to the New Year's Eve celebrations Government introduced a sales embargo window for legally imported fireworks that restricted their sale between 27th and 31st December.

710 This largely reduced the previously prevalent practice of discharging fireworks during the month of December and was hailed as a success by the Royal Gibraltar Police and the GFRS. Her Majesty's Customs also continue with their enforcement activity at the land frontier supported by RGP Dog Section officers with the explosives detection capability dogs. This served as a valuable and powerful deterrent in respect of the illegal importation of fireworks.

715 Government remains committed to the safe, legal and responsible use of fireworks during the festive season and will continue to promote similar campaigns in the future.

720

**Hon. E J Phillips:** Mr Speaker, just one further question in relation – I thank the Minister for Justice for that answer. Does the Minister have any information relating to the numbers of dangerous fireworks confiscated by Customs during that particular period?

725 **Hon. N F Costa:** Mr Speaker, I do not have the answer to that specific question but I will be happy to seek it from Customs. What I do have is supplementary information to say that no one had been arrested for the discharge of fireworks.

730 **Hon. E J Phillips:** The one thing that we could do during that particular period would be to have a sort of amnesty bin where people are permitted to dump any fireworks that they have purchased, at Customs when they come in, with relevant warnings erected at Customs during this particular season. It may be an idea that the Government may wish to consider.

735 **Hon. N F Costa:** Well, Mr Speaker, I know as I said in the answer that the RGP and Customs do deploy dogs during the particular season, they are very much aware of the attempt to import

any unlawful fireworks, but as I also said in the answer, any fireworks can be imported legally under the licence of the Director of Customs. But in respect of the particular question that he asks me, I do not have the information with me, but I will be happy to ask for it.

740 **Mr Speaker:** Next question.

**Q140/2018**  
**Criminal justice system reforms –**  
**Electronic tagging**

745 **Clerk:** Question 140, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

**Hon. E J Phillips:** Can the Government confirm whether they are considering introducing electronic tagging of individuals as part of its reforms of the criminal justice system?

750 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, no.

**Mr Speaker:** Next question.

**Q141/2018**  
**Sexual harassment in the workplace –**  
**Promotion of legislation**

755 **Clerk:** Question 141 the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state whether or not it intends to promote legislation before the House to strengthen measures in relation to sexual harassment in the workplace?

760 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Crimes Act 2011 provides for offences which would capture the eventuality of sexual harassment type behaviour in any location, including the work place. These offences can be found under section 215 if the harassment includes physical contact.

In cases where the harassment involves verbal abuse or visual representations, as well as following or monitoring of an individual, offences exist under sections 88, 89 and 92 of the Act.

770 These offences are all captured under Schedules 3 and 4 of the Crimes Act, which, in turn, means that any conviction which carries a sexual element could trigger notification requirements, by virtue of sentencing thresholds or the application of Sexual Offences Prevention Orders on the offender.

775 The Act ensures the protection of victims of sexual assaults and sexual harassment type of behaviours, by ensuring legislation exists which criminalises this behaviour and allows for the monitoring of those convicted offenders through the Multi Agency Public Protection Arrangements process.

Sexual harassment in the workplace is firmly prohibited by section 14 of the Equal Opportunities Act 2006. The Equal Opportunities Act defines sexual harassment as 'any form of

780 verbal, non-verbal or physical conduct of a sexual nature or that is related to gender  
reassignment or sex that has the purpose or effect of violating an individual's dignity; or creating  
an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. This  
definition reflects international standards including an EU definition that we are obliged to  
conform to.

785 A complaint for sexual harassment may be made to the Employment Tribunal. The Equal  
Opportunities Act 2006 includes a separate harassment claim in cases where an individual is  
treated less favourably because of that individual's rejection of or submission to the conduct.

Additionally, an individual subjected to less favourable treatment because they have made or  
intend to make a complaint under the Equal Opportunities Act has a right to claim for unlawful  
victimisation.

790

**Hon. E J Phillips:** Mr Speaker, I am grateful to the Minister for explaining to me the statutory  
provisions in relation to criminal offences and indeed those that relate to equal opportunities  
and the ability of complainants to seek recourse through the Employment Tribunal in relation to  
complaints of sexual harassment in the work place; I am familiar with those.

795 My question really was to see whether there was any indication from the Government  
whether any of those laws would be strengthened. What I mean by that is in recent years, the  
United Kingdom Government have been debating whether or not additional protection should  
be afforded to those who have suffered sexual harassment in the workplace by ensuring that  
those companies and those employers in that situation who have compromise claims, as it were,  
800 before the Industrial Tribunal or the Employment Tribunal, will not be allowed to hide away  
from those compromise agreements and that it would be recorded within an organisation such  
as the Employment Tribunal, the fact that a complaint had been registered against that  
employer.

805 So effectively, what I am asking the Government is whether Government intends to promote  
legislation to further protect individuals who have a complaint against sexual harassment against  
an employer for instance in the workplace, and whether or not it would consider whether those  
compromise agreements that had been entered into by the employer and the employee should  
not be obviously disclosed to the general public, but the fact that it be recorded that sexual  
harassment has been compromised in those circumstances with that particular type of  
810 employer.

And what I put to him that of course, it is important that those who seek employment with  
our employers in Gibraltar understand that there have been complaints made against them in  
the past. That is what I am getting at. Of course there is debate in many countries relating to this  
particular point of compromising claims, but I would ask the Government to clarify whether it  
815 intends to bring legislation to promote that.

**Hon. N F Costa:** Mr Speaker, it is not an area or a subject that I have discussed with any of my  
teams. It is not a matter that has been referred to me either by employers or the Royal Gibraltar  
Police. However, given that he raised it in this House I will refer the matter to the Royal Gibraltar  
820 Police and we will discuss it.

But it seems in any case as though the subject relates more to employment law, rather than  
any amendment to the criminal law, in which case I will allow my hon. colleague to –  
(*Interjection*)

825 **Hon. E J Phillips:** Just to clarify the point yes, I was aiming particularly, given the fact that my  
question related to the workplace and strengthening measures in relation to sexual harassment,  
clearly as Minister for Justice, Mr Speaker, the Minister is answering the question from the  
context of the criminal law and indeed on equal opportunities. But the question is directed  
specifically to the employment situation, that is correct.

830

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, as the Hon. the Minister for Justice has indicated, this is not a matter that the Government has given consideration to, it is a matter that we may well now need to consider.

835 As I understand the hon. Member's point, it is that where there is a compromise arrangement, that there should be some form of register, some form of record which is publicly available to anybody that might possibly be seeking employment with that employer in the future. It is something that we will clearly need to consider, discuss and debate.

840 But two immediate issues come to mind of concern in relation to such a scheme. Firstly, the fact that there is going to be, or that there would be legislation requiring these compromise agreements at least to form part of a register, even not the detail of the compromise agreement. That may actually lead to a great deal of reluctance by employers to enter into a compromise agreement in relation to sexual harassment if there is going to be a record that the employer has, in some way, acknowledged sexual harassment by entering into this compromise agreement. So that might add to the detriment of the employee by making employers reluctant

845 to enter into such a compromise agreement.

And the second issue is in relation to the register which could be a public record. I really do not see how this could actually work in practice. If there is a compromise agreement, a compromise agreement could be made in relation to a complaint, an allegation which may not necessarily be proven, which may not necessarily be subject to any particular finding, simply an

850 internal issue between the employer and the employee which they decide to compromise in a particular way.

And as the hon. Member will know, having I am sure done many compromise agreements in the employment scenario in different aspects, that does not necessarily lead to any acknowledgement or acceptance of the facts. Therefore, a register where the employer could be

855 seen to be acknowledging something simply on the basis of an allegation, that would be something which could perhaps lead to conclusions which may not necessarily be 100% correct, simply on the basis of tarnishing or judging entities simply on the basis of allegations which may have been made and which, because of the compromise agreement, have not gone to an industrial tribunal or any kind of formal setting or any kind of judicial setting without there being

860 a particular finding.

So those are two areas of concern. I am not saying that this is not something we are going to consider, but having heard the hon. Member for the first time on this issue now, these are two red lights that spring to mind and could cause some concern, certainly on our part.

865 **Hon. E J Phillips:** I am grateful for the answer by the Minister and this is a hotly discussed topic in the United Kingdom at the moment for obvious reasons. But I would certainly argue that having legislation or provisions like this that would strengthen the rules against sexual harassment in the workplace, would effectively prevent it from happening in the first place.

870 There is one argument to suggest that strengthening our measures would prevent employers from abusing their positions and prevent this from happening in the first place.

But look, it is a difficult subject I agree, but I take it that the Government is not as a result of that, intending to look at this in any detail at this stage.

875 **Mr Speaker:** Any other supplementaries?

**Hon. Ms M D Hasson Nahon:** Mr Speaker.

880 **Hon. G H Licudi:** Mr Speaker, I will answer that particular point. The Government has not closed its mind to the possibility of considering this, but there is a matter of public interest and public concern which we would have to look into.

**Mr Speaker:** The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, in the wake of the issues arising out of sexual harassment in Westminster, would the Government be looking at implementing a code of conduct for Parliament and parliamentarians on sexual harassment?  
885

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, it is not something that is under consideration at this moment in time.

**Mr Speaker:** Sorry, what was that?  
890

**Hon. A J Isola:** It is not something that is under consideration at this moment in time.

**Mr Speaker:** It isn't?  
895

**Hon. A J Isola:** It is not, not that we are aware.

**Mr Speaker:** Perhaps it ought to be.

**Hon. A J Isola:** Perhaps it may, Mr Speaker.  
900

**Mr Speaker:** Because there was a report, a Commission that I myself chaired which was debated here and it was a subject that is supposed to be dealt with by a Select Committee of this House and that Select Committee is not able to meet for the simple reason that most of its Members, notably on the Government side, the Chief Minister and the Deputy Chief Minister are otherwise occupied.  
905

But I would put it to hon. Members that it is about time that perhaps a lower powered Select Committee were to be formed, involving other Ministers and other Members of the Opposition that could deal with these matters.

**Mr Speaker:** The question of a Parliamentary Code of Conduct is well overdue in my view. Otherwise, I think that the work that Commission did has been wasted. The years go by and it has not been done. I know that the Chief Minister is committed to it but he is physically, and his Deputy, unable to deal with the matter.  
910

Therefore, I would put it to the Ministers who are here now, that it is up to them, two or three of them, to take on this burden. The Minister for Labour, the Minister for Justice, they could take over the work of the Select Committee and get on with the work. There is a need, I think, for a Parliamentary Code of Conduct.  
915

**Hon. A J Isola:** Mr Speaker, thank you for that. We will certainly ensure that it is discussed at Cabinet at our next meeting on Monday morning.  
920

**Mr Speaker:** I commend that precisely.

**Hon. N F Costa:** Mr Speaker, just in relation to... for our part, we stand ready to participate in that.  
925

**Hon. Ms M D Hassan Nahon:** Mr Speaker, by when could we expect some kind of briefing or answer on these Cabinet discussions?

**Hon. A J Isola:** Mr Speaker, it is not customary for us to give briefings on Cabinet discussions, but when a conclusion is arrived at, I am sure that it will be communicated appropriately.  
930

**Chief Minister (Hon. F R Picardo):** If I can be of assistance, Mr Speaker.

935 **Mr Speaker:** Well, we are left pending the Hon. Dr Cortes.

**Hon. Chief Minister:** Mr Speaker, if I can be of assistance on this point as Leader of the House in respect of the issue of the Parliamentary Code of Conduct: there is a Code of Conduct prepared by the Government, it sits behind hon. Gentlemen, we have it here, it is available  
940 online, the Government is entirely committed to it, Mr Speaker.

The only reason we have not progressed that is because the GSD asked us to take it to a Select Committee, Mr Speaker, and that is the reason why the Select Committee was created.

It is true I have heard you from inside that the Government has unfortunately been dealing with other matters which have made it impossible for us to progress the Select Committee – and  
945 indeed, the fragmentation of the Opposition has made it impossible to progress with the Select Committees as constituted and therefore it will be necessary to ensure fairness, particularly in the context of a Code of Conduct for Members of the House, not just for Ministers, to amend the composition of the Select Committee to include both the independent hon. Members.

That is an issue that the Hon. the Deputy Chief Minister has already dealt with today in the  
950 context of the composition of the Committee on Brexit and we intend to deal with in the context of the Committee on the Codes of Conduct and I am quite happy to commit to the House that we shall try and do that before the House breaks for Easter, Mr Speaker, so that we are able to finalise these matters that quickly.

This is something that I have wanted to see happen from the moment that I was elected to  
955 this House and indeed, I was committed to see happen from the moment that I became Chief Minister. The entreaty from the GSD was that we should not progress with the Code without them having the opportunity to deal with it in the Select Committee. I think we are there, I do not think there is anything more to debate in this context, but I want to give hon. Members, in particular the Independent Members, the opportunity to contribute.

960 **Hon. E J Phillips:** Mr Speaker, just on the point that the Chief Minister makes in relation to this, we have said categorically that we stand ready to participate in this process quite clearly, but it is certainly wrong to suggest that ... He describes it as a fragmented Opposition, but it is quite clear we stand ready to participate in this process.

965 The world did not stop the day that the United Kingdom decided to leave the EU –

**Mr Speaker:** It very nearly did –

**Hon. E J Phillips:** But it did not, Mr Speaker, but it does not mean that –

970

**Mr Speaker:** It very nearly did –

**Hon. E J Phillips:** But it does not mean that the rest of Gibraltar needs to stop functioning. We need to carry on, Mr Speaker, doing our daily business and accept the –

975

**Mr Speaker:** Twenty-four hours in a day.

**Hon. Chief Minister:** Yes, Mr Speaker, the world did not stop the day that Brexit happened. In fact the Government has demonstrated that we are continuing with a whole raft of local  
980 legislation, with a whole raft of initiatives. (*Interjection*) We are doing so many that the hon. Gentlemen say that we are rushing it.

But, Mr Speaker, that Select Committee did have to stop the minute that the GSD started to fall apart and the first time it lost a Member, we had to include her in that Committee; the second time it has lost a Member up to now, we are going to have to include him in that  
985 Committee and if they lose any others, Mr Speaker, we are committed to Independent Members



having a say, in particular on a code that regulates Members. So although Brexit did not stop the Select Committee, Mr Speaker, the breakup of the GSD did interfere with it.

**Mr Speaker:** Next question, 113. (*Interjections*)

990 I assumed that automatically Mr Cortes would want to carry on, but if between them they prefer that the Hon. Neil Costa should carry on, I am quite happy to do so.

Very well, okay so call the next question.

995

**Q142/2018**  
**Access to CCTV footage –**  
**Protocols**

**Clerk:** Question 142, the Hon. E J Phillips.

1000 **Hon. E J Phillips:** Mr Speaker, can the Government state what protocols are in place to limit access to CCTV footage?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1005 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker,  
The Royal Gibraltar Police (RGP) controls and operates the Gibraltar Government's Public CCTV Scheme, which includes CCTV cameras located at various points throughout Gibraltar. This CCTV system operates with fixed and Pan, Tilt and Zoom (PTZ) cameras. The Code of Practice governs the evidential integrity and effective management of inter alia the Public CCTV system operated by the RGP. The Public CCTV system has been registered with the Data Protection  
1010 Commissioner (DPC) and a copy of the Code of Practice has been made available to the DPC. Access to the Public CCTV system is password protected and auditable. The processing, storage and security of the data is performed in strict compliance with the provisions of the Data Protection Act 2004. A copy of the Code of Practice is also available on the Gibraltar Government Website.

1015 CCTV operators are not authorised to operate any of the cameras or system until they have received suitable training and are familiar with the Code of Practice. Everyone involved in the management and operation of the RGP and CCTV systems will be issued with a copy of the Code of Practice. They will be fully conversant with the contents of the Code and appropriate  
1020 procedures, which may be updated from time to time, and with which they are expected to comply. The data controller runs a list of those persons who are authorised to view live images and amends the list accordingly. Viewing of live images from the Public CCTV cameras is restricted to secure areas at New Mole House.

1025 The CCTV system is operated with respect for all individuals and in such a way as to avoid infringement of individual privacy. The RGP recognises that it is its responsibility to ensure that the systems must always comply with all relevant legislation, to ensure its legality and legitimacy. The external Public CCTV systems will only be used insofar as it is necessary for public safety, the prevention and detection of crime or public disorder. The Code of Practice also ensures that evidence is secured, retained and made available as required so that there is absolute respect for everyone's right to a fair trial.

1030 The RGP's Professional Standards Department (PSD) is responsible for the effective management of the systems, ensuring the integrity and probity of the operating system for evidential purposes. The Professional Standards Department conducts audits on the operation of the RGP systems and compliance with this Code of Practice. Audits include examination of the monitoring room records and the content of recorded material.

1035 All cameras are positioned within an area suitably signed to alert the general public of their presence. The CCTV system has a 'privacy mask' feature, which allows for all windows and private areas to be masked out. This privacy mask setting will be applied to black out private areas, which are not intended to be viewed or recorded. The CCTV system will therefore only view and record images of public areas that are within its field of view.

1040 A member of the public wishing to register a complaint with regard to any aspect of the RGP systems may do so in accordance with the Data Protection Act 2004. Any performance issues identified will be considered under the disciplinary procedures to which all police CCTV operators are subject.

1045 **Mr Speaker:** Next question.

**Hon. T N Hammond:** Mr Speaker, sorry, just one thing. Can the Minister just confirm then because I seem to recall asking a question along these lines some time ago and it became apparent that the RGP were not the only operators of CCTV systems in Gibraltar and that perhaps the Customs and the Environment Agency and others ... Do the same rules apply or have they all now been brought under the single agency of the RGP?

**Hon. N F Costa:** Yes, Mr Speaker, I have conferred with the Hon. the Chief Minister and the Hon. the Minister for the Environment and they are stand-alone systems.

1055 **Hon. T N Hammond:** And can the Minister confirm whether the same rules that he has just described as applying to the RGP system apply to those systems also, or are there no rules?

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1060 Mr Speaker, if I may assist, there is close liaison between the Department of the Environment and the RGP and we follow their Code of Practice. In fact, the people or person, I think it is one person who actually looks at CCTV footage, is already in contact with the RGP and has received training from the RGP.

1065 **Mr Speaker:** Next question.

#### Q143-148/2018

#### Care Agency and Elderly Residential Services – Employment details and fixed-term contracts

**Clerk:** Question 143, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

1070 **Hon. E J Phillips:** Mr Speaker, as at 31st December 2017, how many individuals were employed directly by the Care Agency and Elderly Residential Services?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1075 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 144 to 148.

**Clerk:** Question 144, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

1080 **Hon. E J Phillips:** Can the Government state how many workers as at 31st December 2017 employed directly by the Care Agency were on fixed-term contracts?

**Clerk:** Question 145, the Hon. E J Phillips on behalf of the Hon D A Feetham.

**Hon. E J Phillips:** Mr Speaker, as at 31st December 2017, in what Department within the GHA were the workers employed by the GHA on fixed-term contracts working in?

1085

**Clerk:** Question 146, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

**Hon. E J Phillips:** Can the Government state how many workers as at 31st December 2017 employed directly by the GHA were on fixed-term contracts?

1090

**Clerk:** Question 147, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

**Hon. E J Phillips:** Can the Government state how many workers as at 31st December 2017 working within Mount Alvernia were on fixed-term contracts?

1095

**Clerk:** Question 148, the Hon. E J Phillips on behalf of the Hon. D A Feetham.

**Hon. E J Phillips:** Of the previous three questions concerning fixed-term contracts within the Care Agency, the GHA and Mount Alvernia, please provide a schedule setting out (a) how many successive fixed term contracts each worker has been engaged on; and (b) the date each were first engaged on the first contract.

1100

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, as at 31st December last year, the Care Agency employed 538 individuals, of which 316 were deployed within the Elderly Residential Services.

1105

The total number of workers as at 31st December of last year employed directly by the Care Agency on fixed-term contracts, was 24.

As at 31st December of last year, workers employed by the GHA on fixed-term contracts were working in the following departments – Ambulance Services; Medical Department; Nursing Department; Physiotherapy Department; and Radiology Department.

1110

As at 31st December of last year, there were 113 workers employed directly by the GHA on fixed-term contracts. It is pertinent to note that out of those 113 workers, 68 are contracts of consultants and doctors who have been on fixed-term contracts, some, for over 20 years.

1115

The Government is confident that all consultants will enter into new and specifically negotiated contracts during the course of this year. To date, 18 consultants have now entered into their new contracts.

As at 31st December of last year, there were two workers employed on fixed-term contracts working within Mount Alvernia.

1120

I now hand over to the hon. Gentleman a schedule setting out (a) how many successive fixed-term contracts each worker has been engaged on; and (b) the date each were engaged on their first contract.

**Answer to Question 148 of 2018**

**GHA**

FTC worker	Number of successive fixed-term contracts	Date first engaged
1	31	05/02/1997
2	31	25/02/1997

3	7	02/02/1998
4	23	05/02/2001
5	21	05/02/2003
6	35	27/05/2003
7	18	06/08/2003
8	16	04/02/2004
9	30	01/02/2005
10	8	08/08/2005
11	27	05/09/2005
12	33	01/07/2006
13	34	07/08/2006
14	12	01/09/2006
15	12	02/10/2006
16	29	01/09/2007
17	11	01/10/2008
18	26	09/11/2009
19	19	01/11/2010
20	15	01/12/2010
21	12	01/06/2011
22	5	05/09/2011
23	1	08/01/2012
24	13	01/02/2012
25	6	06/06/2012
26	9	03/09/2012
27	5	06/01/2014
28	4	09/01/2014
29	4	01/02/2014
30	2	25/02/2014
31	4	28/09/2014
32	2	13/10/2014
33	2	20/10/2014
34	1	05/01/2015
35	3	11/01/2015
36	3	12/01/2015
37	3	25/01/2015
38	4	03/02/2015
39	3	10/03/2015
40	1	13/04/2015
41	3	19/04/2015
42	4	14/06/2015
43	3	01/07/2015
44	3	02/07/2015
45	4	14/07/2015
46	3	30/07/2015
47	1	01/08/2015
48	3	03/08/2015
49	1	10/08/2015
50	3	11/08/2015

51	3	23/08/2015
52	3	27/08/2015
53	2	14/09/2015
54	5	01/10/2015
55	1	01/10/2015
56	1	26/10/2015
57	3	22/11/2015
58	3	22/11/2015
59	5	03/12/2015
60	1	04/01/2016
61	3	06/03/2016
62	3	14/03/2016
63	3	01/04/2016
64	3	14/06/2016
65	2	20/06/2016
66	3	17/07/2016
67	3	03/08/2016
68	2	29/08/2016
69	4	11/09/2016
70	2	11/09/2016
71	2	24/10/2016
72	3	28/10/2016
73	2	30/10/2016
74	3	30/10/2016
75	2	31/10/2016
76	1	16/01/2017
77	2	17/01/2017
78	1	23/01/2017
79	1	20/02/2017
80	2	14/03/2017
81	1	01/04/2017
82	1	01/04/2017
83	1	24/04/2017
84	1	01/05/2017
85	1	02/05/2017
86	1	02/05/2017
87	1	26/06/2017
88	1	24/07/2017
89	1	24/07/2017
90	1	01/08/2017
91	1	01/08/2017
92	1	07/08/2017
93	1	14/08/2017
94	1	29/08/2017
95	1	01/09/2017
96	1	01/09/2017
97	1	04/09/2017
98	1	05/09/2017

99	1	11/09/2017
100	1	12/09/2017
101	1	15/09/2017
102	1	17/09/2017
103	1	02/10/2017
104	1	02/10/2017
105	1	05/10/2017
106	1	09/10/2017
107	1	10/10/2017
108	1	23/10/2017
109	1	30/10/2017
110	1	06/11/2017
111	1	07/11/2017
112	1	13/11/2017
113	1	18/12/2017

Care Agency

FTC worker	Number of successive fixed-term contracts	Date first engaged
1	3	17/08/15
2	3	05/06/15
3	1	22/05/17
4	6	19/10/12
5	6	04/11/13
6	4	26/03/15
7	3	11/09/15
8	5	21/07/14
9	3	10/08/15
10	1	04/12/17
11	3	26/05/15
12	1	14/09.17
13	3	28/07/14
14	1	02/10/17
15	1	02/10/17
16	3	18/05/15
17	1	17/07/17
18	1	07/08/17
19	1	05/09/17
20	1	27/11/17
21	1	27/11/17
22	1	05/06/17

Mount Alvernia

FTC worker	Number of successive fixed-term contracts	Date first engaged
1	2	01/04/16
2	2	11/05/16

**Q149/2018**

**St Bernard's Hospital A & E Department –  
Three new Charge Nurses**

1125

**Clerk:** Question 149, the Hon. E J Reyes.

**Hon. E J Reyes.** Mr Speaker, further to the answers provided to Question numbers 658/2017 and 733/2017, can the Minister for Health say on which dates the three Charge Nurses took up their posts on a substantive basis at St Bernard's Hospital A & E Department?

1130

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the three Charge Nurses took up the substantive posts at the A & E Department on 2nd January this year.

1135

**Q150-152/2018**

**Hearing aids –  
Funding and patient numbers**

**Clerk:** Question 150, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state its position with respect to the funding of hearing aids for those suffering from hearing impairment and associated hearing conditions?

1140

**Clerk:** Answer, the Hon. the Minister for Health Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 151 and 152.

1145

**Clerk:** Question 151, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the position in respect of the funding of the maintenance of hearing aids issued by the GHA?

1150

**Clerk:** Question 152, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the number of adults seen by the Audiology Department in the GHA in 2016 and 2017?

1155

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1160 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA offers hearing aids free of charge to all entitled patients following clinical assessment.

The GHA finances the maintenance and repairs of all hearing aids issued. If the manufacturers advise that the age or condition of a particular hearing aid is beyond economical repair, the patient is reassessed and issued with a new device.

The Audiology Department saw 1,251 adult patients in 2016 and 1,267 last year.

1165

**Hon. E J Reyes:** Mr Speaker, may I?

**Hon. N F Costa:** You are affected!

1170 **Hon. E J Reyes:** Perhaps I should declare a vested interest because I am one of those who fit into the figure of 1,251 in 2016 and 1,267 of 2017.

The Minister said that it provides free of charge hearing aids to those suffering from hearing impediments yet, Mr Speaker, I know that some payments are to be made in respect of acquiring your first hearing aid.

1175 Are there certain conditions of why, for example, I have had to make a contribution? The way it was explained to me by the audiologist is that I was not paying the full cost, it was subsidised but certainly, payments have been made by many patients, of which I am one of those personally affected.

1180 **Hon. N F Costa:** Mr Speaker, according to the information I have been provided, and I have no reason to doubt the information provided, there should be no cost whatever to any of our patients who are entitled patients.

1185 The only thing I can think of – although of course I will need to go back to the Department and ask them specifically what the hon. Gentleman has raised in this House today – may be that the specification for a particular hearing aid is such, but that the patient wishes to have a different model or a different type of hearing aid and the difference is paid between the patient's choice and what is being advised.

1190 That is the only thing that I can think of but it may be completely mistaken of me to have said so, it may not be that at all, so I will go back to the Department and I will ask the question that the hon. Gentleman has raised today.

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

Having now heard the Minister, that could well be a possibility as well. You may be entitled to something but then there is a medical sort of recommendation that you want something else.

1195 It is not a pressing matter, I think he understands we are not trying to quiz him or anything but for members of the public at large who do unfortunately suffer this hearing impediment, if the Minister can simply find out and get himself informed, then it gives future patients as well the opportunity of saying, 'Well look, I could go for this other version.'

1200 Some people are a bit worried about what it looks like and they would like a hearing aid that would not be seen. At my age I am not bothered about that, I just want one that works, especially if it works with the loop system which makes a vast difference in your life.

1205 **Hon. N F Costa:** Yes, Mr Speaker, as I said I will be happy to go back to the Audiology Department and as I say, given the remarks that the hon. Gentleman has made, it may be that there is a difference of opinion between the clinician and the patient as to what model the person wishes to be ordered and the view of the clinician may differ from that of the patient who may, in instances that have come to my desk, request a smaller hearing aid which the clinical advice is will not be sufficient for their purposes and that may be the reason why payments are made but I will confirm the answer for him.



**Q153/2018**  
**Mammography appointments –**  
**Cancellations without notice**

1210

**Clerk:** Question 153, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state why mammography appointments have been cancelled without advance notice to patients?

1215

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1220

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, routine mammography screening appointments were regrettably cancelled recently due to the unexpected failure of the equipment.

All patients affected have been contacted and advised of the reason for the cancellation. Patients have been informed both by post and by phone of the new rescheduled appointment date.

1225

**Hon. E J Phillips:** Mr Speaker, this arises from just over five persons that became very concerned about the fact that they had not received such notification, or early notification as has been described, and effectively turned up to the hospital expecting to have this procedure done. They were then informed that it would be some time in April for these appointments and for the machinery to come back on line, as it will fixed.

1230

Obviously their concern was that obviously this is a delicate procedure for many women that have to undergo this procedure and therefore we wanted clarification as to why there would have been a mishap with five of them at least, I have been told at the very least, have been affected by this. But if the Government is assuring us that they have been communicated separately and through multi mediums, that is fine.

1235

**Hon. N F Costa:** Mr Speaker, I think the point that I wish to stress is that we are talking about routine mammography screening appointments, so we are not talking about urgent referrals or anything of the sort. This relates to appointments for routine screening.

1240

As a result of the breakdown of the mammography equipment, the appointments for these routine slots had to be rescheduled, I always insist when re-arranging meetings whether you bring them forward or back that you call the person and I am assured that the Department made a point of calling every single lady.

1245

Of course, there may have been cases where we have been unable to contact the lady for whatever reason, maybe the number we have is a landline and not a mobile, or indeed we have called the mobile and there has been no one to pick up and then a letter would have been sent and there would have been no oral contact.

But I always make it a point of making sure that people are called to be told of any rescheduled appointment, for the reason as he says, these appointments are important and we would rather minimise any disruption to patients.

1250

**Mr Speaker:** Next question.

**Q154/2018**  
**Orthopaedic Clinic –**  
**Average waiting time routine consultation**

**Clerk:** Question 154, the Hon. E J Phillips.

1255

**Hon. E J Phillips:** Mr Speaker, can the Government state the average waiting time for persons referred to the Orthopaedic Clinic for a routine consultation?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1260

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the average waiting time for persons referred to the Orthopaedic Clinic for a routine consultation is 11 months.

**Mr Speaker:** Next question.

**Q155-156/2018**  
**Operations –**  
**Number carried out and cancelled 2016-17**

1265

**Clerk:** Question 155, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state the total number of operations carried out in 2016 and 2017?

1270

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 156.

1275

**Clerk:** Question 156, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state by percentage, cancellations of operations due to bed shortages from the years 2016 and 2017?

1280

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, a total number of 3,632 operations were carried out during 2016 and a total number of 3,649 operations were carried out during 2017.

1285

The percentage of cancellations of elective operations due to bed shortages for years 2016 and 2017 are as follows: 2016, 1.79%; and 2017, 0.06%.

**Mr Speaker:** Next question.

**Q157/2018**

**Mental health conditions –  
Diagnosis statistics for children and young adults**

1290

**Clerk:** Question 157, the Hon. E J Phillips.

1295

**Hon. E J Phillips:** Can the Government state what statistics it has to hand in relation to the number of children and young adults, ages 12 to 25, diagnosed with depression and other mental health conditions?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1300

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Government has statistics in relation to the type of mental health condition and the number of children and young adults diagnosed with depression and other mental health conditions. These are available on our Primary Care Electronic Patient Record.

**Q158/2018**

**Obesity levels –  
Policy for reduction**

1305

**Clerk:** Question 158, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, further to Question 56/2018, can the Government confirm what its policy is in reducing the high levels of obesity in our community?

1310

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, child obesity is an important matter for concern, but the overall levels of adult obesity in Gibraltar is also significant.

1315

The Government's strategy on the reduction of obesity is therefore designed to meet the needs of different ages, different strata of society and different lifestyles.

The Public Health department addresses these needs using a multi-dimensional approach, including health education, public engagement and direct interventions.

There are numerous ongoing activities, some examples as follows.

1320

In health education, the GHA Public Health Department presents several leaflets on obesity prevention, healthy diets and other health improvement topics in its website [www.healthygibraltar.org](http://www.healthygibraltar.org) and updates these regularly.

Posters on healthy diets and lifestyle are placed on display at the Primary Care Centre and within St Bernard's Hospital. These are available to the public and regularly updated.

1325

A number of TV infomercials are regularly aired on GBC on topics such as the Change4Life initiatives, dietary fats, sugars and salt. All of these have been produced in the last two years.

Articles on healthy eating and lifestyle are written for the *Chronicle* and *Insight Magazine* on a regular basis.

The health promotion officers have delivered a series of healthy eating lifestyle sessions to young adults at the Gibraltar College.

1330

A healthy eating campaign is currently being offered to Year 10 students of Bayside School.

The Health Promotion Officers contributed to the Citizen's Advice Bureau's 'Stay Safe' campaign for senior citizens of the South District, providing information on healthy living and answering questions.

1335 The Health Promotion Officers regularly appear on Radio Gibraltar's *Health File* presenting key facts on contemporary topics like obesity and answering questions.

The Public Health department is working with Dieticians to expand the food and snacks offered in the Hospital canteen with healthy options.

The Public Health Department is working with Hospital managers and Dieticians to substitute healthy products in the vending machines within GHA premises.

1340 Highly calorific food products contribute to obesity and a number of leaflets highlighting the health, environmental and economic benefits of reducing dietary consumption of meat have been designed and distributed throughout Gibraltar.

1345 The Department is working with the Ministry of Environment on the 'Conscious Eating – A green Gibraltar' Initiative which promotes eating for health reasons as well as to protect the environment.

Mr Speaker, further, may I inform this House, with respect to Question 56 of this year, that I mistakenly referred the hon. Gentleman to the 'Health Matters' report of 2015, when, in fact, it is the 'Health and Lifestyle' report, which is available online in the GHA website and which contains information on obesity. My apologies.

1350

**Hon. E J Phillips:** I am grateful to the Minister for clarifying the position, it is just obviously when the Minister said that I should do my homework properly and read it, which I had done, and then ... I am grateful for the correction.

1355 But it is right, after reading this document, there is no short, medium or long-term strategy of the Government. It is effectively a statistical analysis conducted of a survey on the health of Gibraltar effectively relating to obesity, smoking prevalence, eating habits etc. But it is quite clear from this document that we need to do more as a community to reduce obesity. Some of the levels that have been described in this document and the summary as well, which is more alarming, which suggests that there is serious concern for the population of Gibraltar, it brings significant health risks and the likelihood of disease of these people and consequently increases the future burden of health care.

1360 Therefore, that is why I put the question as to what is the short-term, medium- and long-term strategy by the Government in relation to this and I am grateful to the Minister for answering the specific questions.

1365 But coming to the question that I was going to put, quite recently there was some debate as to whether increasing activity for our children in schools may well be an option from the usual 30-minute activity levels up to an hour per day. Has the Government considered any of those measures that could assist in obesity levels generally, reducing them?

1370 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have been roped in by my learned colleague in view of my responsibility for public health and for education.

1375 This is certainly something I hesitate to say that we are reviewing physical activity in schools because I am going to be accused of doing yet more things because obviously it is now a crime for me to try and do anything more than I am doing already.

But certainly, this is something that we are reviewing, the important effect of obesity on the health and obviously on future budgets on healthcare is very important and this is certainly one thing that is being looked at.

1380 **Hon. E J Phillips:** Mr Speaker, I am grateful to the Minister of Education's clarification in relation to those points relating to children.

1385 But quite clearly, our levels of obesity are higher than those in Spain according to this survey and Gibraltar has the highest prevalence of obesity in adults at the age of 45 in relation to the countries that were included within this survey, i.e. England, Scotland and other countries such as Malta, and some of the Channel Islands.

1390 So it is a significant problem concerning the health of Gibraltar generally, not only in relation to children but also older males as well and therefore, these are the reasons why I have targeted these questions and hopefully, put it on the public agenda because it is quite concerning when you read in detail, the Health and Lifestyle Report as to the consequences of obesity on our healthcare system – not only for those children, but for our growing elderly population as well and the burdens that it will create.

That is why I am trying to ascertain the short- and medium-term commitments by the Government in relation to reducing obesity across the wide ranges of the ages and demographic.

1395 **Mr Speaker:** Next question.

**Q159/2018**  
**CCTV cameras at Dr Giraldi Home –**  
**Location**

1400 **Clerk:** Question 159, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state that the location of CCTV cameras situated at Dr Giraldi Home are restricted to the kitchen, communal areas and sitting room?

1405 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the CCTV cameras situated at the Dr Giraldi Home are located in communal areas which include lounges, kitchens and offices.

1410 **Hon. E J Phillips:** Can the Minister confirm whether or not any of those cameras would be facing rooms, residential rooms for these particular people who are residing there?

1415 **Hon. N F Costa:** Yes, Mr Speaker, the answer is no. They will never be pointed towards the personal living areas.

1420 **Hon. E J Phillips:** And just so that we get the position clear, because we talked about protocols in relation to previous questions of CCTV, I assume, and perhaps the Minister could correct me if I am wrong, that the protocols deployed by other agencies in relation to the use and limit of the view that CCTV cameras are applied also in the Dr Giraldi Home.

1425 **Hon. N F Costa:** Mr Speaker, first to say that the CCTV is not yet operational, the cameras are not yet in operation and the Care Agency are developing their own protocol relying of course, on the experience of other agencies. But because we are dealing with a residential setting, we thought it was best to have a particular protocol designed for that setting, rather than just relying on other agency protocols.

1430 **Hon. E J Phillips:** Mr Speaker, when were the CCTV cameras installed? I take the point that they are not operational so they are not switched on, but when were they installed?  
Does the Minister have that information to hand?

**Hon. N F Costa:** They were all installed in the week commencing 29th January this year.

**Mr Speaker:** Next question.

**Q160/2018**  
**GHA clinics –**  
**Specialist clinicians**

1435 **Clerk:** Question 160, the Hon. L F Llamas.

1440 **Hon. L F Llamas:** Mr Speaker, can the Government since December 2011, provide details of specialist clinicians who have been providing GHA clinics including (a) the clinics, trusts or hospitals the specialist is from and (b) the time period the specialist has been or is hosting the GHA clinics?

**Clerk:** Answer, the Hon. the Minister for Health Care and Justice.

1445 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, since December 2011, the details of specialist clinicians who have been providing GHA clinics including (a) the clinic, trust or hospital the specialist is from and (b) the time period the specialist has been or is hosting the GHA clinics, is in the schedule I now hand over to the hon. Gentleman.

**Answer to Question 160/2018**

**COLORECTAL SCREENING PROGRAMME**  
**ST GEORGE'S HOSPITAL**

Date	Month	Year
24-25	NOVEMBER	2014
16-17	MARCH	2014
07-08	JUNE	2015
27-29	SEPTEMBER	2015
06-08	DECEMBER	2015
29-01	FEB/MARCH	2016
18-19	JULY	2016
25-27	SEPTEMBER	2016
20-22	NOVEMBER	2016
26-28	MARCH	2017
16-18	JULY	2017
08-11	OCTOBER	2017

**ST GEORGE'S HOSPITAL**

Date	Month	Year
14-15	JULY	2014
12-13	OCTOBER	2014
12-13	JULY	2015
16-18	AUGUST	2015
16-17	NOVEMBER	2015

26-28	JUNE	2016
21-23	AUGUST	2016
08-10	JANUARY	2017
23-25	APRIL	2017
17-19	SEPTEMBER	2017
11-12	DECEMBER	2017

**ST GEORGE'S HOSPITAL**

Date	Month	Year
30-02	NOV/DEC	2014
08-10	FEB	2015
10-12	MAY	2015
14-15	SEPTEMBER	2015
02-03	NOVEMBER	2015
07-08	MARCH	2016
23-24	MAY	2016
17-18	OCTOBER	2016
05-06	DECEMBER	2016
27-28	FEBRUARY	2017
22-23	MAY	2017
14-15	AUGUST	2017
06-07	NOVEMBER	2017

**E.N.T.**

**ROYAL NATIONAL THORAT, NOSE AND EAR HOSPITAL, LONDON**

Date	Month	Year
06-08	FEBRUARY	2013
17-18	DECEMBER	2013
17-18	MARCH	2014
14-15	JULY	2014

**ROYAL MARSDEN HOSPITAL**

Date	Month	Year
28-31	JANUARY	2013
07-08	OCTOBER	2013
06-08	OCTOBER	2014
23-25	FEBRUARY	2015
03	APRIL	2017

**GASTROENTEROLOGY  
LEICESTER**

Date	Month	Year
2-4	JULY	2012
12-15	NOVEMBER	2012
22-24	APRIL	2013
23-25	SEPTEMBER	2013

24-27	JUNE	2014
19-21	NOVEMBER	2014
14-16	DECEMBER	2015
20-22	APRIL	2016
19-21	SEPTEMBER	2016
23-24	JANUARY	2017
12-14	JUNE	2017
04-05	DECEMBER	2017

**LEICESTER**

Date	Month	Year
28-02	NOV/DEC	2011
02-04	JULY	2012
13-15	NOVEMBER	2012
23-26	OCTOBER	2013
13-16	JANUARY	2014
24-27	JUNE	2014
19-21	NOVEMBER	2014
21-24	APRIL	2015
14-16	DECEMBER	2015

**DERMATOLOGY  
LEICESTER**

Date	Month	Year
10-13	DECEMBER	2011
27-28	APRIL	2012
17-20	AUGUST	2012
10-12	DECEMBER	2012
24-26	FEBRUARY	2013
14-19	AUGUST	2013
12-14	DECEMBER	2013
23-26	APRIL	2014
23-26	JUNE	2014
21-26	AUGUST	2014
27-29	OCTOBER	2014
02-03	FEBRUARY	2015
25	APRIL	2015
28-30	OCTOBER	2015
08-10	FEBRUARY	2016
16	APRIL	2016
20-24	FEBRUARY	2017
22	APRIL	2017

**LEICESTER**

Date	Month	Year
20-22	FEBRUARY	2012
19-20	JUNE	2012



22-24	OCTOBER	2012
22-24	APRIL	2013
03-05	JUNE	2013
30-02	SEPT/OCT	2013
24-26	FEBRUARY	2014
25-26	APRIL	2014
27-29	OCTOBER	2014
01-03	DECEMBER	2014
25	APRIL	2015
07-09	SEPTEMBER	2015
07-09	DECEMBER	2015
13-16	DECEMBER	2015
05-07	SEPTEMBER	2016
05-07	DECEMBER	2016
19-22	APRIL	2017
12-14	JUNE	2017
21-23	AUGUST	2017
04-06	DECEMBER	2017

**LEICESTER**

Date	Month	Year
18-19	SEPTEMBER	2017

**GENETICIST  
HAMMERSMITH HOSPITAL**

Date	Month	Year
27-01	FEB/MARCH	2013
02-04	OCTOBER	2013
02-04	APRIL	2014
01-03	OCTOBER	2014
06-08	MAY	2015
07-09	OCTOBER	2015
20-22	APRIL	2016
11-14	OCTOBER	2016
03-05	MAY	2017
29-01	NOV/DEC	2017

**NEPHROLOGY  
HAMMERSMITH HOSPITAL**

Date	Month	Year
23	JANUARY	2012
23	APRIL	2012
16	JULY	2012
24	SEPTEMBER	2012
28	JANUARY	2013

15	APRIL	2013
29	JULY	2013
07	OCTOBER	2013
27	JANUARY	2014
7-8	APRIL	2014
14-15	JULY	2014
20-21	OCTOBER	2014
12-13	JANUARY	2015
13-14	APRIL	2015
06-07	JULY	2015
12-14	OCTOBER	2015
18-20	JANUARY	2016
14-16	APRIL	2016
24-26	OCTOBER	2016
16-18	JANUARY	2017
25-26	APRIL	2017
04	MAY	2017
10-12	JULY	2017
11	SEPTEMBER	2017
26-27	OCTOBER	2017

**NEUROLOGY  
ST GEORGE'S HOSPITAL**

Date	Month	Year
17-19	NOVEMBER	2014
12-14	OCTOBER	2015
25-26	JANUARY	2016
11-12	JULY	2016
03-04	OCTOBER	2016
20-21	MARCH	2017
10-12	JULY	2017

**LEICESTER**

Date	Month	Year
08-10	DECEMBER	2014
04-07	AUGUST	2015
07-10	APRIL	2015

**LEICESTER**

Date	Month	Year
7-9	MAY	2012
26-28	SEPTEMBER	2012
09-11	JANUARY	2013
06-08	JUNE	2013
17-20	SEPTEMBER	2013
21-24	JANUARY	2014
05-07	MAY	2014
30-03	SEPT/OCT	2014

10-13	FEBRUARY	2015
17-19	JUNE	2015

**UCLH**

Date	Month	Year
03-04	OCTOBER	2017
28-04	OCT/NOV	2017
30	DECEMBER	2017

**GYNAECOLOGY & OBSTETRICS  
ROYAL MARSDEN HOSPITAL**

Date	Month	Year
23	APRIL	2012
22	OCTOBER	2012
21-22	OCTOBER	2013
7-8	APRIL	2014
16-18	NOVEMBER	2014
07-08	APRIL	2015
19-20	OCTOBER	2015
04-06	APRIL	2016
27-29	SEPTEMBER	2016
18-20	APRIL	2017
23-25	OCTOBER	2017

**SPINAL SURGEON  
GUYS & ST THOMAS' HOSPITAL**

Date	Month	Year
09-10	DECEMBER	2011
02-03	MARCH	2012
08-09	JUNE	2012
14-15	SEPTEMBER	2012
07-08	DECEMBER	2012
01-02	MARCH	2013
12-13	APRIL	2013
28-29	JUNE	2013
13-14	SEPTEMBER	2013
08-09	NOVEMBER	2013
31-01	FEBRUARY	2014
02-03	MAY	2014
18-19	JUNE	2014
18-19	SEPTEMBER	2014
05-06	DECEMBER	2014
13-14	FEBRUARY	2015
24-25	APRIL	2015
03-04	JULY	2015

**ST GEORGE'S HOSPITAL**

Date	Month	Year
13-14	OCTOBER	2014
17-18	SEPTEMBER	2015
16-18	MAY	2016
18-20	JULY	2016
25-27	SEPTEMBER	2016
05-07	DECEMBER	2016
06-08	MARCH	2017
05-07	JUNE	2017
25-27	SEPTEMBER	2017

Date	Month	Year
06-07	NOVEMBER	2016

**SCOLIOSIS**

Date	Month	Year
12-13	OCTOBER	2013
04-05	JULY	2014
27-28	MARCH	2015
02-03	DECEMBER	2016
10-11	NOVEMBER	2017

**CARDIO VASCULAR SURGEON  
VITHAS XANIT HOSPITAL**

Date	Month	Year
14	FEBRUARY	2014
21	MARCH	2014
10	APRIL	2014
25	APRIL	2014
09	MAY	2014
29	MAY	2014
13	JUNE	2014
26-27	JUNE	2014
11	JULY	2014
24	JULY	2014
14	AUGUST	2014
11	SEPTEMBER	2014
02	OCTOBER	2014
06	NOVEMBER	2014
11	DECEMBER	2014
15	JANUARY	2015
12	FEBRUARY	2015
05	MARCH	2015
19	MARCH	2015
16	APRIL	2015
30	APRIL	2015

07	MAY	2015
28	MAY	2015
04	JUNE	2015
18	JUNE	2015
02	JULY	2015
16	JULY	2015
24	SEPTEMBER	2015
01	OCTOBER	2015
22	OCTOBER	2015
05	NOVEMBER	2015
19	NOVEMBER	2015
03	DECEMBER	2015
17	DECEMBER	2015
14	JANUARY	2016
28	JANUARY	2016
11	FEBRUARY	2016
18	FEBRUARY	2016
10	MARCH	2016
31	MARCH	2016
14	APRIL	2016
21	APRIL	2016
12	MAY	2016
26	MAY	2016
09	JUNE	2016
23	JUNE	2016
07	JULY	2016
21	JULY	2016
01	SEPTEMBER	2016
15	SEPTEMBER	2016
29	SEPTEMBER	2016
20	OCTOBER	2016
27	OCTOBER	2016
10	NOVEMBER	2016
24	NOVEMBER	2016
01	DECEMBER	2016
15	DECEMBER	2016
12	JANUARY	2017
26	JANUARY	2017
09	FEBRUARY	2017
23	FEBRUARY	2017
09	MARCH	2017
23	MARCH	2017
06	APRIL	2017
20	APRIL	2017

04	MAY	2017
18	MAY	2017
01	JUNE	2017
15	JUNE	2017
29	JUNE	2017
06	JULY	2017
13	JULY	2017
27	JULY	2017
10	AUGUST	2017
07	SEPTEMBER	2017
21	SEPTEMBER	2017
05	OCTOBER	2017
19	OCTOBER	2017
02	NOVEMBER	2017
09	NOVEMBER	2017
16	NOVEMBER	2017
30	NOVEMBER	2017
14	DECEMBER	2017

**PAEDIATRICS**

**SPINAL – GREAT ORMOND STREET HOSPITAL**

Date	Month	Year
18	MAY	2012
21	SEPTEMBER	2012
12	APRIL	2013
08	NOVEMBER	2013
23	MAY	2014

**ENDOCRINOLOGIST – IMPERIAL COLLEGE**

Date	Month	Year
24-27	APRIL	2012
21-24	MAY	2013
13-16	MAY	2014
22-24	MAY	2015
25-27	MAY	2016
10-12	MAY	2017

**NEUROLOGIST - BRISTOL ROYAL HOSPITAL FOR CHILDREN**

Date	Month	Year
5-6	JANUARY	2012
16-17	AUGUST	2012
08-10	JANUARY	2013
15-16	AUGUST	2013

**NEUROLOGIST - GUYS AND ST THOMAS' HOSPITAL**

Date	Month	Year
10-12	FEBRUARY	2014
23-25	FEBRUARY	2015
14-16	MARCH	2016
01-03	AUGUST	2016
13-14	FEBRUARY	2017
31-02	AUGUST	2017

**PSYCHIATRIST - GUYS AND ST THOMAS'S HOSPITAL**

Date	Month	Year
21-24	JUNE	2015
04-07	OCTOBER	2015
13-16	DECEMBER	2015
06-09	MARCH	2016
05-06	JUNE	2016
25-28	SEPTEMBER	2016

**SLAM HOSPITAL**

Date	Month	Year
21-24	MAY	2012
26-29	MARCH	2017
26-28	JUNE	2017

**SLAM HOSPITAL**

Date	Month	Year
21-23	JANUARY	2013
22-24	APRIL	2013
18-21	AUGUST	2013
04-05	NOVEMBER	2013
02-05	FEBRUARY	2014
19-20	MAY	2014
27-30	JULY	2014
01-03	DECEMBER	2014
01-04	MARCH	2015

Date	Month	Year
6-7	JULY	2017

**EVELINAS CHILDREN HOSPITAL**

Date	Month	Year
06-07	OCTOBER	2017

**ST GEORGE'S HOSPITAL**

Date	Month	Year
9-10	OCTOBER	2016

**PLASTIC SURGERY  
LEICESTER HOSPITAL**

Date	Month	Year
20-22	FEBRUARY	2012
20-22	AUGUST	2012
19-21	AUGUST	2013
24-26	MARCH	2014
18-20	AUGUST	2014
20-22	APRIL	2015
24-27	AUGUST	2015
25-29	JANUARY	2016
21-23	MARCH	2016
22-24	AUGUST	2016
27-29	MARCH	2017
21-24	AUGUST	2017
10-15	DECEMBER	2017

**LEICESTER HOSPITAL**

Date	Month	Year
28-01	NOV/DEC	2011
22-25	APRIL	2012
19-23	NOVEMBER	2012
11-15	FEBRUARY	2013
03-07	JUNE	2013
02-06	SEPTEMBER	2013
18-21	NOVEMBER	2013
12-16	MAY	2014
01-06	SEPTEMBER	2014
08-12	DECEMBER	2014
23-27	FEBRUARY	2015
12-17	MAY	2015
22-27	JUNE	2015
10-15	AUGUST	2015
16-21	NOVEMBER	2015
15-19	FEBRUARY	2016
04-09	APRIL	2016
19-23	SEPTEMBER	2016
14-17	JUNE	2016
06-10	FEBRUARY	2017
03-07	APRIL	2017
05-09	JUNE	2017
07-18	AUGUST	2017



13-17	NOVEMBER	2017
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**RHEUMATOLOGY**

Date	Month	Year
27-28	JANUARY	2011
06-08	JULY	2011
05-07	OCTOBER	2011
12-13	DECEMBER	2011
19-21	MARCH	2012
16-19	MAY	2012
12-14	JULY	2012
10-12	OCTOBER	2012
15-17	NOVEMBER	2012
17-18	JANUARY	2013
20-22	MARCH	2013
29-31	MAY	2013
28-30	AUGUST	2013
05-07	DECEMBER	2013
30-01	JAN/FEB	2014
27-29	MARCH	2014
28-30	MAY	2014
03-04	SEPTEMBER	2014
15-17	OCTOBER	2014
18-19	DECEMBER	2014
05-06	FEBRUARY	2015
26-27	MARCH	2015
27-29	MAY	2015
12-14	AUGUST	2015
19-21	OCTOBER	2015
10-11	DECEMBER	2015
11-12	FEBRUARY	2016
17-18	MARCH	2016
13-15	APRIL	2016
16-17	JUNE	2016
25-26	AUGUST	2016
27-28	OCTOBER	2016
08-09	DECEMBER	2016
16-17	FEBRUARY	2017
16-17	MARCH	2017
25-26	MAY	2017
26-28	JULY	2017
21-22	SEPTEMBER	2017
27-01	NOV/DEC	2017

**CARDIOLOGY  
ST MARY'S HOSPITAL**

Date	Month	Year
31-01	JAN/FEB	2011
04-06	SEPTEMBER	2011
20-21	FEBRUARY	2012
03-04	SEPTEMBER	2012
28-30	JANUARY	2013
05-06	AUGUST	2013
24-25	FEBRUARY	2014
15-16	SEPTEMBER	2014

**ST MARY'S HOSPITAL**

Date	Month	Year
04-06	SEPTEMBER	2011

**IMPERIAL COLLEGE LONDON**

Date	Month	Year
03-04	SEPTEMBER	2012
15-16	SEPTEMBER	2014

**RESPIRATORY  
LEICESTER HOSPITAL**

Date	Month	Year
02-03	FEBRAURY	2011
25-27	MAY	2011
30-01	NOV/DEC	2011
03-04	MAY	2012
28-30	NOVEMBER	2012
08-09	MAY	2013
27-28	NOVEMBER	2013
07-09	MAY	2014
26-27	NOVEMBER	2014
04-05	JUNE	2015
26-27	NOVEMBER	2015
19-20	MAY	2016
24-25	NOVEMBER	2016
25-26	MAY	2017
23-24	NOVEMBER	2017

**SCIENTIFIC OFFICE (RESPIRATORY)**

Date	Month	Year
21-23	FEBRUARY	2012
02-04	MARCH	2012
03-04	MAY	2012

29-30	AUGUST	2012
28-30	NOVEMBER	2012
23-24	JANUARY	2013
25-26	MARCH	2013
08-09	MAY	2013
02-03	JULY	2013
01-02	SEPTEMBER	2013
27-28	NOVEMBER	2013
26-28	MARCH	2014
07-09	MAY	2014
29-30	JULY	2014
22-24	SEPTEMBER	2014
26-27	NOVEMBER	2014
24-26	FEBRUARY	2015
03-05	JUNE	2015
01-02	OCTOBER	2015
25-27	NOVEMBER	2015
04-05	FEBRUARY	2016
19-20	MAY	2016
08-09	SEPTEMBER	2016
24-25	NOVEMBER	2016
23-24	FEBRUARY	2017
25-26	MAY	2017
25-26	AUGUST	2017
23-24	NOVEMBER	2017

**ALLERGY SPECIALIST  
ROYAL NATIONAL THROAT, NOSE AND EAR HOSPITAL**

Date	Month	Year
22	NOVEMBER	2017

**Q161/2018  
Specialist patient care –  
GHA resourcing**

**Clerk:** Question 161, the Hon. L F Llamas.

1455 **Hon. L F Llamas:** Mr Speaker, can the Government state whether any patient has been deprived of the appropriate specialist care as a result of the GHA not making appropriate resources available?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1460

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I can confirm that no patient has been deprived of the appropriate clinical care as determined by the GHA clinical team due to lack of resources.

1465 **Hon. L F Llamas:** Mr Speaker, as I have explained to the Hon. Minister through private messages on some particular cases which I have been informed of, there has been what seems to be a breakdown in communication or a lack of resources being made available.

My understanding from what may have happened in a particular case which we are not going to ventilate in this Chamber for sure, is that a patient has for some reason been put into an annual list of reviews for example and not been communicated.

1470 Can the Hon. Minister please pledge to investigate circumstances such as this one and ensure that the patient is always aware of the care that person is meant to be receiving and is not left in a vacuum of uncertainty?

1475 **Hon. N F Costa:** Yes, Mr Speaker, I have already carried out the investigation following the hon. Gentleman's message to me.

I have a note in front of me, the note seems to suggest that the gentleman in question was informed of the next step. Having said that I am working from notes so I was not present at the meeting where any such communication would have taken place. But it is entirely possible that either the information was not communicated entirely effectively or that the person did not quite understand what was being communicated to him. And to assuage the gentleman's concerns, there has been in any event an additional appointment now set for this particular gentleman, next week.

1485

## ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

### Q113/2018

#### Wastewater treatment plant – Financing

**Clerk:** We now return to Question 113, the questioner is the Hon. R M Clinton.

1490 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that the entire £22 million cost of the announced wastewater treatment plant will be borne by the Improvement and Development Fund and if not, by whom?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government is considering a number of financing options.

1500 **Hon. R M Clinton:** Mr Speaker, I am sure the Minister is aware that in the last Budget there was a nominal £1,000 in the Improvement and Development Fund in respect of the wastewater treatment plant.

Is the Minister now advising this House that he does not think that this cost will be going through the Improvement and Development Fund?

1505 **Hon. Dr J E Cortes:** Mr Speaker, what I am saying is that we are considering a number of financing options. The £1,000 is there to reflect our commitment to it and to leave those options open. If a number of options are open, this could be one of them but we are not in a position right now to give any more information.

1510 **Hon. R M Clinton:** Mr Speaker, I must say I find it strange that the Minister announces the signing of a contract but he cannot tell this House how he intends to pay for it.

Will the Minister at least give an undertaking to come back to the House and tell the House how he intends to pay those contracts?

1515 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not the position. The position is that the Government knows it has different options available to it to enable us to pay for the liabilities in the contract and we want to continue to have those options available to us.

When we have made a final decision in the interest of the taxpayer, because we are not going to choose the option that is most expensive, we are going to choose the option that is most in the interest of the taxpayer, we will then be in a position to make an announcement in that respect.

1520

**Hon. R M Clinton:** Mr Speaker, the Chief Minister is confusing the cost to the taxpayer in terms of the contract and the way he is going to pay for it.

1525 At the end of the day he has already signed a contract, there is no further benefit to be obtained for the taxpayer as far as I am aware, so is the Chief Minister saying that he really does not know how he is going to pay for this wastewater treatment plant at this moment in time?

**Hon. Chief Minister:** That is not the position, Mr Speaker. What the hon. Gentleman is confusing is whether or not there might be any financing cost attached to the way in which we determine that we will pay for the cost of this liability or whether we will decide to approach the cost in another way which might reduce either the financing cost or indeed the £22 million in some way.

1530

Mr Speaker, what he should be saying to me is that he is very pleased to hear that there is an opportunity to ensure that the taxpayer gets an even better deal.

1535

**Q114/2018**  
**Smoking –**  
**Reducing prevalence**

**Clerk:** Question 114, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state how it intends to reduce the prevalence of tobacco smoking in our community?

1540

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

1545 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government intends to reduce the prevalence of smoking in Gibraltar through the following initiatives:

Campaigning against the uptake of smoking by children – working through the Health Promotion team of Public Health.

1550 Monitoring the prevalence of smoking in schools – working with the Gibraltar Drugs Advisory Council to survey uptake of substances in schools.

Supporting the No Smoking Day initiative – a well-established initiative in Gibraltar to promote quitting.

1555 Promoting smoking cessation where tobacco consumption is disproportionately high – older men, ethnic groups, manual workers, etc.

Supporting and promoting the GHA Smoking Cessation service.  
Increasing prices of tobacco products.

1560 **Hon. E J Phillips:** Mr Speaker, given this report that I have been avidly reading because of Minister Costa's reference to it on the last occasion, it is quite clear that our community has one of the highest smoking prevalences compared to any other country studied in relation to this report.

1565 Therefore, I ask the question as to whether the Government intends to neutralise the packets containing cigarettes so they are blank so that we get rid of this advertising of the names on these packets. Also, you have seen in other countries where they illustrate in quite graphic detail some disturbing images relating to tumours and cancer generally speaking.

1570 But does the Government intend to do anything about the packaging in relation to cigarettes in order to further enhance armoury against tobacco and the prevalence of tobacco smoking in Gibraltar?

**Hon. Dr J E Cortes:** Mr Speaker, there is no doubt about both obesity and tobacco smoking are concerns as reflected in that report, which is the second report that this Government produced. It was produced in my time as Health Minister.

1575 The first one was also published by us, the survey had been carried out in GSD times but they never provided the funding for publication. So we are very pleased and proud that we are putting this sort of information in the public domain because it is of interest to the community and also it spurs us on to greater things.

1580 So in the same way that in answer to the previous question we are promoting different initiatives to help tackle obesity, we are looking at a wide range of possibilities in decreasing smoking in Gibraltar, particularly for young people.

These are some of the matters that are on the list of things that are being considered, but we have not taken a firm decision on those and that is why the ones that appear in the answer to the questions are the ones that we are actually carrying out at the moment.

1585 **Hon. E J Phillips:** And, Mr Speaker, just one further question in relation to that. Clearly the position in 2008 the percentage of those individuals who had declared themselves as smokers was about 28% but in the 2015 report that the Government has commissioned, demonstrates that there was 35% so clearly something is not working in so far as strategy is concerned.

1590 In relation to children of course, the figures are fairly low and although I appreciate and commend the Government for going into schools and telling children about smoking in particular, it is quite clear that we need to do more.

Does the Minister agree with that?

1595 **Hon. Dr J E Cortes:** As I say with anything, any question on environment, of course I agree we can do more; we are never going to reach total satisfaction in campaigning and working for things that are good for the environment and good for the health of the community.

1600 I think I have to remind the Hon. the Leader of the Opposition that we did introduce a Smoke-Free Environment Act, so although the statistics indicate that there are a few percentage more smoking, I would like to think that there is a huge percentage more of non-smokers who are now not exposed to smoke.

So overall, perhaps the direction is the right one that we are following but clearly the community has more to do on this and we are committed to doing so.

1605 **Hon. Ms M D Hassan Nahon:** Mr Speaker, may I take this opportunity to ask the Minister whether they have made any progress on the question I made about a year ago regarding banning smoking in children's play parks and then asked again five months ago, which is an issue of course of health and of environment as the Minister says, because we can educate our

children all we want in schools but if they are living and breathing it in children's play parks, I do not know what example that is.

1610

**Hon. Dr J E Cortes:** Mr Speaker, we did, if my memory serves me right, ban smoking in the sports complex, I think that has been led by my friend and colleague the Hon. Stephen Linares, but I think that has already happened and we are intending to identify play areas and possibly other recreational areas.

1615

We are considering for example some parts of the Upper Rock where smoking can actually be a danger of fire that perhaps away from the roads and so on, to introduce for other reasons but this is certainly something that we are still considering and I hope that we will be able to see progress soon.

1620

**Hon. E J Phillips:** Just one final question, I promise, in relation to this. So the Government has no intention of standardising the packaging of tobacco products.

**Hon. Dr J E Cortes:** Mr Speaker, I did not say that. I said that this was one of the matters that is on the list of things to look at by way of improving our performance in smoking statistics.

1625

**Hon. T N Hammond:** Mr Speaker, the Minister did say part of the strategy would or could be to increase the price of tobacco, a strategy that has been known to work in other jurisdictions certainly.

1630

Is the Government seriously considering that or is the Minister just saying that for purposes in this House?

**Chief Minister (Hon. F R Picardo):** As Minister for Public Finance, I have raised the price of tobacco more in six years than was the case in the past 20, so I think there is an indication of our commitment.

1635

**Hon. T N Hammond:** That does not actually answer the question because clearly if you are considering raising prices to discourage people from smoking, they need to be raised significantly and considerably. And that is why I asked the question, is the Government considering the kind of raises, the kind of levels that we may see tobacco prices have reached in other jurisdictions like the UK or even possibly Spain or not?

1640

**Hon. Chief Minister:** Mr Speaker, in the past six years I have raised the price of tobacco more than has been the case in 20 years in this community and so, therefore, I think we have a track record of using price in a way that deters people from smoking. But if people are foolish enough to want to put a stick of grass in their mouth and light it, Mr Speaker, then it is very difficult to dissuade them.

1645

In the United Kingdom, raising the price of tobacco has meant that people continue smoking so in a community as affluent as ours that may not be the silver bullet that hon. Members pretend it is.

1650

But given that the last time they were in Government they did not take those steps, can I ask them, at least rhetorically, Mr Speaker, what it is that has changed their minds now.

**Mr Speaker:** Next question.

**Q115/2018**

**Complaints to EU Commission re flaring at Cepsa –  
Response received**

1655 **Clerk:** Question 115, the Hon. T N Hammond.

**Hon. T N Hammond:** Further to Question 115/2017, has Government received a response to its complaints to the EU Commission reference the flaring at Cepsa and if so, what was the content of that response?

1660

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can be of assistance to the House, I am just reminded that the increase in tobacco prices in the time that I have been Leader of this House, is 134%.

1665 **Clerk:** Answer, the Hon. the –

**Hon. T N Hammond:** Mr Speaker, I am grateful for the answer to that question, but clearly the Government's – (*Interjection by Mr Speaker*) it is a question related -

1670 **Mr Speaker:** No, the matter is closed, I closed the matter, we are moving on to the next question.

I would think there is enough tobacco smoke around this place without dealing with the matter any further. It has been amply ventilated and we are moving on.

1675 **Clerk:** Question 115 and answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1680 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, as has previously been confirmed, the Government has received formal notification from the European Commission that the complaint has been registered and that it is being considered.

However, the Government has received no further feedback from the Commission since then. The Gibraltar office in Brussels is urging the Commission to expedite a reply.

**Q116/2018**

**Thinking Green underwater camera –  
Operation**

1685 **Clerk:** Question 116, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, has the Thinking Green underwater camera worked at all since the beginning of last month?

1690 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, no, sir.

**Hon. T N Hammond:** Mr Speaker, what is the reason for it not having been serviceable?

1695 **Hon. Dr J E Cortes:** Mr Speaker, in answer to a previous question, I had mentioned that there was a question of online connectivity. On this occasion, the problem was a little bit more severe



and the diving team from the Department of the Environment and Climate Change inspected the whole length of the cable from the shore to the camera and found that severe weather had dislodged the rock that had fallen on the cable and pinched it.

1700 Therefore, it has required the removal of the whole cable and it will have to be laid again and the team is looking towards doing it over the next couple of weeks.

**Hon. T N Hammond:** I appreciate this may not arise from the question so I do understand, but does the Minister have any idea of what the cost of that particular exercise would be?

1705

**Hon. Dr J E Cortes:** Yes, Mr Speaker, we have enough cable to be able to relay it without having to purchase anymore, because most of it can be recouped and used and the work is carried out in-house by members of the Department's diving team so we do not have to pay over and above the normal wages of the men and women in question.

1710 So there is no separate cost other than the one as I said last time, routine maintenance is done by the in-house team.

#### Q117-118/2018

##### Dogs –

##### Testing of faeces; fines for non-registration

**Clerk:** Question 117, the Hon. T N Hammond.

1715 **Hon. T N Hammond:** Mr Speaker, what is the cost of each DNA test or batch of tests conducted on samples of dog faeces?

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

1720

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 118.

**Clerk:** Question 118, the Hon. T N Hammond.

1725

**Hon. T N Hammond:** How many fines have been issued or are pending for ownership of unregistered dogs?

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

1730

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the cost of each faecal DNA test is €12.88.

1735 In answer to Question 118, none yet sir, but I have to qualify that: although there has been no fining for unregistered dogs, there has been one fine currently being processed for an unlicensed dog. You have to register it and then license it every year. So the dog was registered but the licence had not been produced.

This is despite the fact that several hundred dog owners have been stopped to confirm their registration and there are daily patrols checking dog owners accordingly.

**Q119/2018**  
**Heritage Action Committee –**  
**Meetings since March 2017**

1740

**Clerk:** Question 119, the Hon. T N Hammond.

**Hon. T N Hammond:** How many meetings of the Heritage Action Committee have taken place since March 2017 and what has been discussed?

1745

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

1750

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Heritage Action Committee has met twice since March 2017.

Mr Speaker, in my prepared answer, I do not have the details of what has been discussed, but as I have it here, I am going to read through in order to assist to pre-empt the supplementary that is inevitably coming if I may, Mr Speaker.

1755

Discussion of the role of the committee in its method of operation, its terms of reference – this was in the first meeting which slightly pre-dates this, there was a meeting in February so it is three altogether since I reconstituted it – two since March, discussion on the Heritage and Antiquities Act and Government archives on the Gibraltar Museum, on the Garrison Library, the handing in of artefacts found by the public, heritage environment records, heritage management plans, GIS for plotting the schedule to the Heritage Act, inclusion of caves in the schedule, mobile heritage assets moratorium, Heritage Act feedback, the sports complex at Europa and Lathbury Barracks, Europa Point expressions of interest, Nun's Well options, Southport gates and the maintenance of city walls, the ex-MOD gatehouse relocation, the location of Admiralty anchors, Witham Cemetery, street art initiative, the World Heritage viewing platform, provision of archaeological services, the Garrison Library again, Lathbury Barracks and Europa Pass Battery, and discussion of heritage aspects of MOD assets.

1760

1765

These are the ones listed in a list. There will have been more informal discussions but I think that highlights the range. If I may add as well, Mr Speaker, this is an action committee so it meets when there are specific actions to be decided. There is a lot more consultation with the different members in our day-to-day work.

1770

**Hon. R M Clinton:** Just one question, Mr Speaker. I notice reference to a Heritage Management Plan; I do not believe that has been published yet. When might that be published?

1775

**Hon. Dr J E Cortes:** Mr Speaker, I think I have answered a question on this previously. This is being drafted by the Gibraltar Museum team and I am looking forward to receiving a draft but without notice, I cannot tell the hon. Member exactly when I expect this.

**Q120/2018**  
**Upper Rock visitors –**  
**Numbers per month since July 2014**

**Clerk:** Question 120, the Hon. T N Hammond.

1780

**Hon. T N Hammond:** Can Government provide a list of the number of visitors to the Upper Rock, by month, since July 2014?

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

1785

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedule which I now hand over.

1790 In the meantime, Mr Speaker, I would like to bring his attention to the fact that this information is available on line at <https://www.gibraltar.gov.gi/new/statistics-topic-area/2018/tourism>.

**Hon. T N Hammond:** I am not going to try and write that down!

1795 **Hon. Dr J E Cortes:** No, I am happy to give him a copy of this behind your Chair, Mr Speaker.

**Answer to Question 120/2018**

Total number of upper rock nature reserve visitors by month

Year	January	February	March	April	May	June
2014						
2015	18,774	27,507	41,685	87,614	85,252	83,586
2016	21,725	27,962	60,461	83,962	102,234	92,177
2017	25,558	32,279	55,259	96,367	117,267	105,011
2018	24,608					
Year	July	August	September	October	November	December
2014	100,337	110,603	103,961	90,846	37,560	27,465
2015	105,621	118,572	112,692	101,942	43,177	32,151
2016	117,980	129,284	123,050	118,980	51,238	30,052
2017	127,188	140,384	119,242	118,086	59,191	37,192

**Q121/2018**

**Upper Rock Nature Reserve entrance fees –  
Arrears update**

**Clerk:** Question 121, the Hon. L F Llamas.

1800 **Hon. L F Llamas:** Mr Speaker, can the Government provide an update on the arrears detail position of debtors who may have exceeded their credit periods on Upper Rock Nature Reserve entrance fees, together with details of any other debts they may owe to the Government or its agents?

1805 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there is currently one debtor. Arrears pending amount to £168,790.40.

1810 **Hon. L F Llamas:** Mr Speaker, is that exclusively in relation to Upper Rock entrance fees or does that encompass other arrears.

**Hon. Dr J E Cortes:** Mr Speaker, exclusively to the Upper Rock. I have not found any other debts by that debtor in other areas. If there are some, they certainly have not come to our attention when we were researching the answer.

1815

**Hon. L F Llamas:** Mr Speaker, can the Minister confirm that this is the same debtor that has owed a substantial amount of money for the last two years?

**Hon. Dr J E Cortes:** Yes, sir.

1820

**Hon. L F Llamas:** Therefore, Mr Speaker, could I ask what the Government is doing in order to recoup this amount of money, given that this is again on the increase and obviously the operator or whoever the individual is, keeps on entering the Upper Rock whilst having this debt over the Government.

1825

**Hon. Dr J E Cortes:** Mr Speaker, this is a snapshot, that debtor is regularly making fairly large payments. This is a snapshot at the time that this information was captured and it will depend on how many visitors come in and some months there will be more, some months there will be less, so I suspect that this will reflect a period, because there is a time lag of a couple of months before payments come in, so this could well reflect the end of the summer period.

1830

I can find more information but I can assure the hon. Member that payments are coming in regularly.

And in answer to previous questions, he will have seen how this does in fact go up and down depending on when we take the actual data. I am happy to look into a more long-term analysis of this but I do assure the hon. Member that regular payments are being received.

1835

**Hon. L F Llamas:** Mr Speaker, could I ask is any interest charged together with these payments for what could be described as an unsolicited loan?

1840

**Hon. Dr J E Cortes:** Without accepting that definition I am not aware of what that answer would be, I would need to look into that.

**Hon. D A Feetham:** Mr Speaker, just in relation to the answer the hon. Gentleman has given, does he know ...? Because what he is saying is that payments are regularly coming in, but of course, if payments are regularly coming in but the debt remains in the region of £200,000 then effectively the Government is subsidising this particular operator in a very significant way.

1845

Now, does the Minister know whether in the period since the summer for example, whether that debt has actually reached zero, because then I could understand the situation better and I could understand what we have here is an open tally whereby on a monthly or bi-monthly basis or every three months the debt may go up and then it is reduced to zero.

1850

I am just trying to understand what the nature of this debt and how long it has been outstanding is.

**Hon. Dr J E Cortes:** Mr Speaker, it has not reached zero, but it would be almost impossible to reach zero unless there were no visitors brought by that operator into the Nature Reserve for say a period of three months.

1855

There will always be, it is a dynamic situation, there will always be some debt. The debt has been considerably lower than it is now, when I have been asked at other times. I do not have a recollection nor the figures at this point in time as to what my answers have been, but they have been certainly at least, I think, I am working from memory, Mr Speaker, at least half of this.

1860

And if you then translate it into the number of tourists brought through, it may be that it is a reasonable amount of tourists if we are working on a two or three month lag. So it looks

perhaps, I think it certainly looks worse than it is, but I would need a little bit of time to research it in the context that it has been asked.

1865 I was asked for a specific figure, that is what I have provided. I would be happy either if the hon. Member or Members write to me or if there is another question in future to analyse it in that way, but it is highly unlikely that it would ever be zero if there is a lot of trade, but I need to research that further.

1870 **Hon. L F Llamas:** Mr Speaker, the fact that it cannot go down to zero is slightly confusing when this matter was first raised by the Principal Auditor in his report from 2014-15 and therefore, it was highlighted by the Principal Auditor as a going concern, given that it is the only ... There were two operators at the time, one obviously has satisfied his debts but obviously there still remains one particular operator or individual out there that simply cannot manage its  
1875 debt appropriately and has been doing so now for two years, when this was not the case before this was actually raised by the Principal Auditor.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, how does the hon. Gentleman reach that  
1880 assumption? Couldn't it also be the biggest operator by far, rather than just a debtor that is unable to manage its debt?

**Hon. L F Llamas:** Well, Mr Speaker, answering to the Chief Minister, I take that assumption from the concerns raised in the Principal Auditor's Report and if he is raising it as a concern, it is obviously a concern which we must then address and I hope the Chief Minister agrees that if he  
1885 highlights it, it is something that his Government should be looking into.

**Hon. Chief Minister:** Nobody is saying it is not a concern. What I am saying is how has the hon. Gentleman assumed it is a debtor that is unable to manage debt and that the sums are not large sums because we might be dealing with one of the largest operators that brings the larger  
1890 number of people, and the hon. Gentleman has said to him, as a result of that, the numbers get large.

**Hon. D A Feetham:** Mr Speaker, may I? Mr Speaker, no, I understand the point made by the Hon. the Chief Minister, but if it were the position that ... Effectively what we are dealing with is  
1895 a running total of amounts owed to the Government simply because there are a lot of tourists going into the Upper Rock and at any given time there is always going to be some money that is owed to the Government, I could understand there is no concern.

But the point that is made by the Hon. Mr Llamas is that in 2014, the Principal Auditor raised this as a concern; therefore, it was a concern to the Principal Auditor and if it was a concern to  
1900 the Principal Auditor, I think that it is a reasonable assumption to make. We do not know – I mean we are blind on this side of the House in relation to this; the Government has the facts. But if it was a concern to the Principal Auditor in 2014, then a reasonable assumption is that it cannot just simply be explained away by way of a running total that is reasonable in the context of a lot of tourists coming into the Upper Rock. I just wonder whether the Government knows  
1905 the answer to this.

Are we talking about, which I think from the inferences to be drawn ... I do not think that is right, but is the Government satisfied that this is just simply a reasonable debt incurred as a running total because of the amount of tourists that are going in or is it a matter of concern which the Government then is attempting to deal with in any particular way?  
1910

**Hon. Chief Minister:** Mr Speaker, the Government is satisfied that the monies that the Principal Auditor said were outstanding in 2014 have been paid and that the monies that are outstanding today have been accrued subsequently as a result of the volume of traffic that this

1915 particular operator moves and the credit terms this operator provides to its clients and therefore the credit terms that it requires from the Government.

1920 But we are dealing with a going concern that pays the amounts outstanding to the Government, although unfortunately with slightly greater delay than the Government would like to see. The hon. Gentleman knows that this is a complex business which Government has an intention to try and see if we can deal with it in a different way. Not in relation to this operator but generally.

1925 But given the numbers that we are dealing with in the context of this particular operator, it would be wrong to say that this is mis-management of debt and this is the thing that the Hon. Mr Llamas said and it was the assumption that Mr Llamas made that I was challenging. There are some things Mr Llamas has said in this House which I very much welcome that the hon. Gentleman has taken issue with.

This one I take issue with because it is based on an assumption and as I often say to the hon. Gentleman, to assume makes an ass of you and me and in this instance, that is exactly what Mr Llamas has done.

1930 **Hon. R M Clinton:** Mr Speaker, if I may, would the Minister be able to advise what the standard credit terms would be for this operator – is it 30 days, 60 days, 90 days? Because obviously the concern of the Principal Auditor would have been that they exceeded their credit period.

1935 **Hon. Dr J E Cortes:** Mr Speaker, I believe it is three months and as I say, I have this snapshot in order to be able to elaborate and analyse that. This amount of money by three months would be 56 per month, and then you would have to divide by the cost per visitor to see how many visitors we are talking about. So it is difficult to analyse it with all the information but it is, I believe, a three-month period.

1940 **Hon. D A Feetham:** Just one more, Mr Speaker.

**Mr Speaker:** Yes, go on.

1945 **Hon. D A Feetham:** Does the Minister know whether the £200,000 that are outstanding –

**Mr Speaker:** £169,000.

1950 **Hon. D A Feetham:** £169,000, I stand corrected – that that money is outstanding for more than three months or less than three months? Because if it is less than three months, then of course, there is less of a concern. But if it is more than three months, then there is more of a concern because obviously they are exceeding and breaching their credit terms.

1955 **Hon. Dr J E Cortes:** Mr Speaker, I am not going to speculate. I learned my mathematics from you at school and without the data I cannot answer, I would have to look into exactly how this figure has come about.

1960 **Hon. Chief Minister:** I can tell the hon. Gentleman the way the question is phrased, I believe it is inclusive of monies owed in the period of three months and therefore, the out-of-credit-term amount is going to be significantly lower.

**Mr Speaker:** Next question.

**Q122/2018**  
**Upper Rock-Gibraltar Nature Reserve App –**  
**Development**

**Clerk:** Question 122, the Hon. L F Llamas.

1965

**Hon. L F Llamas:** Mr Speaker, can the Government explain whether it is still pursuing a working Upper Rock-Gibraltar Nature Reserve App?

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

1970

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, yes, sir.

1975

**Hon. L F Llamas:** Mr Speaker, just one supplementary: does the Minister know when this App will be live and what the expected cost will be?

**Hon. Dr J E Cortes:** Mr Speaker, I know when: 'when' is the opening of the Sky Walk which is at last looming as we finish the safety works that we are doing in the area. The cost, I would need notice of that, Mr Speaker.

1980

**Mr Speaker:** Next question.

**Clerk:** Question 123, the Hon. E J Reyes.

1985

**Hon. Chief Minister:** Mr Speaker, this might be a convenient time for the House to now adjourn until Friday at 3.00 p.m.

**Mr Speaker:** The House will now adjourn until Friday at three in the afternoon.

*The House adjourned at 5.55 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.03 p.m. – 6.41 p.m.**

**Gibraltar, Friday, 16th February 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.03 p.m.*

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

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

## Questions for Oral Answer

### ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

**Q123/2018**

**Vacant teaching posts –  
Details**

**Clerk:** Meeting of Parliament, Friday, 16th February, 2018.

We continue with answers to Oral Questions and we commence with Question 123, the  
5 Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details in respect of  
vacant teaching posts, indicating the school or establishment where these vacancies exist; as  
well as showing how many posts are currently being covered in an acting capacity and from  
10 which dates?

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

15 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, my prepared answer which I will read, I need to qualify after a discussion I have just  
had with the hon. Member opposite.

The answer is there is currently one vacant post for teacher, which has been vacant at  
St Paul's First School since last December – December 2017.

20 In looking at the prepared answer, it occurred to me that the hon. Member opposite might  
have been referring not just to posts of teacher, but also to teaching responsibility posts. I have  
clarified that and we have agreed that I will give him the information that I have here, but I will  
have to send him more concrete details which have not been prepared, later and the hon.  
Member has agreed.

25 So in that respect, there are 15 teaching responsibility posts which are vacant other than  
maternity leave. There are other posts which are maternity leave cover but they are not vacant,  
so these 15 do not include maternity leave.

30 Of those, nine have been vacant for less than six months, six for over six months and of  
those, one was because of a very long-term sickness, another one is a post that is being revised,  
a third one there have been no applicants and the others are in the process of being advertised.

But as I say, Mr Speaker, and the hon. Member has graciously agreed, that I will send the detailed information very, very shortly in order to give him all the information that he requires.

35 **Hon. E J Reyes:** I can confirm that, Mr Speaker, we have come to an agreement. Just to clarify so that I do not pester him later, when the Minister provides for us the information of the posts being covered and so on, the final words in my question were 'how many are being covered in an acting capacity?' because hypothetically there could be TLR posts that are vacant and may not necessarily be covered. So when he compiles the information if I just give him a pre-warning that would be useful. I suspect that they will all coincide but it could be a case.

40

**Hon. Dr J E Cortes:** Yes, Mr Speaker, the one of teacher-specific has been covered but obviously the others, that is the information that I will include in my reply.

**Q124-125/2018**  
**School buildings –**  
**Restrictions on use**

45 **Clerk:** Question 124, the Hon. E J Reyes.

**Hon. E J Reyes:** Has the Minister or Director of Education spoken to Head Teachers about the restrictions on the use of school buildings recently imposed by some schools upon GTA/NASUWT?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 125.

55

**Clerk:** Question 125, the Hon. E J Reyes.

**Hon. E J Reyes:** Does the Government continue to support the restrictions on the use of school buildings imposed by some schools on GTA/NASUWT?

60

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

65 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government respected the decision of the Head Teachers taken at the time, and in the circumstances reigning in the schools at that time, not to hold the meetings in question in the schools, but there is no ban nor has there ever been one.

If necessary, the Government would make alternative arrangements for meetings to go ahead on other Government premises.

70

**Hon. E J Reyes:** Yes, I am grateful, Mr Speaker, I do not know if the Minister has the information at hand, I seem to recall that there was something called a facilities agreement in place which was binding for both sides and it was my recollection that provisions were made in there for the GTA precisely to be able to use school premises for their meeting.

75

Were the Head Teachers aware of that or was there another factor that made that facilities agreement have to be bypassed or whatever?

**Hon. Dr J E Cortes:** Mr Speaker, there is in fact a facilities agreement and it is the subject of ongoing discussions between the GTA and the Government within the Social Partnership. We are reviewing that facilities agreement and a number of drafts are circulating and are being considered.

80

Despite that, Mr Speaker, a Head Teacher has to take responsibility for what happens in the school and therefore they took a decision on that particular day they felt it would not have been appropriate or useful to have held those particular meetings on those days. But, as I said, there is no overall ban, and if in the unlikely event that were to happen again, certainly the Government would provide either another school or other premises so that the meeting could go ahead.

85

**Q126-128, 130, 132, 134-135, 137/2018**  
**Plans for new schools and changes in Education –**  
**Details and consultation with unions**

**Clerk:** Question 126, the Hon. E J Reyes.

90

**Hon. E J Reyes:** How many times did the Minister or the Director of Education meet GTA/NASUWT before 26th October 2017 to discuss the plans that Government subsequently announced on that date?

95

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 127, 128, 130, 132, 134, 135 and 137.

100

**Clerk:** Question 127, the Hon. E J Reyes.

**Hon. E J Reyes:** How many times have Government met GTA/NASUWT to discuss the plans they announced on 26th October 2017 since that date?

105

**Clerk:** Question 128, the Hon. E J Reyes.

**Hon. E J Reyes:** How many times did the Minister or Director of Education meet Head Teachers of the various schools to discuss the plans that they subsequently announced on 26th October 2017, giving a breakdown of which Head Teachers were met and when?

110

**Clerk:** Question 130, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** How is the Department of Education managing the key stage realignment transition in the run up to the new secondary schools?

115

**Clerk:** Question 132, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Is the Department of Education looking at implementing pay reviews in the run up to the new school structure?

120

**Clerk:** Question 134, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** How will the vocational courses be managed in the site with the two schools, shared facility or will each school operate independently?

125

**Clerk:** Question 135, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Does the Department of Education have the staffing levels available to cope with the new schools?

130

**Clerk:** Question 137, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, what plans does the Government have for the building currently being used by the College of Further Education?

135

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

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

140

Mr Speaker, the location of the new schools was discussed with the GTA/NASUWT on 17th October 2017 at a meeting of the Social Partnership.

However, the GTA/NASUWT President was also a member of the working party that made the recommendations for the plans in relation to most of the changes, including co-education, key stage realignment, expansion of vocational courses and increased nursery provision.

145

The discussions therefore included the GTA since much earlier. The Director of Education was a member also of that working group and so he met on all the occasions that the working group met.

Since 26th October 2017, I have met the GTA on at least four occasions and have additionally been in touch either informally at events or by electronic means on at least five other occasions.

150

In answer to Question 128, we met on 4th July 2017 with Head Teachers of all schools, that was the Director and myself; on 5th September 2017 with Head Teacher of St Martin's School and myself; on 17th October 2017 with Head Teachers, from Bayside Comprehensive, Westside Comprehensive, St Anne's Middle School, Notre Dame First School, Bishop Fitzgerald Middle School, Governor's Meadow First School, St Martin's School, Gibraltar College, that was the Director and myself; on 24th October 2017 with the Head Teacher of Westside Comprehensive School, and that was the Director and myself.

155

Since April 2017, the Gibraltar Government Department of Education's current project management team has met Head Teachers from all schools involved with the planned moves regularly. This has happened both at the schools and at the Department of Education.

160

In answer to Question 130, a consultation process was set up in October last year and comprised of two different working parties looking at different aspects of the key stage realignment transition

TLR and pay reviews are not directly related to the new schools. There will of course be consideration of operational changes and this is a normal step in any major transition and will be carried out in consultation with all affected unions.

165

Each school will offer the same vocational courses independently in each of the schools. The specialist vocational areas within the campus will be used by both schools to run their own courses.

There will be a need to review teacher numbers – this in in connection with Question 135 – there will be a need to review teacher numbers in connection with some of the changes, such as the key stage re-alignment and increased nursery intake.

170

And in relation to the final question in this group of questions, various options are being considered.

175 **Hon. E J Reyes:** Mr Speaker, in the breakdown of meeting dates and parties concerned and so on, I have not heard and perhaps the Minister can correct me, it is my understanding that the Chief Minister and the Minister of Education both personally attended a meeting with Members of GTA/NASUWT within Bayside School. That has not come across in any of his answers. Is it my error in noting it or perhaps he has not had ... ?

180

**Mr Speaker:** It is because that is the general body of teachers and your question does not deal with the general body of teachers.

**Hon. E J Reyes:** It deals with GTA/NASUWT. (*Interjection*)

185

Mr Speaker it deals with, Question 127, how many times the Government met GTA/NASUWT – that is representatives of the general body –

**Mr Speaker:** No, no, that was the staff. The meeting was with the staff of one of the schools.

190

**Hon. E J Reyes:** No, it was not staff. It was not just those schools. Mr Speaker, I understand that it was a general meeting of GTA/NASUWT, and perhaps the Minister can ...

**Hon. Dr J E Cortes:** Mr Speaker, if I may assist. The hon. Member is referring to Question 127 as opposed to 128. Because we have 127 –

195

**Mr Speaker:** But in the supplementary he is referring to the meeting that you and the Chief Minister held with the teachers. That was the subject of the supplementary.

200

**Hon. Dr J E Cortes:** Yes, Mr Speaker, that particular meeting is not included in the total, because it specifically mentioned the Director and myself, although yes, the Director was present, so then I would have to add one to the total number of meetings. Thank you.

So I am grateful to the hon. Member to have established that I have consulted even more than I thought I had.

205

**Hon. E J Reyes:** Yes, thank you, Mr Speaker, so implied in that answer, the confirmation is that I am correct that it was the Chief Minister and the Minister for Education. Would he happen to have a note of the actual date when that happened?

210

**Hon. Dr J E Cortes:** Mr Speaker, I would have to look in my diary. It was certainly after 26th October.

**Mr Speaker:** Any other supplementaries? The Hon. Marlene Hassan Nahon.

215

**Hon. Ms M D Hassan Nahon:** Mr Speaker, in relation to Question 135 about staffing levels, has the Department of Education decided whether it is the Year 7 teachers that will be moved up to the secondary schools or moved down to the pre-school and a new cohort in Year 7?

220

**Hon. Dr J E Cortes:** Mr Speaker, this is an ongoing process. There will be discussion with the teachers concerned. There was a questionnaire sent out I believe some time ago, in which teachers were asked what their preference would be.

There are some who would wish to remain and perhaps, change the year that they are teaching and some who may wish to move. But this is something that is being considered and obviously we have time to be able to establish that, so there has been no definite decision but it will be done, obviously in consultation with the teachers concerned.

225

**Hon. Ms M D Hassan Nahon:** Just one more supplementary, if I may, on that Question 135. Does the hon. Minister know whether there are enough teachers available to form the new cohort needed?

230 **Hon. Dr J E Cortes:** Mr Speaker, I would say there are. There are over 100 qualified teachers currently who do not have full-time employment. Whether their specific skills correspond to the emerging needs or whatever, there might need to be some induction or further training, is something that we will be establishing. But I believe there will be enough teachers in Gibraltar to be able to cover that, yes.

235

**Mr Speaker:** The Hon. Lawrence Llamas.

**Hon. L F Llamas:** Mr Speaker, in the original answer given by the hon. Member, I latched on to the fact that he said that the locations had been discussed by the working party. I am surprised, because obviously when you read the report – *(Interjection by Hon. Dr J E Cortes)* That is what I understood. I will give way –

240

**Hon. Dr J E Cortes:** Mr Speaker, I did not say the locations had been discussed. I said most of the changes and I listed which they were. I did not say the locations had been discussed by the working party, because they have not.

245

**Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

250

In relation to Question 137, asked by my hon. colleague, Mr Llamas, did I hear the Minister correctly saying he is considering various options and could he expand upon that? I do not believe I have seen the site as being put out for tenders or expressions of interest. Is it the intention to retain it within Government use?

255

**Hon. Dr J E Cortes:** Mr Speaker, it is not me personally who is considering the options. This is a Government decision. The question of land use is not my personal responsibility. I contribute to the discussions.

The options are being considered and one of the options could be retained for use; another option could be expressions of interest. The options are being considered. I have nothing further to add.

260

**Hon. R M Clinton:** I thank the Minister for his answer, but how would he distinguish between this particular site, the College site and Bayside, St Anne's which have gone out to tender for expressions of interest? What is it that makes these sites so different?

265

**Hon. Dr J E Cortes:** What makes the sites so different is that it is a different site. A different site and there will be different considerations appertaining to each site. So whereas the decisions clearly have been made in the other sites to go out for expressions of interest, this is still being considered and so we are not in a position to say any further on this one.

270

**Hon. R M Clinton:** Again, I thank the Minister for his answer. Would it be correct for me, possibly not correct for me to say, but would the Minister say or can he say, whether the Government have actually received expressions of interest before they officially asked the public for expressions of interest for those particular sites, seeing as the College site strangely was not in that original schedule of properties that went out for tender? Is it that the Government already had expressions of interest?

275



**Mr Speaker:** I am giving the hon. questioner the benefit of the doubt regarding relevance. In the answer the Minister makes, I do not want him to widen the scope of the answer beyond the subject matter that we are dealing with.

**Hon. Dr J E Cortes:** Mr Speaker, my answer is simple. I am not aware of any expressions from any parties but I may not necessarily be aware because it is not in my direct area of responsibility.

**Mr Speaker:** The Hon. Elliott Phillips.

**Hon. E J Phillips:** Mr Speaker, just one question in relation to the Minister's answer to Question 134.

As far as I understood the answer to that question, there would be a number of vocational programmes running through both schools as it were, with the possibility of shared resources for both schools in relation to vocational training. That is how I understood the answer and if that is the case, has the Government at this stage, identified which vocational programmes will be in each other school and what type of shared facilities there would be?

Obviously our thinking is that the College of Further Education retains a level of vocational training. How would that merge with the intended plans for vocational training in both new schools?

**Hon. Dr J E Cortes:** The difference here is that in the comprehensive schools the vocational training is at an earlier stage. We are looking at GCSE stage and the facilities will be mirrored in both schools, except as the plans are now – and remember we are in stage three consultations so there is still some tweaking – as the plans are now, there will be a mechanical workshop in one of them and a hairdressing suite in another.

In order to do away with gender bias, it is likely that the hairdressing one will be in Bayside which will be mixed and the mechanical in Westside so people do not follow on the tradition of boys versus girls, but they will be running their own programmes.

Of course, there is a possibility that if there are very few students in any of these, we may have to consider the consortium arrangement that exists now for A-level and in exceptional cases, we may have to have pupils from both schools doing one or the other. It is not likely that that will happen because the plan is now that they will run independently but they may have to go across from one side to the other for particular specialist subjects only.

**Hon. Ms M D Hassan Nahon:** Can I just ask, when the Minister says that the vocational courses are hairdressing and mechanics, are these the only two that are going to be ... ?

**Hon. Dr J E Cortes:** Those are the only two where there is going to be only one of each. But for other vocational courses, and I do not have the list with me, each school will be independently provided.

**Mr Speaker:** We will go on to Question 129.

**Q129/2018**

**Children with hearing impediments –  
Number in schools**

**Clerk:** Question 129, the Hon. E J Phillips.

325 **Hon. E J Phillips:** Can the Government state the number of children with hearing impediments at our schools?

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

330 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there are 24 children with hearing impediments at our schools – I should add, with identified hearing impediments, of course.

**Q131/2018**

**Department of Education–  
Teaching and Learning Responsibility (TLR) review**

**Clerk:** Question 131, the Hon. Ms M D Hassan Nahon.

335

**Hon. Ms M D Hassan Nahon:** Is the Department of Education currently undergoing a TLR review?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, no sir.

345 **Hon. Ms M D Hassan Nahon:** Mr Speaker, does the Department of Education intend to in the run up to the new secondary schools?

350 **Hon. Dr J E Cortes:** Mr Speaker, this would be a total independent exercise from the new secondary schools. I believe that there has been some discussion within the Teacher's Association proposing something like this and if these proposals come forward, obviously we will consider the need but it would be a separate exercise.

355 We are not combining the two. One is the schools' transition into a new site, as I said in one of my answers, with looking at the specific operational needs of that school, but a much wider review obviously would have other considerations and cannot be part of the same exercise.

360 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I understand where the Minister is coming from but considering that the key realignment stage comes into it with the new schools, doesn't Government agree that there is a value or a need in undergoing this review, given the extra workload that teachers will have as a result of this new year coming in?

**Hon. Dr J E Cortes:** This is a sort of operational part of any transition that would need to be looked at. But if the hon. Lady is referring to a wider cross-school TLR that would be a separate exercise. But clearly, we will have to see how we adjust operationally for the changes.

**Q133/2018**  
**Department of Education –**  
**Heating levels in classrooms**

365 **Clerk:** Question 133, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon.** Is the Department of Education satisfied with heating levels in classrooms following last month's calls for heating to be at an appropriate temperature?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, not entirely, sir.

375 However, despite the fact that school maintenance records did not corroborate nor indicate a concern regarding levels of heating, the concerns were followed up at the time with each individual school and detailed feedback was requested.

Six schools reverted, highlighting particular appliances or specific classrooms and a report was immediately issued to the Gibraltar Electricity Authority which has already completed any repairs.

380 The GEA has recommended a number of replacements or increases in provision which are being addressed. In some schools there is a difficulty with the electrical installations which will be reinforced.

385 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister tell me if St Joseph's Middle School is one of the schools having the problems with the installations? Because ten days ago a little girl – and not my own because I do have a child there but it was not mine, I am happy to confirm who it was outside – came up to me and told me if there was anything that the Government can do because all the little kids, their mouths and teeth were chattering in the classroom because they were so cold. *(Interjection)* No, I am sorry, it is true! *(Interjection)* No, no 'rumourology', I am happy to provide you with the name. *(Interjections)* No, a child in a school comes up to me and tells me that they are freezing – I think that it is relevant and if the Government does not consider it relevant, it is very sad, I am sorry. *(Interjections)*

395 **Mr Speaker:** Order, please! Order! Let's not get carried away.  
Now, the Hon. the Minister for Education.

**Hon Dr J E Cortes:** Mr Speaker, I have received no such reports. I cannot confirm whether or not St Joseph's Middle School is one of the ones. I do not believe it is, it is not one of those of which I am aware had installation issues. I have received no such reports but clearly, I will look into them immediately.

**Mr Speaker:** Any other supplementaries?

405 **Hon. E J Reyes:** Mr Speaker –

**Mr Speaker:** The Hon. Edwin Reyes.

410 **Hon. E J Reyes:** It seems that the Minister is aware of at least some schools. Would he be able to provide us with the information of which particular schools are the ones that he is aware of that he asked the Electricity Authority to look into the matter?

**Hon. Dr J E Cortes:** Mr Speaker, I would need notice. I know of some, but I do not wish to give an incomplete list because it may then be misinterpreted.

415

**Mr Speaker:** Next question.

**Q136/2018**

**Postgraduate Certificates of Education (PGCEs)–  
Provision in Gibraltar**

**Clerk:** Question 136, the Hon. L F Llamas.

420

**Hon. L F Llamas:** Mr Speaker, when does the Government expect to provide PGCEs in Gibraltar and what will be the policy for students wishing to undertake this qualification in the UK?

425

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the target date for PGCEs in Gibraltar has been set for September 2019. There is regular collaboration between the University of Gibraltar and the Department of Education to meet this initial target date.

430

With respect to students wishing to undertake this qualification in the UK there has been no change of policy. We will continue to fund students wishing to undertake a PGCE in the UK once our own PGCE has launched.

435

However, we will reserve the right to ask these students to ‘top up’ their UK PGCE with a Gibraltar specific course prior to being employed in our schools once our PGCE is in operation. This will ensure that all teachers who enter our educational system are equipped with the strategies and skill set which allow them to deliver high quality teaching and learning experiences.

440

**Hon. L F Llamas:** Mr Speaker – perhaps it is a bit premature to ask this question – would the ‘top up’ course be a part-time course where students could come back, work and do their part time course or is it something they would have to do full time before commencing any employment?

445

And perhaps would the Minister know if it would be something that they could do over the summer after they had qualified, so that they could start work, straight in, in September?

**Hon. Dr J E Cortes:** Mr Speaker, it is premature. It will be done in such a way that it will have the least possible impact on the career of the returning teacher. But it is premature, we have not yet established what that would be.

**Q138/2018**

**Department of Education –  
Recent trip to Finland**

450

**Clerk:** Question 138, the Hon. L F Llamas.

455 **Hon. L F Llamas:** Mr Speaker, can the Government provide details of the recent trip by the Department of Education to Finland, including preparatory work undertaken by the team and the Finnish officials met?

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

460 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the team that went to Finland had extensive knowledge on the successes of the Finnish system following research, prior to their departure to Finland.

The trip was centred on understanding how those lessons could be applied to our own educational system to continue enhancing the standard of teaching and learning in our schools.

465 During this trip they visited a Finnish language school, a comprehensive school and one of the leading vocational schools in Finland.

In addition, they had professional meetings and lectures on assessment, anti-bullying and vocational education.

470 **Hon. E J Phillips:** Mr Speaker, I take it that the fact that the Government has sent a delegation over to Finland is because it is genuinely concerned and I appreciate that. It is something I support and I mentioned in my contribution at the co-education debate.

475 However, is there any difference between the physical building of schools in the national curriculum in the UK versus the Finnish schooling system which would require perhaps, modifications of our schools being built? Perhaps that is something that the Government has considered.

**Hon. Dr J E Cortes:** Mr Speaker, it is probably colder in Finland even than in St Joseph's Middle School.

480 Mr Speaker, I am not aware, I believe that our schools, certainly those that are planned, could be adapted but I do not have that information so that I would need to research.

**Mr Speaker:** We now move to Question 162.

## HOUSING AND EQUALITY

Q162/2018

### Controlling and coercive behaviour – Intention to criminalise

485 **Clerk:** Question 162, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state when it intends to bring a Bill before the House in relation to criminalising controlling and coercive behaviour?

490 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Government is considering criminalising controlling and coercive behaviour as part of its national strategy on domestic abuse.

495

**Hon. E J Phillips:** My understanding is of course that the RGP have promoted this issue in the press and the Minister will agree of course that this is a lesser known form of domestic abuse that should be legislated for.

500 I appreciate the answer to the question, but does the Government have a timeline in respect of the introduction of legislation concerning that?

**Hon. Miss S J Sacramento:** Mr Speaker, the hon. Member is right in that the RGP is promoting this and that is as a result of them forming part in our national strategy working group, they form part of the committee and this is part of the plan.

505 Because we do not have a formal written strategy available for publication yet does not mean that we do not give effect to the strategy. The strategy that we are preparing and is in draft format is a five-year plan for Gibraltar.

510 This is something that is being considered as part of the strategy. It is something that we need to take a decision on. Obviously it is something that we are actively looking at and once we have published the strategy, then the timelines for this and for various other initiatives will be clear.

**Q163/2018**

**Laguna Estate –**

**Number of lifts not yet functional**

**Clerk:** Question 163, the Hon. E J Phillips.

515 **Hon. E J Phillips:** Can the Government state the number of lifts which are not yet functional at Laguna Estate?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

520 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are currently 37 lifts that remain to be commissioned at Laguna Estate.

525 **Hon. E J Phillips:** Can the Minister confirm why it has taken so long for those lifts to be commissioned?

**Hon. Miss S J Sacramento:** Mr Speaker, it has not taken so long for these lifts to be commissioned. This is part of major refurbishment works on an estate which had fallen into disrepair, particularly during the 16 years that the party opposite were in Government.

530 When you undertake such a massive refurbishment work in Gibraltar's largest estates, in the context of it not being the only major refurbishment work, there were three big estates undergoing major refurbishment at the same time, Mr Speaker, things need to be phased in and the external refurbishment needed to come before.

535 When the professionals are staging these refurbishments, the lifts fall in a particular part of the refurbishment schedule and they have been started at a time that is appropriate. We have undertaken over 50% ... Over 50% of the lifts in this estate have been commissioned, 31 remain but this needs to be read in the context of all the other lifts that have been commissioned in the other estates and, Mr Speaker, we have to be mindful of the fact that we have installed lifts in buildings that did not have lifts before. So this is a brand new structure, it means that there have to be brand new installations of everything and they can only start at the appropriate time.

540

**Hon. E J Phillips:** Mr Speaker, just in relation to that, as the hon. Lady will know of course, we are conducting outreach programmes to our estates to visit a number of the residents in relation to one of the biggest complaints, which is the question of maintenance and lifts.

545 I am not going to go into the maintenance but in relation to the lifts concerned, I visited many of them, many of which are boarded up with fences that would appear to have been there quite some time and in fact, it looks like the area is corroding quite excessively, so I am not too sure what reassurance we can give people listening in, or watching indeed, as to when this is going to get done finally.

550 **Hon. Miss S J Sacramento:** Mr Speaker, unfortunately, the hon. Member does not seem to have properly heard what I said. Mr Speaker, it is a question of commissioning these lifts. Before lifts are commissioned, obviously they need to be installed.

555 There are different ... In Laguna Estate for example there are three phases to the works, so in the first phase, most of the lifts will have been installed and have been commissioned. In the second stage they have been installed and are in the process of being commissioned and in the third stage, the majority of them will by now have been installed and they will be the last phase to be commissioned.

It is a phased refurbishment plan and it is a logical way to do these things, Mr Speaker.

560 **Hon. E J Phillips:** One further question, would the Minister be willing to attend Laguna Estate with me so that we can speak to the residents themselves?

565 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Lady has attended Laguna Estate with me on a number of occasions. We shall be attending Laguna Estate on many occasions in the future, and if the hon. Gentleman needs us to get people to come down and see him – because I saw the woeful photographs of him and the new Leader of the GSD standing around on their own at Laguna Estate – perhaps he wants to propose a fee for us to get people to come down and actually see him.

570 But no, we are not going to go with them, Mr Speaker; we are going to go when the tenants wish us to be there and we will continue to go as we have gone, not just at election time, but throughout the life of a Parliament – during the life of the last Parliament and the life of this Parliament – to enjoy the excellent refurbishment work that has been done by successive Ministers for Housing under the GSLP Liberal Alliance at Laguna Estate, at Moorish Castle Estate, at Glacis Estate, at the other blocks refurbished by this Government and the other blocks that we will refurbish too.

575 And there, Mr Speaker, we will enjoy speaking to those residents of the estate who wish us to do more and who wish to congratulate us for what we have done. And I will just remind the hon. Gentleman that they used to say that we were wrong to do this refurbishment that we were doing too much and we were spending too much. And now, Mr Speaker, they appear to be taking a different line.

580 But I suppose I had forgotten, Mr Speaker, that I was now dealing with the PDP, not the GSD.

**Mr Speaker:** Next question.

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

**Mr Speaker:** Not on the subject of attendance by hon. Members of Parliament at Laguna. I will allow you a supplementary on something else.

590 **Hon. D A Feetham:** Mr Speaker, I did not attend Laguna.

**Mr Speaker:** I do not want any more exchanges on the subject of who attends where. I am making that proviso before you ask the question.

595 **Hon. D A Feetham:** Thank you very much, Mr Speaker, that is very helpful.

Can I ask the hon. Lady two supplementaries. One, she said that there were 37 that needed to be commissioned – she said 37 first in her answer and then in a supplementary answer she said 31. (**Hon. Miss S J Sacramento:** Thirty-seven.) Thirty-seven. How many have actually been commissioned in terms of numbers? She used percentages, but how many have been  
600 commissioned in terms of numbers?

And also, can she confirm that all the services have been laid in respect of all the lifts that need to be commissioned? And by services of course, I mean the cables, etc. which was one of the issues that, as I understand it, has actually delayed the installation of lifts.

605 **Hon. Miss S J Sacramento:** Mr Speaker, I was correct on the first occasion when I said 37. I am sorry, when I said 31 I got confused, so 37 have been commissioned and there are 71 in total so we are pretty much halfway there, because 34 have already been commissioned.

In terms of the services, Mr Speaker, again because this issue is sequential in the schedule, the services are essentially the foundations that need to be laid in order for the lifts to be  
610 commissioned so as a precursor, we have phased in the services that need to be installed, aligned with the phases of the actual estate.

So I think – I am pretty sure, though not absolutely sure – that all the services have now been installed. But if they have not been installed, it is because we are obviously organised in a way where the services need to be installed in order to meet the deadlines for the phases.

615 I am looking at a schedule now: not all the services in the final phase have been installed yet but there is a sequence to it so I am satisfied with the sequence, Mr Speaker.

**Mr Speaker:** The Hon. Edwin Reyes.

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

My parliamentary colleague has actually asked my doubt on the actual number of lifts and the Minister has now clarified the overall number of 71 so there is no longer a need for my supplementary.

625 **Mr Speaker:** Next question.

**Q164/2018**  
**Housing estates –**  
**Completion of works**

**Clerk:** Question 164, the Hon. E J Phillips.

630 **Hon. E J Phillips:** Can the Government state, when works are expected to be completed at all our housing estates?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

635 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the latest projected completion dates of the major refurbishment work at our housing estates are as follows: Moorish Castle Estate – April 2018; Glacis Estate – June 2018; Laguna Estate – June 2019.



640 This will include the installation of lifts, the external refurbishment of all blocks, the refurbishment of communal areas both internal and external; together with the infrastructure and road resurfacing.

**Q165/2018**  
**Housing estates –**  
**Improving general maintenance**

**Clerk:** Question 165, the Hon. E J Phillips.

645 **Hon. E J Phillips:** Can the Government state what steps it will take to improve general maintenance at our housing estates?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

650 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there is now a clear plan for refurbishment and maintenance of all Government housing estates so as to ensure that they do not fall into disrepair again as they did during the 16 years that the GSD were in administration.

655 **Hon. E J Phillips:** Mr Speaker, I am not going to deal with the political bait that has been put in front of us; I am going to deal with the issues that are before this House, Mr Speaker, and that is in relation to general maintenance of our housing estates.

Has the Government considered whether we should deal with an introduction of a warden scheme to deal with general maintenance queries by residents in housing estates?

660 **Hon. Miss S J Sacramento:** Mr Speaker, now that the substantial work on the major refurbishment works of our largest estates have been undertaken, I have been working very closely with the Heads of the Housing Department and the Housing Works Agency on a strategy and a plan going forward, to ensure as I said in my original question, Mr Speaker, that there is a plan of maintenance for all our estates so that they do not fall into disrepair going forward. We  
665 are looking to see the most efficient and cost-effective way to give effect to that objective.

**Mr Speaker:** Next question.

**Q166/2018**  
**Housing waiting list –**  
**Number of applicants**

670 **Clerk:** Question 166, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the number of people currently on the housing waiting list?

675 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are currently 913 applicants on the housing waiting list.

**Hon. E J Reyes:** Sorry, Mr Speaker, can the Minister confirm that figure of 913 is on the main housing waiting list and does not include the pre-list?

680

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, this does not include the pre-list. The question was in relation to the housing waiting list and this is the number of applicants on the housing waiting list.

685

**Hon. D A Feetham:** May I also, Mr Speaker, ask the Minister whether she has the statistics for how many people that were on the housing waiting list in December 2011 are actually in those 913 or form part of those 913?

690

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, they remain on the waiting list and they will appear in this figure.

695

**Hon. D A Feetham:** I understand that, I am asking whether she has the figure for the number that were on the housing waiting list in December 2011 that remain on the housing waiting list as part of those 913?

**Hon. Miss S J Sacramento:** No, Mr Speaker, that is a detailed statistical question and I do not have that information before me, sorry.

**Q167/2018**  
**Government flats –**  
**Current vacancies**

**Clerk:** Question 167, the Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, can the Government state how many Government flats are currently vacant?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

705

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are 58 vacant flats, 30 of which are under offer and the remainder are being refurbished.

710

**Hon. E J Phillips:** I am grateful for the answer to that question. Insofar as 'under offer', how long are they under offer for, generally speaking, on an average – would the Minister know?

**Hon. Miss S J Sacramento:** The offer process usually takes between a week or two weeks. There is a process where the person is contacted and then arrangements are made for the person to view the flat and then if the flat is accepted, it is then sent for it to be refurbished.

715

So I am unsure as to when these offers were made, but it is a very, very tight timeline that I keep to, to ensure that we have the fastest possible mechanism for turnover of these flats as possible.

720

**Hon. E J Phillips:** In relation to the other 28 homes, what is the Government's intention for those at this stage? To refurbish I assume.

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, those have already been allocated. In those 28, people who have already been to view them, have accepted them, they have been allocated and

725 they are in the process for refurbishment. So they will come to us ready for the completion stage  
for people to move in, depending on the timeframe for each flat because some flats are in better  
condition than others and the timeframes for refurbishment differ.

**Hon. D A Feetham:** Mr Speaker, may I ask the hon. Lady, out of the 58 flats that are vacant,  
730 does she know how many of those are in Government housing estates and how many of those  
are outside Government housing estates?

The reason why I ask this question is because Government housing estates are usually more  
attractive in terms of prospective tenants than, for example, a flat may be in the old town area. I  
just wanted to get an idea of the proportions between the two.

735 **Hon. S J Sacramento:** Mr Speaker, I do not agree with that analysis at all. We find that  
because of the manner and the standard to which we refurbish flats, people will accept the flats  
regardless of where they are located and there are some people who prefer them being in the  
estates and some who prefer them in the upper town or other places.

740 But by general logic, proportionately because of the volume, the majority of them will  
probably be in the estates. It is not a figure that I have to hand, it is not a statistic that would  
logically have been provided for me as an expected supplementary.

**Q168/2018**  
**Government rental homes –**  
**Intention to build**

**Clerk:** Question 168, the Hon. E J Phillips.

745 **Hon. E J Phillips:** Can the Government state whether it intends to build homes for  
Government rental?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

750 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Yes, sir.

**Hon. E J Phillips:** Mr Speaker, may I ask the Government whether they know what type of  
homes would be built for Government rental?

755 **Hon. Miss S J Sacramento:** Mr Speaker, announcements will be made in due course.

**Hon. E J Phillips:** Mr Speaker, the reason why I ask this question of course is that as a  
community we should try to encourage co-ownership in relation to homes generally and when  
we need to, build homes for rental.

760 Our view, which we have expressed quite publicly is that they should be low rise and small  
distributions and that is why I asked that question. The Minister helpfully said that an  
announcement would be made shortly and I would ask the obvious question, as to when that  
will happen but I am sure there will be a chuckle from the other side.

765 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman can rest assured that everything  
is in hand and Government is very carefully looking at what is required. I can further reassure  
him that in doing so, we will make optimum use of taxpayers' funds.

770 **Hon. D A Feetham:** May I also ask the hon. Lady in terms of the type of rentals that the Government is considering building. Does it extend to, for example, the building of Government rental apartments for young couples that may not have the financial resources in order to be able to buy in the schemes that the Government has already built or intends to build?

775 **Hon. Miss S J Sacramento:** Mr Speaker, we do not discriminate either in favour or against people on the basis of whether they are young or not, or couples or not, and as I have said in the previous two supplementaries, we will look to see what is required and announcements will be made in due course.

780 **Hon. E J Phillips:** Just one further question. Yes of course the Government must be alive to the concerns of Action for Housing, who have quite clearly pressed the Government in relation to its commitment for further building of rental housing. Clearly, they will have to take seriously the views of Action for Housing because they are on the front line when it comes to this matter.

I know it is difficult but if the Government is intending on doing that, has the Government considered locations in respect of rental housing?

785

**Hon. Miss S J Sacramento:** Mr Speaker, I can once again reassure the hon. Gentleman that the Government looks at the demand of our society very closely and we are very clear on what is needed. Once again, Mr Speaker, in relation to the finer detail, announcements will be made in due course.

790

**Hon. D A Feetham:** Mr Speaker, just one more final question. I am slightly confused here by the answers the hon. Lady has provided, because on the one hand she said to me that everything is in the melting pot, so to speak, and was being considered and on the other, she just answered that the Government is very clear as to what is required.

795

So can I ask the hon. Lady to clarify, has the Government already made a decision as to the type of demand that the Government will be catering for, in terms of the rental apartments that it intends to build, or is this still in the melting pot and the decision has still got to be made?

800 **Hon. Miss S J Sacramento:** Mr Speaker, the Government is very clear in what it considers needs to be considered. Mr Speaker, we know on the basis not only of representations made by third parties, but on the basis of the information that we have on our waiting lists and looking at Gibraltar's community and our demographic, what is necessary, Mr Speaker. When we are planning these things – and these things of course we need to look at the short-term planning, the medium-term planning and the long-term planning – all considerations are taken into  
805 account, Mr Speaker, to (a) ensure that we meet the needs of our community and (b) that we do so in a most cost-effective way. And once again, Mr Speaker, when we are ready to make an announcement on this basis, we will.

**Mr Speaker:** Next question.

#### Q169/2018

#### Previous Government rental accommodation – Number of properties purchased

810

**Clerk:** Question 169, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state how many people have been able to buy homes which were previously Government rental accommodation, since December 2011?

815 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, since 2011, 209 properties have been purchased.

820 **Hon. E J Phillips:** Does the Minister have an idea of the distribution of where these homes have been purchased, these 209 properties? And also, the other question would be the right to buy, as it has been referred to on many occasions – does that still exist, so people are still able to buy those homes that are in Government ownership?

825 **Hon. Miss S J Sacramento:** Mr Speaker, the flats that have been purchased are spread throughout all estates in Gibraltar in a very low number.

In relation to the second part of the supplementary, Mr Speaker, that question is already a separate question on the Order Paper.

830 **Mr Speaker:** Next question.

#### Q170/2018

#### Government rental accommodation – Criteria for joint tenancy

**Clerk:** Question 170, the Hon. E J Phillips.

835 **Hon. E J Phillips:** Can the Minister for Housing state the criteria for joint tenancy in respect of Government rental accommodation?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

840 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, joint tenancies are granted to married couples, civil partners or those with children in common. In certain circumstances, siblings are also allowed to be joint tenants.

845 **Hon. E J Phillips:** Are there any extenuating or exceptional circumstances in which other relationships are also recognised?

**Hon. Miss S J Sacramento:** Mr Speaker, I cannot think of any other kind of relationship beyond that, but extenuating and exceptional circumstances are always considered.

850 **Hon. E J Phillips:** Can for instance a friend who may happen to be living in a property, or a carer indeed?

855 **Hon. Miss S J Sacramento:** Mr Speaker, in the general course of things then the answer is no because it is not recognised as a relationship, nor do I recall having it brought to my attention that any friend or any carer has asked for this in any event.

860 **Hon. D A Feetham:** Yes but, Mr Speaker, can the Minister confirm that there is a distinction but nonetheless an important protection for members of the family of the main tenant who are authorised to reside in the property and therefore they may not be tenants, but are also in the tenancy as an occupier, which then as a matter of policy gives those occupiers the right to, for example, inherit the tenancy should their parents die? (*Interjections*)

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, and they are in the majority of those cases, protected in law in any event.

**Q171/2018**  
**Government housing –**  
**Rent arrears**

**Clerk:** Question 171, the Hon. E J Phillips.

865

**Hon. E J Phillips:** Can the Government state the amount owing in rent arrears for all Government housing?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

870

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the amount of arrears of rent owed continues to reduce and as at the end of January the amount owing in rent arrears for all Government Housing is £4,879,901.75.

875

**Mr Speaker:** Next question.

**Q172/2018**  
**Government-owned high rise buildings –**  
**Fire safety review**

**Clerk:** Question 172, the Hon. E J Phillips.

880

**Hon. E J Phillips:** Can the Government state that it will publish the complete fire safety review of all Government-owned high-rise buildings?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

885

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Housing Fire Safety Review Committee is finalising its report.

**Hon. E J Phillips:** Mr Speaker, does the Minister know when that report will be ready for publication?

890

**Hon. Miss S J Sacramento:** Mr Speaker, I had a meeting in relation to this two weeks ago. I think, I am advised that the report is almost ready. There were a number of procedural things as a result of the report that the committee were considering, so I expect for the committee to finalise the draft of the report. I do not expect it to be much longer, Mr Speaker.

895

**Hon. T N Hammond:** Mr Speaker, the only thing that was not clear from the Minister's answer was whether the report would then be published. (*Interjections*) I think that was the main emphasis of the original question, that it will publish the complete fire safety report, but the Minister was not crystal clear in her response.

900 **Hon. Miss S J Sacramento:** Mr Speaker, for the moment this is an internal document so it is something that needs to be considered.

**Hon. T N Hammond:** Mr Speaker, is there any reason why the Minister thinks it would not be a valuable exercise to make such a report public?

905

**Hon. Miss S J Sacramento:** Mr Speaker, it is something that at this stage I have not considered.

**Mr Speaker:** Next question.

## TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

### Q173/2018

#### Collision of two merchant vessels, 24th January – Investigation and recommendations

910

**Clerk:** Question 173, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, has an investigation been conducted into the collision between two merchant vessels in the Bay on 24th January and, if so, have the causes been established and have any recommendations been made to reduce the likelihood of similar incidents in the future?

915

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

920

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the Gibraltar Port Authority advised the Gibraltar Maritime Administration of the incident on 24th January. The Gibraltar Maritime Administration immediately informed the Marine Accident Investigation Coordinating Officer (MAICO), who was engaged to undertake an investigation. The Gibraltar Port Authority is currently awaiting his report on the outcome of this investigation.

925

MAICO has collected all the relevant information in respect of this collision and has contacted the two flag states: Panama in respect of the *Meridian Express* and Norway in respect of *Southern Light*. The flag states have the obligation under the IMO Code to carry out an investigation into any incident involving vessels registered under their flag.

930

Panama is conducting an investigation into the collision and has appointed investigators who have received all the relevant information.

Gibraltar is a 'substantially interested party', both under the IMO Code and the EU Directive, therefore these flag states have an obligation to keep MAICO informed and MAICO can make comment on any report or recommendation that they may produce.

935

If the report makes any recommendations to operation of vessels in the Bay, these will be considered by the MAICO with the Gibraltar Maritime Administration (GMA) and all other stakeholders who may be affected.

940

**Hon. T N Hammond:** I thank the Minister for that comprehensive answer. Is the Minister aware whether by their nature, these reports are made available to the public, whether in a de-personalised way or in some way that at least the public can gain assurance that recommendations may have been acted upon?

**Hon. G H Licudi:** Mr Speaker, I am not aware of that but I will find out.

945

**Mr Speaker:** Next question.

**Q174/2018**

**Bathing in waters at Ocean Village Marina entrance –  
Measures to prevent**

**Clerk:** Question 174, the Hon. T N Hammond.

950 **Hon. T N Hammond:** Will Government consider implementing measures to prevent bathing in the area to the north of Waterport Terraces, the entrance to the Ocean Village Marina?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

955

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, Rule 165 of the Port Rules states that:

No person may bathe within the port except at such places as are authorised by the Captain of the Port.

960 The Captain of the Port has not provided any authorisation for bathing in the area to the north of Waterport Terraces, at the entrance to the Ocean Village Marina and as such bathing is therefore not permitted.

There are currently no additional plans to implement any further measures to prevent bathing in this area. It is already covered by the present legislation.

965 **Hon. T N Hammond:** Could I ask the Minister perhaps to encourage the relevant authorities to enforce that particular part of the legislation, because it does appear that bathing ... particularly children do bathe frequently in that area in the summer.

I understand children will behave in this way but it is clearly a dangerous waterway for children to be swimming in and perhaps some oversight, or greater oversight, would be advantageous and hopefully contribute towards preventing a potential incident in that area.

970

**Hon. G H Licudi:** Mr Speaker, as the hon. Member well knows, the enforcement of legislation such as this is not for the Government, but I take note of what the hon. Member says and I will transmit that particular message.

975

**Mr Speaker:** Next question.

**Q175/2018**

**Employment Service –  
Notices of vacancies, engagement and terminations**

**Clerk:** Question 175, the Hon. E J Reyes.



980 **Hon. E J Reyes:** Can the Government state the total number of (a) notice of vacancies; (b) notice of terms of engagement, excluding variations and (c) notice of terminations filed at the Employment Services since September 2017 to date?

985 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the total number of vacancies, terms of engagement and terminations filed at the Employment Service from September 2017 to the end of January 2018 is as follows: vacancies, 3,793; terms of engagement, 4,647; and terminations, 5,088.

**Q176/2018**  
**Gibraltar, a Year of Culture –**  
**Investments made in campaign**

990 **Clerk:** Question 176, the Hon. L F Llamas.

995 **Hon. L F Llamas:** Mr Speaker, since the Government has launched its campaign on ‘Gibraltar, a Year of Culture’, can it provide details of the investments made in this campaign?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

1000 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Gentleman is detailed in the schedule now being handed to him.

Schedule to Question 176/2018

Publication	Circulation/ Est. Impact Level	Size	No	January – June 2018					
				3	F	M	A	M	3
<b>National Press</b>									
Sunday Telegraph	689,516	20x3 Colour	2	14	18				
Daily Telegraph (Saturday)	931,604	20x3 Colour	2	6	24				
The Times (Saturday)	444,493	20x3 Colour	1	27					
Sunday Times	750,770	20x3 Colour	1		11				
<b>National Magazines</b>									
Saga Magazine	488,074	Page Colour	1		1				
Reader Digest	104,000	Page Colour	1	1					
<b>Advertorials</b>									
Daily Telegraph Magazine	562,000	Page Advertorial	1	20					
Radio Times	622,773	Page Advertorial	1	9					
Sunday Telegraph – Stella Magazine	364,000	Page Advertorial	1	28					
RSPB Nature’s Home	612,461	Page Advertorial	1				10		

**GIBRALTAR PARLIAMENT, FRIDAY, 16th FEBRUARY 2018**

Woman & Home	300,025	Page Advertorial	1			1			
Britain At War	9,596	Page Advertorial	1		1				
BBC History	81,081	Page Advertorial	1	20					
Family Traveller	20,819	Page Advertorial	1	1					
<b>Display Online</b>									
Specific Network - 8 weeks	6,187,500	Banner & MPU, Vid 30"	1	2		30			
Times Online - Travel Take over	200,000	MPU&Leader/ Vid 30"	1	2		30			
Mail Online - Travel	1,333,333	MPU/Sky/Leader/ Vid <sub>1</sub> 30"		2		30			
<a href="http://Telegraph.co.uk">Telegraph.co.uk</a>	1,666,666	MPU/Sky/Leader/ Vid <sub>1</sub> 30"		2		30			

National Geographic Traveller	166,666	MPU/Sky/Leader	1	2		30			
<b>Mobile</b>									
London - Heathrow - Gatwick	1,260,000	Mobile Flash	1		1--28				
Manchester - Bristol	700,000	Mobile Flash	1		1--28				
<b>Radio</b>									
Gold Manchester	254,000	30" - 1 week	1		5				
Key 2	127,000	30" - 1 week	1		5				
XS Manchester	159,000	30" - 1 week	1		5				
The Breeze South West	219,000	30" - 1 week	1		5				
Heart West Country - Bristol/Weston & Bath	606,000	30" - 1 week	1		5				
Heart Four Counties - Beds/Bucks/Herts	1,315,000	30" - 1 week	1		5				
Smooth Radio Four Counties	150,000	30" - 1 week	1		5				
LBC 97.3 (Digital)	2,125,000	30" - 1 week	1		5				
Jazz FM (National)	576,000	30" - 1 week	1		5				
talkRADIO	455,000	30" - 1 week	1		5				
<b>TV</b>									
Channel 4	3,333,333	30" - 1 Week	1	25 - 31 Dec					
Sky/Channel 4/ Europort/ Travel Channel/ London Live	9,126,132	30" - 1 Month	1	1--31					

Extra to this campaign:

State Magazine, Nov, Dec And Jan edition
Production and editing of video for Year of Culture Wrighttech Ltd.
Pen drives to promote Year Of Culture video at Island Games in Gotland Wrighttech Ltd.

**Mr Speaker:** Next question.

**Q177/2018**

**Visit Gibraltar website re-launch–  
Replacement details and expected cost**

1005

**Clerk:** Question 177, the Hon. L F Llamas.

1010

**Hon. L F Llamas:** Mr Speaker, can the Government explain why the Visit Gibraltar website meant to be launched last September has not yet launched, including (a) when they expect the website to be replaced; (b) the entity contracted to perform the change and (c) the expected cost?

1015

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the re-launching of the website has taken a little bit longer than was anticipated. We have in fact added a Spanish version and other languages will follow.

1020

We were also conscious, Mr Speaker, of the fact that we were launching the 'Gibraltar Year of Culture' campaign or the branding at the World Travel Market in London in November and we felt it was important that this should also be part of the website.

This week, I have held a meeting in my office to review the final version of the website and we are almost ready to bring this on line shortly.

1025

Mr Speaker, it is, however, important to note that what we are doing is improving our website. That is not to say that the current website is either obsolete or is not fulfilling its purpose. Quite the contrary is the case. All the information one would expect in a tourism website, including what to see and do, where to stay or shop, where to eat, what events are taking place as well as information on Gibraltar's history or heritage are already there.

1030

The current service provider for the website, Piranha Designs, was contracted to carry out the changes. The expected cost of the changes will amount to circa £24,000.

**Q176/2018**

**Gibraltar, a Year of Culture –  
Supplementary question**

**Mr Speaker:** Do you wish to come back to the previous question, matters arising from the schedule?

1035

**Hon. L F Llamas:** Yes please. Yes, I would like to come back to Question 176 if that is okay. In the question I am asking about the details of the investments. I appreciate the Hon. Minister providing this schedule which is very detailed.

Is the Minister able to break this down in terms of monies actually spent on each investment made throughout this campaign so far?

1040

**Hon. G H Licudi:** Mr Speaker, the hon. Member asked about investments and I was not sure whether that meant what we were actually doing in what periodicals or newspapers or radio stations we were carrying out this campaign, or whether he wanted an itemised cost.

1045

What I can tell the hon. Member is that the overall cost of all the items set out in that schedule is in the order of £220,000. It is important to note that the main emphasis of the Gibraltar Tourist Board now is the carrying out of marketing or campaigns generally for Gibraltar.

1050 That was one of the reasons why the Ministry of the Environment took over management of the sites and beaches so that the Tourist Board could concentrate primarily on marketing.

1055 The Gibraltar Year of Culture is, certainly from the feedback we are getting so far, being a very successful branding and it is essentially a branding, rather than a campaign. We would have carried on with marketing campaigns in any event, so the hon. Member should not think when he looks at that list, that it is exclusively dedicated to the Year of Culture campaign.

1060 There would have been campaigns, there would have been advertisements, there would have been marketing in the normal way, except that the branding that is now being used is what we launched in the World Travel Market in November and subsequently in FITUR in January. But the overall cost of those items is in the order of £220,000.

**Mr Speaker:** Next question.

**Q178/2018**  
**Pensionable age –**  
**Equalisation between men and women**

**Clerk:** Question 178, the Hon. L F Llamas.

1065 **Hon. L F Llamas:** Mr Speaker, when does the Government expect to equalise pensionable age between men and women?

1070 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Sorry, Mr Speaker, are we on 179?

1075 **Mr Speaker:** Question 178.

**Hon. G H Licudi:** Mr Speaker, the Government is committed to equalising pensionable age between men and women. This will happen when the new scheme for old age pensions is introduced. It is, however, necessary to know what the position will be post-Brexit before the new scheme is introduced.

1080 **Mr Speaker:** Next Question 179.

**Hon. D A Feetham:** Mr Speaker, may I ask a question? (**Mr Speaker:** Yes.)

1085 Mr Speaker, as a matter of interest, has the Government costed the additional cost which equalisation of the pension age would bring on a year-by-year basis? Has that kind of costing and that kind of analysis been done?

1090 **Hon. G H Licudi:** Mr Speaker, the scheme is not complete yet. It is impossible to carry out a costing exercise without knowing who the beneficiaries of that scheme will be and that is why I mentioned that we cannot do this until we know what the position will be post Brexit. Now the position may be one thing and post Brexit the position will be very different. Who will be the beneficiaries of old age pension schemes in Gibraltar remains to be seen and therefore, that exercise simply cannot happen at this stage.

1095 **Hon. D A Feetham:** I do not understand the answer. Without disrespecting the hon. Gentleman, perhaps the Minister for Economic Development can explain the position as to why Brexit should actually affect ... I can understand that Brexit may affect our economic ability to pay for any increase pensions liability, but what I do not understand is why would Brexit actually affect the class of persons entitled.

1100 It may affect the private sector perhaps, but in terms of the cost to the Government, that should be capable of being ascertained in the ballpark figures and I would just ask the Government to explain that.

1105 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I do not know whether the hon. Member is aware or not, but under Community law anybody that has in a lifetime accumulated 52 weeks of social insurance contribution here, can aggregate it with contributions in any of the other 27 Member States. That creates a potential pool of probably several hundred thousand beneficiaries.

1110 **Hon. D A Feetham:** Ah, right I see.

**Hon. Sir J J Bossano:** We do not know whether that will continue to be the position after 2020. *(Interjection)*

1115 **Mr Speaker:** Yes, the Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

I just have one question for the Minister, when he talks about equalisation, does he have an idea as to what he means in terms of what the equalisation age would be or has he not reached a determination on that yet?

1120 **Hon. Sir J J Bossano:** Mr Speaker, the requirement under EU law is that the discrimination between men and women ... that is to say this law discriminating in favour of women because they require less contributions and they get paid five years earlier and we did what everybody else was doing, but there is a deadline for the existing scheme of 2020, which means the deadline will not apply to us because we will be out by 2020.

1125 So in effect, we are no longer obliged by Community law to equalise. We took a policy decision, when the equalisation was there, to equalise at 60. The United Kingdom is currently equalised at 67. The new scheme, which we will call the Fully Funded Scheme, will be fully funded depending on how many people are paying in and how many people are receiving benefits and that is an impossible equation.

1130 But the policy continues to be to equalise from 60 upwards – that is to say, the policies that people should be able to take at 60 as the earliest date that they could take the pension. But what we have planned and prepared has now been put on hold until we know what is the nature of the post-Brexit relationship between contributions from EU nationals.

1135 For example, the rules on aggregation and apportionment do not apply to non-EU workers in Gibraltar, so if we had a lot of non-EU workers and very few EU workers in the economy, the numbers would be different, but we do not know whether in 2021 for example, EU nationals will be treated as non-EU nationals and therefore the aggregation rule would not apply to them so it is an impossible exercise to do because the variables are not yet determined.

1140 **Mr Speaker:** Next question.

**Q179/2018**  
**Unemployment benefits –**  
**Retired public servants claiming**

**Clerk:** Question 179, the Hon. L F Llamas.

1145 **Hon. L F Llamas:** Mr Speaker, can the Government state since December 2011, how many retired public servants have successfully claimed unemployment benefits post retirement?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

1150

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, since December 2011 and up to January 2018, 49 public servants have successfully claimed unemployment benefit.

Mr Speaker, it is 49 – I am not sure whether I said 49. (*Interjection*) Forty-nine, yes.

1155

**Hon. L F Llamas:** Mr Speaker, is that in relation to post retirement? That was not clear in the answer.

1160 **Hon. G H Licudi:** Yes, Mr Speaker, that is certainly my understanding. The answer was prepared specifically in relation to the question. The question says post-retirement and therefore although I do not have that information, I am assuming – unless it is wrong and in which case I will correct it – for present purposes that this answers directly the question that was posed by the hon. Member.

1165 **Hon L F Llamas:** Mr Speaker, in light of the 49 public servants who have retired and then gone on to claim unemployment benefits, is this something that the Government is looking into in a way that they curtail this, given that obviously these people have received a pension and a gratuity in relation to this?

1170 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I think it has to be understood on the basis that it can equally be argued that the people in the public service who served a long time are in effect paying insurance to protect themselves against unemployment which they never have had the benefit of. There is an element of insurance contribution which in effect pays the unemployment benefit. People in the private sector who can sort of be unemployed every 13 weeks and go back and collect benefit access it more often than those in the public service.

1175

I think in terms of the philosophy of their entitlement, whether they need it is another thing, but it is not something that the state is giving somebody as a gift.

1180 The law is that even if you retired from the public or the private sector, if you are available for work you have to register and be available for work, and therefore you are available for work and you have paid your contributions for 30 or 40 years and you are entitled to the 13 weeks and you choose to take it up I think it would be difficult to say I am going to curtail it, because as I see it anyway, the benefit is a benefit of insurance.

1185 If you were to take a policy with an insurance company that pays you if you become unemployed and you pay all your life and then you are unemployed because you have retired, on what moral grounds could I say to you well, because you have now got a pension, you cannot register as unemployed and you cannot seek another job.

1190 So frankly, my own view is that we should not seek to curtail it because I think it is something for which the worker has paid through his insurance contribution all his life. It is not as if it was a payment by the state which is non-contributory. The entitlement to unemployment benefit is

1195 the result of a contribution record which is laid down in the law and that law does not say that you are not entitled to do it. In fact, it does not even say that you cannot do it after a given age. You do not get it after you are pensionable because you get a social security pension and you cannot draw more than one benefit from the social security, but if you were, for example, not receiving a social security pension, it is now contrary to the law on discrimination to try and stop fairly young people like me at 79 from working.

So you know, the answer is that the Government certainly has not got a policy to curb it, but I personally believe that people are entitled to a benefit if they have paid for it all their lives.

1200 **Hon. L F Llamas:** Mr Speaker, I think that is in my view, a very dangerous path to encourage citizens to claim things that they may be entitled to but they may not need. Will the Government look into perhaps means testing those who claim such benefits?

1205 **Hon. Sir J J Bossano:** No, Mr Speaker, I do not believe they should be means tested in respect of things which are the result of contributions. In fact I think the previous administration did that in respect of Family Allowances that were means tested and I objected from that side of the House because of the principle of the thing.

You means test if you have got a state benefit like social assistance for which you have made no payment. Therefore, the state says that there is a poverty line and we help the people below that poverty line, for example the minimum income guarantee.

1210 But if I can draw a parallel, it is one thing to means test a minimum income guarantee which gives a person an income which we, for example, with the latest thing that we introduced now link it to the minimum wage so that people who are above retirement age, if they have a low pension, it can be topped up so that a married couple would have no less than 90% of the national minimum wage. That is means tested because the higher the pension you get, the less the gap will be and the people on the full pension would not get it.

1215 But I think if you were to say I am going to means test the old age pension because you have got a pension from the Civil Service, then I do not think that would be right because the contributions that you have made are the same as the contributions other people have made.

1220 I think we need to think of this as a social insurance benefit, not social assistance. It is standard procedure in all the European schemes that I am aware of that what gets means tested is social assistance which is not funded by the recipient. But social security benefits which have contribution records are dependent on how much you pay in. So how can you say two people will pay the same amount in, but one will get more benefit than another because of other income from another source? I mean, suppose somebody is more frugal with his income and saves money, does that mean that he gets penalised compared to the person who spends all his wages and has no savings?

1225 I know of no social security contributory scheme that is means tested. All the schemes that I know of in this field that are means tested are the ones where the payment is based on the income of the recipient, irrespective of whether he has made any contributions or not and therefore, it is by way of a transfer of income from people who are better off as taxpayers to people who are less well off as people with low or zero incomes.

1235 **Hon. L F Llamas:** Could I ask as a further supplementary, from the 49 public servants who have retired and then successfully claimed the unemployment benefit, does the Government have details of if they did a full service within the public sector or perhaps it was not a full service, or details relating to that, please?

1240 **Hon. G H Licudi:** Mr Speaker, I have a breakdown of the Department Agency Authority from which they came but not the amount of years of service in each particular area.

It is important to point out that the question relates to a period from December 2011 to January 2018, a six-year period. Clearly many more public servants than 49 have retired during that six-year period than the ones that have claimed this.

1245 So it is not the norm that public servants register as unemployed, register as seeking employment because as my hon. Colleague has mentioned, you have to be actively seeking work in order to be able to receive unemployment benefit. So it is certainly not the norm.

We also have a situation where the person reaches pensionable age in respect of the old age pension, that is a social security benefit that the person is receiving and they cannot receive another benefit and therefore they cannot receive unemployment benefit.

1250 In addition to that, there are those that at 60 are eligible to apply for community care. If you are receiving unemployment benefit, my understanding is that you would not get community care, so most people would opt to get community care and not register as unemployed. Therefore, although they have to do a couple of hours a week or whatever it is that they do in respect of the community care under the trust that regulates community care, people generally  
1255 opt for doing that rather than unemployment benefit.

Therefore, the window within which this possible benefit can be applied for is very narrow. Essentially, you have to have reached compulsory retirement age, because if you do not reach compulsory retirement age under the Act you are not eligible for this. If you reach compulsory retirement age but you have not reached 60, generally the people within that category are those  
1260 in the essential services – customs, fire service, prison. Those who retire from those essential services have reached compulsory retirement age at 55, not reached 60, are generally within the bracket that would fall to be entitled to register for unemployment benefit, provided that they register the employment service, they are actively seeking work, they attend the regular meetings in order to be able to say that they are actively seeking work, and provided that all the  
1265 conditions are satisfied.

So there is this very narrow window that applies and clearly it is not something that everybody will take advantage of.

**Hon. L F Llamas:** Could I ask, I will come back next month, if that is okay, and ask for details relating to the years of service and the gratuity and pension taken by these civil servants. But in  
1270 the meantime, could the Hon. Minister provide the Departments from which these civil servants have retired?

**Hon. G H Licudi:** Mr Speaker, in respect of the 49: Customs – 6; Fire and Rescue Service – 13;  
1275 GDC Housing – 1; GDC Tourist Board – 1; Gibraltar Health Authority – 3; Gibraltar Mechanical and Electrical Services – 1; Gibraltar Port Authority – 2; Economic Development – 2; Prison – 3; and Royal Gibraltar Police – 17.

**Hon. D A Feetham:** Yes, Mr Speaker, my attention was piqued by the analogy that the Hon.  
1280 the Father of the House raised with insurance policies, but it is an inapposite analogy in my view, does he agree with me? It is like saying that I have health insurance and because my health has been perfect throughout my life and I have never claimed, somehow at the end I should have the right to make some kind of a claim because I have never really made a claim during the time of my life, because I have always been perfectly healthy.

1285 The reality is that what we have here are individuals who of course have paid their contributions, but they are individuals who have retired. They have reached the end of their working life, they are retired, they have obtained a gratuity, they are obtaining a pension and there is a distinction.

I can understand that somebody at the age of 55 may say, 'Well look, I am young and I want  
1290 to continue to work', and I think most people would say, 'Well fine – if you can obtain work that is fine.' But what we are talking about here is the state actually paying a benefit on top of ...  
(*Interjection*) unemployment.



**Hon. Sir J J Bossano:** It is a fund.

1295 **Hon. D A Feetham:** Well okay, it is the fund. I understand it is the fund but it is the payment of that benefit on top of a person being retired.

Have I misunderstood it? If I have misunderstood it I apologise! But to me, it just seems counterintuitive that in a situation where, whether it comes from the fund or does not come from the fund, the reality of the situation is that resources are finite and if somebody has obtained a gratuity, if somebody is obtaining a pension, it does not seem to be right that the community, albeit through the fund, is paying as well for unemployment benefit.

1300 And in fact, just one final supplementary as well, the hon. Member may wish to deal with: does this actually happen in other jurisdictions?

1305 **Hon. Sir J J Bossano:** Mr Speaker, I think the analogy is wrong. It is as if, as the hon. Member said, you have paid insurance for medical treatment all your life, you have never been sick and now because you become sick at 50 you have to pay for private medicine.

That is the analogy because the person is unemployed at the age of 50, if he looks at the number it is no coincidence that the bulk of the grades in the 49 are the people who go at 50.

1310

Mr Speaker: Police, fire service...

1315 **Hon. Sir J J Bossano:** Police, fires service – it is perfectly reasonable that somebody at 50 should want to look for another job and it is perfectly reasonable that they should register as unemployed to look for work.

But what the hon. Member is saying, is that they should be told when they register, because you have been given a pension as a civil servant – or is it because you have been given a pension from anybody? – you are no longer entitled.

1320 That would mean that you would have to change the 1954 Social Insurance Act and he was in Government and had the opportunity to do it, the GSD had 15 years in which to do it. They thought there was no need to do it then and I do not know what it is that has happened since, that he finds it an anomaly only now and not when he was in Government, and he would have done it! I can tell him that if he had attempted to do it, he would have found me opposing him from that side.

1325

**Hon. G H Licudi:** Mr Speaker, can I just add for completeness that the benefit is actually payable for 13 weeks so it is not an unlimited benefit. It is very restricted. *(Interjection)* A maximum of 13 weeks. *(Interjection)* Well, since 1954 as the hon. Member has indicated.

1330 **Mr Speaker:** To be helpful, there is another category: persons who retire on medical grounds and who may wish to seek work because their pension is not adequate for them to live on.

## ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q180-185/2018

Government finances –

Developments with China; Debts and Funds; GSB staff

**Clerk:** Question 180, the Hon. R M Clinton.

1335 **Hon. R M Clinton:** Mr Speaker, further to Question 1/2018, can the Government advise whether the meetings with the China Development Bank and the Bank of China in January 2018 have borne any fruit.

1340 In addition, can the Government indicate what China's interest might be in respect of Gibraltar, as regards its 'One Belt One Road' development strategy, given Sir Joe Bossano's recent trip or rather recent visits to Beijing?

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

1345 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Questions 181 to 185.

**Clerk:** Question 181, the Hon. R M Clinton.

1350 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following date, being 1st November 2017?

**Clerk:** Question 182, the Hon. R M Clinton.

1355

**Hon. R M Clinton:** Mr Speaker, can the Government please provide the total liquid reserves figure and its constituents namely Consolidated Fund, Improvement and Development Fund, Government Owned Companies, deposits, contingencies and other funds for the following date, being 1st November 2017?

1360

**Clerk:** Question 183, the Hon. R M Clinton.

1365 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all bank/savings bank accounts and cash held for the following date, being 1st November 2017?

**Clerk:** Question 184, the Hon. R M Clinton.

1370 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund as at 1st November 2017?

**Clerk:** Question 185, the Hon. R M Clinton.

1375 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many staff are directly engaged in the operation of the Gibraltar Savings Bank as at 31st December 2017, split between permanent and contract staff?

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

1380

1385 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, it is not the case that China is interested in Gibraltar as regards the 'One Belt One Road' strategy, but rather that Gibraltar is interested in China's 'One Belt One Road' strategy, given that historically Gibraltar has always been considered to be geographically well-placed as a trading territory in international trade routes.

Gibraltar's interest in participating, which is welcomed by China, is no different from the interest shown by many other countries who see this as a transformational change in trading patterns which will be developed from its implementation.

1390 As regards my meeting with senior officials of the two London-based Chinese banks, the position as regards the Bank of China is that presently in the UK they are not expanding their retail operations but concentrating on wholesale commercial banking and therefore would not be interested at the moment in providing retail services in Gibraltar. However, they have agreed to assist if they can my Department by putting me in contact with other potential Chinese parties that might be so interested.

1395 As regards the China Development Bank they are prepared to provide facilities for financing infrastructure projects which involve Chinese enterprises and entail capital requirements of £30 million or more. These are the lending criteria they currently use in the UK. Several possible projects are under consideration.

1400 The position as regards the total liquid assets composition, when, where and how these are invested on a particular date chosen by the hon. Member opposite, continues to be as previously stated.

The figures requested for 1st November 2017 are: Gross Debt – £447.7 million; Sinking Fund – £5.2 million; Aggregate Debt – £442.5 million; Cash £139.4 million; Net Debt – £303.1 million.

1405 As at 31st December there were 15 full-time and one part-time civil servants at the Savings Bank, assisted by 13 contract staff.

**Hon. R M Clinton:** Mr Speaker, I welcome the Minister's feedback in terms of his meetings with the Bank of China and obviously would welcome any form of inwards investment that he could attract for Gibraltar at this time. I obviously wish him success in his endeavours.

1410 In terms of the Gibraltar Savings Bank, if I heard the Minister correctly there are 15 full-time staff, one part-time and 13 contract workers. Am I correct in assuming that the 13 contract workers are on 11-month contracts and if so, does the Minister consider it appropriate, given the Savings Bank and the nature of the work that it does, that it has almost 50% contract staff?

1415 **Hon. Sir J J Bossano:** Well, Mr Speaker, if I did not think it was appropriate, it would not be happening.

**Hon. R M Clinton:** Mr Speaker, again when we talk about contract staff, these are individuals on 11 month contracts. Would that be right?

**Hon. Sir J J Bossano:** They are, Mr Speaker, supply workers the same as exist in other places in the Government, yes.

1425 **Hon. R M Clinton:** Would the Minister be able to advise the House whether the supply workers are with any particular recruitment agency, one in particular, or are they split across several?

1430 **Hon. Sir J J Bossano:** I cannot say which. I think they are probably one of the two that we are using – there are two agencies, S&K and Beta Service which account for most of the workers. I do not think we have got anybody else supplying. Not just here, I mean this is no different from what exists in other Government Departments. We do not use any special agency for the Savings Bank.

1435 **Mr Speaker:** Any other supplementaries?

**Q186-188/2018**  
**Government workers –**  
**Agency staff; maternity and sickness cover;**

**Clerk:** Question 186, the Hon. D A Feetham.

1440 **Hon. D A Feetham:** Perhaps the answer is in the answer to this question.

As at the end of December 2017, how many individuals were working within Government Departments, companies, agencies or authorities through services provided by recruitment consultants and agencies, broken down by department, company, agency and authority together with the recruitment consultant or agency concerned?

1445

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

1450 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 187 and 188.

**Clerk:** Question 187, the Hon. L F Llamas.

1455 **Hon. L F Llamas:** Mr Speaker, can the Government provide details since January 2016, which Civil Service posts have not been covered during maternity or long-term sickness, including: (a) the grade; (b) the department and (c) the period of absence not covered?

**Clerk:** Question 188, the Hon. L F Llamas.

1460 **Hon. L F Llamas:** Mr Speaker, further to the answer to Question 7/2018, can the Government now provide this House with an update?

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

1465

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, the information requested for December 2017 and from January 2016 cannot be provided within the timescale of the question but will be provided in the next meeting.

1470 On 8th January 2018, supply workers were placed as follows: (a) Care Agency; Department of Education; Gibraltar Bus Company; Gibraltar Electricity Authority; Gibraltar Health Authority; Gibraltar SLA; Ministry of Youth and Postal Services, Gibraltar Joinery and Building Services; EDEC; and GCP.

1475 (b) Nature of the work was: Care Worker; Qualified Teachers; SNLSA; Music Instructor; Technicians; Cleaners; Drivers; Administrative Work; Nursing Assistant; RGN; Enrolled Nurse, Midwife; Domestic; Lifeguard; Youth and Community Support Worker' Postal Work; supply labour; and Messenger.

1480 (c) The main reason for providing cover either is to meet an increased workload or to provide cover for reduced numbers at work due to absenteeism, or posts temporarily unfilled due to temporary promotion or pending a decision on the required activity.

(d) The first date of relief cover that was provided by any given worker was as follows:

QUESTION No: 188/2018 (Contd.)

Date	Number
29/12/2003	1
02/09/2006	1
17/09/2007	1
23/02/2009	1
19/07/2012	1
03/09/2012	2
07/11/2012	1
09/12/2012	1
29/04/2013	1
01/06/2013	1
10/06/2013	1
02/07/2013	2
15/07/2013	1
02/09/2013	2
23/09/2013	1
15/10/2013	1
16/12/2013	1
20/12/2013	1
13/01/2014	1
29/01/2014	1
02/03/2014	1
21/07/2014	1
06/08/2014	2
26/08/2014	1
01/09/2014	13
18/09/2014	1
08/10/2014	1
17/11/2014	2
08/01/2015	1
03/02/2015	1
05/02/2015	1
27/02/2015	1
02/03/2015	1
03/03/2015	1
16/03/2015	1
17/03/2015	1
18/03/2015	3
23/03/2015	1
30/03/2015	1
08/04/2015	1
18/05/2015	1
05/06/2015	1
25/06/2015	5
28/06/2015	1
01/07/2015	1
07/07/2015	1

01/08/2015	1
27/08/2015	6
01/09/2015	16
02/09/2015	6
03/09/2015	18
01/10/2015	6
06/10/2015	7
22/10/2015	33
11/11/2015	1
14/11/2015	1
22/11/2015	1
13/12/2015	1
07/01/2016	1
11/01/2016	1
22/01/2016	1
03/02/2016	1
10/02/2016	1
15/02/2016	2
22/02/2016	1
03/03/2016	1
18/04/2016	1
24/05/2016	1
21/07/2016	1
17/08/2016	1
26/08/2016	1
31/08/2016	29
02/09/2016	2
06/09/2016	1
26/09/2016	3
06/10/2016	2
12/10/2016	1
17/10/2016	1
07/11/2016	1
14/11/2016	2
24/11/2016	1
24/01/2017	2
02/03/2017	1
20/03/2017	1
29/03/2017	1
30/05/2017	3
25/06/2017	1
29/06/2017	1
03/07/2017	2
12/07/2017	2
27/07/2017	1
31/08/2017	44
26/09/2017	1

16/10/2017	1
30/10/2017	9
31/10/2017	18
06/11/2017	6
13/11/2017	1
14/11/2017	4
16/11/2017	1
27/11/2017	3
01/12/2017	2
08/01/2018	261

1485 Mr Speaker, in the case of the figure for 8th January, which is the last figure I have given, that is the number that was employed at that date but this is a group of workers of which we have no information as to whether they had, previously to that date, done supply work.

1490 **Hon. L F Llamas:** Mr Speaker, I am sure you will agree with me that this is a waste of parliamentary time (*Interjection and laughter*) in the sense that when one comes to Parliament and asks for a schedule, a schedule which you can link the company, the department the work is in, the grade that position is doing, the reasons why the cover is required and since when the worker commenced and the answers provided in an oral fashion in a way which you cannot even link the worker to which department that person is providing services to and why the services are required, I think does not answer the question, let alone waste this parliamentary session. (*Interjection*) Is the Government able to provide the information requested in a more civilised manner?

1495

**Chief Minister (Hon. F R Picardo):** Yes, in *Hansard*.

1500 **Hon. Sir J J Bossano:** Mr Speaker, the Member opposite is entitled to ask for information and I am providing the information following logically and precisely the sequence of his question.

If he does not want the question answered orally, then he should put it for written answer. (**Hon. Chief Minister:** Hear, hear. ) If he puts a question for an oral answer, then however long it will take me to read it, and however difficult it may be for him to understand it, I am doing what he is asking for. He is asking for an oral answer to an oral question and I have covered every single item in the question and given an answer on every single item.

1505

He is entitled to ask a question and to get information, but he is not entitled to tell me in the Government how I should draft the answers, just like I am not entitled to tell him how he should draft the questions.

1510 **Mr Speaker:** I was not going to make any comment at this stage, but I will read from *Erskine May*, page 366, Oral Answers and Supplementary Questions:

The Speaker has stressed that the length of both ministerial replies and of supplementary questions should be curbed.

I do not know what Speaker they are referring to, obviously the Speaker in the House of Commons, but I am sure that Speakers throughout the parliamentary Westminster-style world, have been complaining over the years about precisely that.

1515 But I think that the Hon. Minister has a valid point. I think that whoever asks the questions should, in an instance such as this one, where all that you require are statistics ... that the alternative is to ask for a written answer, which you can then pursue at the next meeting. But that would avoid a repetition of this situation.

1520 Of course, the other way to do so, and we have had today very lengthy schedules, but the Hon. Sir Joe Bossano who has been here for 45 years is entitled – I cannot stop him; I can urge him to curb the length of his answer. Unfortunately the rules do not allow me to stop him. And having been here 45 years, who is going to attempt to do that? *(Laughter)*

So let us move on.

1525 **Hon. D A Feetham:** Mr Speaker, may I make a civilised request myself? *(Laughter)*

**Mr Speaker:** Provided it does not add any wood to the fire, yes.

1530 **Hon. D A Feetham:** Mr Speaker reserves the right as to whether it is civilised or not, I understand that.

My question 186, has not been answered because the Hon. Minister has said that in the time available the information could not be compiled.

1535 Could I ask the Hon. Speaker, could I rely on Standing Order 16, which is the Standing Order that basically says that where a question remains unanswered at the end of the session, that the answer be provided in writing. Therefore, that would satisfy me so from now until the next session, if that question can be answered in writing, then I can lodge any supplementaries so to speak, orally or in writing for the next session.

But I do not want to repeat the question next time round.

1540 **Mr Speaker:** Does the hon. Member agree that it has been an oversight that it has not been answered?

1545 **Hon. D A Feetham:** Mr Speaker, no. **(Mr Speaker: No?)** No, he has said that in the time available he could not answer it, so therefore I am saying it is remaining unanswered, can it be answered in writing? That is what I am saying, under Standing Order 16.

**Mr Speaker:** Yes, very well. *(Interjections)*

1550 **Hon. D A Feetham:** Yes, before next month so that I can then ask further questions next time round.

**Mr Speaker:** Yes, very well.

#### DEPUTY CHIEF MINISTER

Q189/2018

Parliament building –  
Installation of lift

1555 **Clerk:** Question 189, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, is Government still intending to install a lift at the Parliament building and if so, when?

1560 **Clerk:** Answer, the Hon. the Deputy Chief Minister.



**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes. After reviewing all possible alternatives and having extensively consulted interested parties and specialists on access, the Government intends to install a lift during the course of the new financial year.

1565 **Mr Speaker:** Next question.

**Q190/2018**  
**Brussels office –**  
**Continuation post-Brexit**

**Clerk:** Question 190, the Hon. T N Hammond.

1570 **Hon. T N Hammond:** Mr Speaker, does Government intend to continue to operate its Brussels office once we leave the EU?

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

1575 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, sir.

**Mr Speaker:** Question 191.

**Q191/2018**  
**Bayside, St Anne's and St Martin's Schools –**  
**Developer bid for all three sites**

1580 **Clerk:** Question 191, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, further to Question 85/2018, can the Government advise as regards the tenders received for the sites of Bayside, St Anne's and St Martin's Schools, has any developer bid for all three sites?

1585 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government can confirm that an Expression of Interest for all three sites has been received from one group of developers. The different submissions from all entities are still under consideration.

**Q192/2018**  
**UK non-EU trade agreements –**  
**Inclusion of Gibraltar**

1590 **Clerk:** Question 192, the Hon. L F Llamas.

1595 **Hon. L F Llamas:** Mr Speaker, can the Government explain how Gibraltar features in the trade agreements being negotiated by the United Kingdom and non-EU countries such as the US, China, New Zealand, Australia, etc?

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

1600 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the United Kingdom is unable to negotiate and conclude trade agreements while still a member of the European Union, but is free to have discussions on future trading relationships.

The priorities of Gibraltar will be fully taken into account by the UK with regard to any trade and investment relationships as those discussions progress.

1605 **Hon. D A Feetham:** May I ask a related question in relation to this, but from the Gibraltar perspective.

The Hon. Minister is obviously right that whilst the United Kingdom remains a Member State, it is not free to negotiate any deals with third parties.

1610 Now, is the Government confident that during the transitional provisions, Gibraltar will not be considered by the EU a third party in terms of its own agreements that it may wish to negotiate with the United Kingdom, bearing in mind that Gibraltar and the United Kingdom are not separate Member States; and if the Government is confident that that is not a trap that either our neighbours to the north or their friends in Europe are laying for us?

1615 **Hon. Dr J J Garcia:** Mr Speaker, the basis of the implementation period or the transition phase, is a continuation of the existing *acquis*, except that there will be no representation for the UK in the Commission, in the Council, in the Court or in the Parliament. But it is on the basis of the existing *acquis* continuing for the period of two years.

1620 **Hon. D A Feetham:** And Gibraltar would remain as we are at the moment, but obviously during that transitional provision within, as ... At the moment Gibraltar is part of the EU by virtue of UK membership. The Government is confident that that is going to continue throughout the transitional provisions?

1625 **Hon. Dr J J Garcia:** Yes, Mr Speaker, absolutely. A continuation of the existing *acquis* includes the terms of membership which refer to Gibraltar.

**CHIEF MINISTER**

**Q193/2018**

**Sunborn Hotel –**

**Building certificate of fitness**

**Clerk:** Question 193, the Hon. T N Hammond.

1630 **Hon. T N Hammond:** Mr Speaker, does the Sunborn Hotel hold a building certificate of fitness?

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

1635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, my reply remains the same as that in Question 268/2015.

**Mr Speaker:** Question 194.

**Q194-196/2018**  
**Housing Works Agency–**  
**Early exit packages for employees; remaining staff; transfer of operations**

**Clerk:** Question 194, the Hon. E J Reyes.

1640

**Hon. E J Reyes:** Can Government provide details of how many employees at the Housing Works Agency have accepted early exit packages, indicating the grades of those concerned?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 195 and 196.

**Clerk:** Question 195, the Hon. E J Reyes.

1650

**Hon. E J Reyes:** Can Government provide details of how many employees will remain employed by the Housing Works Agency, after the termination of those who have accepted early exit packages, indicating the grades of those concerned?

1655

**Clerk:** Question 196, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government confirm that it is to transfer the operations of the Housing Works Agency into two Government-owned companies, and if so, can the Government please identify those companies and the intended date to transfer the employees?

1660

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, 13 employees have already accepted and many more have indicated that they will be accepting in coming months.

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The following are those that have accepted: in Administration, 1 HEO, 1 EO and 1 AO; in Technical, 2 SPTOs and 1 TG1; in Industrial, 5 Craftsmen, 1 ZSO, which is a Zone Support Officer and 1 Labourer.

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117 will remain – that is 1 Head of Agency, 1 EO, 5AOs, 8 HPTOs, 11 PTOs; 1 Environmental Monitor; 16 TG1s; 48 Craftsmen; 3 ZOs, 8 Drivers; 2 Drains men; 2 Storekeepers; and 11 Labourers.

I can confirm that we are currently undertaking a holistic review of the outputs required to service and maintain the Government housing stock. An announcement will be issued in due course providing the detail of this review. The re-introduction of the early exit package at the request of the union was based on the move of those remaining into two Government-owned companies.

1675

The GSD had agreed a reduction to zero of the complement of the Housing Works Agency as a condition of the early exit scheme.

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**Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's answer, but I do not seem to have caught the name of the two Government-owned companies and/or the intended date of transfer.

**Hon. Chief Minister:** That is because I have not given them, Mr Speaker.

1685 **Hon. R M Clinton:** Mr Speaker, would the Chief Minister be kind enough to provide this House with the information requested?

**Hon. Chief Minister:** It does not exist, Mr Speaker.

1690 **Hon. R M Clinton:** Mr Speaker, I presume from the Chief Minister's answers that these companies do not exist.

**Hon. Chief Minister:** That is right, Mr Speaker. As far as I understand it, these companies have not yet been incorporated and data has not yet been identified.

**Q197/2018**

**Hotel development, former coach park site –  
Modular/prefab buildings purchased**

1695

**Clerk:** Question 197, the Hon. R M Clinton.

1700 **Hon. R M Clinton:** Mr Speaker, further to Question 92/2018, can the Government advise how many modular/prefab buildings have been purchased for £3.3 million, what is their expected useful life, who were they purchased from and which Government company is paying for them?

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

1705 **Chief Minister (Hon. F R Picardo):** Mr Speaker, a total of two buildings have been purchased for installation at the former coach park site. These buildings have a 50-year design life and have been purchased from RÖDER HTS GmbH as part of GJBS Ltd's contract for the works.

1710 Only the cost of the supply of the buildings in the sum of £949,699 is being paid for by GAR Ltd, a Government-owned company. The balance of £2,313,398 is being met from the Improvement & Development Fund as this relates to the costs of the enabling works, construction of foundations, internal fitting out and the provision of infrastructure and utilities.

**Mr Speaker:** Any supplementaries?

1715 **Hon. R M Clinton:** Mr Speaker, I may not have heard the Chief Minister correctly. The amount that GAR paid was for the two buildings themselves, the actual fabric of those buildings, in the sum of £949,000 and the £2 million balance, or the balance making up £3.3 million, is being paid through the Improvement and Development Fund.

1720 Can the Chief Minister just confirm that is my understanding and why GAR in particular is paying for these prefab buildings?

**Hon. Chief Minister:** Because that is how we chose to structure it because GAR will then own the buildings. I told the hon. Gentleman last time that the buildings are moveable and will have a life beyond their installation on that site.

**Q198/2018**

**Government rental property tenants –  
'Right to buy' policy; exclusions**

1725

**Clerk:** Question 198, the Hon. R M Clinton.

1730

**Hon. R M Clinton:** Mr Speaker, can the Government advise what is its policy in respect of the 'right to buy' in respect of Government rental property tenants and are the housing estates subject to the £300 million mortgage namely, Moorish Castle Estate, Glacis Estate, Laguna Estate, Alameda Estate, Mid Harbour and Varyl Begg now excluded?

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

1735

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the take-up on the 'right to buy' in respect of Government rental property tenants has been quite low.

The Government is accordingly reviewing this policy as such a low take-up creates its own issues with the future management and maintenance of the respective estates.

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**Hon. R M Clinton:** Mr Speaker, I have not actually heard the Chief Minister say, in respect of the housing estates I referred to, whether the Government has taken a policy decision that they will not allow any further purchases of flats in those particular estates.

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And for the Chief Minister's information, I am aware of at least one individual who did try to buy, certainly in the last period one of those flats on one of those estates and, after going through a lengthy legal process, has only just been turned down.

Can the Government advise whether there has now been a hardening or an agreed position as to what the policy is in respect to the 'right to buy' for those particular estates?

1750

**Hon. Chief Minister:** He did not hear me say that, because that was not what I said. I said specifically what I said in my first answer, which covers the eventualities the hon. Gentleman may be referring to, but does not deal with it in the way that he is suggesting he thinks it has been dealt with, because it has not been dealt with that way.

1755

**Hon. R M Clinton:** Well, Mr Speaker, perhaps I can just put it simply. Can the Chief Minister confirm or perhaps correct me that there is still the possibility for tenants on those housing estates which are listed, to buy their properties if they so wish? Is it yes or no?

1760

**Hon. Chief Minister:** Well, Mr Speaker, the take-up on the 'right to buy' in respect of Government rental property tenants has been quite low. The Government is accordingly reviewing this policy as such and low take-up creates its own issues with the future management and maintenance of the respective estates.

1765

**Hon. E J Phillips:** Mr Speaker, when does the Government intend completing that review, particularly given the answer to Question 169 in which it was stated that the Government sold 209 properties from December 2011. How does the Chief Minister rationalise that with his suggestion that it is a low take-up?

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**Hon. Chief Minister:** Because, Mr Speaker, those do not just include this sort of properties; they also include pre-war properties.

**Mr Speaker:** Any other supplementaries?  
Next question.

**Q199/2018**

**People recovering from drug addiction –  
After care available**

**Clerk:** Question 199, the Hon. E J Phillips.

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**Hon. E J Phillips:** Can the Government state what after care is available for those recovering from drug addiction?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, there are a range of options available to those recovering from drug addiction which are tailored to meet the needs of the individual undertaking treatment.

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It is important to contextualise that treatment for many persons may not necessarily take place within a residential rehabilitation setting and that even for those who may undertake a residential programme, the support they will continue to need can extend into months and even years for a minority.

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For those who successfully complete a residential treatment programme at Bruce's Farm, these will continue to attend weekly after care group sessions for as long as they feel they need it. Some choose not to attend, whilst others assiduously attend for years after treatment completion.

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All patients completing treatment are also offered weekly one to one sessions with counsellors which take place in our outreach facility located at present, at the Mid Harbour Community Centre. This service is also extended to family members, to help them understand how best to support and cope with the dynamics of a loved one trying to lead a drug-free life.

Whilst in treatment, Bruce's Farm will also liaise with other relevant bodies as part of the patient's treatment plan, to help with the transition back to living within the community. These issues include housing, employment, mental health and criminal justice, amongst others.

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For those who are experiencing housing difficulties, upon completion, there is a two-bedroom flat within the community where patients can benefit from living in a supported environment whilst their housing needs are addressed.

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There are a number of persons who, for a variety of reasons, cannot commit to a residential treatment programme. For these the support takes place within the community. They are seen by a counsellor at least once a week and the programme they follow mirrors the residential programme in most ways, but for obvious reasons may take longer. The sessions they attend are dictated by their individual needs and will often extend beyond the 12-week residential programme delivered at Bruce's Farm.

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Counsellors also work closely with HM Prison Windmill Hill where they hold weekly clinics. Inmates may choose to undertake a rehabilitation programme whilst in custody. Upon completion of their sentence, or if granted a Parole Licence, counsellors will continue to work with released offenders. This period is dictated by either their individual needs or the exigencies of a Parole Licence.

1815

It is important to note that, as part of any aftercare programme the voluntary sector plays an important role. Drug and Alcohol Services can proudly boast of a very close synergy with these groups and will often refer patients requiring treatment to them.

1820

It is a fact that the majority of the members of these groups comprise individuals who have successfully completed treatment under our care or of their family members. For all patients completing treatment either within a residential setting or in the community, a member of one of these groups is identified to act as a peer mentor to complement the after-care work of the Drug and Alcohol Rehabilitation Services.

**Mr Speaker:** Next question.

**Q200/2018**  
**Public Finance (Control and Audit) Act 1977 –**  
**Delay in reform**

**Clerk:** Question 200, the Hon. L F Llamas.

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**Hon. L F Llamas:** Mr Speaker, can the Government explain the delay in reforming the Public Finance (Control and Audit) Act 1977 in line with the recommendations from the Principal Auditor, pledged to have been debated in this House before the 2016 Budget debate?

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Member well knows, the points he refers to date back to the Audit Report 2008-09 and indeed earlier, as far back as 17th March 1998.

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I will not rehearse the points relating to the Public Accounts Committee part of those comments as we have debated these in this Parliament by way of a Private Member's motion as recently as 7th October 2016, a debate at which he was present.

As regards to other points, it is the Government's intention to have considered these but it has been one of those matters which has regrettably been put to one side, given the pressures of Brexit.

1840

An exercise is being undertaken to better understand those recommendations and once we are clear we can then proceed to consider those amendments that may be necessary.

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**Hon. L F Llamas:** Will the Chief Minister confirm whether that will happen during the lifetime of this Parliament or perhaps not?

**Hon. Chief Minister:** Mr Speaker, everything I say is about the lifetime of this Parliament.

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**Hon. R M Clinton:** Mr Speaker, I am sure the Chief Minister is aware of the General Audit Matters, section 6.1.1 of the Principal Auditor's Report dated 26th September 2016, but he refers to, in his last two years' reports: 'I am hopeful the draft audit legislation which provides an improved legal basis to secure a more modern and efficient public audit service and adequately addresses key issues of audit independence will be taken to the Parliament during the financial year 2016-17', as my hon. Colleague has referred to.

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But I note that he refers to draft audit legislation which obviously must exist. Does the Government have any intention of perhaps issuing a command paper or consultation on that so that we can all at least see what work has been done to date, or is there going to be a further review of that draft which was ready at that point in time?

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**Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman is right to quote from the report and I shall do likewise. Section 6.1.1 of the same General Audit Matters, a section in Part 6 2008/2009, the Principal Auditor then said this: 'I previously mentioned that my predecessor submitted proposals to the Government on 17th March 1998 to revise the audit legislation containing parts 8 and 9 of the Public Finance Control and Audit Act as no significant modifications had been made since its enactment in 1977. The primary aim of these proposals is to provide and improve a legal basis and secure more modern and efficient public audit services, fully independent of the Government of Gibraltar. I am hopeful that the

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draft legislation which adequately addresses key issues of audit independence will be taken to the Gibraltar Parliament during the coming year.'

1870 So, Mr Speaker, that has been said in every report since 1998. We picked that up ourselves and referred to it in our manifesto. And as I said in my first answer, we have been unable to progress matters because of the decision of the United Kingdom to leave the European Union. But as I have said in the context of my first supplementary, that is something that I hope we will be dealing with during the lifetime of this Parliament.

**Q201/2018**

**International television channels –  
Details of payments made**

1875

**Clerk:** Question 201, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide a schedule of monies paid to international television channels including (a) the date the payment was affected and (b) a description of the payment?

1880

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as part of its marketing campaign in the UK this winter, the Gibraltar Tourist Board, through its media buying agents in the UK have paid for 30-second adverts to be placed on Sky TV, Channel Four, Eurosport, Travel Channel and London Live from 21st December to 31st January 2018.

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The total cost for this was £50,000 paid by bank transfer to the media buyers on 13th November 2017 as part of an invoice to cover all the GTB's adverts for the winter campaign both on TV, online, radio, mobile and national print press in the UK.

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That is all we have got.

## Questions for Written Answer

**Clerk:** Answer 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 numbers W5 to W11/2018.

1895

With your leave, Mr Speaker, that might be a convenient moment for the House to recess for 20 minutes.

**Mr Speaker:** The House will now recess for 20 minutes.

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*The House recessed for 20 minutes.*



## Order of the Day

### SUSPENSION OF STANDING ORDERS

#### Standing Order 7(1) suspended to proceed with Government Bills

**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 Government Bills.

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

### BILLS

#### FIRST AND SECOND READING

#### Lasting Powers of Attorney and Capacity Act 2017 – First Reading approved

**Clerk:** Bills – First and Second Reading.

1910 A Bill for an Act to establish and make provisions relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on individuals to make certain decisions on their behalf, to allow for the creation and registration of lasting powers of attorney; to make provision for a person to be able to decide about specific treatment they may not want to receive in future; to introduce a regime and safeguards for the assessment and authorisation of significant restrictions on liberty for persons who lack capacity and for decisions to be taken in relation to or on behalf of those persons; to amend the Mental Health Act 2016; to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009; and for purposes connected therewith.

1920 The Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to establish and make provisions relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on individuals to make certain decisions on their behalf, to allow for the creation and registration of lasting powers of attorney; to make provision for a person to be able to decide about specific treatment they may not want to receive in future; to introduce a regime and safeguards for the assessment and authorisation of significant restrictions on liberty for persons who lack capacity and for decisions to be taken in relation to or on behalf of those persons; to amend the Mental Health Act 2016; to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009; and for purposes connected therewith, be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to establish and make provisions relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on

1940 individuals to make certain decisions on their behalf, to allow for the creation and registration of lasting powers of attorney; to make provision for a person to be able to decide about specific treatment they may not want to receive in future; to introduce a regime and safeguards for the assessment and authorisation of significant restrictions on liberty for persons who lack capacity and for decisions to be taken in relation to or on behalf of those persons; to amend the Mental Health Act 2016; to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009; and for purposes connected therewith, be read a first time.

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

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**Clerk:** The Lasting Powers of Attorney and Capacity Act 2018.

### **Lasting Powers of Attorney and Capacity Act 2017 – Second Reading approved**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

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Mr Speaker, it is a pleasure to have the opportunity to present to Parliament what I am sure the House will agree is an important piece of legislation which we hope will be used widely.

The legislation complements the Government's recent extensive work in improving the awareness, early diagnosis and care for dementia patients. It will also allow individuals to plan ahead in the early stages of a debilitating illness for a future in which they may suffer from dementia, mental health problems or brain injury. Time, research and resources have been directed into making the Lasting Powers of Attorney and Capacity Bill a reality.

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Mr Speaker, with your indulgence I will abbreviate the term 'Lasting Powers of Attorney' to 'LPA' during the course of my speech. The Lasting Powers of Attorney and Capacity Bill has been produced with the following aims in mind, namely: to establish and make provision relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on individuals to make certain decisions on their behalf and to allow for the creation and safeguards and registrations of LPAs; to make provision for a person to be able to decide about specific treatment they may not want to receive in future, known as 'Advanced Decisions'; to introduce a regime and safeguards for the assessment and authorisations of significant restrictions and liberty for persons who lack capacity, and for decisions to be taken in relation to, or on behalf of, those persons; and to amend the Mental Health Act 2016 in areas to ensure compatibility with this Bill.

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Mr Speaker, as you are aware, 'capacity' in this context means the mental ability to make decisions about a particular matter at a particular time. People may lack capacity to make a decision for many reasons. It may be because of, for example, a stroke, an acquired brain injury, a learning disability or temporary impairment and so the Bill has the potential to impact and transform the lives of many of our citizens.

1970

Examples of what might constitute an impairment or disturbance in the functioning of the mind or brain can also include conditions associated with some forms of mental illness, dementia, significant learning disabilities, long-term effects of brain damage, physical or medical conditions that cause confusion, drowsiness or loss of consciousness, delirium, concussion following a head injury or the symptoms of alcohol or drug abuse.

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As Members of the House may already be aware, the powers granted by this Bill have been available in the UK since the Mental Capacity Act 2005 received Royal Assent on 7th April 2005. Gibraltar is now in a position to offer similar rights and freedoms to her people.

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The United Kingdom's Mental Capacity Act was described at the time as a visionary piece of legislation and a significant landmark on the legal landscape. It represented a triumph of autonomy by recognising that insofar as possible, people should play an active role in decisions

1985 about their own welfare. We are in a fortunate position to be able to learn from the framework and experiences of the UK model, which has now been in place for a decade.

1990 As a result of the seminal case, *HL v United Kingdom*, also known as the Bournemouth case, the European Court of Human Rights held that the liberty of those lacking the requisite mental capacity who were admitted into hospital under the common law doctrine of necessity was not protected as required by Article 5 of the European Convention on Human Rights. As a consequence, in November 2006, the Government amended the Mental Capacity Act 2005 in order to provide protection for those persons caught in the Bournemouth situation.

1995 The outcome of extensive consultation in the UK suggested that minimum requirements in any legislation relating to the protective custody of the mentally incapacitated person was identified as: a clear and unambiguous definition of deprivation of liberty, introduced in our Bill's Part 5, Significant Restriction of Liberty Provisions; a clear definition of those liable to be made subject to these powers; processes and timescales for tests of capacity; admission procedures; assessment, care planning and reviews; the respective responsibilities of the various agencies involved; the role of advocacy; the rights of carers, relatives and friends, including a statutory requirement for appropriate persons to be consulted; and the appeals process.

2000 The Government studied both the United Kingdom legislation, as well as Jersey's Capacity and Self Determination Law 2016. At every stage of the drafting of the Bill, psychologist Dr Alan Lillywhite and our excellent mental health care professionals, the Care Agency and the Office of Parliamentary Counsel have been consulted, reviewed drafts of the Bill and have met throughout the year to discuss ideas, safeguards and practicalities in relation to the provisions of the Bill. This has ensured that all relevant parties have been actively involved in the process and contributed with recommendations and suggestions.

2005 At the core of the Bill, Mr Speaker, is the fundamental idea that a person must be assumed to have decision-making capacity unless it is established that he lacks it. The Bill places emphasis of the need to support people to exercise their capacity to make decisions where they can. If, on the other hand, it is established that a person lacks capacity to make a specific decision at a particular time, alternative decision-making mechanisms are provided for. The Bill will allow individuals a greater level of decision-making power so that they can plan ahead to a time when they may no longer have capacity. This will be introduced through the implementation of Lasting Powers of Attorney and Advanced Decisions.

2015 The Bill consists of seven parts with 59 clauses and three schedules.

2020 Mr Speaker, at this point I would have entered into a discussion of all the parts of the Bill but I met with the Hon. the Leader of the Opposition and the Hon. Mr Clinton only yesterday, to discuss the different parts of the Bill and I will, therefore, leave that part of my debate in this House and if there are any questions on the Bill, then I can be asked at the Committee Stage and I have parliamentary counsel and legal counsel here to answer any questions that hon. Members may have.

2025 Mr Speaker, mental health is a delicate area and can affect each one of us at some stage in our lives, which makes positive and proactive care in this sphere so critical. The Bill has implications for Gibraltar's health and social care system. It is founded on the principle of respect for personal autonomy and the determination of what is in a person's best interests when they lack capacity.

2030 The Government has worked hard and spent considerable time to modernise the law in the mental health sphere. There is a real need to engage and protect vulnerable adults to make sure their needs are listened to. A wide range of audiences require information on the Bill, ranging from medical practitioners to legal professionals, families, carers and individuals, on behalf of those who may lack capacity.

2035 The Government has prepared an easy-to-read guide and code of practice in relation to LPAs and further guidance will follow. I am confident that the Act will be a widely used tool. In the same way that individuals can currently plan ahead with a will and specify how their assets are to be administered an LPA allows a person to plan ahead for the time when they are still alive

but may not have the capacity to make decisions for themselves. This is increasingly important and relevant as our life expectancy increases.

2040 Importantly, the donor does not have to have a lot of assets to make an LPA; it is a tool designed to help the vulnerable manage their affairs. For example, something as simple as paying ordinary bills can become stressful for the elderly. This would enable them to give authority to another family member or friend to pay bills on their behalf, should they not be able to do so themselves.

2045 From this legislation, there are many potential avenues for planning. In the UK, for example, business LPAs are growing in popularity, whereby a business can manage circumstances where a partner or co-director may lose their mental capacity. The Bill also provides empowerment for those who may lack capacity, a structure for decision making for those who do lack capacity and protection for carers, families and professionals in the area, by setting out clearly what can and cannot be done and what procedures need to be followed at all times, putting at its centre the safeguarding of individuals and their rights.

2050 It is a significant and in our view, progressive Bill, which will require awareness and understanding of its content from the general public to ensure its successful implementation. I firmly believe the Bill has the potential to make a real difference in the lives of our community, particularly to the lives of vulnerable adults.

2055 Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles of this Bill?

The Hon. the Leader of the Opposition, Mr Elliott Phillips.

2060 **Hon. E J Phillips:** Mr Speaker, the Bill will receive the support of Her Majesty's Opposition. I am grateful to the Minister for Justice for extending his invitation for us to put forward our comments and providing us access to his legal team, to whom I offer our thanks as well for explaining certain parts of the Bill that were confusing for us in the first instance. Obviously, we thank the Government for offering the opportunity for us to ventilate those issues before coming to this House.

2065 Mr Speaker, the purposes of this Bill of course are to provide a clear legal framework for people that are affected by lack of capacity. The law as it stands does not serve those people well and has evolved in a piecemeal way through various statutory provisions and the development of the common law. The Bill across refers to clearly defined principles which have been articulated in the Mental Health Act previously, which is understood will come into force in parallel with this legislation.

2070 The comment was made during our discussion that perhaps the principles set out in section 86 to 89 of the Mental Health Act should, for good order, be repeated in this Bill. However, after further discussions, we are persuaded that sufficient reference is made to allow for both pieces of legislation to run in parallel when considering the questions that underpin the principles.

2080 Mr Speaker, the Bill is likely to improve the lives of many people. At some point, Mr Speaker, people are either likely to lose mental capacity or have to deal with the care of someone close to them who has lost capacity. The Bill is well overdue but it is intended, as we read it, to improve the lives of vulnerable people, those who are charged with their care, the families of vulnerable people and professionals.

The Opposition welcomes the important introduction of Lasting Powers of Attorney which provides a statutory mechanism to allow people to appoint an attorney to act on their behalf if they lose capacity in the future.

2085 One note of caution which was aired during a discussion that Mr Clinton and I had with the Minister was that LPAs should be accessible to all and although I am sure that people will want to seek legal advice to establish an LPA and set one up, we need to ensure that the ordinary person can do so without too much of a cumbersome process and be guided appropriately

without significant financial burden. I am grateful to the Minister for explaining that an easy-to-read guide will be provided and I suspect it will be provided at the point at which the Registrar of the Supreme Court will be able to provide people with that easy-to-read guide. It is obviously a careful balancing act but hopefully one that should be made easier through the issuing of guidance notes to our community on the impact of the legislation and the process as envisaged.

We have raised these matters with the Minister in our discussions and the Bill importantly provides a mechanism for people to make advanced decisions about their treatment in the event that those persons lack the capacity some time in the future.

My hon. Friend, Mr Clinton will address some of the other issues that we discussed at length concerning the public guardian and I will not trouble the Minister with that now, save to say that Her Majesty's Opposition will welcome the introduction of this legislation.

**Mr Speaker:** Does any other hon. Member wish to contribute to this Bill?

The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

As my hon. Friend, Mr Phillips, Leader of the Opposition has said, this is a Bill which certainly from this side of the House we will be supporting.

It is important obviously to understand that this Bill has to go hand in hand with the Mental Health Act and that there are times when the Capacity Act as presented to us today will run entirely in parallel to the Mental Health Act, but there will be times in which there will be overlaps. This is why I again echo the thanks that we were able to have the meeting yesterday to explain the interaction between what will be two distinct pieces of legislation that have to be seen together to be able to see the full operation and the mechanism by which the LPAs will work, and work in terms of any concerns in respect of mental health.

From my point of view, and I am sure from a legal and technical point of view, everything it does is as it says. I am just emphasising the point that my colleague, the Hon. Mr Phillips said, that it should be accessible to the public. In the UK these are downloadable forms which you can get from the internet and from the Office of the Public Guardian.

It has been explained to me that we are not going to have an Office of the Public Guardian in Gibraltar, but rather an LPA register. I can understand the rationale for that. My only word of caution would be that of course the policing of the LPAs has to be undertaken by somebody and there has to be a process that is well understood and easily accessible to all.

I have two observations, one specifically on the Bill and one in general. The general one perhaps is one in respect of complex legislation like this. It runs to 262 pages and perhaps in future and certainly from the recommendations of the Commission on Parliamentary Reform, there was a comment made on Recommendation 10 that we recommend that the more complex or lengthy Bills, or those which are likely to substantially impact on citizens, should undergo in-depth legislative scrutiny by referring them to a select committee appointed for the purpose, i.e. a Public Bills Committee. I would urge the House to think whether this sort of legislation in future should go to such a committee chaired by the Minister presenting the legislation and we would effectively have a similar sort of meeting as we had yesterday, where we can thrash out some of the ideas and thoughts before debating it at Committee Stage in the House. Again, I just leave that out there for everybody in the House to consider.

My only other observation on the Bill is that there is a schedule 3 at the end, which I am sure the Minister will be able to explain to the House what its relevance is to the Lasting Power of Attorney and Capacity Bill, and that is in relation to the amendment to the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act, 2009, which sets out two clauses 7A in one and 7A in the other, in relation to the power to charge for residential services for the elderly. I welcome the Minister's explanation for why this particular schedule is necessary in this Act, and that we are not suddenly developing an American taste for tacking on other pieces of legislation

2140 to other Bills, God forbid! I am sure there is a very good reason for that, which I am sure the Minister will explain to us in due course.

2145 But other than those observations and again, as has already been said, the importance of this legislation for all of us to effectively take ownership and control for our own welfare is significant. It is significant also in that the general public will become involved if they get asked to become donees of these powers and they have to be extremely well informed as to what it is that they can, should or should not do. Again, I welcome the creation of the guidance notes which will be critical so that members of the public, who are not necessarily legally trained, will be able to understand quite clearly what it is that is involved.

2150 So, Mr Speaker, I again welcome the legislation and I look forward to its implementation in due course.

Thank you.

**Mr Speaker:** Is there any other contribution to this debate?

I will therefore call on the Minister to reply.

2155 **Hon. N F Costa:** Yes, Mr Speaker, taking first the point of commencement, the Hon. the Leader of the Opposition is correct to say that the Bill currently before the House will be commenced at the same time as we commence the Mental Health Act, because for the same reasons as the hon. Members have mentioned, they need to work in parallel. So this Bill and the Mental Health Act will commence at the same time on 5th March.

2160 We think that we took care to draft the Bill in plain English. I think that although it is 62 pages, not 262 pages as the hon. Gentleman said, although it is a substantive and substantial piece of legislation –

**A Member:** He always gets his numbers wrong! *(Laughter)*

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**Hon. N F Costa:** – it is drafted in plain English.

2170 Both hon. Gentlemen have raised the issue of guidance. We agree with the need to issue public guidance that is also written in plain English and to that effect, we already have a draft guide book ready, which should be approved by me, really, at any moment now, and we take great care again to be able to explain these concepts carefully in plain English.

2175 We do not consider that there will be any difficulty in getting to grips with the Act once it is enacted because of the guidance notes. We will also place online the forms that can be downloaded, the application form, and we will also introduce templates that people can use, because of course, this is not like other forms – like the Employment Tribunal forms, which the Hon. the Leader of the Opposition referred to me earlier, those require certain information to be introduced. There is a greater and wider latitude of what information can be introduced in an LPA. It could be simply a financial LPA or it could be a financial and also a health and welfare LPA, but we will introduce forms that represent templates that will provide guidance to members of the public who do not want to engage solicitors, to be able to do so on their own.

2180 It should also give them comfort to remember that those forms will then be placed before the Supreme Court Registrar and of course as they know, the Supreme Court Registry staff are extremely helpful so they will also have that line of officials who will be able to guide them in the event that for whatever reason, there is any question of the member of the public as to what they should fill in on the form.

2185 So, we are not concerned as to the ease with which persons will be able to fill in the Powers of Attorney. I do detect from the Hon. Mr Clinton a reluctance that anyone should pay legal fees to have to enter into Powers of Attorney. We certainly hope that we have drafted the legislation and the guidance in such a way that people will be able to do so very much on their own.

2190 In respect of charging, which is the question that the Hon. Mr Clinton asks, we have noticed that there is a certain discrepancy between civil servants who, when they are admitted into any

of the elderly residential facilities, give up their pension. Their pensions are no longer paid to them, they are paid ... well, it is no longer paid to the person; it is kept by the Government as part of their admission.

2195 We have, however, received representations that we may have two persons side by side, one who has given up their occupational pension who was a former civil servant, but a person who has a private occupational pension who is not providing the same amount of pay to the elderly residential services, and we are allowing ourselves the ability to introduce regulations to see how we can remedy that unfairness; but that will be introduced by way of regulation in due course.

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**Mr Speaker:** I will now put the question which is that the Lasting Powers of Attorney and Capacity Bill 2017 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Lasting Powers of Attorney and Capacity Act 2018.

### COMMITTEE STAGE AND THIRD READING

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Lasting Powers of Attorney and Capacity Bill 2018.

2210

*In Committee of the whole Parliament*

### Lasting Powers of Attorney and Capacity Act 2017 – Clauses considered and approved

**Mr Speaker:** Now, hon. Members received notice yesterday of some amendments, or today maybe, of some amendments to the Bill. When we arrive at Amendment F, I will make a short explanation that will clarify what happens with all the succeeding clauses.

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**Clerk:** A Bill for an Act to establish and make provisions relating to persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs; to allow such persons to confer authority on individuals to make certain decisions on their behalf, to allow for the creation and registration of lasting powers of attorney; to make provision for a person to be able to decide about specific treatment they may not want to receive in future; to introduce a regime and safeguards for the assessment and authorisation of significant restrictions on liberty for persons who lack capacity and for decisions to be taken in relation to or on behalf of those persons; to amend the Mental Health Act 2016; to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009; and for purposes connected therewith.

2225

Clauses 1 and 2.

**Mr Chairman:** Stand part of the Bill.

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**Clerk:** Clause 3 as amended.

**Mr Chairman:** As amended, stands part of the Bill.

**Clerk:** Clauses 4 to 8.

2235 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 9 as amended.

2240 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 10.

**Mr Chairman:** Stands part of the Bill.

2245 **Clerk:** Clause 11 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 12.

2250 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 13 as amended.

2255 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 14 to 19.

2260 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 20 to 26.

2265 **Mr Chairman:** Stand part of the Bill. We now have a situation in which F applies, which is the substitution for 'Medical Director' of the words 'Chief Medical Officer', and in fact it occurs in every single clause from clause 27 to clause 45 and then clauses 51 and 52.

So, for all these clauses, when the Clerk – (*Interjection*) For all these clauses, the amendment is substituting 'Chief Medical Officer' for 'Medical Director'.

Yes, the Hon. Edwin Reyes.

2270 **Hon. E J Reyes:** Yes, Mr Chairman, just one query. I noticed before when we deleted the definition for Medical Director, like you I looked at how it affected it. By reading in place of Medical Director, 'Chief Medical Officer', there is no definition given in clause 3 for Chief Medical Officer; therefore, that could become a potential loophole. Especially, we have not got to it yet, but if one looks at it a bit later on in one of the sections, it does give very strong powers to the Chief Medical Director. Appeals can be made to him and so on.

2275 So, I think we need to be a bit watertight and have a definition of what is effectively meant by Chief Medical Officer, but I take your guidance Mr Chairman, and the Minister's guidance as well in this respect.

2280 **Minister for Health, Care and Justice (Hon. N F Costa):** No, Mr Speaker, we are not substituting the definition of Medical Director with a definition for Chief Medical Officer. We are not.



2285 **Hon. E J Reyes:** But my question is, I think there is a need to have a definition for Chief Medical Officer because otherwise, if we look at clause 27(2) that the Chairman has just referred to: 'an urgent authorisation has been granted by', following the amendment should be now 'has been granted by the Chief Medical Officer'.

2290 There is no definition, who is that Chief Medical Officer, from what entity and so on? It is not as watertight. I mean, even for the word 'Minister' there is a definition that quantifies it as the Minister with responsibility for health.

Here, 'Chief Medical Officer', it does not say whether it is one employed by the Health Authority, it just – I think it is a bit too vague. (*Interjection*) Or unless it is defined in some other Act and then we make a reference.

2295 **Mr Chairman:** If in the definitions, 'Medical Director', for that you substitute 'Chief Medical Officer' –

**Hon. D A Feetham:** Yes, but he said no.

2300 **Mr Chairman:** Sorry?

**Hon. D A Feetham:** He just said no.

2305 **Mr Chairman:** No?

**Hon. D A Feetham:** He just said no. (*Interjections*) So that means there is no definition, that is what he said.

2310 **Hon. E J Reyes:** Yes, what I was proposing, Mr Chairman, is just delete the word 'Medical Director', substitute that for 'Chief Medical Officer' and it:

means the person appointed as such under section 10A of the Medical (Gibraltar Health Authority) Act, 1987

But if they say no, then how on earth do we know who the Chief Medical Officer is who is being referred to?

2315 **Hon. N F Costa:** Mr Speaker, the absence of a definition in the Bill does not mean that we will not be able to identify who the Chief Medical Officer is. Not everything that appears in a Bill is defined in the section on interpretations.

2320 **Hon. D A Feetham:** Who appoints the Chief Medical Officer? Is the Chief Medical Officer something that is referable to some other statute? Is it a Civil Service post? Is it a GHA post? Because otherwise Mr Reyes' point is well made that you have got a reference to Chief Medical Officer but no definition, nobody knows who that Chief Medical Officer is.

2325 I mean he is not here to throw a spanner in the works; he consulted me first and I thought that it was a point that was well made. I am looking at this and I am thinking, 'Well, who is the Chief Medical Officer?'

2330 **Hon. N F Costa:** Mr Speaker, the Medical Director carries out different functions, so the Medical Director does not just provide functions under the GHA as Medical Director, but also provides advice to the Government as Chief Medical Officer. So the functions under this Bill will be carried out by the same person who is the Medical Officer, but not as Medical Director, but as Chief Medical Officer.

**Hon. D A Feetham:** Then all you need to do is basically say that the Chief Medical Officer in the definition shall be anybody who holds the post of Medical Director from time to time. That is all you need to say.

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**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, to an extent, this is like the issue of Leader of the Opposition. There is a reference to 'Leader of the Opposition' in the Constitution but that, as we know, is not a defined term. There is a very good reason that the Hon. Minister has set out, which I think is a fair one, not to have a specific definition, but there are other ways that we can ensure that there will be no way of confusing who will be the relevant post holder.

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So I think we are persuaded that this is not a necessary definition. If we were to do the exercise that hon. Members are suggesting that we do, we would have 262 pages of definitions in most Bills, even the simplest because we would be defining and cross-defining every term. And so, Mr Speaker, I think it is fair to continue as we are, in respect of the absence of a definition.

2345

**Mr Speaker:** Just for clarification, when this Bill now becomes law, on page 201, the middle of the page, will that say Medical Director or Chief Medical Officer? Because the amendment moved by F (*Interjections*) says 'for Medical Director', substitute 'Chief Medical Officer', wherever it occurs. It occurs there, so do you substitute it or don't you? (*Interjections*)

2350

'In clause 3(1) delete ...' Ah sorry, yes, we have already deleted the definition of Medical Director, of course, yes.

**Hon. E J Phillips:** Mr Chairman –

2355

**Mr Chairman:** Yes.

**Hon. E J Phillips:** Just to pick up on the point that the Chief Minister makes, this is by no means an innocuous and minor suggestion that we include within the definition the Chief Medical Officer, given the significant powers that are attributed to the Chief Medical Officer within the Act. Therefore, our suggestion and recommendation would be that it is added as a defined term within the meaning of the Act. Unless the Government can satisfy us, the reason for not including it within the definition.

2360

**Hon. Chief Minister:** Mr Speaker, the Chief Medical Officer will have no more powers than the Commissioner of Police, and the Commissioner of Police is not defined in our law. There is a Commissioner of Police and he has certain powers but you do not define every term because you would then be incurring a circular process of defining everybody as the person who is appointed under the Act to hold the post of Commissioner of Police, which is all you would be doing here.

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So, the issue is, will this person be identifiable in the context of the powers which will be exercised? The person will be identifiable. The hon. Member I think is persuasive in making clear that there will not be more than one person who will be able to exercise these powers, or there will not be a nuance as to who is the person who will be able to exercise these powers. The Commissioner of Police is the Commissioner of Police, but there is no definition of who he is. We all know who he is and he has those powers.

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So, for example, taking a less controversial post, the Chief Minister is not defined in the Constitution, but there is a Chief Minister and he exercises those powers. And so the question is, will there be a designation of a person to that post? There will be a designation of a person to that post and as a result you do not need to incur in a circular definition, which will be 'the Chief Medical Officer shall be the person designated as the Chief Medical Officer by the Minister', which is all we are talking about adding in effect, and it is entirely circular and unnecessary.

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2385 **Hon. D A Feetham:** Mr Speaker, can I just pick up on the point that the Hon. the Chief Minister has made. Perhaps I am wrong and if I am wrong I will be corrected.

As I understood the Minister, he did not say that there would be a designation of somebody as the Chief Medical Officer. What he said was that it is the Medical Director that will be performing the functions as Chief Medical Officer, so there is no designation; it is the Medical Director.

2390 What we have suggested from this side of the House is just simply to make that clear in the legislation, to say the Medical Director shall exercise the functions of Chief Medical Officer – ‘The Medical Director from time to time shall exercise the functions of Chief’ – (*Interjection*) That is the point, because if there had been provision in this Act for designation, ‘the Minister shall designate whoever it is as Chief Medical Officer’, I would have understood the point, but there is  
2395 no such provision.

We are being told across the floor of the House that the Chief Medical Officer will be the Director exercising functions of the Chief Medical Officer. What we are saying is, that legislation should be clear and you should make that clear. This is not like the Chief Minister or the Commissioner of Police, where everybody knows who it is and, in any event, I have not looked at  
2400 the question of the Commissioner of Police so I am not going to accept the point.

But, if this is as the Minister says, then it is capable of very easy remedy by just simply saying that.

2405 **Hon. Chief Minister:** Mr Speaker, I accept that would be a remedy but a remedy for a wrong; we do not think there is a wrong. We think that the Bill works and that there will be no opportunities to misinterpret what the Bill says in the absence of a specific definition.

If we were to do the exercise of a specific definition in this Bill, then why not do it in every single Bill in respect of any individual that is referred to? There are some instances where we do and some instances where we do not. We happen to agree with the draftsman that it is not  
2410 necessary and so we think it is not necessary to continue to make the argument.

2415 **Hon. T N Hammond:** Mr Chairman, if I may, if therefore I were as a layman reading the legislation and I read ‘Chief Medical Officer’, where would I then go to find out who the Chief Medical Officer is? Is that something I could read on the GHA website? Where would I be pointed or directed to understand who is the Chief Medical Officer?

2420 **Hon. Chief Minister:** Mr Speaker, an explanation has been given already as to who will be discharging the functions of the Chief Medical Officer. You would go to the same place as you would be going if you were trying to work out who anybody else is in a piece of legislation. This is the point.

If we now go down the route of doing an exhaustive definition of who is who in every piece of legislation, and where you need to go to find out the identity of the person who is exercising a particular power, we would be doing a complete review of the whole *Corpus Juris* of Gibraltar, which we are not going to do.  
2425

2430 **Hon. T N Hammond:** Mr Chairman, I think the fact that it was deemed appropriate to define Medical Director in the first instance suggests that perhaps a definition of Chief Medical Officer would be valuable; but also, the fact that the legislation has, as the Minister described it, been written as far as possible in plain language so that a layman can understand it. It would just strike me as sensible to have that packaged within the legislation, so that a lay person can read it and then understand and know precisely what is defined by Chief Medical Officer, because it is a role that plays quite a critical function within the legislation.

2435 **Hon. D A Feetham:** May I just add, and this is the final point that I will make, that without the actual definition and without a provision for the Minister to designate who the Chief Medical

Officer is, although the Minister across the floor of the House is saying it is going to be the Medical Director exercising functions of the Chief Medical Officer, if tomorrow the Government on an administrative basis decided that it is going to be somebody somewhere else within Government, well presumably it could do so. But it just appears, it just strikes me as not a  
2440 proper way to proceed that you leave the identity of that individual in such a nebulous state.

It must follow that if there is no provision defining the Chief Medical Officer, the hon. Gentleman says it is the Medical Director, that is who it is, but if there is no definition and there are no separate provisions designating somebody as the Chief Medical Officer, presumably you could get anybody from within Government to do it. It is just counterintuitive as to whether that  
2445 is right.

**Hon. Chief Minister:** Mr Speaker, the whole point is premised on the definition being nebulous, which we do not agree it is.

**Hon. R M Clinton:** Mr Chairman, may I make, I have just one question for the Minister and that is, is he satisfied that with these amendments in respect of Medical Director and Chief Medical Officer, nothing has to change in the Mental Health Act that we debated last year, to make sure that the two pieces of legislation are in sync?  
2450

**Hon. N F Costa:** To answer his question, Mr Chairman, yes.  
2455

**Mr Chairman** Any other questions? Let's move on.

**Clerk:** Clauses 27 and 28 as amended.  
2460

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Clause 29.

**Mr Chairman:** Stands part of the Bill.  
2465

**Clerk:** Clauses 30 to 45 as amended.

**Mr Chairman:** Stand part of the Bill.  
2470

**Clerk:** Clauses 46 to 50.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Clauses 51 and 52 as amended.  
2475

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Clauses 53 to 59.

**Mr Chairman:** Stand part of the Bill.  
2480  
Yes?

**Hon. R M Clinton:** Sorry, Mr Chairman, on clause 59, when I asked the Minister for an explanation for the charges, he explained the charges and the rationale for the charges, but he did not quite, and maybe I did not hear it ... I did not quite understand the rationale for why they  
2485

had been tacked on to this particular Bill. Why is schedule 3 within the Lasting Powers of Attorney Capacity Bill 2017? Should this not be a separate Bill in its own right?

2490 **Hon. N F Costa:** Yes, Mr Chairman, as the hon. Gentleman knows, we are also amending the Mental Health Act through this Bill, so that when we commence this Bill and the Mental Health Act, they can work in sync and this was an opportune moment to be able to make the amendment here.

2495 **Hon. R M Clinton:** Mr Chairman, yes, I appreciate that the Mental Health Act still has to come in but I do note the other schedules, in terms of schedule 1 and schedule 2, probably are directly related to LPAs and the Capacity Bill and mental health and needing particular amendments in order to make sure the two marry up. But frankly, if you were to delete schedule 3 entirely, I do not see how it would have any effect whatsoever on either the Mental Health Act or this particular Bill as presented to the House.

2500 I also fail to understand what this is doing here because otherwise we run the risk of doing what the Americans do and we get other bits of legislation tacked on to something else, which I do not think is the route we want to go down in the future.

Again, I would appreciate the Minister's thinking on this.

2505 **Hon. N F Costa:** Mr Speaker, I refer the hon. Gentleman to the definition of 'Care Home' which is :

means an establishment that provides accommodation, together with nursing or personal care, for persons who are or have been ill, persons who have or have had a mental disorder, persons who are incapacitated, disabled or infirm which is not a Hospital, independent clinic or a children's home;

2510 So we are dealing with persons in these contexts and the power to charge therefore is relevant within the context of the Bill and as the hon. Gentleman will recall, when I did make changes to the Gibraltar Health Act on the last occasion, we did not just make changes to the Gibraltar Health Act; we also made changes to the Care Agency, because there were synergies between the changes that were being made to the Gibraltar Health Authority that impacted on the Care Agency which, you will recall, was that we were changing and transferring the elderly residential services from the auspices of the Care Agency to the Gibraltar Healthy Authority. So we took the opportunity, when changing the Gibraltar Health Act, to do that as well.

2515 But of course there is a relevance to having introduced the charging power within the schedule of the Bill, because of the fact that we are talking about persons within the care home who are going to be deprived of their liberty and then the question arises.

2520 **Hon. R M Clinton:** Mr Chairman, in terms of the previous amendments to the Gibraltar Health Authority Act and the Care Agency Act, I can see the logic in that. But in this particular instance, would the Minister agree that frankly this need not be here; this could be an entirely separate Bill in its own right? Whether we have a Lasting Powers of Attorney Capacity Bill before us today or not, this particular schedule can stand by itself, it need not be here.

2525 My only concern is that we do not go down a slippery slope of tacking on other bits of legislation to important pieces of legislation and not fully, as it were, being cognisant of what it is that is being added on as a schedule to a fairly important piece of legislation in its own right.

I understand what the Minister is saying but I am not convinced, or I have not been convinced, that this needs to be here and again, I would really like to be convinced.

2530 **Hon. N F Costa:** Mr Chairman, the hon. Gentleman will have had since the date of the publication of the Bill to raise that issue with me. He came to my offices yesterday – this was not a matter that he raised.

2535 We had the opportunity to do this Bill on the last meeting of Parliament and I agreed not to take it then, because we had agreed that we would meet to discuss the Bill, but the arguments that he makes as to the fact that schedule 3 in his opinion could be a stand-alone piece of legislation could very well also be said about the Lasting Powers of Attorney. You can extricate the Lasting Powers of Attorney parts from the mental capacity parts.

2540 We are dealing in effect with a Lasting Powers of Attorney Act and a Mental Capacity Act. We have brought them together and everything that he has said to me now about the fact that schedule 3 could be separate could also be said about the Lasting Powers of Attorney Act part or the Mental Capacity Act part. So the arguments that he makes are also viable for separating Lasting Powers of Attorney from the Mental Capacity Act. We have decided to bring it together, because of the synergies that were discussed during the course of the meeting yesterday: the ability to be able to make advanced decisions for persons who may be suffering from a debilitating disease and they can foresee that they will lose their ability to make advanced decisions and they want to be able to make those advanced decisions to refuse treatment for instance, by way of a Lasting Power of Attorney, but that part of this Bill can stand separately from the Mental Capacity Bill, and we could have had two Bills instead of one.

2550

**Hon. R M Clinton:** Mr Chairman, without wanting to labour the point too much, and I fully understand what he is saying, but obviously mental capacity and LPAs obviously go together. This does not necessarily go with it.

2555 Now, as regards the amount of time that I have had to consider this, as I said in my contribution on the debate on the Bill, this is a complex piece of legislation and again, in future I would welcome that the House consider having Public Bill Committees to go through this line by line, clause by clause and give it due process and due thought.

2560 But it just occurred to me that this particular schedule just does not fit here and it could be somewhere else. But if the Minister is absolutely convinced that it is necessary for the passing of this Bill that schedule 3 be there, well so be it. As I said, we welcome the legislation. If he is telling us that this has to be here, I will take him for his word but I am just concerned that we do not go down the American route of tacking on things that do not have to be there.

2565 **Hon. N F Costa:** Mr Chairman, the hon. Gentleman should be fair with me on the basis that we did publish the Bill a while back, he had the opportunity to raise those issues with me before. I agreed in the spirit of collaborative working not to take this Bill last time. We met in order to have the discussions yesterday as to their concerns. This was not a matter that was raised yesterday which you could have easily raised with me and we could have had a discussion.

2570 I am not, of course, abrogating his perfect right to be able to raise it now at Committee Stage, but he will recall that when we met yesterday, he also had concerns about having the Lasting Powers of Attorney in the same Bill as the Mental Capacity Bill. He will recall that he was concerned about that as he was also concerned about the fact that the principles in the Mental Health Act were not being repeated in this Bill.

2575 We simply took the view in drafting that it did not, in fact that the Lasting Powers of Attorney parts and the Mental Capacity part did go well together.

2580 **Hon. R M Clinton:** I will accept the Minister's recollection, but that is not my recollection in terms of that I wanted a separation between Lasting Powers and Mental Capacity. But look, I think I will leave it there, Mr Chairman. I think I have made my point and understand what he is saying and we are obviously going to have to agree to disagree.

**Clerk:** Clauses 53 to 59.

2585 **Mr Chairman:** Stand part of the Bill.

**Clerk:** Schedules 1 to 3.

**Mr Chairman:** Stand part of the Bill.

2590 **Clerk:** The long title.

**Mr Chairman:** I think this is the longest title I have seen in the last five years, *(Laughter)* but we will let it stand part of the Bill.

**Lasting Powers of Attorney and Capacity Act 2017 –  
Third Reading approved: Bill passed**

2595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Lasting Powers of Attorney and Capacity Bill 2018 has been considered in Committee and agreed to, with amendments, and I now move that it be read a third time and passed.

2600 **Mr Chairman:** I now put the question, which is that the Lasting Powers of Attorney and Capacity Bill 2017 – I am just wondering, should that become 2018 since we are in 2018? *(Interjection)* It is going to be the Lasting Powers of Attorney and Capacity Act 2018 – *(Interjections)* Okay. I now put the question that the Lasting Powers of Attorney and Capacity Bill 2017 be read a third time and carried. All in favour? **(Members: Aye.)** All against? Carried.

**ADJOURNMENT**

2605 **Chief Minister (Hon. F R Picardo):** So, Mr Speaker, just in time for the Sabbath, I am reminded that 60 years ago today, the words ‘This is Gibraltar’ were first uttered on the radio and we have been encumbering the airwaves too much in my view this afternoon and we should all wish Radio Gibraltar a very happy birthday indeed. At 60 she can now take her Community Care and her State Pension but she is very much alive and a part of this community and this is  
2610 one place where video did not kill the radio star, Mr Speaker – in particular in the listening to of Parliament that many people still do on the radio.

Mr Speaker, with that, I move that the House should now adjourn until next Friday at 2.30 p.m.

2615 **Mr Speaker:** The House will now adjourn until next Friday, 23rd February at 2.30 in the afternoon.

*The House adjourned at 6.41 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.36 p.m. – 5.17 p.m.

Gibraltar, Friday, 23rd February 2018

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# The Gibraltar Parliament

*The Parliament met at 3.36 p.m.*

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

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

## PRAYER

*Mr Speaker*

## IN MEMORIUM

### Tribute to former Member, Mr Aurelio Montegriffo

**Clerk:** Meeting of Parliament – Friday, 23rd February 2018.

**Mr Speaker:** The Hon. the Chief Minister.

5

**Chief Minister (Hon. F R Picardo):** Mr Speaker, when a person who has served this nation in this place passes, it is incumbent on us, however long ago he may have graced this Chamber with his presence, to remember what it is that his contribution was to the development of our country. This week, we had over the weekend the sad news of the passing of Aurelio Montegriffo, a man who in the time that I have been politically conscious, after he had retired, was well known to all in Gibraltar of his generation as the first Gibraltarian Minister for Health.

10

In the tributes that I have read, written by those who shared time with him in this Parliament and the memories shared of his time in this Parliament, he is not just a man who was Minister for Health, he is also a man who was very highly regarded across the community, even across the political divide. Mr Speaker, I think it is right to say that you were his closest political colleague still in this House, but the Father of the House, who is not with us this afternoon, has had fond memories to recall also of Aurelio Montegriffo although he sat opposite him in this House.

15

You will make your own tribute and you have already said some things, Mr Speaker, that indicate the affection that you had for Mr Montegriffo and the regard you had for his political ability. From this side of the House, on behalf no doubt, of the whole community and of the whole of this House, our condolences go to his family.

20

It is true, Mr Speaker, that we all build on the work that those who have come before us have done. In the context of somebody who passes away at the age of 97, I am left to reflect that this is a man of my own father's generation: of the Gibraltarians who were in Gibraltar before the war and when the war came, they were not taken from Gibraltar, they remained in Gibraltar to defend Gibraltar and from their efforts before the war, they started to build, as we saw the return of the Gibraltarians to Gibraltar, a community that would become a nation.

25

We owe them that forever. *(Banging on desks)*

30

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

**Hon. E J Phillips:** Mr Speaker, there is little that I can say about the late Aurelio Montegriffo CBE, former Minister for Medical and Health Services and former Deputy Chief Minister, that has not already been said by those who knew him well and who had the opportunity to engage with him. It would be ineloquent of me to reflect on a life of contribution and achievement in relation to matters which took place long before I was born and where so many in our community have contributed to numerous eulogies and reflections of one of Gibraltar's sons.

In my quest to learn more about Aurelio's contributions to this House, I discovered that not only was he a man of deep conviction and faith, he was a staunch defender of Gibraltar. Aurelio's family have rightly and importantly, via traditional and social media, reflected on a full life lived well.

It does, however, fall on me in my contribution to ensure that on this side of the House, the Parliament reflects on Aurelio's life and his contribution to our political development as a community. I will simply refer to his journey as passing in what he stood for, his values and his deep faith.

I never knew Aurelio, but I suspect that I have missed out, on not knowing him.

In my research and looking into some of our old *Hansards* I notice that from Thursday, 30th October 1969, Aurelio made a passionate contribution to the then constituted House of Assembly on a motion brought before this House on the subject of initiating talks between the Government of Gibraltar and the British Government on the question of UK Citizenship.

Aurelio said:

We, as I have said before, have agreed very forcibly with the rest of the Members of this House, and I am sure with the rest of Gibraltar, that Gibraltarians have a right, not only because of the situation prevailing in Gibraltar, not only because of the square miles, but because, Mr. Speaker, we have thrown in our lot with Britain too. We have done our part in the Referendum. Therefore, Sir, we must initiate these talks, not as beggars begging for something – even a concession, – it is something we are entitled to. We have not only thrown in our lot with Britain but we share our land with Britain. We give her facilities of a base; we give her our workers to help in those facilities and, if I may say, *en passant*, the sweat and labour of our workers at not a very high price, because we all know too well we have been in this struggle [...] So, Sir, we must initiate these talks with the understanding that we are going to fight, and fight it all the way.

Mr Speaker, in my further research, I discovered that his very first question in the House of Assembly as it was then, and as he was then an Opposition Member, was in relation to the provision for people with mental health issues. That for me revealed much about the man and his clear ability to navigate Gibraltar internationally and on the domestic agenda. It is impressive to note that we as a community are rightly putting much emphasis now on mental health, which for many has been a taboo for many, many years and understanding Aurelio's concern for its provision in 1969, demonstrates his commitment to the health of our community and to tackle an important issue.

Mr Speaker, I could go on about Aurelio's contribution to this House, but I have purposely made out two examples which demonstrate his staunch defence of our community and his empathy on important domestic issues such as mental health.

Aurelio was clearly a politician of his time and although political flags move in the wind, Aurelio's values and what he stood for stand the test of time. I do like to think that the same inbuilt humanity and passion and drive for bettering our community exists in this House today as it did in Aurelio's time. Aurelio does, I think, represent a political class which the current crop of politicians on both sides of this House have much to learn from. Gibraltar indeed is a different place to when Aurelio was a politician. Our challenges are different and in many ways are more complex and are the product of an evolution of our community, but we can learn many lessons from our forefathers.

It is important to ensure that our young people, Mr Speaker, know about the political journey, not only of our community but of those individuals who are pivotal in their development. One suggestion I would have to the Government is trying to make politics more accessible to young people, by looking at the personalities behind the politics and making it easy

75 for our young people to digest them and identify the struggle that Aurelio described in his contribution for example, to the UK Citizenship debate in 1969.

In celebrating the life of Aurelio, we celebrate Gibraltar. In celebrating Aurelio's political achievements, we celebrate Gibraltar. They go hand in hand. It is right that Aurelio's children, grandchildren and great grandchildren celebrate a life well lived as a family and record his contribution to public life in this way. I would like to express on behalf of Her Majesty's Opposition not only our condolences to the family, but also our genuine and sincere gratitude for sharing a significant part of Aurelio's life with his homeland. (*Banging on desks*)

**Mr Speaker:** The Hon. Ms Marlene Hassan Nahon.

85

**Hon. Ms M D Hassan Nahon:** Mr Speaker, when I heard of Aurelio Montegriffo's passing in the early hours of Sunday morning, I felt like I had lost another piece of my father, because since losing my father at the tender age of 21, and hearing the stories of the development of our nation ever since from his peers and contemporaries, I learned how crucial members of his political family had been to him, both politically and personally. And naturally, Mr Speaker, Aurelio Montegriffo was one of my father's closest, political and personal allies during his long and substantial political journey.

90 Mr Speaker, Aurelio Montegriffo is the last of the AACR founder members to leave us – the end of an era one could say. An era of men and women of pure conviction, serving at a time when there was no precedent or template to follow. A time when foundations were being laid and existential battles were being fought. Aurelio Montegriffo was one of our pioneers, our defenders, our forefathers and therefore we as a society must reflect on this and make known our eternal gratitude to him for securing our democratic platform that we take for granted today.

95 As Deputy Chief Minister, he offered Sir Joshua Hassan an invaluable and solid co-stewardship of our community at a time when my father would so often feel isolated and shunned by the external forces trying to play a part in our destiny.

100 In those days, Mr Speaker, it was all about purpose. Today, there is intrigue, intel, hearsay, technology, self-interests and a barrage of factors, including apparently even the Russians, Mr Speaker, that influence and play with our decision-making processes. In those days, Mr Speaker, it was about conviction, conviction and more conviction.

105 Health, Mr Speaker, is one of those things in life that binds us all. It knows no parties, it knows no sides. It is the one portfolio that we are all invested in. Other portfolios can benefit many or a few, but health is the one issue that we all depend on and Aurelio Montegriffo had the foresight to understand the magnitude of delivering this essential service to our citizens and to our society at a time when Gibraltar was far from being the wealthy state that it is today.

Aurelio had the vision to provide Gibraltar with the first primary care centre known then, and even still by many known today, as the Health Centre, as well as to extend a much-needed section to the original St Bernard's Hospital.

115 These accomplishments would have certainly enhanced the quality of life and even the life expectancy of so many of our citizens at the time because of course, it follows that having a dedicated health centre and better facilities at our hospital would have translated to an overall better and more sophisticated level of general healthcare in our community. And for this, we have Aurelio Montegriffo to thank, Mr Speaker.

120 Mr Speaker, my father always used to tell me that we have to hope to get lucky not just in life but also even in death, and Aurelio Montegriffo did not have an untimely or painful death. Last Sunday, Mr Speaker, Aurelio Montegriffo had peacefully died in his sleep, had lived for almost ten decades and had been a pivotal part of a collective that shaped our democracy in the harshest times of our political history.

125 Aurelio died a committed husband and father of six on 18th February 2018, leaving 18 grandchildren and 18 great grandchildren. It was incredible to see that the number 18 was all

around Aurelio, Mr Speaker, because a religious, God-fearing Christian like him might have known that in the Old Testament, the numerical value in Hebrew of 18 translates to the words 'God' and 'life' and is time and time again associated with luck, health, positivity and fruitfulness.

130 Mr Speaker, just like the number 18, Aurelio Montegriffo was all of these things and equally we, as a society, have indeed been as lucky as the number 18 to have had this exceptional man in the front line, shaping our political development to the proud nation that we are today.

Thank you. (*Banging on desks*)

135 **Mr Speaker:** The Hon. Dr Joseph Garcia.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I would like to add my own tribute. I was fortunate enough to have met Aurelio Montegriffo in the old days of the *Gibraltar Evening Post* when I was still a child.

140 I think he has shown and his political trajectory shows that he is one of those historical political figures of Gibraltar, somebody who, like many others, were born in the heyday of the AACR and who cut their teeth in that political organisation and indeed who participated actively in the political and constitutional changes which followed very rapidly since the end of the Second World War – so the City Council, the Legislative Council and later on, the House of  
145 Assembly.

So I think one thing which people will know about him, those who knew him, is his very human approach to politics and that sense of humanity which sadly is sometimes is lacking in politics in general. But at the age of 97, I think that people will agree, however painful, it was perhaps a good innings and that certainly he has made his mark in the political and  
150 constitutional development of Gibraltar.

So I pay my own condolences to his family. (*Banging on desks*)

**Mr Speaker:** Yes, the Hon. Lawrence Llamas.

155 **Hon. L F Llamas:** Mr Speaker, I did not have the privilege of knowing Mr Aurelio Montegriffo. Nevertheless I am acquainted with many of his descendants, some of whom are here today and others who are not here. What is definitely true from his life is that you know more about the person when they pass away, and that is sad, about the legacy that they leave, than when they have been alive. Obviously, that is as a result of the age gap between some politicians who are  
160 here today and when he was serving.

Nevertheless, Mr Speaker, what I have learned this week from the late Aurelio Montegriffo is what a genuine and loving person he was, as much as he cared for his family, but also the deep respect he had within his faith.

165 I would like to pass my condolences officially to the family who are here today and represented, and obviously join and echo what has been said already from Members in this House contributing to his tribute. (*Banging on desks*)

**Mr Speaker:** Any other Members? The Hon. Neil Costa.

170 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I too unfortunately never met Aurelio and the House has discussed already the many excellent attributes he had as a politician and as a family man. Therefore, there is very little for me to add, except to say that many of the foundations that we take for granted today in our health services were in fact laid by Aurelio.

175 The Hon. Ms Marlene Hassan Nahon has spoken about the fact that he started the Health Centre and indeed he inaugurated it in June 1973 and all of us today will take for granted the fact that we have an outstanding Primary Care Centre and that, as the hon. Lady has said, health is one of those issues that touches all of us at one time or another in our community.

180 But it is not only the Health Centre which Aurelio envisaged and which he inaugurated. To his credit, he also started another foundational block of the Health Service, which is the GPMS scheme and that also occurred during his tenure, so that we have a system whereby we are prescribed medicines in the Health Service and that was all down to the Act which he enacted as Minister for Health in 1974.

185 So in two consecutive years, a primary Health Centre and the GPMS – again another foundational block of a health system which we all take for granted today, but which I think the record of this House should reflect is thanks and due to the vision of Aurelio Montegriffo.

190 But Mr Speaker, there is also yet another revolutionary foundation block which he also instigated, which is the Sponsored Patients Programme, which he started in 1974 during his tenure for Minister for Health. So my predecessor, Dr John Cortes and myself have to thank him for having laid those foundational blocks which have allowed all of us today to receive the health care free at the point of delivery, which we take for granted but which we all I think must agree must pay tribute to his efforts, to his vision and for laying those foundations which provide today the health system that we have today.

195 So I wish to associate myself with all of the words that have been spoken here in remembering Aurelio Montegriffo and to pay my condolences to his family. *(Banging on desks)*

**Mr Speaker:** The Hon. Dr John Cortes.

200 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have very little to add to all the things that have been said here today, except for one thing. Being I think the oldest elected Member present here today, I did know Aurelio Montegriffo. He was a close friend of my late father and his name was very often mentioned at home. I remember visiting his office on more than one occasion with my father when I was a child.

205 What I want to say, Mr Speaker, is nothing more than this. Everything that everybody here in this Chamber has said about him, for the people who did not meet him, I can confirm was absolutely true. *(Banging on desks)*

**Mr Speaker:** Anybody else?

210 Listening to hon. Members, it just struck me for the first time that the fact that I am sitting here today, I probably owe to Aurelio Montegriffo since he, more than anybody else, was the person that opened the door to my entrance into Gibraltar politics back in 1963.

215 I first came across Aurelio Montegriffo when I was about 10 years old. My family moved to Willis's Road and we lived a couple of floors below Aurelio, Lourdes, and his already growing family. Then in 1963 when I returned from University, it was through him that I was invited to join the executive committee of the AACR. Then of course, in 1972, we both came into Government when we defeated the Integration With Britain Party in 1972.

220 Aurelio, I have already paid tribute to his qualities as a journalist and as a politician, a man of great ideals and commitments. His ideals as part of the philosophy of the AACR, his ideals of Gibraltarianisation, that the Gibraltarians were fit and proper people to take over the management and the running of Gibraltar, his commitment and nurturing of the campaign for recognition to the right to our land, Gibraltar belongs to the Gibraltarians – these are matters which he always pursued most ably in the columns of the *Gibraltar Evening Post*.

225 Then our friendship grew and developed from 1963 onwards and throughout the last six decades as we shared many similar hopes and ideals.

Another thing that happened in 1972 was that my brother-in-law, my wife's brother, married Aurelio's only daughter and they are our neighbours and so my wife and I, we feel part of that extended family that are the Montegriffos here today.

230 Finally, as I say, going back over these six decades, I share very many happy memories of Aurelio. May he rest in peace. *(Banging on desks)*

The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, before we end on this subject, can I just quickly reflect that I did not realise that Mr Montegriffo lived in Willis's Road. Interestingly, therefore, that makes Willis's Road a place which has had one Chief Minister and two Deputy Chief Ministers, like Buena Vista Road has had.

Not that that is relevant in any way but it is relevant to say that the fulsome gratitude that has been expressed here today to Mr Montegriffo for his contribution and to his family is a reflection of the character of the man and the love that Gibraltar had for this particular servant.

If I could for just one moment reflect that *The New People*, which is not a newspaper that has been known for its praise of the record of the AACR, (*Laughter*) nor indeed those who pretend to be its successors, carries a very fulsome obituary, a very generous obituary of the man, which I think recognises that affection across the political divide that must be a characteristic that we must seek to carry forward. Today, Mr Speaker, as we turn to debate and we characterise each other in less than perhaps as friendly terms as we might, we must bear that in mind as we go forward.

So, Mr Speaker, I would like to thank all hon. Members for the contributions they have made in this House to reflect the contribution of Mr Montegriffo and see the power that a Montegriffo/Hassan partnership had brought before this House before, and hope we never see one again. (*Laughter*)

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### **Pensions (Amendment) Bill 2016 – First Reading approved**

**Clerk:** We now move to Bills.

A Bill for an Act to amend the Pensions Act and Pensions Regulations.

The Hon. the Chief Minister.

255

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Pensions and Pensions Regulations be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Pensions Act and Pensions Regulations be read a first time. All in favour? (**Members:** Aye.) Those against? Carried.

260

**Clerk:** The Pensions (Amendment) Act 2018.

**Pensions (Amendment) Bill 2016 –  
Second Reading approved**

265 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill amends the Pensions Act and the Pensions Regulations. The Bill gives effect to the agreement entered into by the Chief Secretary, the Gibraltar Port Authority and Unite the Union, to make port officers an essential service akin to fire, prison, police and  
270 customs officers and which commenced on 1st April 2016.

Port officers of a marine grade, with the exception of the Captain of the Port, who were transferred from service under the Government to the Port Authority, and to whom the Pensions Act applies, will receive all the benefits attributed to essential services. This includes officers receiving a pension rate of 2/600ths of his pension emoluments between his 20th and  
275 27th year of service as a port officer, in accordance with regulation 4(1) of the Pensions Regulations, commonly referred to as the 'doubling up rate'.

Furthermore, like the other essential services, port officers will have their compulsory retirement age set at 55 years. Those measures will be deemed to have applied to all port officers as from 1st January 2018.

280 Officers who retired between 1st April 2016 and the 1st January 2018 are entitled to similar benefits in accordance with the terms of the early exit scheme agreement approved by the Financial Secretary. Like other essential services, port officers will benefit from not paying tax on their pensions as from the age of 55. This will be implemented by way of amendment to the Income Tax (Allowances, Deductions and Exemptions) Rules, 1992.

285 Mr Speaker, we will also be moving amendments to the Bill at Committee Stage. An amendment is required to change the year cited in clause 1 of the Bill, because the Act shall now be known as a Pensions (Amendment) Act 2018 when it becomes an Act.

A further amendment is required to give this Bill retrospective effect as from 1st January 2018, which was the date when the provisions were meant to apply to all port officers. As this  
290 date has now passed, amendments to clause 3(4) are required and clause 4(3) can be deleted in its entirety.

Lastly, amendments have been made to remove the Assistant Chief Fire Officer and the Deputy Commissioner of Police from the definitions of 'fire officer' and 'police officer' respectively so that only the heads of department are excluded from the definitions. In any  
295 event, the two posts that have been removed from the definitions actually no longer exist.

I therefore commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

300 I will now put the question, which is that a Bill for an Act to amend the Pensions Act and Pensions Regulations be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Pensions (Amendment) Act 2016.



**COMMITTEE STAGE AND THIRD READING**

**Pensions (Amendment) Bill 2016 –  
Committee Stage and Third Reading to be taken at this sitting**

305

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

310

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

**Mr Speaker:** Would the Chief Minister formally move that the House resolve itself into Committee.

315

**Hon. Chief Minister:** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Pensions (Amendment) Bill 2016.

*In Committee of the whole House*

**Pensions (Amendment) Bill 2016 –  
Clauses considered and approved**

320

**Clerk:** A Bill for an Act to amend the Pensions Act and Pensions Regulations.  
Clause 1 as amended.

**Mr Chairman:** Stands part of the Bill.

325

**Clerk:** Clause 2 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 3 as amended.

330

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 4 as amended.

335

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Pensions (Amendment) Bill 2016 –  
Third Reading approved: Bill passed**

340

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Pensions (Amendment) Bill 2016 has been considered in Committee and agreed to with amendments, and I now move that it be read a third time and passed.

345

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Pensions Act and Pensions Regulations be read a third time. Those in favour? (**Members:** Aye.) Those against? Carried.

**GOVERNMENT MOTIONS**

**Select Committee on Brexit –  
Increase in committee membership –  
Motion carried**

**Clerk:** We now move to Government Motions.  
The Hon. the Deputy Chief Minister.

350

**Mr Speaker:** Yes, the Hon. Dr Joseph Garcia.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*THIS HOUSE:*

*RECALLS the establishment of a Select Committee on the UK and Gibraltar's departure from the EU known as "Brexit";*

*HEREBY RESOLVES that The Hon P Balban and The Hon L Llamas be added to the membership of that Committee.*

355

Mr Speaker, the motion is self-explanatory. I do not propose to add anything further to it.

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

The Hon. the Leader of the Opposition.

360

**Hon. E J Phillips:** Mr Speaker, it is unfortunate that the Government's rationale for altering the composition of the Brexit Select Committee has not been fully explained to Members on this side of the House.

365

The Gibraltar Social Democrats is the only political party represented on this side of the House. We occupy five out of the seven seats. All seven Members on this side of the House participated in the 2015 General Election under the same GSD banner and supported our programme for Government.

370

Our community decided that we should form Her Majesty's Loyal Opposition and we are proud to serve our community in Opposition and aspire, with the support of our community, to govern Gibraltar. It is a great privilege, Mr Speaker, and responsibility to serve our community in the role of Opposition and we do so with pride and respect.

Mr Speaker, Opposition is not easy. It requires us to hold the Government to account and we are required to challenge their decisions and robustly test their policies. There is a time when

375 the greater good and the public interest of our community means that we must put aside our  
differences, swallow our pride and do what is right for the wider and sometimes unseen  
interests of Gibraltar as a whole. My colleagues in and outside this place will always put Gibraltar  
first.

380 The decision of the UK to leave the EU was not one that we as a community shared or agreed  
with, but it is one which we must accept. The world did not stop turning and we must get on  
with the job we have been elected to do. We must ensure that Gibraltar continues to succeed in  
the context of international challenges to our way of life. Gibraltar will survive. There is no  
question that we will overcome the challenges Brexit presents to us. I for one, although  
disappointed that we are being dragged through this process, see it as an opportunity for us to  
refocus on the domestic agenda and our people.

385 Of course, no one doubts that the Government should be doing everything it can to ensure  
Gibraltar's survival, but we must not forget the people who we do this work for. We cannot  
forget those in whose name we act for in and out of this place. They are people with real  
concerns about education, health, housing and skills training, to name a few.

390 We will support the Government on areas of common interest and put Gibraltar first.  
However, we cannot support the Government on a motion when they are demonstrably playing  
party politics in relation to the composition of this important committee. It is clear to us that,  
despite what anyone says, they will force this issue in without any real analysis and without any  
explanation.

395 I know that Members opposite are fond of comparing us to the UK from waiting numbers at  
hospitals, to education and in that vein, perhaps they should look at how select committees are  
comprised in the UK. In its brief guide to select committees published on the UK Parliament  
website, the principle is that the membership of committees reflects the party balance in the  
House as a whole, meaning that a majority of each committee will be MPs from governing party  
or parties.

400 I remind the House that it was on this principle, the principle that composition should reflect  
the composition in this House, that the Government brought a motion establishing the Brexit  
Committee in the first place, in August 2016, and it is on this basis that we supported the August  
2016 motion. In fact, Mr Speaker, it was the Hon. Chief Minister when bringing the August 2016  
motion who recited the following: 'believes that the composition of the select committee should  
405 reflect the composition of the House.'

In the debate on the motion of 7th October it was the Hon. Chief Minister himself who made  
the following observations on composition of the Brexit Committee namely – quoting the Chief  
Minister:

Mr Speaker, the one thing that I think is important is that I explain why the composition would be four, two and  
one. In the context of select committees the Government will have always an inbuilt majority, and, in order to  
ensure that the committee stays nimble and small enough, the only way that we would be able to have an inbuilt  
majority if it were bigger would be to have five Members of the Government, three Members of the Opposition,  
and the Hon. Lady, because we think the Hon. Lady, as an independent parliamentarian, should be represented in  
that select committee. That would mean that the Parliament would be meeting with almost half its Members in  
select committee – there would be eight of us – so, in order to keep it nimble and try and reflect the numbers  
opposite, the only way we can do it is to do three and therefore four on our side, if the Hon. Lady is going to be  
one on the other side. Of course, the other way to do it is to keep it three on our side, the Hon. Lady, and just one  
of the Members representing the party opposite. We thought that would be less representative, so that is why we  
are proposing four, two and one, to keep it nimble in that way.

410 Mr Speaker, it is on this basis that I wrote to the Hon. the Deputy Chief Minister in response  
to his motion currently before this House, changing the composition of the Brexit Select  
Committee and consistent with ensuring that committees are nimble, that the current  
composition remain or that, should an addition be made, that the official Opposition should also  
be provided a further seat in that form.

415 We make this point as the only Opposition party and the Members who hold the majority on this side of the House and it is our view, that should properly be reflected in the select committee of this House, as has always been the case.

420 To try to construct this in any other way is an attempt to eliminate and denigrate our contribution as the elected official Opposition of Gibraltar. It is not right and it reflects very badly on the GSLP Liberal Government's supposed democratic credentials. It is telling that both the Select Committees on Parliamentary Reform and Constitution Reform have not sat for two years since their establishment by this House. It is a shameful reflection of its purported support for democratic reform.

425 We also suggest that the Government, consistent with further observations by the Chief Minister in the previous debate, could at any stage brief other Members of Parliament at any stage. The Hon. the Chief Minister will recall that, at page 26 of the debate on the 2016 motion, that he himself said:

But hon. Members should know that we do intend to advise them, even without the select committee, of such aspects of the discussion and negotiation ...

Mr Speaker, the Chief Minister went on to cement what he was saying by saying:

but that the hon. Members should be briefed, they will be, select committee or no select committee.

Mr Speaker, what are we doing here? To recap:

430 (1) The official Opposition has five out of seven Members on this side of the House and over 5,000 people voted for us to be in this House. We are the majority and the only Opposition Party in this House.

(2) The Chief Minister is on record as having stated that select committee composition should reflect Parliament's composition.

435 (3) The Chief Minister, is on record, has stated that the independent having the same number as the official Opposition would be less representative.

(4) The Chief Minister is on record as having stated that he could utilise briefing to Members of this House, select committee or no select committee.

440 Mr Speaker, the Chief Minister's clear change of position on all four points smacks of playing party politics with the most important duty and responsibility that he is charged with, namely safely navigating Gibraltar's exit from the European Union.

I call on him to abandon the motion, under Standing Order 22, which has little to do with protecting our community and more to do with him and his petty crusade against the Opposition. (*Banging on desks*)

445 **Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, what a petty crusade I have just heard the hon. the subordinate to the Leader of the Party that is the Official Opposition, namely the Leader of the Opposition, embark upon, to seek to exclude an independent Member of this Parliament from a Select Committee of the House.

450 I think it is probably the only time in the history of democracy in the world that an opposition has argued for *less* involvement from members of opposition benches in the work of a parliament. It could not happen in a dictatorship, because in a dictatorship the government is the one that is excluding the opposition, but in this democratic society in which we operate, in these complex and difficult times, the Government is seeking to include *more* Members of the Opposition benches in the determinative work that we are doing in respect of the future relationship that we will have with the European Union.

And the leader of the official Opposition – not even the Leader of the Opposition; the Leader of the *official* Opposition – makes an argument to keep fellow parliamentarians out of a select

460 committee process, because he says we can brief them anyway. Of course we can brief them  
anyway, but the Select Committee is about briefings and other things too. It is about making  
decisions together when the time comes.

That is why ... The Hon. Mr Llamas knows that he and I sometimes have very big  
disagreements, Mr Speaker. We probably have many more disagreements than we have  
465 agreements. In this Select Committee, he may come in to disagree with us – because we do not  
know what attitude he is going to take, because we do not know what we are going to put to the  
Select Committee yet – but we think he should be there.

How can it be right to try, as parliamentarians – forget the fact that we sit on this side of the  
House as Government and they sit on the side of the House over there as Members of a  
470 fractured Opposition – how could it be right to try to exclude a parliamentarian from a select  
committee process? I would have thought the argument was to *include* more parliamentarians  
in the process.

But of course, we are a small Parliament and we have to be careful not to find ourselves in a  
situation where the whole Parliament is sitting as a select committee of the Parliament. But,  
475 Mr Speaker, we have to have an inbuilt majority in a committee where we are going to make  
decisions. We owe that to the result of the last General Election and we feel that it is right,  
proper and appropriate to include Independent Members in that decision-making process.

Now, Mr Speaker, we have been accused of many things unfairly, but never, never with the  
lack of political logic that the hon. Member has for what he has got up and said in this House.  
480 Mr Speaker, I hope he is fast receiving WhatsApp messages from his Leader outside this place to  
try and get himself out of the mess that he has got himself into! Because it is impossible now,  
Mr Speaker, in the future for the hon. Member to say anything that will restore any democratic  
legitimacy to any argument he can ever make. It is absolutely impossible.

Let us look at the type of contradiction that the hon. Member has brought to this House,  
485 both being Leader of the official Opposition and before his Leadership of the Opposition, to  
judge the logic of what he says now.

The hon. Member has said to us, alongside his former leader, when we were facing the result  
of the referendum, that the Government should stop work on everything and concentrate just  
on Brexit. Today, Mr Speaker, he has told us that Brexit should not stop us from continuing our  
490 national political agenda. That is the sort of black-and-white thing that the hon. Gentleman will  
say and not even blush. He will go from black to white without going red. It is really quite  
incredible, Mr Speaker! It is quite incredible. This community deserves better. It deserves a  
better and more mature political debate in these difficult and challenging times than a  
purported defender of the Parliament getting up to seek to exclude a fellow parliamentarian  
495 from an opportunity to discuss and debate the future of this community in a select committee.

Mr Speaker, I do not think that if you were seeking to do petty partisan politics, you would be  
excluding parliamentarians who represent independent views from a process of debate. If you  
were trying to do petty partisan politics, you would not have included any of the Independents  
in the select committee; you would simply have said, 'Right, you are the Opposition, you have  
500 got two, we have got three – let us get on with it quickly.'

It is absolutely the opposite of what the hon. Gentleman has said that we are actually seeking  
to do, because it is obvious – the hon. Gentleman said, 'We have got 5,000 votes' – well, it is  
obvious that the 5,000 votes were not for him, Mr Speaker. They might not even have been for  
the person who at least had the gumption to lead the party at the election. I hope he is not  
505 claiming those votes for the person who now leads the party, who was not even a Member of  
the party at the time they got those 5,000 votes.

But those 5,000 votes, Mr Speaker, would in some measure have been for the hon. Lady. She  
came second in the ranking of those 5,000 votes. That means, Mr Speaker, in any democracy,  
she is the second biggest vote winner on the other side, Mr Speaker; not him. (**A Member:** Hear,  
510 hear.)

And the hon. Gentleman may have just been the 17th Member to caress the list of those elected, but he is nonetheless an important part of the team elected opposite – except that he is no longer a Member of that team. But he is also entitled to claim the credit for his votes – these are the people that he represents.

515 Now, we may have a party system but the hon. Gentleman may wish to reflect upon the fact that each of us has been elected individually, with the votes individually of members of this community. And the Hon. Mr Llamas, although I might disagree with what he says and what he does with those rights of representation that those votes give him, has been elected with a large share of those votes. I cannot actually remember the numbers, Mr Speaker – I think it was just  
520 18 more than somebody who thought that they would have been first but it was more than the person who came 18th. Therefore, Mr Speaker, an argument that seeks to exclude somebody like that from the position advanced by the Government, which is an inclusive one, is not an argument that can be said to be based on any attempt to extend democratic legitimacy in a representative democracy like ours.

525 Now, Mr Speaker, I said all the things the hon. Gentleman has read from *Hansard* about being nimble, with the situation that I was presented with – except, Mr Speaker, that the fracturing of the official Opposition as much as it has fractured up to now – up to now – means that we are less nimble. We were dealing with one party first and there was another as Government on this side, Mr Speaker, with two parties but acting as one Government. So one  
530 and one suddenly became one and two. Now it is one and one and one, Mr Speaker. We find ourselves, Mr Speaker, with three Oppositions. When it comes to education, we deal with all of them separately, some of them together, one of them doing ...

Mr Speaker, this is really a nightmare for the Government! In the old days, I almost miss the hon. Gentleman and his aggressive press releases. There was one coming and one back, one  
535 coming and one back. Now there are three coming and there has got to be three back! (*Laughter*) This is the reality that the breakup of the GSD has visited on our community. But to say that we have to pander to that breakup and that we have to ignore the fact that there are others who have different views, on something as fundamental as Brexit, is really frankly just not acceptable.

540 Mr Speaker, look, we have just seen how the Leader of the party opposite not in Parliament has sought to change the way that the rules on broadcasting should be changed as a result of the circumstances in which they have put themselves. Well, Mr Speaker, that was rightly not agreed to by the GRA, on the unanimous response of everyone who was not in the GSD who was asked for a point of view, Mr Speaker.

545 Indeed, I seem to recall that was the view expressed by Mr Llamas and I wonder, Mr Speaker, whether the very unparliamentary and contra-democratic approach taken by the Hon. the Leader of the official Opposition today is not a vindictive attempt to pay back Mr Llamas for the response he gave to the Gibraltar Regulatory Authority on the attempt by the Leader of the GSD to try and change those rules.

550 But, Mr Speaker, all of the answers are in the way that we have to address each other. The Hon. Mr Phillips is today in Parliament, although not the Leader of the GSD, the Leader of the official Opposition; and there are others in Opposition. We will make a decision in the Brexit Select Committee about things we may put to this Parliament, Mr Speaker and we will make it with the official Opposition and with the Independents, who also represent the voice of the  
555 community in however small a way, however deprecatory I have to be about it on other instances, but it is absolutely right that they should form part of that decision-making process.

That is why, Mr Speaker, the motion brought by the Hon. the Deputy Chief Minister enjoys my full support and it will of course enjoy the support of the Government. It was something that we considered in Cabinet, Mr Speaker, and it is a motion which hon. Members may expect to  
560 see rolled out in respect of the other Select Committee issues that this Parliament is dealing with, so that the Select Committee decisions made in respect of those other matters are also

truly representative and inclusive of the views, even if I disagree with them, of hon. Members who represent independent opinion in this House.

And if I may say so, Mr Speaker, I am grateful to the Hon. the Leader of the official Opposition for the way that he has represented the view he has expressed in this House today, because never again in any debate will hon. Members be able to claim the mantle of democratic legitimacy and/or indeed, Mr Speaker, to pretend that they are truly parliamentarians at heart. What they represent is an attempt to use this place for their own ends. They demonstrated it when they were in Government and they used the power of the Executive always to get away with it and they thought, Mr Speaker, they would be able to get away with it in Opposition too, and exclude Independent Members.

They have fallen apart already and lost two, Mr Speaker. I would not be surprised if that was not the end to it. *(Banging on desks)*

**Mr Speaker:** Does any other hon. Member wish to – ?  
The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have to say I have been really surprised by this intervention by the GSD, I honestly did not expect it at all. I have no idea why the GSD would want to curb a voice when it suits them, while at the same time demand and consider it appropriate to be treated as an equal by the GRA, when they have a leader that is not an elected Member of the House. The double standards are totally palpable.

And as for petty crusades, Mr Speaker, I can talk a little bit about petty crusades. Petty crusades is, for example, when Members by my side over here try to get me kicked out of the reception when David Cameron came to town and other such examples which there are many of. *(Interjections)* Those are petty crusades, Mr Speaker, but curbing the voice of another independent speaker, whether they are with them or not, is just an addition to our democratic voice here in this Parliament. So I have no idea why this would even be an issue and I think it is a waste of parliamentary time.

I for one welcome an extra voice on these benches to the Brexit Select Committee.  
Thank you. *(Banging on desks)*

**Mr Speaker:** Is there any other contributor before I call on the mover to reply?  
The Hon. Daniel Feetham.

**Hon. Chief Minister:** Hear, hear! *(Laughter)*

**Hon. D A Feetham:** I can see that you have all missed me! *(Laughter)*  
Well, Mr Speaker, I had hoped to say either very little or nothing at all during the course of this debate, but I think that the contribution of the Hon. the Chief Minister has left me with no alternative but to rise and to give my own views on the matter.

The Hon. the Chief Minister referred to logic and what I would like to do is to examine through the cold calculus of logic some of the issues that are at stake in this debate, because I think what we are doing today is setting a very dangerous precedent indeed in simply inviting or electing somebody onto a select committee by dint of his status as an Independent Member of the House.

What I would like to do is to examine very briefly what the role of a select committee is, not only in Gibraltar but also elsewhere; then look at the question of 'Who does Mr Llamas actually represent?', because that lies at the heart of this debate. When we talk about somebody or a select committee being representative, we do not talk about a select committee being representative simply because somebody is in this House. A person represents people and I would like to examine more closely who exactly Mr Llamas represents.

615 And then finally, Mr Speaker, I would like to draw a distinction, even though she has been particularly ungenerous to me today, but I would like to draw what I believe is a distinction between the hon. Lady and the hon. Gentleman. I will conclude with that and I hope that I will be able to persuade Members opposite that it is not the right course of action. I will not hold my breath but nonetheless, let us examine some of the issues logically.

620 Mr Speaker, in the United Kingdom, select committees are convened on a cross-party basis – and I will return to the concept of cross-party – and provided by Parliament with a very specific remit in order to report back to Parliament on its findings. It is then Parliament that makes a decision on any recommendation made by the select committee. There is no question of anybody curbing a voice by not forming part of a select committee, because of course, the hon. Gentleman, Mr Llamas, will have as much of a say of what is recommended by the select committee as anybody else in this House, and nobody is trying to dampen or quiet or suppress the voice of Mr Llamas.

625 In the UK, although there are differences between the select committee here and the UK, because in the UK select committees are selected from the cadre of backbenchers – very rarely do we see a front bench spokesman either on the Government side or on the Opposition side, forming part of a select committee because their function is usually to hold the Government to account – but the way that they are chosen I think is instructive, and it is not unusual to have a competition for places in a select committee. An individual may propose himself to a select committee, may be proposed by Members of a political party, but what the Parliament actually does is it chooses the best people for a particular role in a particular select committee.

630 There is not a Parliament in the world that simply says, ‘Because you are an Independent Member of the House, you have got to form part of a select committee.’ It is an absolute absurdity and an absolute nonsense with respect to the position that is being adopted today by the Government.

635 And it is easily tested. Look, Mr Speaker, there have been occasions and I know that the hon. Gentleman when I make this point, it is going to draw derisions from the other side and the usual response about the GSD breaking up and all the rest of it. But look, in 1975-76, the IWBP crumbled. You could have a situation in the future whereby for whatever reason, you have seven Members in the Opposition that are all Independents because of circumstances. Are we seriously suggesting (*Interjection*) that in those circumstances, every single Member of the Opposition, because by dint of the fact that they are Independents, should form part of a select committee? I think that is nonsensical and it sets a dangerous precedent.

640 And in fact, Mr Speaker, I probably would have sat down, would have made no contribution but for the fact that the Chief Minister appeared to suggest, which caused me concern, that this is the precedent that we are establishing. Not only is it going to be this committee but it is going to be the Constitutional Committee, it is also going to be the Committee on Parliamentary Reform.

645 Let us look at it logically. We are a Parliament and we are making a decision that is extremely important: choosing the people that the Parliament believes are best suited to be on a select committee to set out a road map about how Gibraltar deals with Brexit.

650 And do you know what? If the Hon. the Chief Minister had come to this House today and he had said, ‘Look, we want to add one more person on the Government’s side’ – the Hon. Sir Joe Bossano, for example – ‘because we feel that his knowledge of public finance and of certain areas in the economy is such that he can make a valuable contribution, but because we do not want the select committee to become unwieldy, we are not going to be adding anybody else on the Opposition side’, do you know what I would have said to the Leader of the Opposition and to my colleagues? I think that is a good enough reason and therefore we should not object to what the Government is trying to do. Because what we should be doing is we should be choosing the best people for this particular job as indeed the best people for the role of the Select Committee on Constitutional Reform and the best people for the role of the Committee on Parliamentary Reform.



665 And we have to look at it logically – what does Mr Llamas have to offer this particular select committee that Mr Bossano does not have to offer, or Mr Licudi, or Mr Clinton with his experience in banking, or Elliott Phillips with his experience of cross-border commercial litigation extraditions, which could be useful in terms of considering Justice and Home Affairs as part of Brexit deliberations?

670 If we had been talking, for example, if we had been saying this is a select committee on canine welfare, for example I would have been the first one to say – and I am not suggesting that that is the only talent that the hon. Gentleman has or that he cannot contribute in other ways, but I would be the first one to say – (*Interjection*) that his expertise is second to none. But the reality is, that to say that we are adding somebody by dint of the fact that he is an Independent Member of this House is not, in my respectful view, the right decision.

675 I know that the Government will come back and the Government will say, ‘Ah, but the Select Committee ought to be representative of this Parliament,’ and that lies at the heart of this debate, because when we examine who Mr Llamas actually represents, we are drawn to the inevitable conclusion that he represents no one that he is not represented by the people here in the GSD, Mr Speaker.

680 Look, the hon. Gentleman has mentioned the number of votes that Mr Llamas obtained at the last election. Fact number 1: Mr Llamas obtained less votes than anybody else in this Parliament. Fact number 2: a swing of 14 votes would have meant that Mr Llamas would have been left out at the last election.

685 Now, I give the hon. Gentleman an example that I wish the Parliament to consider. Let us assume that he had been selected for the GSD and after nominations had closed, Mr Llamas turned round to the electorate, we could not add somebody else to the slate, and Mr Llamas turned round to the electorate in 2015 and said, ‘We intend, I intend, to now ask the people of Gibraltar to vote for me as an Independent.’ The reality, Mr Speaker, the inescapable truth is that Mr Llamas would never have been elected to this Parliament, because at the very least there would have been a swing of 14 votes against him, if not thousands of votes. Therefore, when we ask, ‘Who does he actually represent, that the GSD does not actually represent?’, no one, Mr Speaker – that is the reality of the situation.

695 Then I come to, Mr Speaker, the difference between the hon. Lady and the Hon. Mr Llamas. Because you see, I think there is an important difference here, and if there had not been this difference, perhaps my view would have been different.

700 The hon. Lady has said, ‘I intend to fight the next election and set up a political party.’ That is my understanding of her position and she has said, ‘Look, even though I stood for election with the GSD in 2015 and I left within six months of being elected as part of the GSD slate, I will ask the people of Gibraltar to hold that in the balance with all the other positive things that I have done in the last four years, and if the people of Gibraltar decide to elect me, fine.’ But she has had the courage to come out and to say, ‘I have an office in Main Street at Headquarters and I intend to fight the next election and it is my aspiration to form a political party.’ That takes courage, whatever my criticisms of her may be as to how she is where she is now but that is the reality. That is the reality.

705 Now, Mr Llamas, we all know – we are not stupid – we all know is not a lone wolf. (*Interjections*) He forms part of a pack of wolves, political wolves. (*Laughter*) A rather timid pack of wolves, (*Laughter*) one that prefers to lurk in the political shadows (**A Member:** Hear, hear.), rather than come out openly in broad daylight, but a pack nonetheless.

710 And indeed, Mr Speaker, the House should not take my word for it. I will just read from the hon. Gentleman’s, Mr Llamas’s Christmas message. He said, ‘I am acutely aware of the privilege that serving you as an Independent MP represents’ – and of course it is a shame that he did not have and feel that same privilege and honour to represent people in the capacity that he was elected. But look that is not the type of logical argument I am asking the House to consider, let us ignore that.

715 But what he said was this:

I share a vision with a growing number of people who I am working with. We believe that it is important that this new vision for Gibraltar be alive to the dangers we have yet to articulate, whether home-grown or external. We believe that this vision requires honesty, regardless of whether we like what we find when we search within.

Then he says:

Join me and others who already share these views, others who are keen to make a difference and keen to see the vision I have set out a moment ago become a reality. You can make a difference. We can make a difference.

Mr Speaker, the Hon. the Chief Minister, a few weeks ago, asked Mr Llamas from a sedentary position whether he was asking anyone by WhatsApp what supplementary question he should ask next. *(Interjections)* Indeed, and he is absolutely right, I have a lot of sympathy from the view that he expressed from a sedentary position. Politics should not be conducted vicariously. Politics is not a form of ventriloquy. Politics is to be conducted openly, Mr Speaker.

The hon. Gentleman and I have had many battles over the years in this Parliament – many, many battles but nobody can accuse me of not saying to him in his face anything, because that is the way that politics ought to operate. And, Mr Speaker, I say also this: that the majority of people in this Parliament have tasted defeat in politics in one form or another. The reality is that you have got to be able to take defeat in order to make success meaningful. *(Interjection)* I once said that victory is all the sweeter when you have tasted defeat, but you have got to have the ‘castanets’ to be there! *(Laughter)* Yes sir, and I am not referring to a Spanish percussion instrument when I use the analogy ‘castanets’! But you have got to have the courage and the guts! **(A Member: Hear, hear.)**

That is why whatever the hon. Lady may say and whatever the hon. Lady’s historic decisions, look, she has had the courage to say, ‘That’s my aspiration.’ But the people around Mr Llamas do not appear to have the same type of courage. *(Interjection)* If you are a political person and you aspire to lead this community, you have got to have the guts to say, ‘I am going to stand as the leader of a political party,’ the same way as Mr Clinton had the guts to do so. Or if you do not agree with that political party, you have got to have the guts to set up your own outfit, openly, transparently, out of the shadows, into the full glare of the sunlight.

But what you cannot and what is objectionable is to do what Mr Llamas and his group are doing, which is operate from the shadows as I have indicated a few moments ago.

And, Mr Speaker, in the immortal words of the US rap singer, Eminem: ‘Will the real Slim Shady please stand up, please stand up?’ *(Laughter)* And that I am afraid is the message that this Parliament – *(Interjection and laughter)* I can assure the hon. Gentlemen that my gym sessions have not been the same ever since. Every time the song comes up I have visions of ‘slim’. *(Laughter)* Behave please!

The message from this Parliament should be that if Mr Llamas has, and those around him have the courage that she has shown, well then, the Parliament will consider him as a separate political entity that intends to contest the next election, that they will form part of other select committees. But not in this way, Mr Speaker, when we can all laugh, but we all know what is going on.

Some of the people around Mr Llamas continue to be GSD members, so what are we saying? What is this? That this Parliament provides political cover for a situation where, let us use Mr Llamas as the Turk’s head, let us see whether his cry to arms to people, ‘Come and follow us, come and follow us,’ whether that succeeds or it does not succeed. If it does not succeed, we are still in the GSD, Mr Llamas can come back to the GSD and we will do an Alien Resurrection and let him take over the GSD from within. It is not right, Mr Speaker, and I think that this Parliament is making a wrong decision in doing what it is doing and is setting out the precedent that it is establishing for the future.

Therefore, Mr Speaker, for all the reasons that I have outlined, I think that this Parliament should not be setting the precedent that it is setting, which is just that by mere dint of the fact that somebody is an Independent – not elected into this Parliament as an Independent – that

person is entitled to form part of every single select committee. And I have risen, Mr Speaker, because the Hon. the Chief Minister appeared to indicate that that is precisely what the Government intends to do.

765 I have to say, I am going to think about things very, very carefully over the next seven days, but at this stage of my political career I do not have to hide from anybody. I have always been known to speak my mind, more so now than ever, and I feel so strongly about this particular issue that I will be considering my own position within the Select Committee over the next seven days, because I think that this one I might have been prepared to just allow under the radar, but  
770 it is the precedents establishing for the future.

And lest anybody says, 'This is a piece of political vindictiveness by Feetham', let me set the record straight. I was one of the biggest supporters in the Executive of the decision to have a joint platform with the hon. Lady on education. I believe that you have got to make the right decisions for Gibraltar and to the extent that it is possible for the Opposition to come together  
775 and hold the Government to account on issues, I think that is important.

And look, if the hon. Member wanted tomorrow to join his members of his group and return to the GSD, I am not going to attempt to block him at all. I am not, as indeed I left before he left. He did not have to leave because of me, so I am nobody's political beard, but what we cannot do is just simply ignore realities and ignore what is going on in this Parliament and in politics today,  
780 with Mr Llamas and the people around him, and something that the Hon. the Chief Minister knows that is happening. And I for one, just cannot just remain seated and not express my views about this.

Mr Speaker, thank you very much for your indulgence. *(Banging on desks)*

785 **Mr Speaker:** Is there any other contributor to this motion? If not, I will call – Yes, the Hon. Lawrence Llamas.

**Hon. L F Llamas:** Mr Speaker, I am grateful for the Government on bringing this motion to the House giving effect to that commitment of including Independent Members of the House in  
790 relevant select committees and I look forward to contributing in this Select Committee and any other further select committees requiring our attention as we move forward.

Unfortunately, Mr Speaker, it was never my intention to cause any harm to the GSD whatsoever. It has certainly not been my intention to do anything that may in any way negatively influence the process of consolidation, repair and rebuilding which I expect the GSD is  
795 engaged in, following its leadership election.

It is clear on the party's own admission that the GSD is at a critical juncture in its path and in that context, the return of a credible and capable people who once sat on that Executive should be welcomed and not resisted.

It would seem, Mr Speaker, that Mr Feetham is unable to accept the possibility that I have  
800 developed a rapport with such people – people who remain GSD members and people who hope and keep the possibility of rebuilding bridges alive. This is, in my view, the approach the current Leader is hoping to engender, and I would have expected and would have welcomed a more positive approach, especially from Mr Feetham.

I do not wish to reopen the reasons for which I left and resigned from the party I once stood  
805 for. For whatever reason and from the party's own admission, there was a communication breakdown on such an important issue and on the analysis of facts, I had been left out of a decision-making process on such an important Bill such as the Appropriation Bill.

It was my view, Mr Speaker, at the time that I had to put Gibraltar first and my party second. It was my view that voting against the Budget, however much I agree with the arguments put in  
810 favour, Gibraltar in the context of a Brexit backdrop needs to unite. Mr Speaker, Gibraltar at this point in time, needs parliamentarians to have faith and to support the Government of the day and to show a vote of confidence in Gibraltar, in its economy, in its workers and in its public service.

815 Mr Speaker, unfortunately the main Opposition Party, the GSD failed to realise the implications of their actions or lack thereof. When the original motion for the Brexit Select Committee arrived in this House, they unflinchingly allowed the original motion forming various select committees, debated in this House, to go through. Back then, they made absolutely no mention of any dissatisfaction with this setup and therefore endorsed what they now consider a weakening of the GSD Opposition.

820 This, once again, Mr Speaker, exposes the lack of foresight the GSD has and the characteristic hypocrisy of the party. It is quite rich, Mr Speaker, for a party who has a leader in this House, and a party who has a leader outside the House, to make representations to the GRA on challenging the legitimacy of how broadcasts are done by GBC, even though the leader of the party does not enjoy a seat in this House. But for it, Mr Speaker, it is the audacity to challenge a democratic, legitimate participation of a Member of this House in a select committee.  
825 Mr Speaker, it is deplorable and you simply could not make it up.

All this, Mr Speaker, while still publicly declaring a desire for the return of past Members. It is awfully confusing, Mr Speaker, but awfully confusing is what the GSD appears to have become. *(Laughter)* A leader inside and a leader outside. *(Laughter)* Being led, or perhaps misled, by the other Independent Member to make joint statements is utterly confusing.  
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Mr Speaker, the GSD is asking who I represent. *(Interjection)* Yes, I do my homework and I am committed to what I do. *(Interjection)* The GSD is asking who I represent. Well, Mr Speaker, I represent those who contact me, those who know I am always on the other side and, Mr Speaker, in particular, I represent many of the GSD members who are lost, many of the electorate who are lost.  
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What qualities do I have, Mr Speaker? I am not one to judge myself. I shall let the electorate do that, if I do stand again. But what I can say, is that I do possess a vision and an initiative which they so far have failed to provide this community. Unlike a former member of my party, a former colleague I should say, I consider my parliamentary allowance to be simply a stepping stone in order to fulfil my commitment in this House and a way in which I can provide for my family. I do not consider it, Mr Speaker, to be my holiday money.  
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Mr Speaker, for me it is a privilege to serve this community and I shall ensure and endeavour that that privilege is always met. No doubt, Mr Speaker, I shall be voting in favour of this motion *(Interjections)* on the basis that it is legitimate, that I should be included following the precedent set in this House by all its Members.  
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Thank you, Mr Speaker. *(Banging on desks)*

**Mr Speaker:** Is there any other contributor? The Hon. Roy Clinton. *(Interjections)*

850 **Hon. R M Clinton:** I rise only to talk about numbers. *(Laughter and banging on desks)* I am glad to have brought a smile to people's faces.

Mr Speaker, the original composition in terms of ratios of the original Select Committee, in fact as it stands today is in a proportion of four to two to one; I am happy to be corrected on that. But with the proposed amendment, it becomes five to two to one to one.

855 So from the point of view of the Opposition, regardless of the arguments we have heard this afternoon, the Official Opposition of which the Government must recognise we are the majority on the Opposition benches, there being five of us, no longer have a majority of the Opposition views in that Select Committee.

And where the Government have been very careful to ensure that their representative majority is retained, we being the Official Opposition, have lost ours. And, Mr Speaker, it is on that point I feel that the proposed amendment is inequitable because all the Government has to do is add one more Member from the Official Opposition and then perhaps we might be satisfied in terms of ratios at the very least.  
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Thank you, Mr Speaker. *(Banging on desks)*

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**Mr Speaker:** Any other contributor?

I call on the mover to reply.

870 **Hon. Deputy Chief Minister:** Yes, Mr Speaker. I think little did the Government know that when we tabled a two-line, seemingly (*Laughter*) perfectly innocent motion for this House, it was going to lead to this kind of discussion.

But I have to say that in 19 years as a Member of this House, I have seldom heard such nonsense coming from an official Opposition. (*Laughter and banging on desks*) (*Interjection*) And I think, as the hon. Member said, it was unfortunate and that it was remarkable that this motion  
875 had been presented. What is unfortunate and remarkable, I think, is the lack of pure political acumen that is continued to be displayed both inside this House and outside it.

And they said that the rationale for the motion had not been fully explained. But, Mr Speaker, the reality is that the rationale *had* been fully explained to them. It has been fully explained by me, by email to the hon. Member when he asked what it was. I told him then and I  
880 agreed from the email, the position of the Government is that select committees should contain as wide a representation of Parliament as possible. We believe that Mr Llamas is therefore entitled to be on the Committee and to have his views heard within its formal structure.

It is also our view that such committees should be composed of one more Government MP than all the Opposition MPs combined. The proposed arrangement for the Brexit Select  
885 Committee would provide for four Opposition MPs and five Government MPs.

The further expansion of the Committee runs the risk of making it unwieldy and unworkable in the context of Gibraltar, were six Government MPs to continue, or to sit as members of the committee for no good reason. And then I told him that we would have to agree to disagree on  
this one.

890 So, Mr Speaker, the rationale behind the decision taken by the Government to propose the motion was fully and properly explained to the hon. Members opposite. When they are going to accuse the Government of indulging in party politics over this issue, I think the reality is in them indulging in their own internal intra-Opposition party politics, which really has got absolutely nothing to do with us. (*Interjection*)

895 When the hon. Lady left the Opposition, the official Opposition as Mr Llamas I think has rightly explained, the Government then changed the structure of all the Select Committees and decided to add the hon. Lady to each of them. (*Interjection*) Then to balance that, a Government MP was also added to each of those Committees.

So, Mr Speaker, what we are proposing to do now with Mr Llamas is exactly what we did  
900 when the hon. Lady left the Official Opposition. It is exactly the same.

We believe, as I said, that there should be as wide a representation of parliamentary views as possible on the Committee. What we cannot do is to add an MP from the official Opposition every time that an MP is added or an Independent MP is added to the committee. That would  
905 then require us to add a Government MP as well and we will end up with a situation where we have more than half the Government sitting on the select committee. So, Mr Speaker, that is simply not possible and is not going to happen.

So, we took the view as I said that Mr Llamas is entitled to be on it and whatever views he may care to express on the important subject of Brexit, he is therefore entitled to sit on the committee and to express it.

910 But I should also add, something that was said earlier about who represents who and who do each of us represent. The reality, Mr Speaker, is that, as the Chief Minister rightly said, Members are elected individually and that we sit as Members of Parliament also on each or any select committee.

But this whole situation reflects very poorly not on the Government as the Leader of the  
915 Opposition has said, but I think the petty, short-sighted and nit-picking approach they have taken reflects very poorly on them, Mr Speaker. That they should seek to exclude an Independent Member with clearly different views to them and to the other Independent

Member, from expressing an opinion on a select committee, is unacceptable and undemocratic. It also betrays, I think, a singular lack of knowledge of what select committees are for and how they work.

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I have had the opportunity to sit on every select committee in this House in the last nearly 20 years that I have been a Member of it, and the hon. Members should know that this idea of having more MPs from the official Opposition than Independent MPs on the committee, really shows that they do not know what they are talking about, because each individual Member represented on a committee is free to dissent or to disagree with the view expressed by the majority of Members on that committee.

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And there can be, and there are in the UK and in other places, there is a majority report expressing the majority view of the committee on any given issue and there are then also minority reports on minority views expressed on whatever that issue might be. So the actual manner and the procedures, the way in which select committees operate, allow for that to happen already, does not require for there to be more MPs from the official Opposition than there are Independent Members on it.

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And I think, Mr Speaker, I have to say also that I think it is particularly inappropriate, and I did raise this issue with them too, that they should choose to raise this particular issue with this particular committee, which is a Select Committee about Brexit, which is a hugely important issue of our time – not only for Gibraltar but also for the wider United Kingdom and European Union, where we have tried I think, as far as possible, to be as united as we can in the views that we express, indeed in the information that we provide to the hon. Members opposite and where we are trying to work together for the wider interests of Gibraltar.

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There are other select committees already in existence where they could have taken this view and perhaps behaved in this petty and inappropriate manner with regard to those issues, which are still also considerably important – I would not try to diminish that – but on Brexit, Mr Speaker, to choose Brexit to raise this issue is wrong.

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I think it was, the hon. Member mentioned this idea that Mr Llamas was the last one who had been elected and that it took a swing of 10 or 14 votes. Well, I think my answer to that, although really it is perhaps not for me to answer, but my answer is that look, Members are elected and elections are lost by one vote. So if it was 14 or 9 or 10 or 15, so be it. But it just takes one vote to lose an election. That is what democracy really is all about.

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And who do we represent? Well, Mr Speaker, all 17 of us represent the 32,000 people of Gibraltar. That is who we represent. Each of us represent all the people of Gibraltar, not just the people who voted for you. **(A Member: Hear, hear.)**

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So, I think as I said before, it is intolerant of different opinions, it is blinkered, it is undemocratic, it is holier than thou, and is an approach to politics that we thought was confined to the dustbin of history in 2011. So I was very sorry to hear all this resurrected again in this particular motion on Brexit.

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So, Mr Speaker, as I said earlier, the Government value having Independent voices on the committee. It is our policy that those voices should be there and before I close on the motion, I give way to the hon. Member who I think wants to say a few words.

**Hon. Chief Minister:** I am grateful to the hon. Gentleman for giving way, Mr Speaker, because in the course of the intervention that the hon. the former Leader of the official Opposition – *(Interjection)* former, former Leader of the official Opposition made, he told us that he had considered not making any intervention and it was just something I said that moved him to become involved in referring us to the cold calculus of logic.

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Well, Mr Speaker, what he is missing is the abacus of parliamentary mathematics and that is what he has got to put in the balance. The abacus of parliamentary mathematics tells us that we started with ten and we have still got ten. They started with seven and then they lost one, and now they have lost another one. And for that reason, Mr Speaker, it is necessary for us to act in

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970 the way that we are going to act by supporting the motion that the Hon. the Deputy Chief Minister has put before the House.

He started with a theory, Mr Speaker, that because Mr Llamas no longer sits with the GSD whip, he now represents no one – or at least no one that the GSD does not also already represent, although he wants us to think that that does not apply to the hon. Lady because she said that she is going to stand for election with a political party in the future.

975 Well, Mr Speaker, that may be true about the future. The hon. Lady may seek her own independent mandate in the future, but the hon. Lady's position is, as he knows, whether he shares the view or not, that she has an Independent mandate today because she had 4,892 votes. That is the position.

980 Why should the position of the Hon. Mr Llamas, because he had 4,565 votes, be any different? He may or may not yet evince an intention to stand for election in the future, with her, with them, with us or with the wolf, (*Laughter*) but that does not change his position, Mr Speaker. It does not change his position at all today and the regard we must have for the democratic legitimacy of his position in this House.

985 Mr Speaker, he then presented the work of select committees as if we had not on this side understood what the work of a select committee is here and in the United Kingdom and indeed, in the work of the former select committees that have been in this House, including important ones like the ones on the Constitution. It is because we understand the work of select committees that we have thought it appropriate to bring this motion and have indicated that we will bring similar motions in respect of other select committees.

990 And, he told us in one breath that the GSD is not breaking up, although he then told us in another breath, in what was clearly, Mr Speaker, a further fit of pique, that there are some within the GSD who are working with the hon. Gentleman, Mr Llamas. Well, Mr Speaker, we may not be a million miles away from thinking that breaking up is hard to do, unless you are in the GSD these days, because the breakup does not seem to have ended yet. The fissures may not have become entirely visible to all of us on this side of the House or in the public yet.

995 The example he gave of the breakup of the IWBP is perhaps the wrong example for him to have chosen, for a simple reason. Good students of history, other than those who have lived history like Mr Bossano or Mr Speaker, will have read in the Deputy Chief Minister's book on the political history of Gibraltar that in fact those who stood with the Gibraltar Democratic Movement, did not just leave the GDM after the breakup of the IWBP; they left the GDM and then were seduced by the clutches of a formidable actor then as Leader of the House, and they crossed the floor.

They did not become Independents, Mr Speaker. (*Interjection*) Mr Mascarenhas and –

1005 **Mr Speaker:** The Hon Mr Mascarenhas was not a Member.

**Hon. Chief Minister:** Mr Mascarenhas was not a Member, you're right. The Hon. Brian Perez (*Interjection by Mr Speaker*) and Mr Valarino crossed the floor, Mr Speaker, at the time. They did not stay Independents, Mr Speaker. So that is not the best example to have chosen.

1010 And what if they all went Independent, Mr Speaker? Well, he did not say that this would not happen, which was interesting. The hon. Member said, 'What happens if we all go Independent?' without saying, 'but of course that will not happen', because of course with the underlying tensions, there is very little GSD on the other side, Mr Speaker. There is the Hon. Mr Clinton, Mr Reyes; but I look up and the rest of what I see is PDP and Labour Party so it could still go a million miles from where it is today.

1015 What happens if they all go Independent? Well then, Mr Speaker, I suppose we would ask them as a group of Independents, to nominate who they would like representing the Independents on the select committee (*Laughter*) because it would be impossible, Mr Speaker, to have a select committee of the House with seven Independents in it without having at least eight Members of the Government.

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But then there would not be an official Opposition. Doesn't he realise that the example that he postulates lacks logic because there is no official Opposition in that example; there are seven Independent Members? That is the reality and that is not what we are dealing with.

1025 And if there are people, Mr Speaker, in the GSD who are working with Mr Llamas as he has said today, well then, Mr Speaker, it is important that we hear their voice and we will not hear it from him, we will hear it from Mr Llamas who is working with them. He has legitimised the exercise that we are doing in that respect.

1030 He pretends to try and drive a wedge between us on this side of the House, by saying, 'Of course, if you were saying Sir Joe Bossano should be a member of the Select Committee, well then, we would take a different attitude. Does the hon. Gentleman think that we did not ask Sir Joe Bossano whether he wanted to be a Member of the Select Committee before we determined who should be in the Select Committee?

1035 But he should know Sir Joe well enough that Sir Joe says he wants to spend more time at his desk if possible and give us his input in Cabinet, which is the place where we have the benefit of the input of Sir Joe Bossano, of Gilbert Licudi who he mentioned, Albert Isola, Paul Balban, Neil Costa, Samantha Sacramento, John Cortes and Steven Linares. We do not need to bring them into a select committee to hear their contribution. Frankly, it is nonsensical to have made that attempt to drive a wedge between us. We meet together in the Über-Select Committee every Monday morning.

1040 'And what has Mr Llamas got to offer?' he says in such a derisory fashion that it is impossible for him, the hon. Gentleman, to not demonstrate the utter vindictiveness with which he has approached this debate. Now, we saw some of that vindictiveness in the now legendary press conference that he gave when he retired as Leader of the GSD. He talked about dogs and canine issues and I am not going to talk about crocodiles and tears, Mr Speaker, but we saw some of that vindictiveness then.

1045 If Mr Llamas is putting together a group, it is even more important that we hear what he has to say in the Select Committee. If there are people assisting him, we must hear their views. But how does he know that he represents no one but the people who voted GSD. Is it that we do not have secret elections in Gibraltar, Mr Speaker? We have a secret ballot, don't we? How does he know that the 4,565 people who voted for Lawrence Llamas are included in the 5,054 that voted for him? How does he know that?

1055 There is enough difference, Mr Speaker, between 10,852, which is the number of people that voted for me and 5,054, the number of people that voted for him, that they could represent the 4,565 that voted for Mr Llamas. Hasn't he worked that out? People who voted for him might have been called Peter and Keith and the people who voted for him might have been called Ned and Marlene for all we know, Mr Speaker. So it is just utter nonsense to say his votes are represented by the GSD. It is just remarkable, Mr Speaker, that we have heard that in this House today.

1060 And if the hon. Gentleman is going to pretend that he was not pejorative, then to refer to the hon. Gentleman as a wolf and talk about canine aspects of what he does, Mr Speaker ... I mean to think that he got up and said that it was wrong to have referred to a dog show, when the hon. Gentleman was not here and he now talks about canine aspects of what the hon. Gentleman can be an expert at, and talk about wolves –(Laughter) the petty crusade was never clearer than at that moment.

1065 But it was not on this side, Mr Speaker. The petty crusade was on the lips of the hon. Gentleman and I apologise to Mr Phillips, Mr Speaker, the Leader of the official Opposition because I thought he was getting his prompts from WhatsApp and from beyond this House; he was obviously getting them from just across the way from next door. He did not need an electronic device; he had the former, former Leader of the Opposition to give him all of the vindictiveness and pettiness that was required, because that was clearly what was coming across.

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1075 But for him, Mr Speaker, of all people, to get up and say that politics is not ventriloquy, well Mr Speaker, tell it to Michael Bain – that is what I say. But I will say one thing, Mr Speaker, to the hon. Gentleman. It is true that in politics and here, he and I are fully in agreement: if you want to succeed you have to suffer defeat as well. He will recall the editorial of the former editor of *The Gibraltar Chronicle* who referred to the cold steel of election night, cold steel that we have both felt on election night, Mr Speaker. That is absolutely true.

1080 I give him another quote to match the one he gave us. Nixon said on the day of his impeachment that his supporters and those who worked with him should not have pity for him, because it was only by being in the lowest valley that he could understand the value of having been atop the highest mountain, namely to have held the office of President of the United States. If somebody wants to hold high office, Mr Speaker, they have to have the courage to suffer defeat in elections. Otherwise, the political system that they want to operate in is not the political system that he and I have operated in with relative amounts of success.

1085 So, Mr Speaker, he talked about, in all of that context, people having to come out of the shadows; but he was the only one shadow boxing in the course of this debate. He was the only one who seemed to be talking not at Mr Llamas, but at someone else, Mr Speaker, in the context of this debate. In fact, I will say that one of the reasons I miss him so much, Mr Speaker, is because he is probably, he is the only person who can masquerade as wholesome in the way that he presents himself in debate, whilst actually being petty and vindictive like no one else.

1090 But to talk about wolves, Mr Speaker, when he is the perennial wolf in sheep's clothing, especially in the way that he has presented the arguments today – and I am very sorry to have seen us reach that level of discord in the context of a debate on enlarging the Brexit Select Committee – something as important, as the Deputy Chief Minister said, as Brexit.

1095 I can only say, Mr Speaker, that in respect of the things that Mr Llamas has said when he referred to the 'characteristic hypocrisy of the GSD', I sometimes feel with him that I have found a political soul mate, Mr Speaker, and that when the *Hansard* of this debate is available, I will ask him to autograph a copy of his speech and give it to me for posterity. Because it is absolutely right, Mr Speaker, that hon. Members of the official Opposition opposite present themselves as wanting democratic legitimacy and wanting parliamentary debate and then when we come to a moment where we seek parliamentary involvement, they try and shut it down.

1100 I can only say one thing, Mr Speaker, to this community today after this debate. The Deputy Chief Minister, the Attorney General, the Cabinet, the Financial Secretary, who is an important part of the team also, the Brexit team must be doing a pretty good job for Gibraltar if the Opposition think that the use of parliamentary time to which they have put the last hour makes any sense in the context of the challenges facing this community today.

1105 And, Mr Speaker, I know that the Deputy Chief Minister will now rise to commend the motion to the House. Before he does, I will say, Mr Speaker, that involving the hon. Gentleman opposite I think is a demonstration of the inclusiveness of the debate that we want to have in the context of this difficult moment, but that today in this debate more than one mask has slipped and once they slip, they can never go back.

1115 **Hon. Deputy Chief Minister:** Mr Speaker, I commend the motion to the House. (*Banging on desks*)

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

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

1120 **Hon. Chief Minister:** Mr Speaker, I think that it is appropriate for the purposes of history and *Hansard* that we call a division.

**Mr Speaker:** A division, very well.

*A division was called for and voting resulted as follows:*

**FOR**

Hon. P J Balban  
Hon. Dr J E Cortes  
Hon. N F Costa  
Hon. Dr J J Garcia  
Hon. Ms M D Hassan Nahon  
Hon. G H Licudi  
Hon. S E Linares  
Hon. L F Llamas  
Hon. F R Picardo  
Hon. Miss S J Sacramento

**AGAINST**

Hon. R M Clinton  
Hon. D A Feetham  
Hon. T N Hammond  
Hon. E J Phillips  
Hon. E J Reyes

**ABSENT**

Hon. J J Bossano  
Hon. A J Isola

1125 **Mr Speaker:** Two Members are absent. There are 10 votes in favour, 5 against. The motion is carried. (*Banging on desks*)

**Rules on Points of Order and giving way –  
Ruling by the Speaker**

**Mr Speaker:** Before we move on to the next motion, there is something that I feel bound to say. I must draw the attention of hon. Members to the Rules of Debate, Rule 45(10):

No Member shall interrupt another Member except:  
(i) [on] a point of order ...

and then Rule 45(10):

(ii) to elucidate some matter raised by another Member in the course of his speech, provided that the Member speaking is willing to give way and resumes his seat and that the Member wishing to interrupt is called by the Speaker or Chairman.

1130 I think the intervention this afternoon of the Hon. the Leader of the House goes beyond that. It goes beyond the spirit of that Rule. What has happened I think is that sometime between 1991 and 2012, this practice grew. It did not happen during the years that I was a Member of the House of Assembly.

1135 Yes, a Member might give way, say, on the Government's side or on the Opposition's side, to give one of his colleagues an opportunity to make a point. But to make a point is not to make a speech and what we have had this afternoon from the Chief Minister is a speech. Therefore, the Government have had really two rights of reply and that is wrong.

1140 When the Hon. Mr Feetham spoke, I suspected that the Chief Minister would want to answer him. If it had been the other way round, if Mr Feetham had spoken before the Chief Minister spoke in the debate, he would have answered him in the course of his speech. But of course, having lost the opportunity in the debate, he then had to ask his colleague to give way in order to make a speech answering Mr Feetham. I believe sincerely, as Speaker, that that is not the spirit of this Rule and I hope hon. Members will agree. I hope the Chief Minister will agree that he went beyond the bounds of clarifying a point.

1145 Now, given that it is also incumbent on the Speaker to call the Member, because the Rule says (a) a Member must give way and (b) the Speaker has to call the Member, I feel today that the spirit of that Rule has been exceeded, and I hope that that practice will not continue in whatever time there remains for me to be Speaker, because if it were to continue, then I will invoke the Rule which requires that I call the Member, because then I will not call any Member to interrupt.

1150 Having said that, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am very grateful for that clarification. As you said, this is a practice that has built up in the time that you have not been here, but I think your Ruling is a helpful one. We shall ensure that of course, we abide by your Ruling and the spirit of the Rule that you have referred us to, which I have no doubt is exactly as we should be behaving.

1155 But hon. Members will know that with so much talk of sheep and wolves, it was essential that I get up and reply.

Mr Speaker, I think this might be a convenient moment for us to recess for 15 minutes for a comfort break before we come back to deal with other business.

1160 **Mr Speaker:** The House will now recess for 15 minutes.

*The House recessed for 15 minutes.*

**Gibraltar Courts Service –  
Caseload and waiting times; monitoring need for fourth judge –  
Motion carried**

**Mr Speaker:** The Hon. the Minister for Health, Care and Justice.

1165 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*‘THIS HOUSE:*

*ACKNOWLEDGES the work of our excellent Judiciary, Justices of the Peace and the Gibraltar Courts Service in upholding the highest standards of judicial independence and ensuring the effective administration and delivery of justice in Gibraltar;*

*NOTES the oath made by the Minister with responsibility for justice, pursuant to the Judicial Services Act 2007, which provides that the Minister should discharge his duty to ensure the provision of resources for the efficient and effective support of the courts;*

*NOTES that the appointment of judges on a temporary basis to deal, when the need arises, with the short-term needs of the judiciary, namely, backlogs of specific types of cases, dates back to 2011;*

*FURTHER NOTES that in 2014 a need was identified for a fourth judge to be employed on a temporary, fixed-term basis for a period of three years in order to clear a general backlog of civil cases in the Supreme Court and that, with the contract having come to an end, the backlog being cleared and in the context of Brexit, the Government deemed a fourth judge, in that role and at that time, unnecessary to the effective working of the Courts;*

*NOTES that the Honourable Mr Justice Dudley, Chief Justice, at the Opening of the Legal Year on the 29th September 2017, stated that-*

- 1. he did not have any legitimate expectation that the post would continue beyond the 3 year term;*
- 2. it was always clear to him that the funding was made to provide for the short-term needs of the judiciary and this was not a permanent increase to the judicial complement and;*
- 3. “The judiciary, like any public service needs to justify the need for resources and that includes justifying an increase of the judicial complement. I will be monitoring the impact which the reduction in the number of judges has upon the*

*workings of the court and if the evidence justifies it, I will seek to persuade Government to reconsider its funding decision.”;*

*AND THEREFORE RESOLVES that the Government should, in close consultation with the Honourable the Chief Justice and the Bar Council, keep the case load of the Courts and the waiting times for cases under constant review, so that, if evidence justifies it, the need for a fourth judge may be reconsidered in order to meet the short-term needs of the judiciary AND that such review should pay particular attention to future demands regarding complex and high value litigation and any impact that the proposed legal assistance reforms may have on current resources.’.*

Mr Speaker, I am pleased to say that the text of this Government motion has been agreed with the Hon. the Leader of the Opposition and therefore counts with the support of the official Opposition.

1170 I am also pleased to say, Mr Speaker, that both hon. Independent Members, the Hon. Ms Marlene Hassan Nahon and the Hon. Mr Lawrence Llamas, have also agreed and that therefore the motion enjoys the support of the whole House.

1175 There is no doubt in my mind, Mr Speaker, none whatever, that our judiciary upholds at all times the highest standards of judicial independence and that the service works tirelessly in ensuring the effective administration and delivery of justice in Gibraltar.

I remind Parliament of the Oath which, as Minister with responsibility for Justice, I took under the Judicial Services Act. The Oath provides among other vital duties, that I will ensure the provision of resources for the efficient and effective support of the Courts.

1180 Mr Speaker, this is a duty that I, like all the previous incumbents in the post have taken with the utmost seriousness and we have all given the Oath the weight and attention it deserves. In fact, it is an opportune moment to note that the investment and commitment of Her Majesty’s Government of Gibraltar, as well as the excellent work of the Judiciary and Court Services, has meant that there continues to be no backlog at the Magistrates’ Court and the Supreme Court in respect of dates provided for criminal trials and for civil and family applications waiting for first hearing dates.

1185 Furthermore, the Gibraltar Court Service continues to modernise and improve the services provided to court users. In this respect, since October 2016, court users can enjoy the use of Wi-Fi facilities in all of the courtrooms. The Gibraltar Court Service website continues to be regularly updated, with judgments being available for the Supreme Court and Court of Appeal since 1997 to date.

1190 Since January 2016 sentencing pronouncement for criminal trials at the Supreme Court are also available to download from the website, enabling the general public and the service users to keep up to date with court decisions.

1195 Further, the Laws of Gibraltar Judgments website continues to be up to date, with all reported judgments since 1812 available for download, with future reported judgments to be uploaded subsequent to the publication in the Gibraltar Law Reports Volumes.

The Gibraltar Court Service is constantly looking at ways in which to improve the services and level of performance, with court users today enjoying a modernised, open and approachable court service, through which the public can have access to the justice system.

1200 Of course, Mr Speaker, as the Hon. the Chief Justice has pointed out, the making of provision for the administration of justice in a small jurisdiction such as ours is as much an art as a science. It is, when one looks at, for example, the number of senior judges required, an art that necessitates finding the right balance between having sufficient resilience to cope with unforeseen extraordinary demands whilst not being at the same time over-resourced and therefore wasteful. Such a delicate assessment is all the more necessary given the uncertainties

1205 that the current Brexit position brings to our shores.

It is against this background, Mr Speaker, that the custom of appointing additional judges on a temporary basis is, in the Government’s view, adequate and sufficient to address the short-

1210 term needs of the judiciary, namely backlogs of specific types of cases such as criminal trials or complex commercial matters.

The solution, Mr Speaker, as I have had occasion to note previously, dates back to 2011 and commenced under the then GSD administration. The criteria set out for such an appointment by the then Minister for Justice is the same as it is today. Short-term appointments will be made and I quote:

‘for a limited period to help with the backlog of cases and the idea is to have a temporary appointment, so effectively as and when there is no need for that fourth judge, we will go back to three judges.’

1215 It is on exactly the same basis, Mr Speaker, that the Government decided that the most recent appointment of a fourth judge in 2014, which was for a fixed three-year period to deal with a backlog of civil cases, was no longer necessary for the efficient and effective support of the courts. This decision was made in the context of the backlog having been cleared and, as mentioned, in the context of Brexit.

1220 The motion, Mr Speaker, sets out the most salient points that the Hon. the Chief Justice had set out in the context of judicial resourcing, namely that it did not have any legitimate expectation that the post would continue beyond the three-year term. It was always clear to him that the funding was made to provide for the short-term needs of the judiciary and that this was *not* a permanent increase for the judicial complement and that, and I quote:

‘the judiciary like any public service needs to justify the need for resources and that includes justifying an increase of the judicial complement. I will be monitoring the impact which the reduction in the number of judges has upon the workings of the Courts and if the evidence justifies it, I will seek to persuade Government to reconsider its funding decision.’

1225 It is also, Mr Speaker, important to note that the Hon. the Chief Justice set out that, in the context of the decrease in civil claims, the Government’s decision was not unreasonable and that the three remaining judges should be able to cope with the demands that are made of the Supreme Court.

1230 Mr Speaker, the Hon. the Chief Justice has to date not sought to persuade the Government to reconsider its funding decision.

Mr Speaker, it is of course right that I and the Government should keep the caseload of the courts and the waiting times for cases under constant review and that this should be in consultation with the Chief Justice and all relevant stakeholders.

1235 Mr Speaker, as in 2011 and as in 2014, if the evidence justifies it, funding for a short-term, fixed-period puisne judge will be made available to meet the needs of the judiciary at that point in time. I am more than happy for the need to keep this under review, to be included on the face of the motion as it is already the case.

1240 I am also happy to agree that the possible areas that should be most closely monitored are those of high value civil litigation and the possible impact of the legal assistance reforms on judges’ caseload. (*Banging on desks*)

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Minister for Health. Does anybody wish to ... ?

Yes, I call upon the Hon. the Leader of the Opposition.

1245 **Hon. E J Phillips:** Mr Speaker, initially, firstly I would like to seek leave of this House to withdraw the motion that stands in my name of 13th October 2017 in respect of this particular issue of judicial resourcing.

1250 Mr Speaker, the starting point for my contribution, of course, was the original motion that we have now sought leave to withdraw. Both the Minister and I have enjoyed a useful discussion in an attempt to deal with the contents of this motion which has been agreed by way of consensus and agreement. Although we describe it, Mr Speaker, as a joint motion, clearly the Rules do not

provide for a joint approach in the way that was suggested and therefore, mechanically it has been done in this way.

1255 Both the Minister of Justice and I met to discuss the redraft. That was circulated and it is our hope, Mr Speaker, that the joint motion will reflect the unquestionable support that this House has for the function and role of the judiciary in our community and the administration of justice.

1260 Mr Speaker, it is of course, common ground that all Members of this House hold in high regard the work being done by our judges to preserve, protect and advance the administration of justice in Gibraltar. Our judges are very ably supported by the work of civil servants and in the Court Service.

1265 Mr Speaker, there is a strong bond between the legal profession, the Courts and many of us in this House, who have the privilege of working in the court environment on each day. Many of us will recall fondly not only our time preparing and appearing before our judges past and present, but also the friendly and efficient interaction with the Court Service and the Registry.

I am sure that both – if she was here – the Minister for Housing and Mr Licudi, who I see here, will remember our many interactions as opponents at the Bar and our almost daily contact in a set of interesting cases which dominated the resources of the Acting Chief Justice as he was then.

1270 Our legal profession, Mr Speaker, our judiciary and our Courts have seen radical changes in the last 16 years. We have all in this House been impressed with the investment that the Minister talked about in his contribution and the redevelopment of our Courts into a modern court complex which by any standard, and from comments that I receive from visiting professional cousins, our Courts are the envy of many of the British Overseas Territories.

1275 Mr Speaker, we have four Supreme Court rooms which can cater for any type of case from complex fraud, international commercial disputes including commercial trust disputes, to serious crimes involving vulnerable witnesses. I am proud of what we have done in respect of the investment into our court infrastructure and our human capital. I am especially proud as a commercial litigator, when I am asked to express a view of our court structure and our judges, and to demonstrate to the outside world the high value and high regard in which our judiciary is held by people abroad.

1280 Mr Speaker, if we are serious – and this was the reason why the original motion was put in that language – about attracting big business to our homeland, then we have to be equally serious about ensuring that we respond accordingly to having a robust judicial resource that can be called upon by litigants to have their disputes adjudicated here. Our legal disputes are becoming more complex, more technical, with values of some cases eclipsing our own GDP. Dealing with cases such as these brings new opportunities to develop our jurisprudence even further and to show to the outside world that we are able to adjudicate important cases that involve the common law. Just as the Cayman, the BVI, Jersey and Guernsey have developed a body of trust law, for instance, so should we.

1285 Mr Speaker, if we are serious about creating more access to justice from those who cannot afford to vindicate their rights in terms of the legal assistance, we will need a robust and flexible justice system that delivers to the ordinary citizen. Mr Speaker, the Government has announced, following a consultation with the legal profession that it intends to increase the threshold for legal assistance from £5,000 to £14,000, which may well see an increase in litigation before our courts.

1290 We should be live to the impact of those reforms on our judicial resources and I think it is appropriate that the Minister, when he has talked to the motion on the second page, has referred to that specifically after our discussion at his offices. This is something that both the Minister and I focused a great deal of time on.

1300 Mr Speaker, I am fortunate, as Mr Licudi, Miss Sacramento and Mr Feetham have, to be involved in very complex and high value litigation, which from time to time places very significant pressures on the resources of our Courts. Members will know that it does not take long for a fairly busy judge to be entirely overtaken by one complex criminal or commercial case.

1305 It is said by the Government and echoed by the Attorney General in his speech at the Opening of the Legal Year, that the number of actions instituted may be down on previous years. That is right, Mr Speaker, but on the ground, cases are becoming more complex and more document heavy than ever before. Therefore, we should be careful to rely solely on statistics in an area which requires a degree of flexibility.

1310 Mr Speaker, the Chairman of the Bar, in the Opening of the Legal Year, said, amongst other things, that the number of cases are only a small and not a decisive indicator of the need for judicial resources nowadays, he said. The lower numbers of cases that hit the Courts are also significantly more complex both in terms of issues that they raise and in terms of the volume of paper that they generate. That requires resources. In a jurisdiction with three or four Supreme Court judges, it is easy to see the emergence of a couple of complex trust matters or a long criminal matter in effect put a judge out of action for a long time.

1315 Mr Speaker, the Chief Justice in his unprecedented statement also said that the judiciary required this degree of flexibility. He said that the workload of the court cannot be measured exclusively by relying upon statistics, but it is also dependent upon the complexity of matters coming before the courts. The Chief Justice went on to say:

‘Because we are demand led, it is also useful to retain an element of flexibility, which the extra judicial resource provides. Therefore, whilst I understand the decision not to fund the post of a third puisne judge at this stage, it is one that I will seek to persuade Her Majesty’s Government to reconsider.’

1325 Mr Speaker, the front-line litigators on both sides of this House will appreciate the force of both points that I have raised on this issue. The motion, Mr Speaker, has been brought to this House on a joint basis and on a collaborative approach, as both sides of this House clearly wish to ensure that our judiciary receives the appropriate support it needs to perform its vital function.

I have set out, Mr Speaker, two practical examples which I hope reflect on the ground views in response to the production of judicial resources. There are of course, important matters of principle that I would just like to raise very shortly... thus far, in terms of the position that has been adopted so far by the Government.

1330 On 17th August, Mr Speaker, the Government said that the reduction of the number of Supreme Court judges will not make our court less agile or robust. Secondly the Government say that the policy of fixed-term judicial appointments was implemented by the GSD. Thirdly, it is said on behalf of the Government that in 2014, a need was identified for a fourth judge to be employed on a temporary fixed-term basis in order to clear the backlog of civil cases in the Supreme Court. Fourthly, Mr Speaker, it was said that the fixed term had come to an end and in the context of Brexit, a fourth judge was deemed unnecessary to the effective working of the Courts.

1340 If I can deal with those particular arguments that were deployed by the Government in this way. Firstly, as regards GSD policy yes, the Government is correct: just as the Government has done, the former GSD administration had utilised fixed-term judicial contracts in line with the Commonwealth Latimer House principles on the three branches of Government.

1345 Latimer House addressed the question of judicial appointments and said judicial appointments should normally be permanent, whilst in some jurisdictions, contract appointments may be inevitable. Such appointments should be subject to appropriate security of tenure. Secondly the appointment judges on fixed-term contracts requires special justification.

1350 Secondly, Mr Speaker, Latimer House acknowledges that fixed-term contracts in small jurisdictions may be inevitable, where there is a shortage of candidates with the legal skills and experience required at that level. However, Mr Speaker, the Venice Commission recommends strongly against the use of fixed-term contract appointments for ordinary judges, due to the concern about judicial independence, although the Commission makes an exception for constitutional judges who are appointed for fixed-term contracts in some European countries.

1355 It is true, Mr Speaker, that the making of non-permanent judicial appointments is controversial and the IBA Minimum Standards of Judicial Independence in 1982 recommended the practice should be avoided as far as possible, except where they exist along democratic tradition.

1360 In summary, Mr Speaker, there is clearly a debate about the efficacy of fixed-term contracts, but I am inclined to agree with the Minister of Justice that in a small place like Gibraltar and in the absence of willing members and senior members of the Bar to be able to make that contribution to our legal precedent, we may need to look beyond our country for suitable candidates on fixed-term appointments. In our view, it is not a question of the efficacy of the fixed-term appointments; it is a question of funding.

1365 This brings me to the second point. The Government has said that with the contract having come to an end, the backlog cleared and in the context of Brexit, a fourth judge has been deemed unnecessary to the effective working of the Courts.

1370 Mr Speaker, as the Minister for Justice did refer to in his contribution, he swore an Oath to this House under section 7 of the Judicial Services Act, which guarantees the respect for the rule of law, defence of the independence of the judiciary and a discharge of his duty to ensure the provision – and this is the key point – provision of resources for the end, for the, and effective support of the Courts.

Mr Speaker, the Chief Justice in his unprecedented statement and the Chairman of the Bar are clear in their views, which I have already repeated to this House and I understand the Minister of Justice also repeated the comments from the opening of the new year.

1375 I know from my dealing with the Government and particularly the Minister of Justice on this issue that they will keep a close eye on judicial resources with close consultation with the Chief Justice, the Bar Counsel and the Bar generally, given the likelihood that they may have to return to a fourth provision within our judiciary.

1380 Mr Speaker, this brings me neatly to the main thrust of the position and that is one of funding, which is an important thread running through. Mr Speaker, Principle IV(b), Guideline 2 of the Latimer House Principles declares the following:

Sufficient and sustainable funding should be provided to enable the judiciary to perform its functions to the highest standards. Such funds once voted for the judiciary by the legislature, should be protected ...

The footnote to that declaration states the following:

The provision of adequate funding for the judiciary must be a very high priority in order to uphold the rule of law, to ensure that good governance and democracy are sustained and to provide for the effective and efficient administration of justice. However, it is acknowledged that a shortfall in anticipated national income might lead to budgetary constraints.

Finance ministries are urged to engage in appropriate consultations in order to set realistic and sustainable budgets where parliaments should approve to ensure adequate funds are available.

1385 Mr Speaker, in summary and although there has been much debate on the question of the fourth judge publicly, we hope that the raising of this issue in this place and the joint collaborative approach adopted by the Government and the Opposition will serve as an example how our continued co-operation on the question of matters that relate to the delivery of justice and access to justice.

1390 Our courts are in many respects the window to the common law world and interactions with business high-end commercial activity is often played out in our courtrooms. It is with this that is at the forefront of our minds, alongside the important legal assistance reforms which demonstrates to many that there is a real requirement for flexibility and the resourcing of our courts.

Mr Speaker, in a number of common law jurisdictions, commercial courts have been established to deal with complex matters and one day, I would like to see our courts being



1395 resourced to that level. Step by step, Mr Speaker, we shall develop but we must ensure that we do not take a step back in the level of judicial resourcing and expertise.

Mr Speaker, I would commend the motion to the House. (*Banging on desks*)

**Mr Speaker:** Does any other hon. Member wish to contribute to the debate on this motion?  
The Hon. Lawrence Llamas.

1400 **Hon. L F Llamas:** Mr Speaker, I would just like to say that I am glad that the Brexit context has been taken into account and acknowledged in this House, a context requiring a prudent and sensible approach to the management of the public purse, and I shall hereby support the motion.

1405 **Mr Speaker:** Any other hon. Member?  
I call upon the mover to reply.

1410 **Hon. N F Costa:** Mr Speaker, I think it is a very good thing that the whole House has unanimously supported the motion on the administration of justice. I think it shows that there is consensus on this issue. I just want to reply on a few matters that were raised by the Hon. the Leader of the Opposition.

1415 He said that we should not rely solely on statistics but I want to assure him that that is not the case. I think that statistics are important to the extent that they show that there was a vertiginous drop of I think it was 60% from one year to the other in ordinary civil claims and that from 2015 to 2017, the drop is still something like 40%.

1420 So, although he is right to say that statistics cannot be the only yardstick, and we agree with him completely, it is also true to say that it is a salient fact. But I have given a commitment to the Hon. the Leader of the Opposition, and indeed to Parliament and therefore the wider community, that we will keep a close eye on the potential of complex commercial matters overwhelming the judiciary because there may be interlocutory applications, submission of large volumes of documentation and that therefore, whereas there may be a lower number of civil cases, one or two civil cases could in effect overwhelm a judge more than a particular number of cases.

1425 So we have agreement across the floor of the House that it is not only the number but also the complexity of any particular case, which is why we both say on the face of the motion, that we will keep a particular eye specifically on complex commercial matters and also, the impact on the legal assistance reforms.

1430 I wish to say, in respect of the legal assistance reforms, that there has also been unanimity both from the former Leader of the Bar, which is the Leader of the GSD and also the Chief Justice, during the course of the Opening of the Legal Year, that the legal assistance reforms as currently formulated and put to the community will result in a significant increase in the access to justice, which is why I agree with him entirely that we should have made particular mention of any potential impact on judicial resources that may come from the positive consequence of having more members of our community having access to legal assistance.

1440 He did say, and I really do not want to sound controversial in saying this, during the course of his contribution that 'it is said by Government'. With respect to him, it is not said by Government; it is said by the entirety of this House. It is also said by him, because the motion, although presented in my name on behalf of the Government, also enjoys his support. So all the matters raised in that motion in fact are agreed by all of us.

1445 Therefore, Mr Speaker, I think it is fair to say that in respect of the practice instituted in 2011 of having fixed term appointments, we are persuaded and the hon. Gentleman at the conclusion of his contribution, also said that notwithstanding concerns about the potential impact on access to justice due to the legal assistance reforms, the possibility that the judicial calendar may be overwhelmed as a result of a particularly complex commercial case, as a result of interlocutory

applications and so on, that they are inclined to agree with the Government that fixed-term appointments in a small jurisdiction such as ours, are necessary.

1450 He makes the point, and I am going to disagree with him on this point only: he says that it is a question of funding, but with respect to him, for us it has never been about funding. The contract clearly stipulated that the contracting of this particular fourth judge was expressly stipulated within for the short-term needs of the judiciary for a fixed period of time, so that both parties knew that there was a particular period of time in respect of which this fourth judge would be serving the community.

1455 And in that respect, it bears mentioning that the Hon. the Chief Justice himself, in the Opening of the Legal Year, himself says that he did not have any legitimate expectation that the post would continue beyond the three-year term and it was always clear to him that the funding was made to provide for the short-term needs of the judiciary and that this was *not* a permanent increase to the judicial complement.

1460 As a result, Mr Speaker, it is not that we are taking a step back; it is that we are returning to the usual complement of the Supreme Court, which comprises one Chief Justice and two puisne judges. Therefore, Mr Speaker, for all of the reasons that I have mentioned, I commend the motion to the House. (*Banging on desks*)

1465 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Minister for Health, Care and Justice. Those in favour? (**Members:** Aye.) Those against? Carried.

#### ADJOURNMENT

**Mr Speaker:** The Hon. the Chief Minister.

1470 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am conscious that there are other motions on the Order Paper and I know that hon. Members have been giving indications that they do not wish to progress with them today, given that the time at which we find ourselves makes it impossible for the House to sit for much longer and so, Mr Speaker, I am going to move that the House should now adjourn *sine die* – with this final thought.

1475 Thirty-seven years ago today, in a parliament in the Iberian Peninsula, shots were fired. Today in this Parliament, the only bullets flying are the words we throw at each other in democratic debate, Mr Speaker, and long may it be so in this place, that we never have to commemorate anything like that, Mr Speaker.

I now move that the House should now adjourn *sine die*.

1480 **Mr Speaker:** The House will now adjourn *sine die*.

*The House adjourned at 5.17 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.10 p.m. – 5.20 p.m.**

**Gibraltar, Friday, 16th March 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.10 p.m.*

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

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Friday, 16th March 2018.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 14th, 16th and 23rd February 2018.

5

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

*Mr Speaker signed the Minutes.*

## ANNOUNCEMENTS

### Joint Ministerial Council – Statement by the Chief Minister

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

10

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Ombudsman's Annual Report for the year – (*Interjection*) oh, the statement. Oh, I see, I thought I had to lay on the table first.

15

Mr Speaker, last Thursday, 8th March, the Deputy Chief Minister and I attended the sixth session of the UK-Gibraltar Joint Ministerial Council (JMC), the Gibraltar EU Negotiations Council between Her Majesty's Government of the United Kingdom and Gibraltar on our exit from the European Union.

20

The JMC is the process which the United Kingdom has established to liaise with different relevant administrations in respect of the implementation of the decision to leave the European Union.

25

This sixth meeting was the final meeting ahead of the March European Council Meeting. The meeting was chaired by the Parliamentary Under Secretary of State for Exiting the European Union, the Hon. Robin Walker and during the course of the JMC meeting and in culmination of the work leading up to it, we agreed a series of measures that will ensure that the valued and historic links between the United Kingdom and Gibraltar grow, deepen and endure.

As a result, Mr Speaker, the United Kingdom has now guaranteed Gibraltar Financial Services firms' access to UK markets as now until 2020. This date is important because it is the date being presently set by the EU Commission as the date on which the implementation or transitional period being sought by the United Kingdom will end.

30 As a result of the invidious inclusion by Spain of clause 24 of the European Negotiating Guidelines, some uncertainty has arisen as to the position of the UK and Gibraltar in respect of the application of the withdrawal, transition and future arrangements to Gibraltar. The Government of Gibraltar, Mr Speaker, has already made clear that we consider and are advised that that clause 24 of the Negotiating Guidelines is contrary to European Union Law.

35 The United Kingdom has made clear and is insistent in stating that it is negotiating for the whole of the Member State of the United Kingdom, including Gibraltar. Nonetheless in order to deprive from benefit those who might relish the existence of such uncertainty as a result of the potential exercise of the illegal Spanish veto, Her Majesty's Government of the United Kingdom and of Gibraltar have now made a statement that clarifies and puts beyond doubt that the  
40 existing market access arrangements between us would not be affected by the exclusion of Gibraltar from any such transitional period.

Of course, that is not the end of access. The United Kingdom has *already* – and I repeat, Mr Speaker, *already* – committed itself to the maintenance and where possible the enhancement of market access for financial services from Gibraltar – indeed, for *services* from  
45 Gibraltar, but that obviously includes financial services.

Indeed, in January of this year, the Secretary of State himself, the Rt Hon. David Davis, made the position of the United Kingdom abundantly clear in terms which cannot be misinterpreted. In his letter to the House of Lords European Union Committee, he said the following:

HMG and GOG intend to pursue a close economic partnership underpinned by shared high standards of regulation. It is the unshakeable objective of the United Kingdom Government to ensure the seamless continuation of existing market access into the UK and enhance it where possible ...

Mr Speaker, that is not a date-limited commitment, and it is just the latest iteration of that  
50 commitment to continue to allow market access to the UK after we have left the EU single market. I am not going to repeat each of the times that this wording has been employed by UK Ministers, starting with Secretary of State, Liam Fox during the events of Gibraltar Day in London in October 2016.

So I am able to confirm to this House, as I have already before, that the United Kingdom  
55 market will remain *open* to Gibraltar in financial services *even after* 2020. No one should be in any legitimate doubt about that. What we are seeking to do – and this goes to mechanism, not to principle – is to ensure that we create mutual confidence in and co-operation on regulatory and supervisory structures for the period beyond 2020.

But the statement last week is about 2020, insofar as it creates that immediate cushion to  
60 ensure that our potential illegal and nonsensical exclusion from the transitional period would have no effect as between Gibraltar and the United Kingdom. It does not operate as a limit in any way on the very clear and unequivocal *open-ended* commitments given by Her Majesty's Government of the United Kingdom to *maintain* – that is to say *keep* – and *enhance* – that is to say *improve* – market access where possible.

It is as a result of this that the United Kingdom Government will work closely with the  
65 Government of Gibraltar to design a replacement framework to endure beyond 2020 based on these shared high standards of regulation and enforcement of this regulation and underpinned by modern arrangements for information sharing, transparency and regulatory co-operation.

Mr Speaker, how will we do that? Well, we intend to carry out an outcomes review to ensure  
70 that regulatory outcomes in Gibraltar and the United Kingdom are aligned and designed to ensure consumer protection above all else. And the Gibraltar Order, made under the Financial Services and Markets Act, will be recast and redesigned to ensure that it is modernised and

adapted into a bespoke piece of UK legislation that will create the gateway for access into the UK under the new bilateral arrangements.

75 A Gibraltar team has already drafted this in Gibraltar and consideration of this is in train, and is part of the UK general legislation being prepared by Her Majesty's Treasury legal team. [*A mobile phone rings.*] I can hear one of the devils just next to me, Mr Speaker, already working hard on the Order! (*Laughter*)

80 This is better than excellent progress at this stage in the game, Mr Speaker, when operators in other jurisdictions do not have any certainty or clarity of what access they may have into the UK marketing services. This is particularly relevant in respect also of services in the on-line gaming industry. Mr Speaker, Gibraltar is the only jurisdiction to have the benefit of a firm UK commitment on continued market access after we leave the European Union.

85 Specifically, the UK has provided assurances that gambling operators based in Gibraltar will continue to access the UK market after we leave the EU in the same way as they do now. This is an important advantage for Gibraltar as no other EU jurisdiction at all can boast such a clear and unequivocal statement of continued market access post Brexit.

Additionally, we are working towards agreement of an MOU which will enable closer working and collaboration between gambling regulators in Gibraltar and the UK.

90 Further, Mr Speaker, and moving on to other areas, the UK has provided assurances to the Government of Gibraltar that following EU exit, British citizens resident in Gibraltar will continue to be eligible for higher educational home fee status at English institutions, both during the implementation period and afterwards, subject to concluding a reciprocal agreement for UK students studying at higher education institutions in Gibraltar.

95 Mr Speaker, hon. Members should note that higher education is an area of devolution and that therefore the UK Government is not able to enter into arrangements for the devolved administrations. That is why this commitment is expressed as being for England only. We are already pursuing the matter also with the other devolved administrations.

100 But just to give the House a flavour of what has been agreed, there are 867 undergraduate and postgraduate students from Gibraltar in England. To help the House to understand the value of what was agreed in the JMC last week, the average yearly tuition fees for home and EU undergraduate students undertaking standard courses at English universities is £9,250.

The average yearly tuition fee for overseas students undertaking standard undergraduate courses in English universities is £14,463.

105 The average yearly tuition fees for home students undertaking postgraduate courses at English universities is £9,974.

The average yearly tuition fee for overseas students undertaking postgraduate courses at English universities is £16,100.

110 The difference between the overseas undergraduate fees and the home undergraduate fees, is £5,213, whereas the difference between the overseas postgraduate fees and the home postgraduate fees is £6,126.

In order to calculate the difference in value between our students being charged an overseas fee or a home fee, we have relied on the under graduate calculations only, which are the predominant ones involved, which amounts to a total *saving* of £4.5 million – £4,519,671.

115 Mr Speaker, for the information of hon. Members, there are at the moment 108 Gibraltar scholarship students in Welsh universities and 15 in Scottish universities. There is one student studying in Northern Ireland.

120 Mr Speaker, we have also agreed that the United Kingdom is committed to work closely with the Government of Gibraltar towards transfer arrangements post EU exit that support Gibraltar's prosperity.

The UK will also maintain the current reciprocal health care arrangements between the UK and Gibraltar. This means that Gibraltar can continue to refer an unlimited number of their patients to the UK for free elective treatment.

125 The UK remains committed to fully involving Gibraltar as we leave the European Union and  
we will continue to work together through the JMC process to ensure we take account entirely  
of Gibraltar's priorities in the context of the United Kingdom's negotiations with the EU.

130 Additionally, the United Kingdom and Gibraltar have agreed to recognise the importance of  
enhancing our liaison on all of the environmental and fisheries implications of EU exit that are  
relevant to Gibraltar whether by sharing information as openly as possible by providing specialist  
expertise across a range of policy areas to support Gibraltar with its own preparations or by  
considering with Gibraltar where our interests might be promoted in future through regional or  
international arrangements.

135 Mr Speaker, this announcement and the benefit it brings is the fruit of hard work. The Brexit  
team I lead has worked flat out these past 18 months. There is a lot still to do. The Deputy Chief  
Minister has been fully engaged on these matters, together with the Minister for Financial  
Services and Gaming. All other Ministers are providing detailed input in respect of the areas of  
responsibility on which their input is required.

140 The Attorney General is part of that team and is leading on the European aspects of the legal  
work. The Financial Secretary is dealing with matters that relate to his area of expertise. This  
work, Mr Speaker, is therefore the work product of an administration that has got its teeth into  
Brexit, although it was not the dish we chose from the menu presented to us.

145 Finally, Mr Speaker, it would be remiss of me not to also thank the Prime Minister, the  
Chancellor, the Foreign Secretary and the Secretary of State for leaving the European Union for  
their support in delivering this enduring packet of measures.

I must also thank the Gibraltar team of officials in the Foreign Office and in the Department  
for Exiting the European Union for their work in delivering these measures. We are working  
honestly, openly and closely together to deliver results that work for the people of the United  
Kingdom and the people of Gibraltar.

150 We will continue to do so successfully as we finalise the process of our departure from the  
European Union. (*Banging on desks*)

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

155 **Hon. E J Phillips:** Mr Speaker, whilst we broadly welcome this announcement by the  
Government as an interim package of measures that have been negotiated with the British  
Government and we note the Chief Minister's comment in relation to the open-ended  
mechanism in order to maintain and further enhance our access to specific markets, we also  
welcome the commitments in relation to gaming, health and particularly in education. But of  
course, education, every Government has always committed to the payment of tuition fees and  
160 maintenance grants for our students in the United Kingdom. What I would say about that is that  
we are clearly paying what we have already paid before in the past and we are committed to  
doing so.

165 Insofar as the Government's Statement, of course we remain cautious in respect of the  
commitment up until 2020 and what we have said fairly publicly in relation to that is that in the  
last two years the Government has, by its own admission, worked flat out in relation to this  
question on Brexit. But we would have thought, certainly on this side of the House, that we  
would have had a stronger commitment moving forward from 2020, although it is appreciated,  
the new words being echoed from the Government now in relation to open-ended  
arrangements and the maintenance of the status quo and enhancement of those arrangements.

170 One thing that I would like to point out, Mr Speaker, is in relation to the cross-border  
situation as well: that we have certainly noted that there needs to be an increase in our co-  
operation with our neighbours because ultimately when we are dealing with the very large  
issues that affects all of us in relation to Brexit, of course we need to maintain those  
relationships that the Chief Minister has spoken about previously – relationships of



175 consanguinity, I think is the word that he used, and commercial and business relationships  
across the frontier.

Mr Speaker, we broadly support and welcome the statements by the Government particularly in relation to financial services but we again echo our concerns and a note of caution moving forward from 2020.

180 I would also mention, Mr Speaker, that when you speak to the normal man and woman on  
the street in relation to Brexit, their concern of course is that the Chief Minister and his team  
navigate us safely through this storm that we appear to be in the middle of, Mr Speaker. But the  
concerns of the man and woman on the street are, again, repeated to me daily and to my  
colleagues about domestic issues that affect them and their families, Mr Speaker. Although I  
185 understand that the Chief Minister and his colleagues have been working flat out in respect of  
Brexit, it does mean that there needs to be also an increased focus, and I would respectfully  
encourage the Government to continue to focus on the domestic agenda and the concerns of  
normal working families during this Brexit situation and reconciliation with the United Kingdom  
Government when we come to further arrangements.

190

**Mr Speaker:** When the Chief Minister makes a statement of this nature, the practice is to allow the Leader of the Opposition to make a short statement in reply and to ask any questions of clarification that he may consider necessary.

I can also extend the practice of allowing questions for clarification purposes to any other  
195 Member of the Opposition who may wish to do so.

No, we will then proceed with the next item on the Agenda.

**Hon. Chief Minister:** Mr Speaker, I have been asked for clarification.

200

**Mr Speaker:** Yes, okay.

**Hon. Chief Minister:** Well, Mr Speaker, I am grateful for the hon. Gentleman recognising the work that has been done by the Government in respect of these matters and I will deal with his final point at the end.

205 But the broad welcome that hon. Members give seems to be tainted by some suggestion that some aspect of what has been announced by the United Kingdom is limited to 2020. Hon. Members opposite have, through the Leader of the Opposition, expressed a desire that given all the hard work we have done already, we would already have a mechanism that would endure beyond 2020.

210

Well, Mr Speaker, I want to clarify the position by saying again that there is a mechanism for all financial services and other services that are presently provided from Gibraltar into the United Kingdom to *continue* to be provided into the United Kingdom. That is the *unshakeable commitment* of the UK Government, not on a time limited basis. That is why I explained to hon. Members, Mr Speaker, that the issue of 2020 was as to mechanism, not as to principle.

215

And so what the hon. Gentleman tells me he wished we had achieved, I am confirming to him again we *have* achieved, Mr Speaker, because that is the way that the Secretary of State for Exiting the European Union and the Secretary of State for International Trade and one of the Principal Under Secretaries at the Department for Exiting the European Union, Steven Baker, have specifically expressed the commitment. The time limitation has come in not as a limitation of principle; it is because the mechanisms that we have in place are the mechanisms that will be in place until then, and there will be other mechanisms in place in respect of thereafter because those will be the purely bilateral mechanisms, Mr Speaker.

220

What we are saying is we are holding the ring on the single market terms of access until 2020 and we are agreed there will be continued access after that. That is the *unshakeable* commitment and these are not new words. As the hon. Gentleman has said, these are words  
225 that come from January 2018, from December 2017 and from October 2016 and that is why,

230 Mr Speaker, I was surprised that hon. Members felt they had to somehow caveat their welcome in a way that might be picked up by some operators in the market who might think that there is not the certainty that there clearly, unshakeably is in respect of access by companies in Gibraltar doing financial services business beyond 2020.

One might have to ask themselves why it is that anybody would want to create any uncertainty in that respect. We know that the Spanish wanted to do that, but I would wonder why it would be that anybody in this House would want to do that. So I am going to assume that that is what the hon. Member did *not* intend to do.

235 On the issue of education, Mr Speaker, the hon. gentleman says that this is just a continued commitment to pay the amount that has been paid. Again, Mr Speaker, I have to clarify to him that that is *not* what we are dealing with. What we are dealing with was the potential that Gibraltar students could be charged overseas student rates once we leave the European Union and what we have achieved, Mr Speaker, is that Gibraltar students, Gibraltar  
240 scholarship students in the United Kingdom after Brexit, will continue to be charged as home students and therefore, the £4.5 million is money saved if the numbers stay the same.

So it is not just we are just confirming the commitment to continue to pay what we have paid; it is that we have been able to avoid, or avoid any uncertainty as to whether that would be increased by 50%, Mr Speaker.

245 Finally, Mr Speaker, I am always very happy when people remind me that apart from Brexit, there are domestic issues to deal with because I do not want to deal with Brexit. I do not enjoy dealing with Brexit, we do not want to leave the European Union but we are having to deal with it. But I do enjoy my domestic issues, Mr Speaker, because I was elected by the people of Gibraltar to serve them and that is what I principally do in the role that I discharge.

250 So, therefore, Mr Speaker, I do not need reminding that the Government of Gibraltar needs to deal with domestic issues. We are not a centralised Government. We have ten Ministers: two of us are dealing principally with Brexit; other Ministers are dealing with all the other matters that are relevant in domestic politics in Gibraltar.

255 But I do have to say, Mr Speaker, that it is slightly peculiar to be told one day that you have to continue to deal with the domestic issues and not forget them by the same person who told me six months ago, we were not doing enough on education and told me three months ago, we were doing too much, too fast, Mr Speaker. We will keep going. (*Banging on desks*)

#### PAPERS TO BE LAID

**Clerk:** (vi) Papers to be laid – the Hon. the Chief Minister.

260 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Ombudsman's Annual Report for the year ended 31st March 2017.

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

### CULTURE, THE MEDIA, YOUTH AND SPORT

#### Q202/2018

#### Gibraltar Sports and Leisure Authority – Update on Administrative Assistant post

**Clerk:** (vii) Reports of Committees; (viii) Answers to oral questions.

265 We begin with Question 202, the Hon. E J Reyes.

**Hon. E J Reyes.** Mr Speaker, further to the answer provided to Question 98/2018, can the Minister for Sport update this House in respect of the Grade 9 (Administrative Assistant) post which was vacant within the Gibraltar Sports and Leisure Authority?

270

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the vacant Grade 9 (Administrative Assistant) post which is currently vacant within the Gibraltar Sports and Leisure Authority is being covered temporarily by a supply worker via S&K Recruitment.

275

**Hon. E J Reyes:** Yes, Mr Speaker. Last time the Minister also said that the applications for the post had been invited. Is the Minister aware now – I think we can take it for granted that the closing date has gone past – of any details in respect of number of applicants and when the selection is expected to be completed?

280

**Hon. S E Linares:** Not at this moment, Mr Speaker.

#### Q203/2018

#### Gibraltar Sports and Leisure Authority – Update on five pool operative/lifeguard vacancies

**Clerk:** Question 203, the Hon. E J Reyes.

285 **Hon. E J Reyes:** Further to the answer provided to Question 99/2018, can the Minister for Sport update this House in respect of the five staff vacancies for pool operatives/lifeguards which are currently waiting to be filled on a substantive basis within the Gibraltar Sports and Leisure Authority?

290

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Gibraltar Sports and Leisure Authority are in the process of interviewing candidates for the recruitment of five pool operatives.

**Q204/2018**

**Gibraltar Sports and Leisure Authority –  
Cancellations at facilities**

295 **Clerk:** Question 204, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sports inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's facilities since the answer provided to Question No.100 of 2018; indicating the location, date and reason for the cancellation?  
300

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, further to the answer provided in Question 100/2018, the use of the Victoria Sports Hall was cancelled due to water ingress on 7th March 2018.  
305

**Hon. E J Reyes:** Mr Speaker, from that answer that the Minister has given, it is just one date, yet some feedback from sports users, for example the Netball Association, seem to have had more than one days cancellation. Is there misinformation coming my way somewhere?  
310

**Hon. S E Linares:** No, sir.

**Q205/2018**

**Gibraltar Sports and Leisure Authority –  
Payments made by GFA for Victoria Stadium facilities**

**Clerk:** Question 205, the Hon. E J Reyes.

315 **Hon. E J Reyes:** Further to the answer provided to Question 103/2018, can the Minister for Sport update this House with details of payments made to date by the Gibraltar Football Association in respect of all facilities which they lease at Victoria Stadium and which are due within this current financial year?

320 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, no payments have been made by the Gibraltar Football Association as, to date, the sale of the footprint in question has not been effected.  
325

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. As he is fully aware, part payments was due of £10 million this financial year, out of the £16.5 million of which most of that, as I stated previously, was going to go towards paying for the new facilities at Europa Point and Lathbury Barracks.  
330

Is the Minister confident that these payments will be received and if so, when?

**Hon. S E Linares:** Before the end of the financial year.

**Q206/2018**

**Gibraltar Sports and Leisure Authority –  
Floodlights failure at Victoria Stadium**

**Clerk:** Question 206, the Hon. E J Reyes.

335 **Hon. E J Reyes:** Can the Minister for Sports provide details in respect of the floodlights failure at Victoria Stadium since 1st January 2018; indicating the dates when such failures occurred, the length of time taken to correct the floodlights deficit and what action if any has been taken to try and avoid these reoccurrences.

340 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, floodlight failures occurred this past weekend commencing on Saturday, 3rd March when the last fixture needed to be called off due to a couple of fuses blowing.

345 Patch-up works were carried out, however, an investigation into the problem was severely hindered with the torrential rain experienced over the weekend.

Both evening fixtures on Sunday and the last fixture on Monday were cancelled. In total, four fixtures were postponed.

350 The problem was fully assessed on Tuesday 6th March and the contractor has lowered the output by switching off a few bulbs in order for the existing infrastructure to cater for the light on offer.

A quote has been approved for a new switch fuse to be installed for the East side pylons in order to up the power supply and cater for the floodlights to work at full capacity. The switch will arrive in the next ten days.

355

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

360 A couple of things arising from there. First of all am I correct in assuming, because I asked about floodlight failures at Victoria Stadium that the references and the failures have only occurred in what is commonly known as the football pitch or pitch number one. And then I think the Minister as well in his answer said that a quote had been approved. Can he enlighten us as to the figure of that quote?

365 **Hon. S E Linares:** Well, Mr Speaker, he has not asked that specifically in the question so I do not have that information, but I could easily pass it to him at his convenience. Because we do have a three-quote system when we go through quotes and so yes, I have not got the information for him but I can give it to him.

370 **Hon. E J Reyes:** And the other part, I think the Minister was nodding yes, but I am not entirely certain. Can we confirm that the power failure was restricted to pitch number one, the main football pitch?

**Hon. S E Linares:** Yes, sir.

**Mr Speaker:** The Hon. Roy Clinton.

375

**Hon. R M Clinton:** Thank you, Mr Speaker.

Can I ask the Minister, given that the entire complex is going to be sold to the GFA within the next two weeks, where does the responsibility for maintenance for these lights lie in the future?

380 **Hon. S E Linares:** Mr Speaker, we are still in negotiation with the GFA on how we are going to approach that.

**Q207/2018**  
**Sports related grants –**  
**Payments made during current financial year**

**Clerk:** Question 207, the Hon. E J Reyes.

385 **Hon. E J Reyes:** Can the Minister for Sports provide updated consolidated details of all payments made during the current financial year in respect of any sports related grants?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

390 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Yes, Mr Speaker, I now hand over to the hon. Member opposite a schedule in respect of all payments made during this current financial year in respect of any sports related grants.

**Grants awarded for hosting of Special Sports and Leisure Events**

Gibraltar Darts Trophy	137,499.20
World Pool & Snooker Championships	201,697.40
Commonwealth Games Reception	2,592.00
Gibraltar Kennel Club	10,012.50
Gibraltar Classic Vehicle Association	1,200.00
Gold Coast Expenses	5,965.00
U 23 Qualifiers International Darts Competition	110.00
World Pool Masters	160,000.00
Gibraltar International Backgammon Tournament	70,500.00
Hockey Challenge Cup	850.00
International Bike Rally	241.64
Harley Davidson Club	4,500.00
Maccabi Gibraltar	4,000.00
Eurafrica Trail	2,3339.39
Gibraltar International Junior Chess Championships	40,000.00
Kings Bowl Bowling Tournament	16,000.00
Gibraltar Squash Open	6,000.00
Gibraltar Chess Trophy Sponsorship	200,000.00
Commonwealth Queens Baton Relay catering expense	1,200.00
Sports and Media Management (Paulo Futre event sponsorship)	1,000.00
Mr Sebastian Coe visit reception	2,200.50

**Grants awarded to Sporting Societies**

Netball Association	13,340.51
Cricket Association	9,832.40
Shooting Association	17,679.54
Darts Association	15,812.50
Hockey Association	15,587.41
Tenpin Bowling Association	2,631.06
Athletics Association	6,896.61
Basketball Association	46,644.10
Triathlon Association	4,863.50
Rowing Association	2,381.56
Swimming Association	4,380.34
Pool Association	5235.00
Backgammon Association	3038.36
Sea Angling	5,518.54

**Sports Grants awarded for International Competitions**

Island Games	178,257.67
Commonwealth Games	42,000.00

**Grants awarded for Sports Development Projects**

Cricket Association	6,122.36
Rugby Association	442.50
Cycling Association	311.00
Shooting Federation	3,349.04
Badminton Association	3,242.14
Rowing Association	5,253.59
Hockey Association	3,684.00
Athletics Association	4177.25
Basketball Association	814.04
Karate Association	961.00
Taekwondo Association	311.99
Ice Skating Association	397.23

**Mr Speaker:** Could I ask the Minister, is this information on the Government website?

**Hon. S E Linares:** Yes, Mr Speaker.

395

**Mr Speaker:** Then there is no need to provide an answer here and take up Parliament's time unnecessarily.

**Hon. E J Reyes:** I know that the Minister, today he has not said it. In the past he has told me that the information is available on the website. As I was preparing for Parliament the Government website was not up and running and therefore I could not access this information, Mr Speaker.

400

**Hon. S E Linares:** Mr Speaker, the information is always updated in the website. It could well coincide that we have Question Time and it is not uploaded, but it is always uploaded once we have the Parliament because the questions might have been put a week ago and therefore, during that week they are updated and they are constantly updated.

405

**Mr Speaker:** Does the hon. Member have any supplementary arising from the schedule he has been provided?

410

**Hon. E J Reyes:** It being a lengthy one, Mr Speaker, would you indulge me the privilege as you have done in the past – if I see in a few minute's time I have something arising from it I will then ask? Because it is one and a half pages of details and I need to do a quick comparison in case I cannot identify a particular item.

415

**Mr Speaker:** Okay. Next question.

**Q208/2018**  
**Cultural grants –**  
**Details for current financial year**

**Clerk:** Question 208, the Hon. E J Reyes.

420 **Hon. E J Reyes:** Can the Minister for Culture provide updated consolidated details of all cultural grants awarded during this current financial year?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

425 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the Hon Member opposite updated details of all Cultural Grants awarded for this current financial year.

I would like to take this opportunity to remind the Hon member that updated information is posted again on the HMGoG website.

**Answer to Question 208/2018**

**CULTURAL GRANTS FOR FINANCIAL YEAR 2017-2018**

MH Bland & Co — Book Grant "What on Earth?" "The Story of Gibraltar"	5,000.00
Gibraltar Productions — Sponsorship for the Gib World Music Festival	50,000.00
State Media Ltd — The Art Bermondsey Project Space	4,000.00
M.O Productions — Organisation staging and production of the 16 <sup>d</sup> Gibraltar International Dance Festival	5,000.00
Gibraltar National Dance Organisation — GNDO for IDO affiliation fee/dance workshops	11,700.00
Bayside & Westside Drama Group to travel to Medway Theatre in Rochester, UK to participate in the Duncan Youth Festival	2,000.00
Urban Dance — support to cover costs of participation at the "Vive to Sueno" European Dance finals in Paris	2,000.00
Gibraltar Face & Body paint Association — Assistance for the Gibraltar Body Painting Festival 2018	3,000.00
Regina Danino — Installation cost for exhibiting work with group of artists at Bermondsey Project	3,000.00
Ayelet Shay — Book Grant for the translation, production & printing of her book "Relocation Darling Relocation"	6,250.00
Stylos Studios in support of their participation at the World Dance Movement Competition in Italy in July 17	3,000.00
Shane Dalmedo — Purchase of materials and tools for the project of the Encyclopedia of Migrants	2,000.00
Gail Francis Tiron — Book Grant for the production and printing of book "Don't you Just Love Them"	4,100.00
Sunbow Projects — Virtual Gibraltar Festival	10,000.00
Miss S A McLaren — Assistance for final year at the Northern Ballet School in Manchester, UK	4,260.00
Group 2000 — Assistance for the WWI Play presentation at the Gibraltar Garrisons Library	500.00
The Gibraltar Photographic Society — Purchase of equipment	1,700.00
The Gibraltar philharmonic Society — Support for various concerts promoting classical music	10,000.00
Gibraltar Cultural Services Ltd — Gibraltar Berlin Artist Exchange student sponsorship	6,000.00
R Barabich — The reprint of the book "The memoirs of Arnold Barabiscio"	1,320.00
Davinia Baglietto — Assistance for return flights post Mrs Europe Pageant	488.00
Gibraltar Cultural Services in conjunction with Leisure Cinemas Ltd — Cultural Development Programme	500.00
Gibraltar Horticultural Society — Forthcoming events and projects	2,000.00
Gibraltar Artisans Market — Support towards the Gibraltar Christmas Village 2017	5,000.00
Karen Avellano — Book Grant "Queendom of the Skies"	3,805.00
GibMedia — Gibraltar International Magic Festival Sensory Performance	2,000.00
DSA Old Tyme & Modern Sequence Dance Club — Junior Dance couple travel assistance to Gibraltar	2,000.00
Gibraltar Arts and Crafts Association — St Bernadette's School workshops	2,000.00
Gibraltar IDF Dance Association — Participation at the IDF World and European Championships 2018	3,000.00
Gibraltar Academy of Music and Performing Arts—Trophies for Festival of Young Musicians	1,500.00

430 **Hon. E J Reyes:** I am grateful for that, Mr Speaker, but I must explain to you that there is a particular deadline, a date and a time by when one has to submit questions and if I cannot



access it at that time, I have no alternative, but in order to make it valid to pose the question, Mr Speaker. I am sorry, I cannot be the loser.

**Q209/2018**  
**Skate park –**  
**Update on current status**

**Clerk:** Question 209, the Hon. Ms M D Hassan Nahon.

435

**Hon. Ms M D Hassan Nahon:** Can Government update the House on the current status of the skate park?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

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**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the skate park currently located at the east side of the Victoria Stadium is open daily from approximately 8 a.m. until 10.30 p.m. This skate park falls within the footprint of land soon to be sold to the Gibraltar Football Association.

445

The Gibraltar Sports and Leisure Authority are working closely with the Gibraltar Skating Association with regard to a new site for the skate park. Skate park installers have already been approached to provide conceptual designs.

450

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer, but if I may just say that I was approached by some young lads who made representations to me about the closure of the skate park. I will take his word for it if it is open but if these young teens are telling me that they are not finding it open, could it be that it has been down temporarily for maintenance? Because from their point of view they do not seem to find access to it.

455

**Hon. S E Linares:** No, Mr Speaker, the only reason that – and I am thinking aloud – that might have happened is that cars might have been parked in front and therefore they could not have access or that the lorries had been loading and uploading and they have not been able to go in. But I know because I attend that place quite often and it is usually open from eight o'clock in the morning to 10.30 at night.

460

The fact that maybe one or two youngsters might not be able to access on one given day, because a car might be parked or lorries might be unloading or anything like that, is a bit unfortunate. But I can tell the hon. Lady also that we are satisfied with what we have got now but we are going to make it much better. We are going to make a skate park, because like I said, I have already had representation from the skating fraternity/association, young people coming to my office, wanting this skate park – and some of them who are not even members of the association have approached me on this matter.

465

470

**Hon. E J Phillips:** Mr Speaker, just one supplementary question, because the Minister has raised the question of possible blocking of cars at the skate park. It is something I experienced yesterday when I was watching my son run and I know that the Chief Minister also attends that area on a frequent basis and I think the Chief Minister will probably agree with me in respect of this point, that the traffic issue there is horrendous. It has been a difficult one for many, many parents who experience that.

475

I suspect that the reason why many of these children cannot access the skating park is because of the very, very difficult drop off parking issues concerning that particular area and I was wondering whether the Minister knew, in order to alleviate the issues clearly to the skate

park but to other parents who drop off their children or indeed try to park in order to watch their children play sports, whether the Government had any solution to that in the interim period before that area is sold off.

480

**Hon. S E Linares:** Well, Mr Speaker, there has been a solution of sorts, because if you look now at the way the parking slots have been painted, there is a circulation in order to come in and out. But one cannot stop parents who stop the car in the middle of what is supposed to be flowing. You drop off your child, you then drive round where the cars are parked in the middle. But sometimes parents are – I would not say inconsiderate, but they are in a rush or they want to see their children in and therefore park the car in the middle. These are things that we can mitigate as much as we can but there are times when there is no actual solution.

485

### Q210-211/2018

#### Football pitch and play park, Moorish Castle Estate – Restoration

**Clerk:** Question 210, the Hon. Ms M D Hassan Nahon.

490

**Hon. Ms M D Hassan Nahon:** Does Government intend to restore the football pitch in Moorish Castle Estate to working order?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

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**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 211/2018.

**Clerk:** Question 211, the Hon. Ms M D Hassan Nahon.

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**Hon. Ms M D Hassan Nahon:** Does Government have intentions to restore the play park at Moorish Castle Estate to working order?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

505

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the football pitch within Moorish Castle Estate is currently being used as a lay down/storage area by GJBS Ltd under the Major Works Refurbishment Project and will be refurbished to a standard which is fit for purpose.

510

With regard to the play parks, there are two parks within the confines of Moorish Castle Estate. One is located within the vicinity of Key House and is open for use. The other play park is located behind Tarik House and Wall House and has been closed for a very long time. This particular park is currently part of the works envisaged under the Major Refurbishment Works Project to the estate.

These works are scheduled to commence shortly.

515

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer. On the question of the football pitch, from what I understand – of course like he says, it is to do with using it as a depot for the construction materials – but I know that it has been out of use for apparently about three years and the children there are desperate to be able to get it back and play and have somewhere where they can physically do some exercise.

520

Is there any way that the Minister could maybe relocate that construction equipment because it has been a very long time and these children, effectively they are in the upper town and they need to exercise a little bit and are really desperate to get it back, so I am echoing their sentiments?

525 And on Question 211 it is the same, is there any way that they could recoup these areas so that they can actually have a bit of extra sport and leisurely time up there?

**Hon. S E Linares:** Mr Speaker, I cannot agree more about what the hon. Lady is saying. I do completely agree. Again I go there often because we have the Plater Youth Club – I know she is  
530 going round seeing the youth clubs and all the good work that the youth service do and these are the things that the young people who go to the youth club say that they cannot play football and all that.

But it is one of those things that we try and mitigate as best we can and all I can do is to try and say to the contractors, 'Could you please finish as quickly as possible' so that the children  
535 can have these playgrounds back. Other than that, there is not much more that I can do.

**Hon. Ms M D Hassan Nahon:** Sorry to harp on. So the Minister is saying that there is no way to find another location to store construction equipment for the moment, right?

540 **Hon. S E Linares:** Not that I know of.

**Mr Speaker:** Next question. Yes, the Hon. Mr Reyes.

**Q207/2018**  
**Sports related grants –**  
**Supplementary questions**

**Hon. E J Reyes:** Thank you, Mr Speaker. With your leave, can I make a quick reference back to the answer of Question 207.

545 I am very grateful because as the Minister and I have spoken last time, it is now consolidated under the same headings.

One small question, Mr Speaker, there is a payment under 'Grants awarded for hosting of Special Sports and Leisure Events' of £5,965, classified as Gold Coast Expenses, which is the same as the previous time. But on the next page under 'Sports grants awarded for International Competitions', it says Commonwealth Games, £42,000. Surely those Commonwealth Games are  
550 the same, unless the location has changed, is the same as the Gold Coast which is happening now, so I am a bit sort of uncertain of why they are separate rather than having them both together, like for example the Minister has decided to do for Target Shooting and the Shooting Association because they are all shooting related. So that one gives me an uneasiness of exactly  
555 what is what.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I am not fully aware of why that is. I will be asking the question myself, but I am sure it is something to do with the actual games which is not payment to the association itself. It could well be some sort  
560 of ... to the International Association or maybe the Gold Coast organisers or something like that, but I will ask.

**Hon. E J Reyes:** Thank you, Mr Speaker. So if the Minister, when he does have an answer could inform me of that. Could I also query something because I had queried it last time?

565 There are some expenses given in the answer to Question 101/2018 where the three related to extra cleaning services. One was for the Gibraltar Song Festival and the other was for the boxing event and the other one was for the Philharmonic event and I do not see them in the answer to Question 207. It could be that they have been changed over to another sub-head. If the Minister has information on that it would clarify matters.

570 **Hon. S E Linares:** Well, Mr Speaker, because he actually mentioned that to me last time and he was absolutely right because it should not have been here, it has actually been moved from here to another head and therefore it does not appear here anymore. Because in fact when I did get the original schedule there were these things in it and I said they should not be here and that is why they were removed.

575

**Q210-211/2018**

**Football pitch and play park, Moorish Castle Estate –  
Supplementary questions**

**Hon. D A Feetham:** Mr Speaker, may I go back to the Plater Youth Club question the hon. Lady asked. I am just slightly worried by the answer that the hon. Gentleman gave.

Is the Government's position that there is nowhere else in Gibraltar where they can store this material and it has to by necessity go in an area that has previously been used by the youth of that area to basically enjoy their activities?

580

And if that is the case, when does the Government expect that state of affairs to end because surely, we cannot have a situation where that just simply continues open-endedly?

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, as to the first part of his question, if the materials are to be used in Moorish Castle, I would assume that there is no other place in Gibraltar to put them other than in Moorish Castle Estate. They would not be stocked up somewhere else as opposed to in Moorish Castle.

585

But I do accept that these are works which are unprecedented works that we are doing which should have been done nearly 20 years ago, when he was in Government, and they were not done. Now we are doing them, we are fixing up all the estates and these are the consequences sometimes of trying to fix up the estate.

590

Like I said in my answer to the hon. Lady, I will try and pressurise the contractor to hurry up and get on with it, so that the children do get that playground back.

**Hon. Chief Minister:** I think I am the only person that used to play in that particular playground!

595

**Q212-213/2018**

**Victoria Sports Hall; Tercentenary Sports Hall –  
Expenditure on water ingress from roof**

**Clerk:** Question 212, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule from December 2011, stating how much has been spent on water ingress related works on the roof at the Victoria Sports Hall, including the name of the contractor/s?

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**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

605 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 213/2018.

**Clerk:** Question 213, the Hon. L F Llamas.

610 **Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule from December 2011, stating how much has been spent on water ingress related works on the roof at the Tercentenary Sports Hall, including the name of the contractor/s?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

615

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, details of payments relating to water ingress works on the roof of the Victoria Stadium and the Tercentenary Hall are as follows:

Victoria Stadium:

<i>Financial Year 2015-16</i>	<i>Amount</i>	<i>Date</i>
Bright & Co.	£1,200.00	21/12/15
<i>Financial Year 2016-17</i>		
Site Trading	£1,048.40	10/02/16
Site Trading	£732.00	10/03/18

625

Tercentenary Sports Hall:

<i>Financial Year 2012-13</i>	<i>Amount</i>	<i>Date</i>
GJBS	£4,993.90	30/01/13
<i>Financial Year 2013-14</i>		
A&K	£66,768.00	12/08/13
630 <i>Financial Year 2014-15</i>		
Bright & Co.	£20,000.00	16/04/14
<i>Financial Year 2016-17</i>		
Bright & Co.	£8,200.00	28/10/16
	£12,800.00	12/12/16
635	£3,600.00	27/01/17

**Mr Speaker:** May I ask the hon. Minister to check the first part of his answer: financial year 2016 and 2018 for Site Trading he gave 10/03/18 – is that correct or should it be 10/03/17?

640 **Hon. S E Linares:** Mr Speaker, is it financial year 2016-17? (**Mr Speaker:** Yes.) Site Trading, £1,048 –

**Mr Speaker:** The next one.

645

**Hon. S E Linares:** £732.00.

**Mr Speaker:** 10/03/18 you have got as the date. That is not the financial year 2016-17. Should it be, if that is correct, it is not that – I am just asking should it be 2018 or 2017?

650

**Hon. S E Linares:** It should be 2017 because it is in March, so it is wrong, yes. So therefore, can I just say that if the hon. Member just amends that from 2018 to 2017.  
Thank you, Mr Speaker.

655 **Hon. L F Llamas:** Mr Speaker, in relation to these works, given that there are different companies and contractors undertaking these works, is it a fact that these works are different and unrelated to each other or is it possible that a company is repairing works done by another contractor?

660 **Hon. S E Linares:** No, Mr Speaker, this is a system which the hon. Member usually asks us about, do we go out to tender and it is a question of getting three quotes from different companies to do the works. So when we identify the problem, companies are called in, they submit their quotations and then we decide which one is the value for money and the one we pick. That is why you get different companies coming in. That is the answer, it is the three-quote system that we use so that we give a chance to all the companies to bid in.

### INFRASTRUCTURE AND PLANNING

#### Q272-277/2018

#### Rock falls in various locations – Risk assessments made; planned mitigation

665 **Clerk:** We now move to Question 272, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, were any assessments made of the risk and impact of rock falls on Beach View Terraces prior to the construction and if so, by whom were they approved?

670 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 273 to 277.

675 **Clerk:** Question 273, the Hon. T N Hammond.

**Hon. T N Hammond:** Prior to the rock fall that occurred on 2nd March onto Devil's Tower Road, had any surveys of the rock in that area been conducted recently and if so, when?

680 **Clerk:** Question 274, the Hon. T N Hammond.

**Hon. T N Hammond:** What measures are Government intending to take to mitigate the risk of further rock falls landing on Devil's Tower Road?

685 **Clerk:** Question 275, the Hon. T N Hammond.

**Hon. T N Hammond:** Is Government intending to provide improved alternate access for the residents of Beach View Terrace to mitigate the impact of any further rock falls in this area.

690 **Clerk:** Question 276, the Hon. T N Hammond.

**Hon. T N Hammond:** With the planned construction of a visitor centre in almost the exact location of where the largest rock fell, is Government satisfied that it is safe to proceed with this project as planned or are further measures required to ensure public safety?

695 **Clerk:** Question 277, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state how many checks/tests were conducted on the rock face and other areas which are prone to or present a risk of injury or damage to property from rock falls over the last 24 months?

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**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the Beach View Terraces development falls a considerable distance away from known rock fall trajectories from the rock face.

705

When the development was reviewed by the Technical Services Department in 2013 there was no reason to suggest that the development was at any risk of the impact of rock falls.

This conclusion was reached on the strength of reports carried out in 2005 and 2009 when works were being considered on the Aerial Farm site. These clearly showed that rock fall trajectories were contained well within the Aerial Farm site.

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Various studies have been commissioned in the area of the Aerial Farm between the North Face and Devil's Tower Road. These have included the following: in 2005 there was a Golder Report for Bassadone Motors for the development of the site; in 2009 a Golder Letter Report for Government for use of site for storage of rubble; in 2014 a Golder Scoping Study for the wine vaults site; in 2014 a Golder Report for Government following a major rock fall of December 2014.

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Following the rock fall of 2nd March 2018, Technical Services Department carried out a visual inspection of the North Face together with Golder Associates to determine the possible causes of the rock fall and identify immediate and longer-term solutions to mitigate the risk of further rock falls in the area.

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The initial assessment has concluded that the rock fall has occurred from a similar area to the rock fall of 2014 and it appears that the residual risk of further rock fall from that location is small.

The rock fall trajectory modelling carried out in the past, together with observation of recent rock fall patterns, provides confidence that primary rock falls are contained within the Aerial Farm site. There is, however, some concern on the effects of fly rock from rocks shattering upon impact.

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In the first instance, a robust hoarding will be constructed along the boundary of the site to contain the fly rock. This will then be followed by a more detailed survey of the rock face to determine whether large magnitude rock falls are likely. This will then provide information on the type and extent of mitigation measures which can be put in place to reduce the impact of further rock falls as much as possible.

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Although it is still too soon to say what these mitigation measures will be, it is likely that they will include ditches and screens to minimise the impact of further rock falls as much as reasonably possible.

735

Mr Speaker, in light of the recent rock fall event, HM Government of Gibraltar can confirm that it is considering keeping the rear access to Beach View Terraces that was created following the rock fall, as an emergency relief road.

Mr Speaker, as part of the planning process, all developments which are proposed within a known rock fall area are required to engage a reputable geotechnical engineering consultant, who would need to be approved by the Government, to carry out the necessary risk assessments for the proposed development and provide advice on any works that may be considered necessary to allow the development to proceed and to ensure its continued stability and safety thereafter.

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Further discussions will be carried out with the developer as initial proposals for the visitor centre did clearly not anticipate the magnitude of rock fall which occurred on 2nd March 2018.

745

It is important to try and identify the residual risks of further rock falls and whether the initial proposals to mitigate these risks are acceptable in the long term.

750 Mr Speaker, over the past 24 months numerous inspections have been carried out by the Technical Services Department on a number of cliff faces around Gibraltar. These have mainly been carried out at the Upper Rock Nature Reserve in areas which have included Signal Station Road, Engineer Road, the Apes Den and Mediterranean Steps. Other areas have included Green Lane which is currently still closed off to vehicular traffic as a result of the known risk of rock falls in the area.

755 Other study areas carried out by the Technical Services Department have included the East Side Slopes and this has seen the construction of two sections of high capacity rock catch fences being installed at the base of the slopes just to the south of Both Worlds. Both these phases have seen the construction of 50m lengths of high capacity fence with total construction costs of just over £300,000 for each phase. This clearly demonstrates Government's continued commitment to the issue of rock safety.

760 Mr Speaker, the Rock of Gibraltar is a live geological feature with a number of geological faults and different rock strata. The total surface area of the cliffs surrounding Gibraltar and the various and often complex mechanisms that trigger rock falls make it an impossible task to predict, and therefore mitigate against every rock fall event which can take place.

765 The Technical Services Department, who has responsibility for rock safety, therefore focus their efforts on those areas where there is a known history of rock falls and where the impact of these would be greatest on the general public. They also react to rock fall events as they occur and where necessary and provide additional measures to reduce the impact of these.

770 It must also be noted that for almost 20 years, responsibility for mitigating against the effects of rock falls has fallen on developers who wish to develop in areas in which there is a known rock fall hazard. As previously mentioned, part of the planning process is to engage a reputable geotechnical engineering consultant, who would need to be approved by the Government.

Her Majesty's Government of Gibraltar is fully committed to the issue of mitigating against the risk of rock fall and will continue to invest in this area as they have done so far.

775 **Hon. E J Phillips:** Mr Speaker, just in relation to my Question 277, I think I asked the Minister how many checks/tests were conducted and he described it, I think the answer was 'numerous'. But does the Minister have any further information in relation to the numbers? That is the nature of my question

780 **Hon. P J Balban:** Mr Speaker, I have laid out the locations as to how many in each specific location. The total amounts I have not got figures for. Needless to say, numerous studies have been carried out in all those locations that I mentioned previously in the question.

785 **Hon. E J Phillips:** Mr Speaker, the Hon. Minister mentioned two reports, one in 2005 and one in 2009. Can the Minister confirm who commissioned those reports?

790 **Hon. P J Balban:** Mr Speaker, what normally happens as I said in my reply is that when a developer wishes to develop a certain site, it is they who consult and get a geotechnical engineer to provide them with the information necessary. That is the procedure and it is based upon that report as to what is done. It is their responsibility otherwise they cannot progress along the planning process.

795 **Hon. E J Phillips:** So in other words, Mr Speaker, the assessment of particularly vulnerable parts of the rock, insofar as the health and safety of people and potential damage to property, is only assessed when developers are considering using sites for development?

**Hon. P J Balban:** Mr Speaker no, this is ongoing. But when there is a specific application for a specific site then there is a very detailed study which is carried out by a consultant approved by



800 Government. In this case, one that Government has used for many, many years has been Golder Associates.

**Hon. E J Phillips:** Mr Speaker, I think Golder's deal with environmental ground engineering remediation and deal specifically with governments in relation to risk concerning complex geological features, such as our Rock.

805 One question I would have in relation to that of course is I have asked how many, is the Government satisfied that we have the necessary expertise, technical expertise within Technical Services, to carry out these tests and checks on either the North Face and other parts of Gibraltar, because clearly, as a huge geological feature, certainly on this side of the House, I  
810 would expect that we have very detailed knowledge and expertise in relation to the Rock itself, given that it is a huge geological feature and is a complex geological feature that we have lived with for generations.

Is the Government satisfied as to the level of expertise and experience that we have in terms of testing in response to potential rock falls and any health and safety risks associated with falls?

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**Hon. P J Balban:** Mr Speaker, for years and years this is the way ... The Technical Services Department is as expert as they possibly can be in numerous fields within the civil engineering and engineering specialities. But when it comes to specifically to rock falls, this is why companies like Golders are engaged for this purpose.

820 So if they feel that by inspection there is a certain risk or they can see that there is something not right, then the fall-back position would be to seek the advice of the consultants. And as you said yourself, it is Golder's who are considered the experts and approved by Government for this purpose.

825 **Hon. E J Phillips:** The reason why I asked those sets of questions relate to the fact that clearly, the reports of 2005 and 2009 commissioned by developers, I think referred to by the Minister as the Golder's Report, clearly demonstrate that there was no risk of rock fall trajectory insofar as what we have experienced of late.

Therefore, the risk that was exposed clearly was not foreseen in the context of the Golder's  
830 Report and therefore you will understand and appreciate the concern obviously by many of our residents and certainly from this side of the House, that we are trying to drill down on what types of assessments are made to the North Face and other parts of Gibraltar that present a risk to injury and therefore, that is the type of question that we have been asking the Minister and that is why we would like very specific answers to our questions regarding the numbers of tests  
835 and how invasive these tests are in relation to particularly vulnerable spots.

**Hon. P J Balban:** Mr Speaker, the hon. Gentleman wishes a detailed schedule of all the different dates that can be provided, but I do not have that information with me.

840 But rock falls have changed in time, we have never experienced the size of a rock fall that we have recently. There was 700 tonnes of rock which fell on this occasion. The previous rock fall in 2014 I think I said was 500 tonnes, so this has been the largest rock fall.

845 And when rocks do fall, generally the rock falls and we can predict where it is going to fall, but the issue of fly rock, which is what has happened on the past two occasions, is something new to us in that respect, so it is not where the rock falls; it is where splinters reach to and that is a new phenomenon because we have not seen the magnitude of rocks falls that we are seeing now.

In the past they have been much smaller rock falls in different areas where the height has been less, but you look up to the rock face and you do not know when or if ever, there is going to be another rock fall and it is impossible to see exactly whether there will a lot ever be another  
850 rock fall again or whether there will not.

855 The consultants in their preliminary studies have looked at the rock face and they think – and again it is just an opinion because we can never guarantee this – that what has fallen it is good that it has fallen because if anything that was what was remaining there that could have fallen and they believe that the risk is substantially reduced now but then we cannot say that it is never going to happen again.

So it is something which is ... but we do live very close to the rock and there are many estates that surround the Rock and there is a happy balance, what we must ensure is that the people who work and live in the area are sufficiently outside of the area so that when rocks do fall they fall where they should.

860 But again, it is very difficult for us to predict these things. It is like living beside the sea and you do not know when the next hundred-year storm is going to hit the shores and sweep part of ... so it is one of those things.

865 **Hon. E J Phillips:** Whilst I appreciate the explanation, Mr Speaker, that the Minister has given in relation to the new phenomenon of large rocks falling in our community – (*Interjection*) It was described by the Minister himself as a new phenomenon. (*Interjection by Hon. Chief Minister*) Therefore what I would say -

870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if the hon. Gentleman will give way, what the hon. Member has said is that *fly rock* is a new phenomenon. Fly rock, Mr Speaker, is when a large rock falls, splits and then when it splits, the shrapnel flies from there. It is not that falling rock is a new thing; it is the impact followed by shrapnel is something that had not been assessed. That is what the hon. Member said.

875 **Hon. E J Phillips:** I am grateful for the assistance of the Chief Minister and the technical expertise on fly rock and how it splits. But, Mr Speaker, generally speaking, people that come to us and speak to us about the new phenomenon in splitting rock on our roads, Mr Speaker, is the Government commissioning an extensive review of significantly prone areas to rock falls or splitting rocks across our roads, so that the community generally can be reassured as much as possible and reduce the mitigation possible to injury, to personal injury or damage to property.

**Hon. P J Balban:** Mr Speaker, the hon. Member has mentioned this phenomenon – I did not actually say the word ‘phenomenon’, it was not the word I mentioned – but the reason why this has not happened before is because our rock falls in the past have been significantly smaller.

885 So when there is a couple of tonnes that fall, it is just absorbed by the earth below it and that is the end of it. But when you consider what 700 tonnes of stone and the power that comes down at about 10 metres per second acceleration, when it hits the ground – I mean this has never happened before, save back in 2015 I think I mentioned, so it is a new phenomenon, if you want to call it that, because we have never had rock falls of this size before.

890 But the process of what Technical Services do, because it is the responsibility of Technical Services, they are constantly looking at the Rock but the Rock is huge, although it is small compared to our geology around us – it is a huge rock and at risk, it is always at risk and to be able to identify and to actually see where potentially the next rock could fall is very, very difficult.

895 It is impossible, and anything can cause a rock fall, for example even a bird nesting in the rock can cause rocks to fall; even trees growing, the roots could cause rock fall. There are also times of the year when it is raining, as it has been raining, bad weather: statistically that is when rock falls do occur and that is when we are most vigilant in that respect.

900 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to ask a question. Bottom line, had there been a tragedy or had there been loss of life or even substantial damage to human life,

who would have borne the consequences of this, the Government, the contractor, where does the buck stop here?

905 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Lady is asking us a hypothetical question and I think we all agree it is a good thing that it is a hypothetical question.

But there are some things that we cannot plan for and unfortunately there are clauses in contracts of insurance which used to be known as the clause on act of God, which is also described as a *force majeure* clause, where what we are dealing with is something that is a natural event that is unforeseeable.

910 And, Mr Speaker, short of planning for the whole of the North Face to fall, it is impossible to do anything other than that which successive Governments of Gibraltar have done now for generations, which is to have an active, current and ongoing programme of cliff stabilisation, which means that the Technical Services Department of the Government every year brings to the Government those areas where they believe it is necessary to do cliff stabilisation in that financial year and they seek budget for it. We come to the House and we approve it and we deal with those issues of cliff stabilisation.

920 Now, Mr Speaker, there will be areas which are not dealt with in cliff stabilisation which are the areas which happen to create rock fall in that year. Minor rock fall or larger rock fall, then creating the new phenomena that we seem to disagree we are talking about. Mr Speaker, that is the reality.

925 Now, if somebody comes to the Government and seeks access to a tunnel which is accessed through the rock face and the Government says we are unable to give you access to that tunnel, absent risk from rock fall from the North Face, you have to deal with your experts and our experts putting in place whatever plan they agree is the plan that you need in order to create a canopy to give access there safely and the method statement for how that is done – that is not a Government issue. That is an issue of experts having agreed a methodology which was working until the rock fall happened with their assessment of risk. That is what we are dealing with here and this is an act of God, an act of *force majeure* and thank God, Mr Speaker, I am able to give a short answer to the hon. Lady, which is that her question is hypothetical.

935 **Hon. Ms M D Hassan Nahon:** Thank you for the answer. If I may ask a couple of questions, from what I understand the wall was removed by the contractor so that is why I was asking who bears ... If something happened that could have led to a tragedy, it is not just because *force majeure*, earthquakes, volcanoes and things happen. Something was removed which could have led to a disaster and who is responsible for the fact that there was a void in the protection by the effect of that removal?

940 And the other question is, I do not know if I am actually allowed to ask, but can I just find out if it is possible, what is happening with the wine vaults? Is it happening or is that not allowed in this supplementary?

**Hon. P J Balban:** Mr Speaker, the rock fall could have happened, could not have happened; it is something which there is no certainty about.

945 Now, why was the wall that the hon. Lady mentions removed? Well, because the wall had to be removed so that construction could take place and so that access could be gained. Now the unlucky part of the situation was again no one had no control over it, that the rocks decided to fall at that given moment in time when the wall was not there.

950 Who is to blame? Well, again it is *force majeure*, nothing could have happened and something did so there is absolutely no way of scanning the rock or doing an MRI scan on the rock face to see where potentially a rock can fall when the wall is going to be removed for a specific purpose.

Now, regarding the second part of the question, which is what happens now to the project of the vaults, in light of what has happened, a more thorough investigation will need to be carried

955 out and we need to take into consideration this new phenomenon that has just been  
mentioned – although I did not say ‘phenomenon’ – of fly rock because it is something that we  
have not experienced in the past.

960 Now bearing in mind that fly rock, if ever there were to be a rock fall of the magnitude that  
we experienced recently happening again, and fly rock becomes the issue, then we would have  
to mitigate for that as well. But that is something new in that respect because in the past rock  
falls have been substantially smaller and the impact has been absorbed by the surface of the  
land.

**Hon. D A Feetham:** Mr Speaker, just picking up on the question of this statement that the  
Hon. Minister has made that you cannot MRI the rock face: I recall about three years ago that I  
965 was sitting with my wife, Julia in the living room in my house and I heard a buzzing sound  
outside the house. I came out and there was a drone flying in my garden. For a second, I thought  
it was the Chief Minister from his living room controlling this drone, spying on the Feetham  
house, although I disregarded it completely by the next second!

970 However, I did phone the RGP because I thought maybe it is somebody controlling a drone  
and being a nuisance in the garden and they put me in contact with a contractor that was  
conducting, apparently, a cliff survey all around Gibraltar, because that is the only way that you  
can establish where there are potential ... well, not the only way, but one of the ways you can  
establish where there are potential weaknesses.

975 Now, my question is that given that information, did that information on that survey reveal  
any particular weakness in this particular area of the rock face that would have alerted the  
Government that there was a potential problem in this area?

**Hon. P J Balban:** Mr Speaker, obviously the drone is for visual inspection; it is hardly an MRI  
in that respect but this is the process, this is the method the consultants will use to see whether  
980 to carry out a visual inspection, because there is no other way from the ground at certain  
elevations so that is the method used in that respect.

985 Had the drone, or whatever method they used, picked up that there were areas which were  
significantly at risk and that was the conclusion made by consultants, then clearly something  
would have been done in that respect. But because it is spotting things which look out of place –  
and again, I may be speculating because I have not got that information with me – I am sure, had  
the consultants found a reason which was of concern in the rock face, that would have been  
brought to our attention and something would have been done about it.

990 Part of my question refers to Green Lane as well: with Green Lane the mitigation,  
unfortunately for residents, was that we had to close that road because the risk was considered  
substantially large enough for us to do so. And perhaps it was not a popular thing at the time,  
but it is for the safety of individuals.

995 Just like people have been complaining that they have not been able to access certain areas  
and the road has remained closed, but it is because the proper measures need to be taken to at  
least mitigate and ensure that we are as confident as humanly possible that the risk is reduced  
to a significant level or low enough level to be able to permit access once again. That will be  
happening, the road is due to reopen later on this evening, I have not heard anything to the  
contrary so that is what we are aiming for.

So based on that, that is the position we are at the moment. *(Interjection)*

1000 **Hon. Chief Minister:** You were right about the drone.

**Hon. D A Feetham:** I beg your pardon?

**Hon. Chief Minister:** You were right first time about the drone.

1005

**Hon. D A Feetham:** Oh, was I? It *was* controlled by you! (*Laughter*) Simply because one is paranoid does not mean that they are not out to get you, as they say! (*Laughter*)

1010 But is the Minister satisfied – and if he does not have the information, I do not want him to answer the question based on incomplete information and perhaps, if he is not satisfied, he can go back – that as a consequence of that inspection three years ago with these drones looking at the rock face, there was no information that came to the attention of the Government at the time that indicated any kind of particular weakness in this area that would have alerted the Government to the need to do something about that area?

1015 **Hon. P J Balban:** Mr Speaker, I would not be able to give a concrete reply to that question because I have not asked that question to my Technical Division.

**Hon. T N Hammond:** If I may, Mr Speaker, and I genuinely thank the Minister for his comprehensive answers so far, because I think this is a matter of significant public interest and relevance at the moment.

1020 I note the comments on the removal of a wall for the construction. Is the Minister aware whether that wall was in place to prevent falling rocks or fly rock from reaching out into Devil's Tower Road and beyond, or was it just a wall to segregate the existing site?

1025 And also, is the Minister aware if there were any other measures in place which may have been removed since, for the restriction of and mitigation of rock fall onto Devil's Tower Road?

**Hon. P J Balban:** Mr Speaker, the wall itself would have helped mitigate. It was not the reason why the wall was there, I think it was just a barrier wall dividing the road from the Aerial Farm site but it would have provided some protection in that respect and that was removed, as I said, to gain access into the site.

1030 There was also a bund there and that was removed in part as a result of the developments to the wine vault area. So again, as I said previously, rock falls prior to these last two occasions, as far as we have known them, have simply fallen and the impact has been absorbed by the land because they have been small rock falls. We have never experienced rock falls of this magnitude before.

1035 So now obviously, we are looking at measures. So what we have done, which we have actually been putting out in the public domain, we have moved the road, diverted the road towards the beach and using part of the roundabout which is still under construction which will form part of the new road into the tunnel to try and move cars further away from the area which will give us time to build a wall which will probably be provisional in nature, it is a wooden hoarding which will help prevent to some extent, further fly rocks should more rocks fall.

1040 As I said earlier, the risk is considered relatively small now after what has fallen, but again we can never say it is never going to happen again. That is what the consultants have come back with but again it is no guarantee. So the wall will go back and once the wall, that hoarding is back in a couple of weeks' time as a mitigation measure, then we will bring the road, we will realign the road as it was once again.

1045 Remember, the risk of rock fall statistically has always happened when it rains and when the weather is bad and when it is windy. That is not to say that it will not ever happen when it is dry so it is something which, and then we will say is a phenomenon if it has never happened before and rocks are falling in dry weather. But because the weather has been unsettled, we always err on the side of caution and obviously we try to mitigate as far as possible. It has taken a while for us to be able to create now this diversion in this respect and obviously following the advice that Golder's provides us and that is what we act and respond to.

1055 **Hon. T N Hammond:** Mr Speaker, I know the Minister has referred to the Aerial Farm on numerous occasions now, can he define that because my understanding of the Aerial Farm was actually the area on which Beach View Terrace and the Eastern Beach car park were

constructed, not the other side of the road, albeit there were areas on that side of the road as well. But that whole piece to me always meant the Aerial Farm. He seems to be taking a narrower definition of the Aerial Farm.

**Hon. P J Balban:** Mr Speaker, I had the same view on the matter just a few days ago. I actually asked the same question because in my mind the Aerial Farm was always that part closest to the sea, to Eastern Beach and I was informed that the Aerial Farm in fact is both sides with the road in between.

So now the Aerial Farm we are referring to is the Aerial Farm stuck to the Rock and not where the new building is.

**Hon. T N Hammond:** And just one final question, Mr Speaker, again on the removal of the bund and the wall, when it was determined that that would be necessary as part of the latest construction project, was the risk of doing that, of removing that rock fall protection, captured within any assessments made by the developer and presented to the DPC or was it missed entirely? Because clearly, those measures may have prevented some of the worst of the damage to property and thank goodness no injury was sustained from this particular rock fall.

I think we have to be careful talking about a new phenomenon. Historically at least we are aware, even if we have not had any recent memories of quite significant rock falls. I think that if you look at Catalan Bay there are one or two rocks there that have fallen at some point in the past which are very substantial indeed. I am not suggesting that a repetition of such an event could be prevented by any means that we take, and I certainly welcome the fact that Government is looking at additional measures and is hopefully doing so in a hurry and has already taken some measures to mitigate.

But I would be interested in whether or not the risk of rock fall was accounted for as part of this construction project during the phase of the project.

**Hon. P J Balban:** Mr Speaker, I am sure it was. There is an exclusion zone and all properties are outside – or what they call 95% – of that exclusion zone. You asked whether they went to the DPC: I would have to ask whether it did or did not. But, again it was considered ‘safe’ enough to not need the bund in that respect and we think that the wall itself would probably have been enough.

Again, the behaviour of fly rock, we need to now look into further because we need to analyse how rock reacts when it falls in this manner and magnitude. So now we will need to look at this in further detail, we need to assess what is happening there, what the developments are and ensure that we are fully aware of what needs to be done and we are looking at, as I said in my question, perhaps building ditches and building other forms of measures – even looking at the rock face itself to see whether anything needs to be done to the main North Face.

But again, it is still very early days and we are waiting for a final report from Golder’s because it is still far too soon to be able to see where we go from here.

**Hon. D A Feetham:** Mr Speaker, just one final question on this. There have been questions of the Government about the wall that was taken down and this issue about whether it is *force majeure* or act of God, etc. But the Government is satisfied that the taking down of the wall did not contribute to the rock fall, at least that is something that the Government can state it is satisfied, or is it an ongoing investigation? I do not know. It is the first time that I have heard about the wall in this Parliament.

**Hon. P J Balban:** Mr Speaker, Government is 100% satisfied.

**Q278-279/2018**  
**Redibikes –**  
**Running costs; reduction of fees**

**Clerk:** Question 278, the Hon. L F Llamas.

**Hon. N F Costa:** Don't mention the wall!

1110

**Hon. L F Llamas:** Mr Speaker, further to Question 587/2017 can the Government provide an updated schedule including: (a) monthly revenue generated and (b) monthly cost of running the scheme?

1115

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 279.

1120

**Clerk:** Question 279, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, is the Government considering reducing fees on Redibikes considerably to make them more attractive?

1125

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the monthly revenue generated is detailed in the schedule I now hand over. The monthly cost for running the scheme is £12,400.

1130

Mr Speaker, Redibike went live in May last year and Government has closely monitored usage since inception. I can confirm that pricing has already been reduced since September 2017 from £2 to £1 per day. The project will be reviewed after a year and the possibility of relocating some stations to areas where usage will be optimised is also being considered.

**Schedule to Question 278**

Month	Revenue
May-17	£386.00
Jun-17	£369.00
Jul-17	£355.50
Aug-17	£516.80
Sep-17	£201.00
Oct-17	£204.20
Nov-17	£111.00
Dec-17	£132.20
Jan-18	£221.00
Feb-18	£223.00
Mar-18 (to 9th)	£21.00

1135 **Hon. L F Llamas:** Mr Speaker, just looking at the schedule, the original schedule provided in answer to Question 587/2017 did include the number of users per day. Does the Minister have that information with him?

1140 **Hon. P J Balban:** No, Mr Speaker, the schedule I have handed over to the hon. Gentleman is the revenue generated by the scheme.

**Hon. L F Llamas:** Mr Speaker, I would appreciate it if the Minister could perhaps email that after the session.

1145 With regard to the costing, would the Government agree that whilst we have free parking within the mid-town parking which provides 12 hours of free parking, that people are not going to embrace this scheme and obviously the Redibikes will not take off in a way which obviously people if they did find a more convenient way of travelling, then they would embrace.

1150 But obviously having free parking in mid-town parking, and not having, and finding that we are using the Redibikes is actually more expensive to the pocket, is this something that the Government could actually agree on and pursue?

1155 **Hon. P J Balban:** I do not think that the actual cost is what is detracting people from the scheme as such. I mean £1 a day for the use of the bikes, you can use the bikes all day long for £1. It used to be £2. I do not think that is the issue, there are a lot more factors surrounding why people may choose to cycle or not and the weather has a lot to do with it as well. If you look at statistics and when the weather is bad there is less usage. When the weather is better in August, there is a lot more usage in that respect.

1160 But I think that as part of the STTP we are looking at how to try to encourage people to adopt sustainable alternative forms of transport and I think it is one of the challenges we are having to face: how do we get people to use bicycles as opposed to their cars? That is the major issue. But I am happy that there is usage, they are being used on a monthly basis, not to say that no-one is using them.

1165 I would love to see them used a lot more, definitely, and I think we need to look at locations because we are finding that usage perhaps happens, although the scheme was originally intended to be a commuter route, we were piloting it for commuter use, I do not think that it has been taken up as much as I would have liked to have seen in terms of commuters because most people can buy a bicycle and they are relatively cheap. If I buy a bicycle it is my bicycle and I can take it all the way to my office and take it all the way home. I do not need to leave it somewhere and then walk the rest of the distance.

1170 So it is convenient in that respect and I do not think that making it a free service or one penny per day or ten pence a day is going to make much difference in that respect. So we are looking at moving some of the lesser used stations because we are coming to that one year mark now, I think it is May we come to the year and then we will have statistics for one year and beyond that point we will be in a position to compare year on year usage. What I am hoping for is to see an increase in usage, but it is still very early days.

1175 But we are looking at the stations which have been used the least and we are considering moving those, in fact more than considering, we are actually looking to where we can move them to and perhaps spreading them out further towards the hotels and to the east side as well and more towards the sports area in that respect.

1180 We hope that will help encourage further use, but I think it is a lot more complex than just reducing, 'Let's just reduce it' – we could say, 'let's do it for free – I do not think that the usage will make much difference. I think it is a very good rate and it has come down from £2 to £1 already.

1185 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just pick up on something that the hon. Member just said. Just as the Government is looking to find ways relocate the stations for the



bike usage and all that, isn't it just as important or even more so, to consider finding, actually building routes for bicycles so that our bicycle users are not riding through pot holes on the road and have designated bicycle routes as we see in other cities in the world?

1190 **Hon. P J Balban:** Mr Speaker, that is part of the bigger picture that I was alluding to earlier when the hon. Gentleman asked his question. There is more to it than just the money; it is how safe people feel and that is what we are actively doing as part of the Traffic Plan. We are already quite advanced with looking at routes. Unfortunately we live – or fortunately, it depends on how you look at it – but Gibraltar is a place where our streets are narrow, we do not have the luxury  
1195 that we will find in other bigger cities where you can have a segregated bicycle lane which provides the safety that people may wish to see for them to be able to adopt cycling.

But as far as possible, we will be finding ways of giving people routes which are feasible in certain areas and which will provide safety and we will see whether that will also help. But you are right in that respect, it is more than just what we charge for use of the scheme. It is  
1200 providing also, if possible, alternative routes which we are very actively doing at the moment.

**Q280/2018**  
**Refurbished buses –**  
**Age, cost and usage**

**Clerk:** Question 280, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, since 2011, can the Government provide details for each bus it has refurbished including: (a) the year the bus was manufactured; (b) the cost of the  
1205 refurbishment; (c) the usage purpose of each bus?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information  
1210 requested by the hon. Member is contained in the schedule I will now hand over.

**Schedule Tto Question 280**

Registration Number	Registration Date	Make	Cost of Refurbishment £	Details
G 96381	2000	Toyota Coaster	1,880.00	Upholstery & Paintwork
G 4584D	2013	Ford Transit	440.00	Paintwork

The usage of both vehicles is for the carriage of passengers.

**Q281-284/2018**

**Residential Parking Scheme Zone 2 –  
Parking spaces; applications; demand; consultation**

**Clerk:** Question 281, the Hon. L F Llamas.

1215 **Hon. L F Llamas:** Mr Speaker, can the Government state how many parking spaces have been made available for residents of the Residential Parking Scheme Zone 2?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1220 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 282 to 284.

**Clerk:** Question 282, the Hon. L F Llamas.

1225 **Hon. L F Llamas:** Mr Speaker, can the Government state currently how many applications have been received for Residential Parking Scheme Zone 2?

**Clerk:** Question 283, the Hon. L F Llamas.

1230 **Hon. L F Llamas:** Mr Speaker, can the Government state if it will be looking to interim measures given the apparent lack of demand in Residential Parking Scheme Zone 2, in particular, outside the city walls?

**Clerk:** Question 284, the Hon. L F Llamas.

1235 **Hon. L F Llamas:** Mr Speaker, can the Government disclose the public feedback sought when designing Residential Parking Scheme Zone 2?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1240 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, within the area designated as Residential Parking Scheme Zone 2, there are 505 on-street residential parking spaces available.

1245 Holders of Zone 2 Resident Parking Permits are also allowed to park in loading and unloading bays after the operational hours and therefore the overall residents' on-street parking stock at night increases to 627 spaces.

Mr Speaker, as of Thursday, 8th March 2018, Gibraltar Car Parks Limited have received a total of 531 applications for the Residential Parking Permits for Zone 2.

As to Question 283, Mr Speaker, the Residential Parking Scheme Zone 2 has not commenced yet, hence there are no interim measures to consider for a scheme that has not started.

1250 Although 531 applications have been received, applications continue to be received, hence we will not be in a position to assess the demand for the scheme until a later date.

Mr Speaker, a vast public consultation exercise was carried out in all aspects of the STTPP. So vast, that Members opposite criticised the Government from consulting what they thought was too much.

1255 Furthermore, the Residential Parking Scheme has undergone even greater consultation with Tenants Associations and other interested parties when this has been deemed necessary or upon the request of representative groups.

1260 Mr Speaker, there is also an STTPP working group specifically dedicated to the Residential Parking Scheme which includes technical staff that analyse and recommend improvements to existing and future schemes.

I want to emphasise, Mr Speaker, that these are pilot schemes and account will be taken of any teething problems we may experience.

1265 **Hon. L F Llamas:** Mr Speaker, I appreciate with any scheme which is being introduced there are always bound to be teething problems. However, Mr Speaker, looking from the statistics, there seem to be quite a lot of applications and a lot of vacant parking spaces during the day. Is it a possibility that from the 531 applications received, people do not actually have their permits issued yet or is it that the 531 have already been issued with a permit? Because walking round Gibraltar you also see a lot of cars parked in Zone 2 which are not displaying any permit whatsoever.

1275 **Hon. P J Balban:** Mr Speaker, although the scheme went live, the policing of the scheme will not commence until 3rd April because we have allowed sufficient time for people to get their permits. One of the reasons why we went out so early was to try and announce and let people know, tell people that there was a process required to get a permit. You do not apply for a permit today and get it tomorrow. There is a process whereby we will check, especially if there are any arrears because having arrears would deem that that applicant would not be able to get a permit in that respect.

1280 Now, that is why you see cars without permits parked in these parking spaces and why not? I think until 3rd April people can enjoy these parking spaces, even whether they live in the zone or not. The time that it is required for it to go live is a time which is necessary and the PMOs out there will actually place, it is not a fake or dummy fine; it is an information leaflet that goes in the window saying 'You have parked in a place where you should not be parked' and advising them so that they get used to the idea.

1285 Coming to the question of the permits, of the 531 permit applications that have been received, 268 have been collected. So there are still for example, 37 permits waiting to be collected at the counter and there are 226 awaiting checks with the Central Arrears Unit to see whether they are eligible. Of those, 27 applications have already been notified that they cannot, unless they pay their arrears.

1290 So this requires time and although we would have liked people to have been in possession of their permits by now, and there was ample time for them to have done so, human nature is that 'We will let it go for another day and we will go when we can' and this is what we are faced with at the moment. But I am sure that when 3rd April does come, those people will be looking at the scheme, it is human nature, to see how it works and people will then be part of the scheme.

You also mentioned that there are lots of permits that have been or you thought had been issued and yet so many parking spaces, but there are 2,700 households so even at 531 applications, it is still quite low in that respect.

1300 So take-up of the scheme, I am hoping that because there are a lot of parking spaces in town which are private and which are within car parks and perhaps people are not using them because they find the parking on the street, and those people who pay for those parking spaces, either they rent or own them, may say 'Well, why have a permit if I really should be using my car parking space?' So I am hoping that if that is right then it may be something positive.

1305 But I reiterate, this is a pilot scheme. The comments are that people may be unaware, they do not know how it works. I mean, it is something which we had a manifesto commitment to do. This is what people wanted and it appeared in our manifesto in that respect. Now, a residential parking scheme is exactly that: it is a residential parking scheme for residents which means that if you live in an area you will be able to benefit from parking in your area. But it

1310 does not mean that you will be able to park where you work as well and when you go and visit  
your mother or whatever. It is a scheme for residents and that is something which I think,  
maybe, people are starting to grapple with at the moment.

Alameda Estate. In Alameda Estate we had similar issues, there was a massive uproar,  
people were not happy, change is change and people do not like change. I had a lot of  
1315 complaints from a lot of people, we held our ground and we need to give it time. And now I am  
being stopped and being told, 'Look, it is the best thing that has happened for Alameda  
residents, we can go out and go shopping, we can come back, we are not guaranteed a parking  
space, but really the probability is that we will find a parking space and we are finding parking  
spaces.' So it is working and they are happy.

1320 So Main Street and Zone 2 is a different kettle of fish completely and I am not a glutton for  
punishment, I do not like ... Obviously there is a lot of attention, a lot of public interest in this  
but this needs to settle because otherwise, we are just jumping, if we react. We have had  
comments of 'Why is there parking in Queensway, they have all got parking?' But that is for  
Zone 2 because Zone 2 extends all the way to the walls, to Southport Gates. So it is in an area  
1325 which is relatively close. They are not for people that live in Queensway Quay which are not  
part of that scheme, they are not for people that want to go and eat there. For that they have  
Romney Huts car park where there is a pay and display so we have catered for that as well.  
That is the only way that you can get people moving from one area to another; that is where  
cross-fertilisation occurs. So you can go and visit parents or go and visit family members. That is  
1330 why there has to be pay and display in different areas so people can go and visit.

If we just keep it purely residential as what we inherited because that is what the scheme  
was when we took office in 2011. We had a scheme which was so fixed in that respect that  
people just could not visit, carers could not get in and that is how we have addressed it through  
pay and display which allows people to move about.

1335 **Hon. L F Llamas:** Mr Speaker, I appreciate the Minister's understanding. In particular I want  
to pick up on one of the things that he said which comes to me often, which is people who  
complain about the parking spaces in car parks which have been built in and around town. They  
see many of the car parking spaces empty because people are parking in the street. So would it  
1340 mean that somebody then who has one of these parking spaces will not be able to apply for a  
street parking permit? That is one question.

And also, with regard to the loading and unloading and these things, I do get a lot of  
complaints in particular from parents who need to, who cannot seek any alternative transport  
because they need a vehicle to move around Gibraltar to take children to extracurricular  
1345 activities and so forth, that they do struggle to find a parking space now with the residential  
scheme in order to do their activities during the day and in the afternoon. Is this something  
that the Government will look into and alleviate the situation for this particular demographic?

1350 **Hon. P J Balban:** Mr Speaker, I will try and see if I can answer both questions from the  
Member opposite, because there was quite a lengthy preamble to the questions.

But the first point is that everyone can apply, everyone has the right to apply for a permit  
whether you have a parking space or whether you do not. The schemes vary in different  
locations so certain conditions that we applied for example in Grand Parade and Alameda  
Estate have not been reproduced in Zone 2.

1355 Every area is different, every residential scheme has to be different because otherwise in  
one area there is perhaps ample parking facilities and in others there is less. So what we have  
done as far as possible, people who are in possession of a parking space have to buy a permit at  
the next tier level. So there has to be a cost involved because otherwise there is no  
disincentivisation.

1360 There are many ways of skinning this cat. You could say, 'I will give every household one  
permit and if you have got two or three permits, you do what you have to do, it is not our

problem.’ But the fair way, the way that we have decided to do this is to allow people to apply for more permits if they want to but the permits start at a different level.

1365 Now, what we hope to see is people will start using those parking spaces more and that is ...  
There are areas in Gibraltar where you drive past an open car parking space which is rented and it is pretty empty. That is because unfortunately we are that way. I think we are all like that and I include myself in it. If you drive past your house with your three children and your shopping and there is a parking right outside your door, you are not going to go and park... even though you pay rent for that parking space, because it is much more convenient.

1370 So there is a lot of that that does happen and that is why you sometimes pass by a car park and see that it is empty. But with this, because there is a financial cost to a permit, which is not a huge financial cost but there is a bit of a cost, then people start thinking twice, ‘Well, why don’t I use my parking space?’ or let go of it, let’s give The parking space to somebody else, or let somebody else rent it out and ‘I will get a permit because I may stand a better chance on  
1375 the street because I park 99% of the time on the street anyway and do not use it.’ Well, that is the decision that we have to make.

Now, as to the second part of the question, the reason we place pay and displays is actually for that purpose: so that people who need to move around from one place to another can find parking because ideally you say just give people free parking for say a maximum stay of 10 or  
1380 20 minutes, but it is impossible to police. You would have to have a PMO at every single place all the time because people will park and stay there longer and then when somebody else comes after them they find there is no space and ‘Now what do I do with my car?’

So by charging it is at least one way, it is a lot easier to police in that respect as well and that allows the movement of people. But remember, I did say and I have said it publicly, these are  
1385 all parts of the jigsaw puzzle. It is still very early days because we have only got the residential scheme that we inherited which is the one that is at Glacis, Laguna and the North District which eventually we will review at the end, but it is there, it is working in its own right and it is working differently to other schemes.

We have got the Alameda Estate and now we are going to Zone 2. Then there will be Zone 3  
1390 and then Zone 4 and until all the pieces of this puzzle are altogether, then that is when we will see how this works and how zones interact with each other. This is a very difficult task. It is difficult, it is very technical and it is also a lot of trial and error as well. It is very, very important to stress that it is a pilot scheme, it is something which the Opposition when they were in Government started doing themselves but they just had one scheme. They did not get past that  
1395 election and they could not see that scheme progress but if you look at many modern societies and modern cities, there are residential parking schemes and they have encountered all the issues we are having now.

But at the end of the day, Gibraltar is small enough to try to encourage people to use alternative modes of transport. We have got to that stage where we just cannot continue the  
1400 way we are going, there are just too many cars. We have gone past that breaking point and there are just not enough parking spaces any more.

And this is just one other method that we are using to see whether we can change and instil a different way of thinking. It is difficult, change is hard and all I ask is, I predict that between  
1405 six and eight weeks’ time those parking spaces which are empty will probably be all full. And if they are not full and say in three months they are still empty, then I need to review what is going on with these parking spaces and decide whether I just get rid of the pay and display or place a pay and display there or whatever needs doing because we have to make this work for people. At the moment it is something that appears for some an aggressive measure, with time they may say this is the best thing that happened.

1410

**Hon. D A Feetham:** Yes, Mr Speaker.

May I refer to certainly my own personal experience in relation to this? Perhaps the Government might find it helpful. Not only mine, but actually people that have come to me with their experiences that coincide with mine.

1415 That is that prior to the Zone 2 parking scheme introduced in Queensway, people like me that for example need to do a school run – there is no other way, I have got to get into my car, take my son to St Joseph’s and then from there I have got to come down. I cannot from the Upper Rock, go to St Joseph’s walking, it is impossible. And there are people like that, even though I accept that there are too many cars in Gibraltar.

1420 But if I was at ten past nine, even quarter past nine at Mid-Town Car Park, I would virtually always find a car park at Mid-Town. In fact, very often I find myself thinking to myself, actually the Government has done a good job here and you would find car parking spaces.

1425 What has now happened as a consequence of this scheme is that the people who used to park in Queensway are now parking in Mid-Town and you find that of course you cannot find a parking spaces in Mid-Town. So people like me and others like me, there are others like me who have been very, very severely affected by this Zone 2 parking scheme.

1430 I wonder whether the Government might want to consider a variation of the scheme whereby from let’s say nine o’clock in the morning to six o’clock in the afternoon, it is open to members of the public to park there, but by six in the afternoon – six or seven – you have got to take it out so that residents then have evening parking spaces.

1435 But it really has caused – and I say that not wanting to make political capital out of this, I am giving the Hon. Minister my honest experience about the effect that this has had – it has become a real nightmare for people who unfortunately have to use their car because of where they live, to park in the mornings in the area as a consequence of this. And it is rubbing salt in the wound, so to speak, to be driving down Queensway in the mornings to look to your right and to see empty spaces all the way along at the Ragged Staff end and also in Commonwealth Park!

1440 Now, the Minister today has said that enforcement will only become effective as from 3rd April. It would have been helpful if that information could have been provided to the public because then we would not have had as many empty spaces as we have had over the last week or so, and perhaps that would have also helped people that really need to have the car.

1445 But my question really is, will the Government consider a variation of the scheme to at least allow people in Queensway – and Queensway remember has always traditionally been used by people to park their cars that need to come into town with their cars ... during that time period, for others to use it as well.

1450 **Hon. P J Balban:** Mr Speaker, yes I agree. Coming down Ragged Staff and looking to the right and seeing all those empty parking spaces, it is a funny thing – *(Interjection by Hon. D A Feetham)* What happened, if you go back say a few months ago and you drove past that road, how many parking spaces were available for you to use? None at all. In fact, they were all taken and they were taken in effect for ... there were many vehicles that were being sold and you could not really and there was nowhere ... Now it is salt in the wound, because before you could not get a parking space, now you cannot use them either but for a different reason. *(Interjection by Hon. D A Feetham)*

1455 Yes, but I just need the hon. Member to realise, this is a huge, huge challenge and I am sure that when they were doing it on that side, I think they realised how big this challenge was because I have looked at how the plan went and in fact the GSD decided to keep Zone 2.

1460 **Mr Speaker:** Please try to answer the specific question that you have been asked. Will you consider, the question was, a variation. You have just been 10 minutes answering a supplementary and now you seem to be winding yourself up for another few minutes. If you start talking about what went on before, in the days of the GSD, we finish up with a debate and we are not here to debate. We are here to answer questions.

1465 I cannot control the length of your answers, but I must tell you, within reason, to answer the specific supplementary that you were asked, which is a variation on the scheme in certain hours.

1470 **Hon. P J Balban:** Mr Speaker, thank you, not being one I think who would be considered very verbose in Parliament, I am quite enjoying for once (*Laughter*) having a bit of –

**Hon. D A Feetham:** Limelight!

1475 **Hon. P J Balban:** A little bit! (*Laughter*) And the reference to the GSD was not in a negative capacity, it was a statement of fact, I was saying that –

**Mr Speaker:** Please try to get to the point.

1480 **Hon. P J Balban:** I will try to speak even less then. But it was because Zone 2 was left till the end because it was the hardest one.

1485 Now we have gone through, we have looked at all different ways of skinning this cat. There are many different options, we have looked at different schemes throughout different cities and what is best and the scheme that you are asking specifically about, we do not think will work in Zone 2. But it could well work in Zone 3, which is going to be starting – and I will tell you why. Because people who live in town, work and play in town generally, okay? So their requirements are for long-term parking. They do not get their car to go to work because they probably work and live in the same area; whereas people in the South District will tend to ... there will be an exodus of cars moving from the south to work and maybe a scheme like that is something that we should be considering for Zone 3.

1490 But we do not believe that there is going to be sufficient parking to allow for that sort of scheme but we have thought about as it and I have reiterated already, this is a pilot scheme. All options will be looked at but I think we need to let this scheme, the way it is, breathe. Give it time, we will see how it works and I think it is very unfair to criticise it or to say it is not working. Let it start first and once it starts, then let us analyse and this is what the STTPP is all about. We review, we look at things and then we change it if necessary. But we have to give it time and that is the last I will say, unless there are other supplementaries.

1500 **Hon. D A Feetham:** Well, Mr Speaker, what about considering something else which is if somebody is in a situation, not in Zone 2 but has to use his car for whatever reason, makes out a case, why just simply exclusively allow these parking spaces to be used by Zone 2? The problem here is, the situation that has been created is that for a class of people that need to use their car for whatever reason, they just cannot get around that, you have a situation where there is misery in the mornings in trying to find a parking space. And I mean misery, because it really is *misery* to be driving and driving around and even driving all the way to the small boats marina and to find that even the small boats marina has been taken by, usually now, foreign-registered licence plates that have been shifted from somewhere else and are parking there. It is just proving to be an *impossible* situation.

1505 Finally, can I ask the Minister, what is Zone 2, what area is included in Zone 2, if he knows or can direct me as to where I can find that information?

1510 **Hon. P J Balban:** Mr Speaker, booklets were actually prepared and obviously we issued press releases and there was a press statement made on the internet, a press launch. Zone 2 is from Wall to Wall, from Southport Gates all the way to Landport Ditch, it stops at the wall adjacent to Queensway and it goes all the way up Prince Edward's Road, Flat Bastion Road and down Prince Edward's ... It does not include the Upper Town, it is confined to that area.

1515 And as I said earlier, there are 2,700 households in that area and only 505 parking spaces there, so logic will say it is not possible to fit 2,700 cars, assuming one per household, into 505 spaces so that is why at the moment we are seeing what happens in that respect.

1520 But you have hit the nail on the head, it is an impossible task. It is an impossible task because we have got to that point where it is just not possible to sustain the amount of vehicles. Again, in all fairness, these past three or four weeks since the scheme started the weather has been atrocious, so that has not helped either. A lot more people used their cars than they would normally, a lot less motorcycle use as well. A lot less walking, a lot less cycling.

1525 So it is not just because of Zone 2 has been implemented, that is why life is a misery. When there is school there is more traffic, when there is no school Gibraltar is a lovely place to drive around. But the scheme needs to settle and from then on, we will take ... It is not my intention to create something and create misery for people, that is not the intention behind this. On the contrary, it is trying to help, this is what people wanted and we are starting to see already a flicker of 'wow' this is working. I am starting to notice that but it will take time. All I ask is let the scheme settle for one, and then we will see where we go from here.

1530

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask, is the eligibility for the parking spots just for residences or also for businesses in the Main Street or town area?

1535 **Hon. P J Balban:** Mr Speaker, residential parking scheme: it is for residents. It is not a commercial parking scheme, it is not a visitor parking scheme. It is a residents' parking scheme. Everyone in Gibraltar is a resident. Not everyone is a business owner or a user or a commercial entity but everyone is a resident.

1540 So this scheme is to help people who reside in the areas to have a better chance of finding parking where they live; and how they move from place to place, well that is dictated whether they use the pay and displays around the area. But it is a residential parking scheme.

1545 **Hon. R M Clinton:** Mr Speaker, having been brought up in the Upper Town area, especially in Prince Edward's Road, my father used to park his car at Grand Parade because it was virtually impossible even then to find a parking space on Prince Edward's Road and we are talking about the 1970s and 1980s.

1550 The Minister has now introduced a scheme where by his own admission, you have a less than or an 18% chance of obtaining a parking space if you obtain one of these permits in the Upper Town. What is the policy objective here? He is asking people to buy a permit which effectively gives them an 18% chance of getting a parking space, no guarantee of a parking space and yet they are being asked to pay for something that they are effectively not going to be able to get or depend on luck to get.

So what really is the policy objective he is trying to achieve in what he has already admitted is an impossible task?

1555 **Hon. P J Balban:** Mr Speaker, absolutely right – but if there are only on-street parking spaces. So there are 505 on-street parking spaces for 2,700 houses. But when you look at the whole parking pool in town, it does not comprise of only on-street parking. There are a lot of parking spaces within garages and car parks, etc. which are rented, owned privately or within houses.

1560 So 2,733 parking spaces exist within town but they are not on the street; they are off the street. They are in Theatre Royal, they are in Engineer's Lane car park, they are in Mid-Town, they are in Engineer's Lane, and within private residences, Gavino's Dwellings have some parking spaces, Centre Plaza has some parking spaces within so the whole parking stock is over 3,000

1565 What we are doing is, we are controlling the amount of on-street parking spaces and this is why we look at the amount of applicants. At the moment the numbers are looking quite good



1570 because of the 505 spaces, as I mentioned earlier, there are 531 applications. Some have been denied and some are awaiting collection but so close to D-day – the scheme went live already, but so close to 3rd April there are not 2,700 applications coming through. So again, we have to suck it and see, we have to see how this goes. I think it is too early days to actually have an opinion on that.

**Hon. D A Feetham:** Mr Speaker, just finally on this because I think it is important, it is an issue that is vexing the community generally, the issue of parking.

1575 But why has the Government not imposed a condition that if you do have a parking space for your car, which is a private parking space that you own, that you will not get an off – road... a parking permit? Because that is really the only way you can grab the bull by the horns. You can say, 'Well right, you have got a parking space: you park in your parking space.' Why leave that parking space empty and park in a road-side parking space that is going to take away the  
1580 opportunity from somebody else?

I can understand that in certain cases, when we did it, residential parking schemes are good but the reality is that this involves taking very difficult decisions and having the political bravery to take very difficult decisions. It appears to me that if you have got a parking space in Mid-Town or you have got two parking spaces in Mid-Town, you should not be entitled as well to  
1585 have off-road parking at Queensway where you can occupy that space and leave your parking space empty.

**Hon. P J Balban:** Mr Speaker, I am grateful to the hon. Gentleman –

1590 **Hon. D A Feetham:** Or rent it out, yes.

**Hon. P J Balban:** – I am grateful to the hon Gentleman for saying that it does require quite a bit of political bravery. This is something that is not easy at all. We need to look at the bigger picture, and where we are going in terms of the environment and how this is affecting pollution  
1595 and the way we live and our health, etc. This is one of those measures.

Yes, there are many ways of doing this. We could have been a lot more draconian we could have said, 'Okay, you have a parking space, you are not going to get a permit.' But we felt that we would start off by disincentivisation in terms of increasing the cost of a permit. So if you are in possession, for example, of a car parking space in Engineer's Lane, you cannot get a permit  
1600 for £60 a year; your permit will cost £120 a year.

And there are families that own three, four and five cars and they double on each car. So if you are not using a car and you have got a car on the street which you rarely use or do not really need or you are waiting for the clutch to come in and it never comes and you never fix it, then you would probably get rid of it and that is the end of it.  
1605

So it is a start. It is a start to where we want to go. I think what we are doing is brave enough, and again it will be reviewed and if it is felt that we need to approach it from a different angle, fine. But if what you are saying is that is how perhaps you would have tackled it, it is quite positive to hear that on your side you probably would have been even more draconian in that respect because you would have had the political bravery to do so.

1610 At this moment in time – *(Interjection by Hon. D A Feetham)* Well you would have done it because it was part of – *(Interjection by Hon. D A Feetham)* Your predecessor was doing it. But the elections stopped that from progressing any further but that is the inevitable truth. If you start a residential parking scheme, you have to go the whole hog. What you cannot do is start a residential parking scheme and say, 'This is hitting us in the face, let's just pack this in!'

1615 There are consequences, we need to look at the whole picture and we will see. We are not here to make people unhappy, to make people's lives difficult. But you have said it, Gibraltar is becoming impossible in terms of vehicles. If we can adopt alternative forms of transport, we should, but this is I think something which ... We have got all eyes on it, we have teams working

1620 with it and we are getting comments which are worthwhile for us, we are looking at social  
media, we are looking at letters, complaints and also positive comments as well, because there  
1625 is always two sides to a story.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if that is a convenient place to park the issue,  
(*Laughter*) I suggest that the House should now adjourn until next Thursday, 22nd March at  
1625 3 p.m. in the afternoon.

**Mr Speaker:** The House will now adjourn until Thursday, 22nd March at three o'clock in the  
afternoon.

*The House adjourned at 5.20 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.00 p.m. – 6.40 p.m.**

**Gibraltar, Thursday, 22nd March 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

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

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

## COMMUNICATIONS FROM THE CHAIR

### **Estimates of expenditure for next financial year – Agreed to be circulated confidentially by 30th April**

**Clerk:** Meeting of Parliament, Thursday, 22nd March 2018.  
(iii) Communications from the Chair.

5 **Mr Speaker:** As hon. Members are aware, it is a requirement under section 69(1) of the Constitution that the estimates of expenditure for the next financial year be circulated to hon. Members, on a confidential basis, not later than 30th April.

Since the House is not due to meet next month, I am proposing that the provisions of the Constitution will be deemed to have been met if the estimates are circulated to all hon.  
10 Members before the end of April. This is what we have been doing for the last few years and so I propose that it should be the case again for this year. Is that agreed?

**Members:** Agreed.

## Questions for Oral Answer

### ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

**Q214/2018**

#### **Criminal acts by students on teachers – Complaints to Police in last 24 months**

15 **Clerk:** We now continue with Answers to Oral Questions. We commence with Question 214, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm the number of complaints made by our schools to the Royal Gibraltar Police for alleged criminal acts by students on teachers in the last 24 months?  
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**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, the answer is two.

25

**Hon. E J Phillips:** Can the Minister confirm obviously not the identity of the perpetrator, but identify the offences themselves?

30

**Hon. Dr J E Cortes:** Mr Speaker, I would rather not say that across the Chamber, but I would be very happy to inform the hon. Member behind your Chair.

It might just be that by mentioning the cases it may be possible to identify the person in a place as small as Gibraltar, so I would rather not do that but I will give him the information immediately we get a chance later.

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**Hon. E J Phillips:** Mr Speaker, I am happy for that method to be deployed in respect of this matter, but insofar as future reference is concerned, clearly we can identify categories of offences rather than individual offences themselves.

Look, if it is a sensitive issue, I am willing to take the Minister at face value and we can have the discussion behind the Speaker's Chair, Mr Speaker.

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**Hon. Dr J E Cortes:** Mr Speaker, it is a sensitive issue.

#### Q215/2018

#### Referrals made by schools to Social Services – Number in last 24 months

**Clerk:** Question 215, the Hon. E J Phillips.

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**Hon. E J Phillips:** Can the Government state the number of referrals made by our schools to Social Services in the last 24 months?

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

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**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Yes, Mr Speaker, 61 direct referrals from schools to the Care Agency.

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**Hon. E J Phillips:** Mr Speaker, given the significant volume of referrals to the Care Agency, can the Minister confirm the category or type of complaint? Or again, is this an issue that could identify 61, 20 or 40 students themselves?

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**Hon. Dr J E Cortes:** Mr Speaker, when we are talking about two as in the previous question, it is much easier to identify. In 61 I would not have a problem, but as I was not specifically asked that – the question clearly said the number – I do not have that information, but I would be happy to provide it for him.

I would ask him if he would not mind writing to me so that I do not leave it undone. But it is a different case where you have 61; where you have two it is easier to identify.

Thank you, Mr Speaker.

**Q216/2018**  
**Foundation degrees/programmes –**  
**Funding policy**

**Clerk:** Question 216, the Hon. E J Phillips.

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**Hon. E J Phillips:** Can the Government state its policy in respect of the funding of foundation degrees/programmes?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, foundation degrees are discretionary in nature. The exception to this is art-related courses where the only route to an undergraduate programme is via a foundation course.

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**Hon. E J Phillips:** Mr Speaker, I may be wrong, but my memory at the moment is that the scholarship publication in the newspaper, in *The Chronicle* recently, stated that the funding of foundation programmes would not be provided and it would not be entertained as an application. Can the Minister clarify that statement in the advert to the press?

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**Hon. Dr J E Cortes:** Mr Speaker, I cannot recall the wording of the advert, but the situation is that applicants for foundation degree courses would be considered but in a discretionary manner.

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The problem, Mr Speaker, is that as things are developing and some universities are looking at funding and so on and are willing to provide foundation courses in cases where A-level results are not particularly good, one has to be wary of rewarding students who may not be working hard on an A-level in the belief that they are going to be allowed on a foundation course. This is why it is discretionary. There would be an element of considering the student's work during the A-level years in considering that. But I do know for a fact that they are considered and very often they are given. But in some cases, the board considers that it would not be a good investment of money.

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**Hon. E J Phillips:** Mr Speaker, as part of the policy, does the Government consider the potential leapfrog from the foundation programme to the full degree, and in that consideration does the Government consider the needs of our community at large in respect of that degree?

95

**Hon. Dr J E Cortes:** Mr Speaker, I do not have all the details of how the board that considers this deals with it. You will recall that all ordinary degrees as opposed to foundation degrees, where a student has a place, are automatically funded and that does not enter there.

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I would have thought – but this is subject to confirmation, I am not involved in this at all – that there would be a whole range of considerations in considering each student. The policy of the Government and of the Department is to encourage students who are *bona fide* and who would benefit from such a degree, but we have to be wary that it is not a reflection of 'I don't have to bother because I am going to go there anyway.' It is something that has to be borne in mind, together with what benefits the community might get in the end.

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**Hon. E J Phillips:** Mr Speaker, just one further question about foundation degrees. Would the Minister agree that, certainly in the limited experience that I have with foundation programmes, there are a number of students in our community that would benefit from foundation programmes that lead to degrees, on the basis that there are students that are late developers. Some thrive in foundation degrees that are much more suitable and much more geared,

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particularly in the vocational areas of social care for instance. Would the Minister agree that we need to watch out for those types of students so that we can engineer them into full degrees later where they will probably thrive?

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**Hon. Dr J E Cortes:** Mr Speaker, absolutely. This policy is by no means aimed at discouraging that; it is just that we cannot give them automatically for the other reasons that I have stated.

120

**Hon. E J Reyes:** May I, Mr Speaker, for my own clarification. The Minister has explained clearly that the awarding of the scholarship for foundation degrees comes under the discretionary subhead. On successful completion of that foundation degree, most universities offer that student to continue with a full-blown degree and then they even get exempted for either the first or first two years. Because it is then an ordinary degree, does the student have to apply as a further discretionary award or does it now kick in automatically as a mandatory thing and therefore he or she can take it for granted that the mandatory award would come through?

125

I don't know if the Minister understands what I am asking.

130

**Hon. Dr J E Cortes:** Absolutely. I think those circumstances would mean that a person has got a place at university and therefore for students who have recently left school, it would be in my view mandatory. If you are coming at it later in life, because any degrees applied for even without a foundation year, are discretionary after two years from completing your studies, then they would be discretionary.

135

But certainly, if it is a student who, for example has decided to go on a foundation course on their own backs, then certainly that would be a consideration, as the hon. Member has described.

#### **Q217-218/2018**

#### **Students unable to complete UK studies due to mental health issues – Numbers; refunds of awards**

**Clerk:** Question 217, the Hon. E J Phillips.

140

**Hon. E J Phillips:** Can the Government state the numbers and gender of those students who have returned to Gibraltar without completing further or higher education studies in the United Kingdom on the basis that their mental health issues have prevented them from completing the course?

145

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 218.

150

**Clerk:** Question 218, the Hon. E J Phillips.

155

**Hon. E J Phillips:** Mr Speaker, in relation to those students who are unable to complete higher education programmes in the United Kingdom because of mental health issues, can the Government state its position with respect to the obligation of the student to refund monies paid by the Government in tuition fees and maintenance awards?



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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
160 Mr Speaker, the Department of Education considers issues of mental health to be as important as any other medical condition a student might face whilst studying abroad.

I can confirm that there were six students who returned to Gibraltar as a result of their medical conditions including mental health in 2016-17 – three females and three males. I can also confirm that three students have returned so far in 2017-18 as a result of medical  
165 conditions – two females and one male.

Students unable to complete their higher education programme as a result of unavoidable health issues are dealt with as per the guidance afforded in their scholarship contract, which requires medical evidence from a mentally qualified medical practitioner to the effect that the student was unable to successfully complete the course for unavoidable health reasons.

**Q219/2018**  
**Vacant teaching posts –**  
**Update**

170 **Clerk:** Question 219, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details in respect of any changes of vacant teaching posts since the answer provided to Question No. 123/2018, indicating the school/establishment where these changes may have occurred and from which  
175 dates?

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

180 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I seem to have my questions out of sequence. What was this number again?

**Clerk:** 219.

185 **Hon. Dr J E Cortes:** Question 219 seems to be missing from here, but it is okay, I have the answer in draft form, or maybe I have ... Oh, I have taken two together and put them in my 'out box' so to speak. My apologies, Mr Speaker.

There have been no changes to my answer together with the information I subsequently sent my hon. Friend, Mr Reyes, other than the advertising of 18 posts.  
190

**Hon. E J Reyes:** Mr Speaker, I can confirm to you that the Minister very kindly as we had agreed, did forward me a schedule. I need your guidance, Mr Speaker, perhaps the Minister at some stage might be able to provide this schedule to Parliament so that it becomes part of *Hansard* and therefore in a few months' time if one needs to make a reference we are referring  
195 to something that is available to all Members of the House, rather than just privileged information that the Minister has made me aware.

If it is within your liking, Mr Speaker, I think the Minister can do that.

**Hon. Dr J E Cortes:** Yes, absolutely, Mr Speaker, you will recall that there was a slight  
200 difference in interpretation, we had agreed beforehand that I would send the information and I

did, quite soon after that. I have the schedule available, I will make it available and it can form part of *Hansard*, so delighted to do that.

**Answer to Question 219**

School	Vacant Post	Grade	Reason	Duration
Notre Dame F	Early Years	TLR 2D	Resignation	6 months
	ICT	TLR 2C	Promotion	6 months
St Joseph's F				
St Pauls F	Head	Head Teacher	Sickness/Bereavement	2 years
	Science	TLR 2B	Promotion	1 yr 2 months
Governors Meadow F	SENCO	TLR 2B	Promotion	0 months
St Anne's M	Mathematics	TLR 2A	Retirement	6 months
St Bernard's M	SENCO	TLR 2B	Retirement	6 months
	Yr Co-ord History	TLR 2B	Promotion	1 yr 1 month
	ICT	TLR 2C	No Applicant	1 yr 9 months
St Joseph's M				
Hebrew School	English	TLR 2B	Retirement	6 months
Gibraltar College	IT Co-ord	TLR 1B	Retirement	2 years
St Martin's School				
Westside	Senior Teacher	TLR 1A	Promotion	6 months
	Head of RE	TLR 1B	Retirement	6 months
	Head of Design and Technology	TLR 1B	Retirement	2 years
	Head of History	TLR 2A	Retirement	1 month
	Science Co-ordinator	TLR 1B	Promotion	6 months
<p><i>Supplementary Note:</i>                      The length for which the posts have been acted does not indicate that the person substituting is the same one. Many of these substitutions have seen a rotation of staff members.                      ACTED POSTS: 17                      AFTER EASTER: 2</p>				

**Q220/2018  
 Community facilities –  
 Cancellations**

**Clerk:** Question 220, the Hon. E J Reyes.

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

Can the Minister for Education inform this House how many cancellations have been necessary at any of the facilities made available for community use since 1st January 2018, indicating the location, date and reason for the cancellation?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, the information required is in the schedule that I am handing over.

**Answer to Question 220**

LOCATION	DATE	REASON
Westside School	24.01.18 & 25.01.18	Parents Evening
Westside School	29.01.18 & 30.01.18	(Outdoor pitch only) Inclement weather
St Anne's	29.01.18 to 22.02.18	Inclement weather & repairs to Gym
Bayside	29.01.18 & 30.01.18	Inclement Weather
Bishop Fitzgerald	16.02.18	School disco
St Joseph's First	21.02.18 to 06.03.18	World Book Day Activities
St Anne's Middle	08.03.18	School disco
St Joseph's Middle	08.03.18 & 09.03.18	Leak in gym ceiling

**Q221-233/2018**

**Transitioning to new schools –  
Details**

215 **Clerk:** Question 221, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answer provided to Question No. 130/2018, can the Minister for Education provide details of who composed the two different working parties looking at different aspects of the key stage realignment transition as well as details of what these different aspects were?

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

225 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I will answer this question together with Questions 222 to 233.

**Clerk:** Question 222, the Hon. L F Llamas.

230 **Hon. L F Llamas:** Mr Speaker, can the Government now disclose its Traffic Impact Assessments for the new schools?

**Clerk:** Question 223, the Hon. L F Llamas.

235 **Hon. L F Llamas:** Mr Speaker, given the noise issues caused during the World Trade Centre construction in its proximity to Bayside Comprehensive School, how does the Government intend to mitigate the construction of the Europort Avenue affordable housing development on the doorstep of the new St. Martin's, Governor's Meadow and Bishop Fitzgerald schools?

240 **Clerk:** Question 224, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain how it will grapple with ensuring that the following recommendation from the Co-Education Group of 2017 is adhered to: 'New entrants from the middle school sector are often daunted by the prospect of the transition to

245 secondary education; every attempt should therefore be made to ensure they are not  
overwhelmed by finding themselves almost overnight in an excessively populated metropolis.?’

**Clerk:** Question 225, the Hon. L F Llamas.

250 **Hon. L F Llamas:** Mr Speaker, following a recent comment made by the Minister for  
Education that should the September 2019 deadline not be met, transitioning to new schools  
would take place after the Christmas or Easter breaks, can the Government state which schools  
it would foresee to transition during the academic year, and which would transition in  
September 2020, if any?

255

**Clerk:** Question 226, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, when planning school locations, can the Government provide  
details of the persons or entities it consulted and the locations considered before determining  
on the final locations.

260

**Clerk:** Question 227, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state which schools will have parking  
spaces beneath the building’s footprint detailing: (a) how many spaces; (b) if they will be sold,  
rented or otherwise allocated; and (c) whether these are at street level or underground?

265

**Clerk:** Question 228, the Hon. L F Llamas.

270 **Hon. L F Llamas:** Mr Speaker, can the Government explain how it will manage security risks  
and hoax calls on schools with underground private parking?

**Clerk:** Question 229, the Hon. L F Llamas.

275 **Hon. L F Llamas:** Mr Speaker, can the Government state where the evacuation meeting  
points for pupils will be in the new schools?

**Clerk:** Question 230, the Hon. L F Llamas.

280 **Hon. L F Llamas:** Mr Speaker, can the Government state how many pupils it envisages will  
attend the two secondary schools if they were to open in September 2019?

**Clerk:** Question 231, the Hon. L F Llamas.

285 **Hon. L F Llamas:** Mr Speaker, can the Government disclose the proposed intention for  
development on the site currently used by St Martin’s School?

**Clerk:** Question 232, the Hon. L F Llamas.

290 **Hon. L F Llamas:** Mr Speaker, can the Government state what the new pupil capacity will be  
at the new St Martin’s School?

**Clerk:** Question 233, the Hon. L F Llamas.

295 **Hon. L F Llamas:** Mr Speaker, has the Government considered and consulted when it comes to populating the new schools, to populate the schools by age, by having a lower secondary in one school and a higher secondary in another?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Director, in conjunction with the Advisory Service, set the composition of the two working parties.

305 Staffing and resources are currently the two main aspects of the key stage realignment transition that have been identified.

In relation to Question 222, the matter is currently under consideration in conjunction with the Ministry for Transport.

310 In answer to Question 223, all necessary steps will be taken and a working plan will be part of the design process.

In answer to Question 224, the schools have been designed accordingly. At an operational level the schools will have the capacity to ensure that a year group is situated on one floor per section and have zoned break areas for different year groups distinct from the rest of the school.

This is in line with a further recommendation for the working group which reads:

(j) Initially Year 7 students in both Bayside and Westside would enjoy their own ecosystem: a school within a school so to speak; an area especially reserved for them, not quite segregated from the rest of the school, but not fully integrated either.

315 In answer to question 225, Mr Speaker, no, sir.

In answer to Question 226, these were internal discussions.

320 In answer to Question 227, as plans stand, parking spaces will be provided at ground level beneath St. Anne's, Notre Dame, Westside and Bayside schools. The number of spaces and the method of allocation are under consideration. All security aspects are being discussed with the relevant authorities.

In answer to Question 229, the matter is being considered by the Gibraltar Fire and Rescue Service in conjunction with specialist fire consultants.

We estimate, Mr Speaker, that there will be a school population of approximately 1,300 students in each of Bayside and Westside school when the schools open in September 2019.

325 In relation to the St Martin's site, Question 231, Mr Speaker, this site has gone out for expressions of interest which have now been received and are currently being considered.

In relation to Question 232, Mr Speaker, the answer is 100.

330 And in Question 233 yes, Mr Speaker, it has. The preferred option is that the two schools will be distinct entities and will be populated separately. The schools will each run their own Year 7 through to 13.

335 **Hon. E J Reyes:** Mr Speaker, if I may, coming back to my own question 221, the Minister said that the composition of the two different working parties were the Director and the members of the Advisory Services. Does that lead me to safely conclude it was the same people in both or perhaps I misunderstood the actual answer?

340 **Hon. Dr J E Cortes:** Yes, Mr Speaker, this answered the question of who composed the working groups. I was answering as who named them, who made them up. It is the actual composition is different: the Director and the Advisory Service decided who would be in the early stage working groups. I am happy to facilitate the people concerned, if that will assist. I have got that information here in case it was requested.

Mr Speaker, we have Mrs Ferro from Governor's Meadow First School, Mrs Duarte from St Anne's Middle School, Mrs Lester from Bayside Comprehensive, Mrs Barabich from Westside, Mr Abecasis from the College, Mr Tavares from Bayside, Mr Clinton from St Joseph's Middle, Miss Cruz from Notre Dame and Miss Scott from Westside. That is for the primary and secondary working group, that is the initial working group.

And then different sub-groups will be established as the process develops. For example, there will be one working group specifically looking at the nursery aspect which will have the early years foundation stage co-ordinators and nursery teachers who will all break out and for the nursery working group, which is the introduction of more nursery provision, we have Mrs Mason from Notre Dame, Mrs Burgod from St Joseph's First School, Mrs Parral from Bishop Fitzgerald, Mrs Montegriffo from St Joseph and Mrs Holmes from St Bernard's First School, Mr Speaker.

**Hon. E J Reyes:** That covers a part of what the different aspects were for the two groups or is there anything else that was touched upon in any other groups? Because my question did end up saying 'details of what these aspects were'. The Minister I think referred to primary and secondary and then he moved on to the primary and nursery education. Were there any other matters that were looked upon by these entities?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, there have been two meetings of each of the two groups so far. There was a recent communication sent out to schools last month in relation to current structures and the impact on the current structures, which the heads were asked to discuss with their staff.

There was also a curricular audit sent to all teachers, inviting them to identify areas of a curriculum that they are confident in teaching and with what training they are happy to deliver, because obviously we are shifting between primary and secondary and we wanted to feel what the teachers themselves felt about their own personal position, as well as the overall.

And as I said, Mr Speaker, there will now be different subgroups established to deal with each of the major items.

**Hon. L F Llamas:** Mr Speaker, I would like to touch upon first the security issue which is at the moment being discussed by the Minister and his Ministry with the relevant authorities. Is this not something – and I expect it is the case – that the Minister has already undertaken and it is just final details that are being discussed, or is it something that is being discussed now after the plans are being produced?

**Hon. Dr J E Cortes:** Mr Speaker, this is an ongoing process. There has been initial contact at an early stage but clearly, as we firm up on the plans and the design which is now almost complete in the sense that stage two has been signed off and we are now completing stage three, which is the detail within classrooms and movement and so on. That requires its own additional discussion.

So this is an ongoing process which has gone quite far but there is still a bit of a way to go, absolutely.

**Hon. L F Llamas:** But, Mr Speaker, with regard to the parking underneath and the importance of ensuring that in particular, pupils are not given the opportunity to use the parking beneath it as leverage to get out of exams and things like this.

And obviously being such a big school, 2,600 pupils that will be going into the school, having to undertake security threats of this nature in such a big school will obviously have its toll on the education, the timing and obviously the location of the school, which is in a corner which is obviously within the traffic flow from the cruise terminal. What has been the reaction and the advice given by those who advise the Minister on this sort of security risk?

395 **Hon. Dr J E Cortes:** Mr Speaker, the hon. Member has listed a large number of issues, a lot of which I do not agree with as issues. Hiding in the car park in order to avoid an exam, I mean nowadays you hide round the corner in the Victoria Stadium or have I misunderstood?

400 **Hon. L F Llamas:** No, Mr Speaker, he has misunderstood. What I mean is hoax calls obviously from children who could threaten that there could be risks underneath in the parking which obviously would need investigating and could lead to stifling and bringing the school to a halt on many occasions.

405 **Hon. Dr J E Cortes:** Mr Speaker, I would put it to the House that the danger of a hoax call now, with a parking site just this far away from an active classroom, is much greater than if it is in an underground car park with a huge slab protecting the school.

I think if anything, the safety will be enhanced in that situation to what it is now, so I do not accept that concern.

410 **Hon. L F Llamas:** Mr Speaker, in the 2015 manifesto the GSLP Liberals had a manifesto commitment to expand if necessary the St Bernadette's or Dr Giraldi Home onto the location currently used by St Martin's. Is this still the case or are they deviating from that policy?

415 **Hon. Dr J E Cortes:** Mr Speaker, I suppose that the hon. Member is referring to that question on the sites regarding expressions of interest. I explained the Government's position in my answer and I have nothing further to add.

**Hon. L F Llamas:** But could the Minister confirm whether this is one of the possibilities or has this been disregarded?

420 **Hon. Dr J E Cortes:** Mr Speaker, in all honesty I have not yet been involved in that. I expect to be involved as Minister for the Environment, as I am in all allocations of land, but I have not had any involvement so I cannot answer that question.

425 Nor was it specifically asked in the original question, so I was not in any way able to look into that information.

**Hon. L F Llamas:** Mr Speaker, given now that the plans have been disclosed to the public in the John Mackintosh Hall, and the Government has now finalised that stage of the preparation, has the Government now made a decision on how it will actually populate the two secondary schools?

430 **Hon. Dr J E Cortes:** Mr Speaker, this is a matter which is still being finalised. I have made this clear in my discussions, for example my recent discussions with the Teachers' Association who had expressed, had made some comments on one of the possibilities which was the alternation between receiving schools, but no decision has yet been made. This is part of the consultation process to which I have made numerous references in the past.

440 **Hon. L F Llamas:** Mr Speaker, with reference to the answer given to Question 225/2018, I did not quite get an answer or it missed me completely, the comment made in public by the Minister that if the 2019 deadline is not met, that some schools could ... in particular this was made after a press conference to deal with the two secondary schools – that the transitioning could occur in between the academic year.

Is that the case just for the two secondary schools or is that the case for more than just the two secondaries?

445 **Hon. Dr J E Cortes:** Mr Speaker, I said I would not answer that question because it is a hypothetical one.

**Mr Speaker:** I do not agree that it is a hypothetical question because I recall seeing the Minister in an interview on television accepting the possibility that the schools might move after the Easter or Christmas vacations. Therefore, it is not hypothetical; he himself has included that possibility.

455 **Hon. Dr J E Cortes:** Yes, absolutely, Mr Speaker, and I apologise if I have given the wrong impression. It is not that it is hypothetical. What is clearly not definite and therefore has to be hypothetical is to which schools would end up in that situation. I said that it was possible but at the moment we still have those target dates. That has not changed and therefore I do not know which schools *might* have to have their opening or their move changed to another holiday period. Therefore, I cannot answer that question, Mr Speaker.

460 Once we have that information then I would be very happy to share that.

**Hon. L F Llamas:** However, and without wanting to use any hypothetical questions, but given that the statement has been made, was that statement and the content of that statement made with the assurances and backing of the teachers and the Education Department, in that it would be possible if need be to transition schools in that two-week period, whether it is Christmas or Easter?

470 **Hon. Dr J E Cortes:** Mr Speaker, we must not take what I said out of context. What I said was relative to the fact that we certainly cannot move a school in the middle of term time. Some schools would be easier to move than others. I would put it to you, Mr Speaker, that a relatively small first school would be easier to move in a relatively smaller period of time than a large comprehensive school, and this is something that would have to be discussed with the schools to see whether it was possible or not.

It is a possibility in the future but we are not there yet.

475 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can we have some assurances from the Minister for Education that all is being done to be on top of the sensitivities associated with moving schools during a period which can be very close to exam time for students, please?

480 **Hon. Dr J E Cortes:** Absolutely, Mr Speaker.

**Hon. L F Llamas:** Mr Speaker, in relation to Question 229, did the Minister actually say that this is something which is currently being discussed with the Fire Department?

485 **Hon. Dr J E Cortes:** Mr Speaker, there are two levels of discussion and they include the Fire Department or the Fire and Rescue Service and specialist fire consultants. Where we are in this stage as to the detail, as to whether the fire consultants have passed on their recommendations to the Fire Service yet or not, I have not got that information. But certainly, both are key elements in that discussion.

490 **Hon. L F Llamas:** Mr Speaker, but the Government cannot confirm that evacuation points and meeting points for pupils has been identified and agreed?

495 **Hon. Dr J E Cortes:** No, Mr Speaker, this is part of the process. We cannot identify those points until we have the school designed. Now we are going to stage three, now we will know how the different classrooms will be populated, what kind of flow there will be. Now is the stage for that sort of thing, you cannot do it when it is just a plan with empty spaces in it.



So this is an ongoing process, it is something that cannot be done before it is actually done.

500 **Hon. L F Llamas:** Mr Speaker, but would this not be something that would have been consulted and agreed on in the same way as the evacuation has a traffic impact from the onset from the moment go, before actually designing and deciding on locations? These sort of things should have been agreed with by then. *(Interjection)*

505 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we have a plot of land and I have to be careful, Mr Speaker, because I have brought a motion to this House where there will be ample time to debate. I want to avoid the need to debate it now and debate it again, but later, at the proper time if I may say, Mr Speaker.

510 But we are limited in Gibraltar as to the space that we can provide but within that, the design will inform what evacuation routes there have to be, what access routes there have to be. These are things that have to be developing continuously and there will be iterations and there will be changes as we improve, before finally opening the school.

I hope, Mr Speaker, that I will not have to answer these same questions every month or every other month because we must expect that this is a live process. It is a dynamic live process which does have to evolve and grow as I say, as the process proceeds.

515

**Hon. L F Llamas:** Mr Speaker, in relation to the answer given to Question 227 to do with the parking beneath the footprints, from my understanding the new Notre Dame is already being built so those designs should already be more than agreed and firmed up, in the same way as – I cannot recall now and I am sure I can find a picture of it – the two secondary schools had already allocated a number of parking spaces.

520

Is the Minister able to provide the number of parking spaces that will be provided in each school, given that obviously that information does exist?

525 **Hon. Dr J E Cortes:** Mr Speaker, we have an area allocated to parking. How they are going to be allocated is under consideration. The number of spaces for perhaps rental, a number perhaps for purchase, a number for one or the other thing, the number of electric charging points and so on, all these have a bearing on the configuration of the car parking, on the size of the parking bays and therefore, these are things that we have general figures, but not specific. And these again are being developed as we go along.

530

**Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

535 If I may keep the Minister on the same question, 227, can the Minister advise the House whether it is absolutely essential to the viability of the construction of the schools, that the available parking that is created is in fact sold to the private sector?

**Hon. Dr J E Cortes:** Sorry, could he repeat the question? I did not catch it all.

540 **Hon. R M Clinton:** Certainly, Mr Speaker.

Can the Minister advise the House whether the viability of the entire schools project is dependent on the selling of these parking spaces underneath the schools or is it that the Government actually has an option not to sell these parking spaces and retain them within the public use of the school itself?

545

And just a rider to the question, is the Minister aware of any school in Gibraltar that has actually sold off a portion of its footprint to the private sector?

**Hon. Dr J E Cortes:** Mr Speaker, this question is quite bizarre. I will go back to the second part of my answer to that question. The number of spaces and the method of allocation is under consideration.

Mr Speaker, we are building these schools not because we are trading it off to anybody; we are building these schools because we are in dire need of them and therefore, my answer to the hon. Member is no, the number of spaces and the method of allocation is under consideration. I think that his reference to us selling off part to the private sector is ... 'bizarre' is the word that I come up with.

**Hon. R M Clinton:** Mr Speaker, the Minister may find it bizarre, but in fact that is the reality. From all the information that I have seen that the Government has released on this project, it is the Government's intention, and he can perhaps correct me, to actually sell – or to use his own words, rent out to the private sector – these parking spaces. So he is in fact giving away, or selling an interest in land on which our schools are built and he cannot deny that.

Now, what I would like to know from the Minister is, is this still being considered by the Government as an option, i.e. it does not have to sell or rent these parking spaces, it may retain them for school use, or is the Government absolutely committed and has no option but to rent or sell the spaces?

I am sure the Chief Minister will stand up now and help out the Minister, because the Minister still does not seem to understand what I am saying. *(Interjections)*

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no. The Chief Minister is going to get up to tell the hon. Member that there is no school use for parking. Pupils do not neither learn to park or drive in schools. Therefore, his question is based on a suggestion which we do not recognise. *(Interjection)*

**Hon. R M Clinton:** Well, Mr Speaker, unfortunately the Chief Minister really again, has not added much to what I am getting at. And the point, Mr Speaker, is this: is the Government absolutely determined to rent or sell off to the private sector areas underneath our schools – yes or no?

**Hon. Chief Minister:** Mr Speaker, the Government is intent on making the best use of land in Gibraltar.

As Joe Bossano said in his first Budget Speech as Chief Minister of Gibraltar in 1988, the only thing that we have is our land and our people, and we must make more efficient use of both of those and that is where the success of Gibraltar lies in the future. And that is how the Government plans land use for the future, with regard to those two key views as to how we make Gibraltar more efficient.

**Hon. R M Clinton:** So, Mr Speaker, I take it from the Chief Minister's intervention that he is in fact confirming to this House that it is the Government's intention to sell areas underneath our schools to the private sector?

**Hon. Chief Minister:** Mr Speaker, the Government is confirming to the House what it has said publicly about the school projects and re-confirming its commitment to the principles set out in 1988 by Joe Bossano in the first speech given 30 years ago now, by a Chief Minister of Gibraltar on a Budget, that we will make the most efficient use of our land, which is our principal resource and our people, our second principal resource.

And that means making efficient use of all the land that we have available and if that means sharing types of uses, it means sharing types of uses in a desire to be the most modern, most efficient, make the most modern and most efficient use of our land.

600 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I think that when we talk about the best  
use of land 30 years ago, it might not mean the best use of land today, because today we are  
living in an era where there is huge insecurity in terms of security. And to think that in an area  
built up, where there are going to be about 2,000 children, that land might be sold off to private  
buyers who could put their cars there, one could imagine the worst. Whilst 2,000 children are  
605 around in a highly densely populated area, for me, it might not be the best use of the land. For  
the Government, it might be the best use of land for other reasons, but I am thinking in terms of  
the best use of land for the children, and it is highly worrying.

**Hon. Chief Minister:** Well, Mr Speaker, the Government takes the view that what it said 30  
610 years ago about a principle, not about use of land, which is what the hon. Lady has failed to  
address in what I assume was a question, is still as true today as it was 30 years ago and it will be  
in 30 years from now, because we will still be probably the smallest jurisdiction in Europe having  
to make the best possible use of land.

And in that context, Mr Speaker, if the hon. Lady thinks that she can get away, in her  
615 presumed question, with suggesting for one moment that the Government would do something  
which endangers our children, she is not addressing the Government that is sitting in front of  
her. She is addressing a Government that must exist in her mind.

The Government is not just going to provide the best schools possible for our children. It is  
going to provide the most secure schools possible for our children. And I do detect, Mr Speaker,  
620 that we may fall into the trap of going down the road that we went in respect of LNG where it  
was suggested, for a serious part of the last election campaign, that the Government might do  
things which might put at risk any part of the geography of Gibraltar and the people of Gibraltar.

If we were not going to put at risk the people of Waterport Terraces or of the north of  
Gibraltar, there is absolutely no chance whatsoever that we would do anything that would put at  
625 the slightest risk the children of Gibraltar in the new schools that we want to develop.

And selling parking is not going to put anyone at risk. Indeed, Mr Speaker, it may protect  
people more because there may not be on-street parking as close to the schools as there are  
today. Or is it that the hon. Lady has not worked out that you are more likely to be at risk of  
630 somebody unknown to you parking alongside one of our schools today, than you are if you sell  
parking to people who have to give you their details, who are only able to enter the car park  
with the number plate which is registered to a particular parking space? Isn't that obviously  
safer, Mr Speaker? Of course it is and the Government would not do something that is unsafe.

And, Mr Speaker, I have a huge amount of time for her as she knows, but I deprecate any  
635 suggestion that any Member of this Government would for one moment countenance doing  
something that puts a child or children at risk. Her children, my children, our children will go to  
that school and we would not for one moment do something that puts it at the very slightest of  
risk.

**Mr Speaker:** Hon. Members are now debating on the question of whether parking should be  
640 allowed under the schools and therefore we are moving on because they will have another  
opportunity to do so when the motion is tabled.

**Q220/2018**  
**Community facilities –**  
**Supplementary questions**

**Mr Speaker:** Yes, the Hon. Edwin Reyes.

**Hon. E J Reyes:** Mr Speaker, would it be a convenient moment for you to allow me to refer to  
645 this schedule that was given in answer to Question 220?

**Mr Speaker:** Yes.

**Hon. E J Reyes:** It is a relatively easy schedule to understand, Mr Speaker, except for one  
650 point which needs clarification.

On the schedule it shows that on 29th and 30th January, due to inclement weather, it follows pretty obviously that the outdoor pitch, in other words an outdoor facility, had to be cancelled. Yet just below that, when it comes to St Anne's it starts on 29th January and goes on for almost a month. It says inclement weather and repairs to gym.

655 My understanding, and the Minister may need to correct me, is that the facility available to be used in St Anne's is actually a gymnasium and therefore, the inclement weather does not really affect a gymnasium. Is it all due to repairs to the gym?

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
660 Yes, Mr Speaker, I believe this refers to that event during one of the sessions or one of the times when we had inclement weather when scaffolding in the area collapsed. Therefore as a precaution the gym was closed because that was adjacent to it and therefore, it was not possible just in case there was a further problem which could have affected the roof of the gym.

I believe, subject to confirmation, that that is the reason for that.

665

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

That does clarify and make a lot more sense. Thank you. But there is in there implied my assumption from previous answers that the only facility within St Anne's is actually the gymnasium. There is no outdoor facility at St Anne's. It has not in the past so therefore it is nothing new, is it?

670

**Hon. Dr J E Cortes:** Mr Speaker, I am providing information that has been provided to me. So, if there are other facilities, they have certainly not been removed from use or they would have been on this list.

675

**Mr Speaker:** Next question.

**Q234-235/2018**  
**Hot school lunches –**  
**Operation and costs**

**Clerk:** Question 234, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide details as to how the hot school  
680 lunches will operate for each school, together with the additional estimated cost in preparing schools for this initiative and the estimated cost to parents?

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

685

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 235.

**Clerk:** Question 235, the Hon. L F Llamas.

690

**Hon. L F Llamas:** Mr Speaker, is the Government considering implementing a pilot scheme on hot school lunches prior to September 2019?

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

695

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, this is currently under consideration.

700

**Hon. E J Phillips:** Mr Speaker, just in relation to the responses to those questions, will the Government consider in respect of those families who are unable to meet any of the costs relating to hot school lunches, whether a Government subsidy would be available for those families?

705

**A Member:** It will be means tested.

**Hon. E J Phillips:** Means-tested?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, I was –

710

**Chief Minister (Hon. F R Picardo):** We are being asked a question about something we have announced.

715

**Hon. Dr J E Cortes:** We have already announced that, Mr Speaker, that it would be free to those families who would not be able to contribute. I was clarifying with the Chief Minister, who announced that before I was Minister for Education, when my colleague was.

#### Q236-237/2018

#### Children with special needs – Number attending Government schools; learning support

**Clerk:** Question 236, the Hon. L F Llamas.

720

**Hon. L F Llamas:** Mr Speaker, can the Government state how many pupils suffering from visual impairment, dyslexia, attention deficit disorder, autism, Down's syndrome and other special needs attend Government schools., giving a breakdown by school?

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

725

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 237.

**Clerk:** Question 237, the Hon. L F Llamas.

730 **Hon. L F Llamas:** Mr Speaker, can the Government state for each pupil suffering from visual  
impairment, dyslexia, attention deficit disorder, autism, Down's syndrome and other special  
needs attending Government schools, what additional learning support is offered in each  
classroom by way of learning support assistants including (a) the number of pupils with special  
735 educational needs in each class; (b) the number of learning support assistants and (c) the school  
the pupil attends?

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

740 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, the information in relation to Question 236 can be found on the Government  
website.

And in relation to Question 237, as I have explained in answer to previous questions, the  
allocation of such support will vary through the school year.

745 The total number of LSAs is 102, which is 13 more than the last time I answered on this  
subject. I should, however, point out that I consider the use of the word 'suffering' to be totally  
inappropriate in this context. Perhaps, Mr Speaker, the hon. Member would care to refer to the  
language etiquette leaflet issued by the Ministry for Equality.

750 **Hon. L F Llamas:** Mr Speaker, just on that point, the reason why I phrased this question in this  
particular manner is because I took it from the former Shadow Minister for Education when they  
were in Opposition to ensure that there was not any leeway in making sure that my question  
gets answered.

755 **Hon. Dr J E Cortes:** Times have moved on! (*Interjections*)

**A Member:** Thank God!

#### Q238/2018

#### First, Middle and Secondary schools – Pupils enrolled since 2011

**Clerk:** Question 238, the Hon. L F Llamas.

760 **Hon. L F Llamas:** Mr Speaker, can Government provide a breakdown by age and gender of  
the pupils enrolled in First, Middle and Secondary schools, as at 30th September  
2011/2012/2013/ 2014/2015/2016/2017 providing details of each school and class?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I refer the hon. Member to the Gibraltar Government website where he will find  
the information requested from 2012 onwards.

**Q239-240/2018**

**Education Department expenditure and requests –  
Detailed breakdown since 2012**

770 **Clerk:** Question 239, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can Government state the amounts spent by the Education Department from 1st January 2012 to date in: (a) Maintenance; (b) Minor works and (c) Major Works, giving a breakdown by school, amount, date, contractor and details of the works carried out?  
775

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

780 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 240.

**Clerk:** Question 240, the Hon. L F Llamas.

785 **Hon. L F Llamas:** Mr Speaker, can Government state since 1st January 2012 to date what requests for (a) Maintenance; (b) Minor works and (c) Major Works remain unresolved, giving a breakdown by school; date report was made; nature of each report?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.  
790

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested is available in online statistics in relation to Question 239. The contractors, with very few exceptions, are GJBS.

795 In relation to Question 240, all requests have been addressed or are in process. There are a number of issues in many schools which are unresolved despite our best intentions, which is why we are embarked in a programme of providing new schools and major refurbishments.

**Hon. L F Llamas:** Is the Government able to disclose which ones are in the process or unresolved?  
800

**Hon. Dr J E Cortes:** Mr Speaker, I think that the fact that we are having to move to new schools and carry out major refurbishments will clearly show which schools we are referring to.

805 **Clerk:** Question 241, the Hon. –

**Mr Speaker:** Do you have a further supplementary?

**Hon. L F Llamas:** It is on 238.

810

**Mr Speaker:** On 238, yes.

**Hon. L F Llamas:** Mr Speaker, I have been able to log into the Government website and statistics, and the Question 238 does actually ask for details relating to each school and class.  
815 The information available online is specifically on each school and year, it does not have a breakdown for the classes. Is this something that the Hon. Minister can provide please?

820 **Hon. Dr J E Cortes:** Mr Speaker, as I have said before, there will be a variation during the course of the year as some students move from class to class. I have said before that this is a hugely onerous task going back all that number of years, class by class. I will need to consult and see whether that information is in fact available.

825 **Hon. L F Llamas:** Mr Speaker, I understand that school sizes can vary throughout the year, but the question actually does say as at 30th September 2017, for example. Is this something that the Government cannot look at?

830 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I said that I will see what information I can extract. But as I say, it is an onerous task. If the hon. Member is saying look, what is the average school class size and so on, maybe that is what he is after. But I will certainly endeavour to obtain this information.

835 **Hon. L F Llamas:** Mr Speaker, I would simply like to seek your advice on this. Would it be possible to table the same question at the next sitting in order to give ample time to the Minister and his Department to provide an answer to this question?

**Mr Speaker:** Is it that you want it to be on the record of *Hansard*?

**Hon. L F Llamas:** Yes, please.

840 **Mr Speaker:** Then yes, otherwise the Minister could undertake to write to you. But if you want it to be on the record, I will allow it.

The only thing is that in the answer the Member will notice it is from 2012 onwards, not 2011.

**Q241/2018**  
**E-registration for secondary school pupils –**  
**Introduction**

845 **Clerk:** Question 241, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, does the Government intend to introduce e-registration for pupils attending secondary schools as from September, 2019?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, both Bayside and Westside currently conduct their registration sessions in an electronic format and will continue to do so in September 2019.



**Q242/2018**

**Gibdock lease –**

**Renewal date; environmental restrictions**

855 **Clerk:** Question 242, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, can the Government state when the Gibdock lease is up for renewal and whether Government is intending to impose any environmental restrictions such as a requirement for shore supplied power and restrictions in the hours of operation where noise is a problem under the terms of any new lease?  
860

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

865 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Gibdock lease is up for renewal, details of discussions are confidential.

However, the Government has engaged with Gibdock in order to reduce their environmental impact quite independently of any renewal discussions.

870 **Hon. T N Hammond:** Would the Minister not agree that discussions reference ... and I understand the discussions themselves are confidential, but this would represent an opportunity to perhaps impose environmental restrictions such as those regarding noise and certainly those regarding omissions from Gibdock?

875 **Hon. Dr J E Cortes:** Mr Speaker, as I say, we are in discussions quite independently of any renewal. I think the need to improve the environmental impact of every single activity in Gibraltar is something that we aspire to and need not be linked to anything else. So that is my brief within my Department and I will continue to pursue that.

880 **Hon. T N Hammond:** So can the Minister confirm then, whether the discussions that are taking place outside of those discussions which are taking place for the lease renewal do reference the provision of shore-supplied power to reduce emissions and the management of noise, particularly at night that is coming from the dockyard?

885 **Hon. Dr J E Cortes:** Mr Speaker, I believe that would require another question to be lodged. I am not leading on the discussions on lease renewal. I am leading on discussions of environmental improvement and some of the things that the hon. Member has mentioned, as we stated in a press release not too long ago, are part of these discussions. But I am not linking one to the other necessarily.

890 **Hon. T N Hammond:** I am pleased to hear that the Minister is leading on the other discussions, reference the environment, so hopefully he can therefore at least make clear whether yes in seeking environmental improvement, whether those two particular provisions – because there is a great deal of interest in the area from residents, as you can imagine – are part of the agenda and whether he can inform this House how those talks are proceeding, how those discussions are proceeding and whether he is hopeful of an outcome that will be satisfying to those who live in those areas.  
895

900 **Hon. Dr J E Cortes:** Mr Speaker, I am hopeful. There are areas that we are actively discussing that we have made progress on, but it is not for me here to defend or otherwise the performance of Gibdock. Just to say that we are engaged with them and we are looking forward to further improvements.

905 **Hon. T N Hammond:** And one last question if I may, Mr Speaker. As these particular discussions are not related to the lease, does the Minister have any idea when those discussions may be complete and perhaps a public announcement made?

910 **Hon. Dr J E Cortes:** Mr Speaker, these discussions are ongoing and there could be new issues arising and there is a regular contact with Gibdock both from my Ministry and from the Environmental Agency, so this is an ongoing thing. It is not one in which there is a particular time frame.

**Hon. T N Hammond:** I did say it was the last question, Mr Speaker, but actually the Minister's response solicits a further question.

915 So if I am asked by residents of the area, as I frequently am, whether I have asked questions and what progress there is, my response at the moment seems to me can only be, well Government is talking to Gibdock but on these particular issues of which you are particularly interested, the Government cannot explain to me or describe to me any detail as to what progress or as to when something may be achieved in respect of those issues. (*Interjections*)

920 **Hon. Dr J E Cortes:** Mr Speaker, it would not surprise the hon. Member or anybody in this House that the Government, and certainly in representation the Government, my Ministry and I are pursuing these and many other issues (*Interjection*) very strongly in order to improve the situation, not just in Gibdock but everywhere else in Gibraltar.

925 And so, anybody who goes to the hon. Member can firstly be referred to me and to my Ministry, and I will be very glad to talk to them and engage with them and tell them what we are doing, and can be reassured that we are doing everything in our power to improve the environmental performance of every operation in Gibraltar.

#### Q243/2018

#### Updated schedule of payments made – Including Commonwealth Park and Alameda Gardens

**Clerk:** Question 243, the Hon. L F Llamas.

930 **Hon. L F Llamas:** Mr Speaker, further to Question 607/2017, can the Government provide an updated schedule of payments made, to include Commonwealth Park and Alameda Gardens and the names of the entities the payments have been made to?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedule that I hand over.

940 Let me say, Mr Speaker, that as in the case of Question 607/2017, I have not identified the different entities. Some of them are in competition with each other and therefore, as I said at the time, without their specific agreement I think it would be unfair to mention them by name across the House.

**Answer to Question 243**

Schedule of payments made for each entity from December 2011 to date

	<i>Entity A</i>	<i>Entity B</i>	<i>Entity C</i>	<i>Entity D</i>
December 2011 to March 2012	£123,642.68	£26,626.35	£45.00	£119,827.65
2012/2013	£518,631.47	£121,444.23	£180.00	£621,838.50
2013/2014	£555,833.51	£114,747.30	£195.00	£750,573.59
2014/2015	£573,442.83	£109,504.99	£180.00	£985,822.46
2015/2016	£565,761.73	£110,049.72	£180.00	£946,436.70
2016/2017	£563,278.50	£110,399.72	£180.00	£1,079,082.63
2017 to date	£571,511.25	£100,767.29	£2,965.00	£1,205,003.63

**Q244/2018**  
**Maintenance of planted areas –**  
**Tender process**

**Clerk:** Question 244, the Hon. L F Llamas.

945

**Hon. L F Llamas:** Mr Speaker, does the Government intend to open for tender the maintenance of planted areas around Gibraltar currently carried out through contracts?

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

950

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government is considering this.

**Q245/2018**  
**North Front Cemetery –**  
**Maintenance costs and contractor**

**Clerk:** Question 245, the Hon. L F Llamas.

955

**Hon. L F Llamas:** Mr Speaker, since April 2017, can the Government state what the cost of clearing, maintaining and enhancing the North Front Cemetery together with the name of the contractor or contractors?

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

960

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the tender was awarded to Greenarc in August 2017 for a period of two years up to July 2019, at a yearly sum of £103,428.

965

**Mr Speaker:** Next question.

**Q244/2018**  
**Maintenance of planted areas –**  
**Tender process**  
**Supplementary question**

**Hon. L F Llamas:** Sorry, can I just have a supplementary on Question 244?

970 By when does the Minister intend to open for tender these contracts? Is there a timeline that he is thinking of at this point in time?

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
975 No, Mr Speaker, we are considering the way in which this could be done in relation to how Gibraltar may be divided up in sectors or in types of work that needs to be done. So it is currently a matter that is being considered, but I cannot give any more information at this stage.

**HEALTH, CARE AND JUSTICE**

**Q246-249/2018**  
**GHA Board meetings –**  
**Financial reports; National Dementia Committee;**

**Clerk:** Question 246, the Hon. R M Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

980 Can the Government please advise the date of the GHA Board meeting at which the 'executive decision' to remove quarterly financial reports from the public part of GHA Board meetings was agreed to by the GHA Board?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

985

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 247 to 249.

**Clerk:** Question 247, the Hon. R M Clinton.

990

**Hon. R M Clinton:** Mr Speaker, can the Government explain why a report from the Director of Finance and Procurement is no longer a standing agenda item for GHA Board meetings, even if held in private, and the absence of this report, how does the Board monitor the financial performance and resource allocation of the GHA?

995

**Clerk:** Question 248, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government established a National Dementia Committee in accordance with its 2015 National Dementia Vision and Strategy for Gibraltar?

1000

**Clerk:** Question 249, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, does the Minister for Health still stand by his personal commitment given to taxpayers in his Budget Speech on 27th June 2017 that, and I quote "In my first year as Minister for Health, the GHA will come within Budget."  
1005

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1010 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the decision to remove the quarterly financial reports from the public part of the GHA Board Meetings was taken by the CEO and his executive team prior to the GHA Board meeting of 21st September 2016.

1015 The Board Report from the GHA Director of Finance and Procurement is now discussed in the in-camera session of the GHA Board. The report may contain commercially sensitive information and disclosing this to the public may hinder the GHA's ability to obtain the best value for money for taxpayers. The financial performance and resource allocation is reviewed and discussed amongst Board members at each GHA Board meeting. The Government of Gibraltar publishes the annual GHA accounts at the end of the financial year, together with the estimates for the next financial year.

1020 The Government is in the process of deciding on the individuals who will form part of the National Dementia Committee.

I can personally attest, Mr Speaker, that in the last year, my team at the GHA and I have made important strides in improving financial control and accountability, the full details of which I will be delighted to set out at this year's Budget debate.

1025 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer.

I did not quite catch the answer to Question 247: there is no report on the agenda from the Director of Finance and Procurement so I fail to see how the GHA Board can discuss financial information if there is no such report to be had, even in camera. Could the Minister please clarify that for me?

1030

**Hon. N F Costa:** Mr Speaker, I have just risen from my first reply so I will try not to get contentious in my first reply to a supplementary question.

1035 The answer is in the original answer that I gave to the hon. Gentleman which is that the report is discussed in the in-camera part of the GHA Board meeting. Therefore, he will not have sight of that agenda because it is in camera, but it is discussed during the in-camera aspect of the Board meeting.

1040 **Hon. R M Clinton:** Yes, Mr Speaker, I fully understood what he said, but he still does not understand my point. My point is this: if he were to look at, for example, the agenda from the 2015 GHA Board held on 1st July 2015, he will quite clearly see there is a report – 6.3 Report to the Finance and Procurement – in camera. But again, I do not see that in the agenda for current Board meetings.

1045 So again, I ask the Minister, does the Director of Procurement present a report to the GHA and if so, why isn't it a standing agenda item?

**Hon. N F Costa:** Mr Speaker, for the very reason that I told him, that it is discussed in the in-camera section, the report is presented in the in-camera section and it is discussed by Board members in the in-camera section.

1050 As I told him as well, the decision not to include it as part of the public aspect of the Board discussion is for the reasons that I gave him here and there is no more to add, other than to say that the discussion is had by the Board members but in the in-camera part of the GHA Board meeting.

1055 **Hon. R M Clinton:** Mr Speaker, may I suggest to the Minister, he may wish to consider to include as an agenda item perhaps for my peace of mind and the peace of mind of the public, that the Board are considering this by having actually listed on the agenda as 'Report from the Director of Finance and Procurement – in camera', so we do at least know the Board are discussing it, rather than the Minister having to come to the House and explain, yes of course

1060 the Board are discussing it. But it is not on the agenda, Mr Speaker, so could he perhaps be kind enough to ensure that it is on the agenda in future, so that for the benefit of those who are not privy to the in-camera session, that we do know that at least some numbers are being presented?

1065 And furthermore, as we do know now, the Director or Medical Director does not give an overview in the same way the Chief Executive used to in his report, it would at least give some comfort that the GHA Board is considering these matters formally, as the agenda would indicate.

1070 **Hon. N F Costa:** Mr Speaker, I do not think that the hon. Gentleman has understood my reply. I have told him that the report *is discussed*, but it is discussed in the in-camera section of the GHA Board. So I hope that he has now –

**Mr Speaker:** That is not what he has asked you. He has asked you to consider whether you will go back and put it on the (*Interjection by Hon. N F Costa*) actual agenda of the Board, with a note that it is in-camera.

1075 **Hon. N F Costa:** Yes, Mr Speaker, that is what he is asking me but –

**Mr Speaker:** That is what he has now asked you for.

1080 **Hon. N F Costa:** Yes, but he finishes off by saying that the Medical Director now does not discuss it in the way that he used to and I am telling him that it *is* being discussed in the way that it used to, except that we do not have the agenda item on the open part of the GHA Board.

So, to be clear, the report is discussed in the in-camera section of the GHA Board meeting, Mr Speaker.

1085 **Hon. R M Clinton:** Finally, Mr Speaker, not to labour the point any further, will the Minister undertake in future to at least include the agenda item, as I suggest, with the words ‘in camera’ next to it so that we know that it is there on the agenda as a standing item, as all the others are?

Now I know that he is saying the report is presented, fine I take his word for it, but can we have it on the agenda?

1090 **Hon. N F Costa:** Mr Speaker, it really is quite something when you have the Party opposite who, when my hon. predecessor started the process of having open GHA Board meetings, we were heavily criticised for having GHA Board meetings in the open, and at the time, the hon. Lady who represented the party of the GSD was adamant that to have an open process and have GHA Board meetings in the open was perhaps not the best way to conduct GHA business.

1095 And now, we have a situation not six or five years later, asking us to have an item on the agenda in respect of the in-camera part. The in-camera part of the GHA Board meeting is not placed on the open agenda of the GHA Board meeting because it is discussed in the private part of the GHA Board meeting. For that reason, Mr Speaker, it would be a nonsense to add an agenda item in the open part of the GHA Board meeting on a matter that is discussed in the in-camera GHA Board meeting. Because if I were to apply and follow his logic, then I would have to list in the GHA open Board meeting, every single item discussed in the in-camera part of the GHA Board meeting.

1100 So no, Mr Speaker, I will not accede to his suggestion.

1105 **Hon. R M Clinton:** Mr Speaker, it was such a stupid idea that his predecessor actually did it! And again, I refer him back to the agenda of 1st July 2015, Matters for Report – (1) Chief Executive; (2) Director of Public Health; (3) Report, Director of Finance and Procurement – in camera. That is all I am asking for, nothing complicated – his predecessor did it.

1110 If he is saying, 'Well look, there are things in camera – why put it on the agenda?', how do we know what else is being discussed in camera? This is particularly critical; we are not talking about has the entrance area been swept this month or not in camera. This is critical. He has a budget of over £100 million: we want to know it is discussed regularly, albeit in camera, fine. His predecessor did it; why can't he?

1115

**Hon. N F Costa:** Mr Speaker, he does realise that we live in linear time and there is such a thing called the effluxion of time and the agenda item of which he speaks was in 2015. Subsequent to that point in time, there is a decision by the CEO in 2016 not to have those reports discussed on the agenda of the open GHA Board.

1120

And therefore, it makes no sense to me as the current GHA Chairman to place an item that is discussed in the in-camera section of the GHA Board in the open section of the GHA Board. Because trying to be consistent and applying the logic that he wishes me to accede to, if I were to decide for this particular item to add it to the open Board meeting agenda, I would feel that I also have to add all the items that we list on the agenda for the private part of the GHA Board meeting.

1125

So no, Mr Speaker, for the third or the fourth time, I will not accede to adding an item on the agenda of the GHA Open Board meeting for discussion in the in-camera section of the Board meeting, Mr Speaker.

1130

**Mr Speaker:** And because the Hon. Minister has insisted for the fourth or the third time that that remains the position, I am afraid that we are going to move on to something else.

1135

**Hon. R M Clinton:** Mr Speaker, if I may, he has raised a very interesting point which I would like to develop. Mr Speaker, we will leave that. Is the Minister actually suggesting to this House, that there are two agendas for the GHA Board, one which is actually published on the website and another one which is private? Is that true?

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**Hon. N F Costa:** Mr Speaker, the hon. Gentleman should pick up a dictionary. There is an *in-camera* GHA Board meeting. Therefore there is the public part which the GSD was against in 2012 and the in-camera part which has always been part of the process.

The hon. Gentleman graces us with his presence every time there is an open GHA Board meeting and we are delighted to have him and at the conclusion of that meeting we say thank you to the hon. Gentleman and any other members of the press and we excuse them because we tell them we will now discuss the in-camera part of the GHA Board meeting.

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Therefore, it is a surprise to me that he should be surprised that there is a part of a GHA Board meeting that is not publicly exposed, given that it is held in camera, which is behind closed doors.

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And let me also tell the hon. Gentleman that I am also delighted that he should take his cue from *The Gibraltar Chronicle*, because it was *The Gibraltar Chronicle* that was asking these questions to me. So maybe perhaps they should be referring to *The Gibraltar Chronicle* what questions it is that they are going to be asking me.

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**Hon. R M Clinton:** Well, Mr Speaker, I am grateful to the Minister for referring to *The Gibraltar Chronicle* because I have it precisely here. (*Interjection*) And of course, Mr Speaker, if the Minister had graced us with his presence at that meeting and the meeting before, from which he was both absent, we might have been endowed with the benefit of his wisdom in those Board meetings, in camera or not in camera.

1160

Well, Mr Speaker, we will move on as you suggest. The National Dementia Vision and Strategy for Gibraltar 2015: we are now in 2018. Can I ask the Minister what is taking so long in considering the constituent members of this committee and when does he hope to make a decision?

1165 **Hon. N F Costa:** Mr Speaker, at least I am glad that the hon. Gentleman agrees that the Government is very well endowed with the benefit of wisdom and, Mr Speaker, the reason why I did not attend the first GHA Board meeting to which he refers is because I am afraid I was in Parliament and as much as I try to expand my skill set, bi-location is not yet a gift that I have discharged. However, I do ask for that gift increasingly, given the duties that I discharge.

1170 Secondly, Mr Speaker, in respect of the question he asks about the National Dementia Strategy, he is right that we have not yet set the committee members for that particular body and the reason is because, as the hon. Gentleman knows, the Government has opened the Bella Vista Day Centre, Hillside and we have also added a floor to John Mackintosh Home and it was the considered advice of clinicians, of service groups and of users that it was very important to have those sites and those facilities rolled out and then to continue with the work of the National Dementia Strategy.

1175 I am pleased to inform him that the National Dementia Strategy has almost finished its revision. It had to be updated, given the addition of the excellent facilities that have been rolled out and there has been a meeting now, I think three weeks ago, or two weeks ago, between the clinician who is updating the National Dementia Strategy, with the Gibraltar Alzheimer's & Dementia Society (GADS) and with the Elderly Residential Service, to discuss the different parts of the National Dementia Strategy including who are the persons who should be nominated to sit on the National Dementia Strategy Committee.

1180 So we are hopeful to be able to announce the names of the persons who will sit in that committee very, very soon.

1185 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer on the National Dementia Committee and I look forward to his announcement in due course.

Mr Speaker, coming to Question 249, and I would just like a very simple yes or no answer from the Minister, although it may be just wishful thinking on my part: does the Minister stand by his statement that the GHA will come within Budget, yes or no?

1190 **Hon. N F Costa:** Mr Speaker, it is wonderful how I give answers to the hon. Gentleman and he asks me questions again to answers which I have already given.

1195 **Hon. R M Clinton:** Mr Speaker, obviously my brain does not function as well as his does, but I definitely did not hear a simple answer to the question. He said he would give some kind of update, etc. That was not my question, Mr Speaker. My question was, does he stand by the statement, yes or no? Will he come within Budget, yes or no?

1200 **Hon. N F Costa:** And I have already told him, Mr Speaker, that I will be delighted to discuss all of that at the Budget session.

1205 **Hon. R M Clinton:** Mr Speaker, again I am grateful for your guidance or not on this, but I do not think we are under any rules regarding the future Budget in terms of discussing an outcome, since we have not had the Estimates Book yet. So again, a very simple question – I do not want to discuss it at Budget time, I would like to know now, today – is he still confident of that statement, yes or no?

1210 **Hon. N F Costa:** Mr Speaker, thankfully for him and I think for this House, I do not regulate my life depending on his wishes or his whims. I have already given him the answer to the question, which is that I will be delighted to discuss it during the course of the Budget debate. If he does not like it, Mr Speaker, so be it.

**Hon. R M Clinton:** Mr Speaker – (*Interjection*)



1215 **Mr Speaker:** The fact of the matter is that it is abundantly clear to me that you are not going to get an answer to that specific question. And because you are not going to get an answer to that specific question, we are moving on to the next.

Right, you are unable to get an answer to that question –

1220 **Hon. R M Clinton:** Can I ask you on a Point of Order, Mr Speaker?

Am I allowed to ask questions of the Government and expect an answer, yes or no? (*Interjections*)

1225 **Mr Speaker:** The Government is not obliged to answer any specific question. If they do not want to answer it, they do not have to, it is a matter for them ultimately. It is not a matter for the rules. I am not the arbiter as to the adequacy of a Government answer to an Opposition question.

**Hon. D A Feetham:** Mr Speaker, may I? (**Mr Speaker:** Yes.) Thank you very much.

1230 Mr Speaker, may I ask the hon. Minister a supplementary. He may have answered this but in my old age, I cannot recall exactly whether he has answered this particular point. (*Interjection*)

1235 But does he not agree with me that in circumstances where the cost of running the GHA has more than doubled since 2011, that in circumstances where the GHA or health expenditure is costing roughly about ... it was last year about £10 million per month – that is £120 million nearly a year – and in circumstances where the Government is now introducing efficiency measures, presumably to deal with the situation where we have in some areas runaway expenditure on the GHA, and indeed in circumstances where we now have or Gibraltar is facing Brexit where the Government is going to have to reposition areas of our economy in relation to that, and presumably that could have a knock on effect as well on revenue streams, that it is in those circumstances, *imperative* that we have *greater* transparency, not less transparency? And  
1240 can the Minister explain to me why the Government is moving to less transparency at this particular point in time?

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman's prefaces to his questions are longer than Wagner's *The Ring of the Nibelung*, which I recommend that he listens to.

1245 It is not that the Government is moving to less transparency, not at all. We have told the Hon. Mr Clinton that the finances of the GHA will be discussed at Budget time. All of the finances and all of the subheads will be discussed then. They can ask as many questions as they like during the course of the Budget debate and of course during the course of the Committee session.

1250 I do not know whether I heard the hon. Gentleman correctly, but the GHA's Budget has not doubled since the time that the – (**Hon. D A Feetham:** Cost.) No, no, the cost of the GHA – certainly I am looking at the last year of the GSD, which was 2011-12 and if I recall correctly, it may have been £89 million or something along those lines, and the cost last year was £119 million so we are nowhere near doubling the cost of the GHA.

1255 **Hon. D A Feetham:** I will have a look at the point. In fact I may have in mind the budget in – (*Interjection*) No, 2011 I think. But anyway, I will stand to be corrected if I am wrong, but I will go back to that.

1260 But the point is, Mr Speaker, that the Government takes a decision and the decision in this case is to hold in camera as from 2016 what had previously been discussed openly and, therefore, was subject to public scrutiny, was subject to comment by members of the public, by members of the press and indeed by the House, on a monthly basis after those meetings took place in public. It is for the Government to justify why it is going from a position of transparency – in other words, open meetings – to a position where that aspect is now being discussed in camera. I just do not have it clear in my mind why it is that at this particular

1265 juncture, taking all those factors that I outlined in my previous question, why it is that the Government is moving towards less transparency in this particular instance?

**Hon. N F Costa:** Mr Speaker, as I said, I was not privy to the discussions that took place between the CEO of the GHA at the time and his executive team. But I have to tell him that even without being privy to those discussions, if I had been the Chairman of the GHA in 2012, I would never have placed the finances of the GHA for discussion in a public meeting during the course of the year, not just because of the reason that I gave this House, which is that if you have this open discussion about tenders and so on it could very much impact on the ability of the GHA to be able to enter into any subsequent negotiations following a tender, but also because as he well knows, finances are not reconciled until after the financial year. So to provide any figure at any point during the course of the financial year, which is subject to reconciliation and correction and audit, for me would have been a no-go area in the first place, mostly for that particular reason.

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1280 But in any case, Mr Speaker, whereas the hon. Gentleman now espouses a philosophy of having the GHA Board meetings in the open, he has to remember that when he sat with the hon. Lady that no longer sits next to him –

**Mr Speaker:** No, you have talked about the hon. Lady this afternoon on three separate occasions.

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**Hon. N F Costa:** Only?

**Mr Speaker:** Yes, you have, on three separate occasions. The present Members of the Opposition are not bound by what the hon. Lady that you are referring to said here in the House. Whatever question, whatever policy position she was taking, they are no longer committed to that, she has left politics.

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1295 That does not mean that the new Shadow Minister for Health has got to follow the line of someone who is now actually working for the GHA. That is not a valid point to make and please do not make it any more, because I am getting a bit fed up of hearing the same thing over and over again. You are just repeating yourself and it is not a valid point, in my view, to make.

I do not think we are making much progress on this particular issue, I must say. So, unless we get something new that will persuade me to carry on, we are going to move on to the next question.

1300 Now, the Hon. the Chief Minister I think wants to say something.

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, because the Government takes a completely different view to you of whether the point is valid or not. The Government will insist on reminding Members of the GSD what their position was. They represent the Gibraltar Social Democrats and the Gibraltar Social Democrats, when they had the opportunity and were in Government, actually carried out a particular function in a particular way. We think it is appropriate and proper to remind the community, when they now suggest that we should be judged in a different way, that that was the way that they discharged the functions of Government when they were elected into Government.

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1310 And if I may say so in particular, Mr Speaker, in respect of the questioner on this occasion, although he *sometimes* says that he is at the twilight of his political career, but I know him well enough to believe that he has got life left in him yet, (*Laughter*) he was in that Government, Mr Speaker. He was a member of the Government that acted in that way.

1315 And therefore, the Government considers that it is absolutely proper that in this House and outside it, to remind the public that when they had the chance to make public those debates of the GHA, and in particular debates in respect of the finances of the GHA, they chose not to. And when we have adopted one particular part of that, they are now in effect – Mr Feetham in

particular – arguing against the position they took when they were in Government. And that for us is politically – to take one position when you sit in Opposition which is contrary to the position you have taken in Government – something that we think is valid and necessary to point out.

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Mr Speaker, I think we have demonstrated in the time that you have been determining the proceedings of this House, that we follow your rulings to the letter and are respectful of them. But as to the political value of a point, I think we are entitled to very respectfully say that we will take a different view, but also accept that if you feel it is time for us to move on to another point, to do so with great respect.

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**Mr Speaker:** The Hon. Minister has been referring to a lady who was never in Government. She was only a Member of the Opposition. (*Interjections*)

No?

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**Hon. Chief Minister:** No, Mr Speaker, this is the problem. Mrs Del Agua was Minister for Health – (*Interjection by Mr Speaker*) Mrs Del Agua was Minister for Health for four years.

**Mr Speaker:** My apologies. I apologise unreservedly. I thought that the Hon. Minister was referring to the Hon. Isobel Hammond. I apologise unreservedly.

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**Hon. D A Feetham:** Mr Speaker, I was going to go back as well to *Hansard* to have a look at the positions taken by Isobel Ellul-Hammond, because the hon. Gentleman actually put ... The reason why there is this confusion is because he said 2012 and of course in 2012 we were in Opposition; we were not in Government. That is why everybody has assumed that the hon. Member was referring to Isobel Ellul-Hammond. (*Interjection*)

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But look, Mr Speaker, may I say this, that the hon. Member is perfectly entitled as a matter of raw politics to say, 'Well, hang on a minute, it was done when you were in Government, it was done in a particular way.' But the reality is, may I just coin the phrase that has been used by Minister Costa when asked a question earlier on in the afternoon about a change in position in Government, he said the effluxion of time, things move on. Well, I suppose what is good for the goose is also good for the gander, and things do move on.

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Mr Speaker, the reality is what we are asking is, for the Government to explain its own position, because the Government started off with a position of having open meetings for everything and in 2016 changed that position in order to carve out into private the financial aspects of the GHA.

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I just have one more supplementary question because I do not think, I do not want listeners to this debate to think that this is just simply about numbers. (*Interjection*) Actually it is not. Yes of course, I will give way, yes.

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**Hon. Chief Minister:** I am grateful to him because I will leave the supplementary to be dealt with by the Minister. I just want to deal with one particular point and that is the point which Mr Speaker made which he has now addressed.

Mr Speaker, you have apologised unreservedly. You do not need to apologise to us on this side of the House, we entirely accept that you believed we were dealing with somebody else and the only point I wanted to make on behalf of the whole Government, was that we thought it was valid to make the political point, and I am grateful for your indication.

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And finally, Mr Speaker, in relation to an effluxion of time, Mr Speaker, it is one thing for time to pass; it is quite another for people to change their position. The hon. Lady to the right has passed in time and in philosophy and politics from the labels of the GSD. The hon. Gentleman to the left also, but hon. Members in the middle are stuck with being members of the Gibraltar Social Democrats. And if they want to make points which are contrary to the politics of that party, all they need to do is to just leave the Gibraltar Social Democrats and then they will be

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1370 free to make their modern new points. But otherwise they are lumbered with their record and I  
am grateful to the hon. Gentleman for giving way, so he can now continue with his  
supplementary.

**Hon. D A Feetham:** Well, thank you very much. Well, I suppose, Mr Speaker –

1375 **Mr Speaker:** You said you had one last supplementary.

**Hon. D A Feetham:** I suppose, Mr Speaker, we all change position. I mean he spent ten years  
calling me the Darth Vader of Gibraltar politics and I did not receive an invitation to meet Luke  
Skywalker earlier on! (*Laughter and banging on desks*) I have to say that aggrieved me totally!  
1380 Does he want me to give way? I will give way in the spirit!

**Hon. Chief Minister:** Mr Speaker, the last thing I wanted was family conflict on the Skywalk.  
The last thing Gibraltar needed was Darth Vader and Luke Skywalker in the same space with  
loaded light sabres. That is the only thing that concerned me, Mr Speaker.

1385 **Mr Speaker:** Now, your supplementary.

**Hon. D A Feetham:** Yes. Thank you very much.

1390 Mr Speaker, does the Minister not accept that this is not an issue just simply about raw  
numbers?

Of course, look, I will give the Minister an example. One of the most interesting pieces of  
information that during my time in Opposition I derived from reports based on the minutes of  
these meetings, on the financials, was the fact that in 2012 the GHA Board discussed that there  
was a problem with the procurement side and that was causing significant concern to the GHA  
1395 Board, alright? Now, that was a matter that I then brought to this House and I asked  
supplementary questions. It is a matter of public interest if the Board of the GHA thinks that  
there is an issue with public procurement within the GHA.

Efficiencies, for example, that the Government is also now undertaking in relation to the  
GHA. Of course, it involves numbers, but it involves also labour issues. These are all matters of  
1400 public interest and therefore, if the Government closes the shutters by hiding off all that aspect  
in camera and does not allow the public, the Opposition and the press to properly scrutinise that  
aspect, then of course that I think is not in the best interest of democracy and I am just asking  
the Government to explain that.

1405 And does he not accept – this is my supplementary – that it is not just simply about pure  
numbers?

**Hon. N F Costa:** Mr Speaker, I have already explained that even if I had been privy to the  
conversations between the former CEO of the GHA in discussing the reasons why to remove the  
reports from the public part, I would have definitely agreed with that decision for the reasons  
1410 that I have already enumerated.

Firstly, I do not think it helps the GHA's position to discuss financials when those financials  
could impact on the ability of the GHA to be able to negotiate best value for money on any  
particular contract. I do not think that it is wise to provide numbers during the course of a public  
debate before those numbers are reconciled and before they are checked. I think it actually  
1415 causes more harm than good.

And therefore, as I said, even though I was not the Chairman of the GHA at the time, I stand  
by the decision to remove that discussion of the GHA agenda to the in-camera session.

**Q250-258/2018**

**Inpatients at foreign hospitals; agency health workers; claims against GHA;  
Primary Care waiting times–  
Breakdown of numbers**

**Clerk:** Question 250, the Hon. D A Feetham.

1420 **Hon. D A Feetham:** Mr Speaker, following question number W126/2017, can the Government please provide details of the number of inpatients being treated at foreign hospitals or medical establishments as at January 2017 and 2018, providing a breakdown of the same?

The Government has already provided the breakdown for previous years.

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**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Yes, Mr Speaker, I will answer this question together with Questions 251 to 258.

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**Clerk:** Question 251, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Government please update the answer provided to Question W127/2017 and provide details of the monthly number of in-patients being treated at Xanit Hospital in Spain for each month since August 2017?

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**Clerk:** Question 252, the Hon. D A Feetham.

**Hon. D A Feetham:** As at 31st December 2017, how many individuals were working within the GHA, the Care Agency and the ERS through recruitment consultants and how many were employed directly by those organisations?

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**Clerk:** Question 253, the Hon. D A Feetham.

**Hon. D A Feetham:** How many individuals who were employed directly by the GHA, the Care Agency and the Elderly Residential Services as at 31st December 2015 are now working within those organisations but employed through recruitment consultants, setting out their nationality?

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**Clerk:** Question 254, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Minister please provide a schedule setting out the number of nurses working in the Care Agency and Elderly Residential Services, stating whether those nurses are employed directly by the Care Agency and Elderly Residential Services on permanent and pensionable terms, a fixed-term contract or through recruitment consultants, together with their nationality?

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**Clerk:** Question 255, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Minister please provide a schedule setting out the number of nurses working in each department of St Bernard's Hospital, also stating whether those nurses are employed directly by the GHA on permanent and pensionable terms, a fixed term contract or through recruitment consultants, together with their nationality?

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1465 **Clerk:** Question 256, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Minister provide a schedule showing the length of contracts of all doctors employed at St Bernard's Hospital, showing the areas in which they practise, their nationality and the date they started?

1470 **Clerk:** Question 257, the Hon. D A Feetham.

1475 **Hon. D A Feetham:** Mr Speaker, how much has the GHA, or the Government on its behalf, paid out in respect of claims made against the GHA in respect of the last two years, providing a breakdown on a case-by-case basis?

**Clerk:** Question 258, the Hon. D A Feetham.

1480 **Hon. D A Feetham:** Can the Government please provide details of the average waiting times for non-urgent referrals from the Primary Care Centre to consultants or doctors at the hospital since March 2017?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1485 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, we have been unable to extract data providing details of the number of inpatients being treated at foreign hospitals or medical establishments as at January 2017 or 2018, identifying each hospital and medical establishment.

1490 Further, may I inform the House, with respect to W126/2017, that the header of the table reading 'number of inpatients' being treated at foreign hospitals should have read 'number of patients referred'. The table contained the number of patients referred to foreign hospitals who were treated as out-patients *and* in-patients, thus showing the total number of referrals.

The information for January 2017 and January 2018 is as follows: January 2017, number of patients referred, 355; January 2018, number of patients referred, 236.

1495 I now hand over to the hon. Gentleman a schedule identifying each hospital and medical establishment as at January 2017 and January 2018:

**Answer to Question 250**

**January 2017**

Hospital	Country	Patients
Addenbrooke's Hospital	UK	2
Asociacion Dario Cerebral Sobvenido	Spain	1
Charing Cross Hospital	UK	3
Chelsea & Westminster Hospital	UK	1
Clinica Gutenberg (Malaga)	Spain	2
Clinica Medrano	Spain	3
Clinica Radon	Spain	33
Clinica Universidad de Navarra	Spain	6
Dorsett Orthopaedic Clinic	UK	1
Evelina Children's Hospital	UK	10
Glenfield Hospital	UK	2
GOSH	UK	6
Guys & St. Thomas	UK	9

Hammersmith Hospital (Imperial)	UK	4
HC Hospitals	Spain	1
Hospital Carlos Haya Malaga	Spain	1
Hospital de la Virgen Rocio Sevilla	Spain	1
Hospital Materno Infantil	Spain	1
Hospital Punta Europa Algeciras	Spain	1
Hospital Quironsalud Campo de Gibraltar	Spain	1
Hospital Universitario Puerta Del Mar (Cadiz)	Spain	1
Hospital Universitario Reina Sofia	Spain	1
Hospital Vithas Xanit Internacional	Spain	133
Kings Healthcare	UK	2
Leicester General Hospital	UK	1
Leicester Royal Infirmary	UK	1
Moorfields Eye Hospital	UK	12
National Hospital for Neurology	UK	1
Papworth Hospital	UK	1
Paso A Paso Clinica de Neurorehabilitacion	Spain	1
Princess Royal	UK	1
Royal Brompton Hospital	UK	2
Royal Free Hospital	UK	1
Royal Marsden (Fulham)	UK	30
Royal Marsden (Sutton)	UK	3
Royal National Orthopaedic	UK	2
Royal National Throat, Nose and Ear Hospital	UK	8
Royal Victoria Infirmary	UK	1
Salford Royal	UK	1
St Bartholomew's Hospital	UK	1
St Marys Hospital	UK	8
St. Georges Hospital	UK	33
Stoke Mandeville Hospital	UK	1
The Wellington Hospital	UK	1
UCLH	UK	18
University College Hospital	UK	1

**January 2018**

Hospital	Country	Patients
Asociacion Daho Cerebral Sobrevenido	Spain	1
Birmingham City Hospital	UK	1
Charing Cross Hospital	UK	1
Clinica Gutenberg (Malaga)	Spain	2
Clinica Gutenberg (Algeciras)	Spain	1
Clinica Medrano	Spain	10
Clinica Radon	Spain	24
Clinica Santa Elena	Spain	1
Clinica Universidad de Navarra	Spain	2
Evelina Children's Hospital	UK	16
GOSH	UK	5

Guys & St. Thomas	UK	11
Hammersmith Hospital (Imperial)	UK	4
Harefield Hospital	UK	1
Hospital de la Seguridad Social La Linea	Spain	1
Hospital de la Virgen Rocio Sevilla	Spain	1
Hospital el Angel	Spain	3
Hospital Punta Europa Algeciras	Spain	1
Hospital Quironsalud Campo de Gibraltar	Spain	36
Hospital Quironsalud Malaga	Spain	1
Hospital Quironsalud Marbella	Spain	8
Hospital Vithas Xanit Internacional	Spain	7
Kings Healthcare	UK	1
Leeds Teaching Hospital	UK	1
Leicester Royal Infirmary	UK	1
Moorfields Eye Hospital	UK	17
National Hospital for Neurology	UK	1
Nottingham University Hospital	UK	1
Nuffield Hearing & Speech Centre	UK	1
Papworth Hospital	UK	1
Paso A Paso Clinica de Neurorehabilitacion	Spain	1
Royal Brompton Hospital	UK	1
Royal Free Hospital	UK	2
Royal Marsden (Fulham)	UK	19
Royal Marsden (Sutton)	UK	2
Royal National Orthopaedic	UK	2
Royal National Throat, Nose and Ear Hospital	UK	4
St Mark's Hospital	UK	1
St Marys Hospital	UK	2
St. Georges Hospital	UK	24
Stoke Mandeville Hospital	UK	1
The Clatterbridge Cancer Centre	UK	1
The Royal Free Hospital	UK	1
UCLH	UK	13

Mr Speaker, the breakdown for the number of patients treated at Xanit Hospital since August of last year is as follows:

<b>August 2017</b>	45
<b>September 2017</b>	67
<b>October 2017</b>	64
<b>November 2017</b>	62
<b>December 2017</b>	14
<b>January 2018</b>	5
<b>February 2018</b>	2

As at 31st December 2017, there were 1,164 individuals working within the GHA, of which 62 were employed via labour supply agencies and 1,102 who were employed directly by the GHA.



As at 31st December 2017, there were 382 individuals working within the Care Agency, of which 149 were employed via labour supply agencies and 233 were employed directly by the Care Agency.

1505 As at 31st December 2017, there were 442 individuals working within the ERS, of which 127 were employed via labour supply agencies and 315 were employed directly.

Mr Speaker, no individuals who were employed by the GHA, Care Agency and Elderly Residential Services as at 31st December 2015 are now employed by labour supply agencies.

1510 Mr Speaker, there are seven nurses working in the Care Agency, of which three are on fixed term contracts and four are on indefinite contracts. Of the seven nurses, five are British and two are of Spanish nationality.

There are 327 nurses working in the ERS of which 237 are on indefinite contracts, one is permanent and pensionable and 89 are through labour supply agencies. Of the 327 nurses, 135 are British, 102 are Spanish and one is of Polish nationality. We do not hold information on the nationalities of the nurses working through a labour supply agency.

1515 Mr Speaker, there are 355 nurses working at St Bernard's Hospital, of which 106 are on permanent and pensionable contracts, 181 are on indefinite contracts, 31 are on fixed-term contracts and 37 are through labour supply agencies. Of the 355 nurses, 230 are British, 80 are Spanish, two are Polish, one is Irish, one is French, one is Swedish, one is Portuguese, one is Romanian and one is of German nationality. We do not hold information on the nationalities of the nurses working through a labour supply agency.

1520 The 355 nurses are working in the following departments:

A&E	34
Blood Department	4
Breast/Palliative Care	3
Captain Murchison Ward	36
Critical Care Unit	39
Day Infusion	2
Day Surgery	12
Dialysis	6
Dudley Toomey Ward	33
Infection Control	2
John Ward	38
Maternity Ward	27
Medical Investigation Unit	22
Oncology/Chemotherapy	1
Operating Theatres	17
Ophthalmics	7
Pre-assessment Clinic	3
Rainbow Ward	18
Relief Cover	7
TSSU/CSSD	10
Victoria Ward	34

I now hand over to the hon. Gentleman, a schedule showing the length of contracts for all doctors employed at St Bernard's Hospital, showing the areas in which they practice, their nationality and date they started.

**GIBRALTAR PARLIAMENT, THURSDAY, 22nd MARCH 2018**

**Answer to Question 256**

<b>Grade</b>	<b>Speciality</b>	<b>Length of contract</b>	<b>Nationality</b>	<b>Start date</b>
SENIOR DENTAL OFFICER	DENTAL	INDEFINITE	Bri/Gib	13/04/1993
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	1 YEAR	Pak	05/02/1997
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Pak	25/02/1997
CONSULTANT	PUBLIC HEALTH	1 YEAR	Bri	02/02/1998
NON CONSULTANT HOSPITAL DOCTOR	SURGICAL	1 YEAR	Spa	05/02/2001
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Bri	05/02/2003
CONSULTANT	ANAESTHESIA	3 MONTHS	Bri	27/05/2003
NON CONSULTANT HOSPITAL DOCTOR	ORTHOPAEDICS	1 YEAR	Can	06/08/2003
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	1 YEAR	Spa	04/02/2004
CONSULTANT	ANAESTHESIA	INDEFINITE	Swe	04/01/2005
CONSULTANT	PHYSICIAN	3 MONTHS	Spa	01/02/2005
ASSOCIATE SPECIALIST	SURGICAL	3 YEARS	Pak	08/08/2005
CONSULTANT	PAEDIATRICIAN	3 MONTHS	Bri/Gib	05/09/2005
CONSULTANT	ORTHOPAEDICS	3 MONTHS	Ger	01/07/2006
CONSULTANT	PHYSICIAN	3 MONTHS	Bri	07/08/2006
CONSULTANT	ANAESTHESIA	INDEFINITE	Slovak	14/08/2006
CONSULTANT	ANAESTHESIA	INDEFINITE	Ger	01/09/2006
CONSULTANT	ANAESTHESIA	INDEFINITE	Fre	01/10/2006
ASSOCIATE SPECIALIST	A&E	3 YEARS	Ger	02/10/2006
CONSULTANT	PAEDIATRICIAN	3 MONTHS	Bri	01/10/2008
CONSULTANT	ANAESTHESIA	3 MONTHS	Bri	09/11/2009
CONSULTANT	RADIOLOGY	3 MONTHS	Czech	01/11/2010
CONSULTANT	ENT	3 MONTHS	Ger	01/12/2010
CONSULTANT	GYNAECOLOGIST	3 MONTHS	Bri	01/06/2011
CONSULTANT	GYNAECOLOGIST	INDEFINITE	Swe	20/06/2011
CONSULTANT	HAEMATOLOGY	3 YEARS	Spa	08/01/2012
CONSULTANT	RADIOLOGY	3 MONTHS	Czech	01/02/2012
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Spa	06/06/2012
CONSULTANT	RADIOLOGY	3 MONTHS	Bri/Gib	03/09/2012
CONSULTANT	PSYCHIATRY	INDEFINITE	Bri	01/02/2013
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Bri	09/01/2014
CONSULTANT	ENT	3 YEARS	Polish	13/10/2014
CONSULTANT	PAEDIATRICIAN	3 YEARS	Hungarian	20/10/2014
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Bri	12/01/2015
NON CONSULTANT HOSPITAL DOCTOR	SURGICAL	1 YEAR	Bri	10/03/2015
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Spa	01/07/2015
NON CONSULTANT HOSPITAL DOCTOR	A&E	1 YEAR	Spa	02/07/2015
CONSULTANT	PHYSICIAN	3 YEARS	Bri/Gib	10/08/2015
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	1 YEAR	Cyp	11/08/2015
ASSOCIATE SPECIALIST	MEDICAL	3 YEARS	Bri	01/10/2015
ASSOCIATE SPECIALIST	UROLOGY	3 YEARS	Hung/Bri	29/08/2016
CONSULTANT	OPHTHALMOLOGY	3 YEARS	Spa	24/10/2016
CONSULTANT	GENERAL	3 YEARS	Spa	16/01/2017
CONSULTANT	SURGICAL	3 MONTHS	Hungarian	17/01/2017
CONSULTANT	ANAESTHESIA	2 YEARS	Spa	01/04/2017
ASSOCIATE SPECIALIST	ORTHOPAEDICS	1 YEAR	Polish	24/04/2017
RESIDENT MEDICAL OFFICER	ORTHOPAEDICS	11 MONTHS	Bri	10/05/2017
CONSULTANT	SURGICAL	2 YEARS	Bri	26/06/2017
CONSULTANT	NEPHROLOGY	INDEFINITE	Bri	10/07/2017
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	11 MONTHS	Indian	24/07/2017
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	11 MONTHS	Bri	24/07/2017
RESIDENT MEDICAL OFFICER	SURGICAL	11 MONTHS	Bri	31/07/2017
CONSULTANT	PATHOLOGY	3 YEARS	Polish	01/08/2017
RESIDENT MEDICAL OFFICER	ORTHOPAEDICS	11 MONTHS	Bri	07/08/2017
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	11 MONTHS	Indian	14/08/2017
CLINICAL FELLOW/REGISTRAR	ANAESTHESIA	1 YEAR	Bri	01/09/2017
CLINICAL FELLOW/REGISTRAR	ANAESTHESIA	1 YEAR	Pakistani	01/09/2017
CONSULTANT	PHYSICIAN	3 YEARS	Bri	05/09/2017
CONSULTANT	ORTHOPAEDICS	2 YEARS	Romanian	12/09/2017
CLINICAL FELLOW/REGISTRAR	ANAESTHESIA	1 YEAR	Bri	02/10/2017
CONSULTANT	SURGICAL	3 YEARS	Bri	16/10/2017
CLINICAL FELLOW/REGISTRAR	ANAESTHESIA	1 YEAR	Slovakian	07/11/2017
CONSULTANT	A&E	2 YEARS	Bri	13/11/2017
CONSULTANT	ORTHOPAEDICS	3 YEARS	Bri	18/12/2017
NON CONSULTANT HOSPITAL DOCTOR	MEDICAL	11 MONTHS	Bri	15/01/2018
NON CONSULTANT HOSPITAL DOCTOR	A&E	7 MONTHS	Romanian	01/02/2018
CONSULTANT	GYNAECOLOGIST	3 YEARS	Bri	01/02/2018
CONSULTANT	PAEDIATRICIAN	3 YEARS	Spa	19/02/2018

1525 Mr Speaker, the GHA, or the Government on its behalf, has paid out in respect of claims made against it in respect of the last two financial years £400,000, broken down into eight payments of £50,000 each.

1530 Mr Speaker, for the sake of completion, I provide to the hon. Gentleman the average waiting times for urgent and non-urgent referrals. Waiting time for referrals from Primary Care to St Bernard’s Hospital, per speciality, is as follows:

Speciality	Average waiting times routine referrals March 2017	Average waiting times routine referrals February 2018	Average waiting times urgent referrals February 2017/2018
General Physician	Six to eight weeks	Four to eight weeks	One week
General Surgery	12 weeks	Four weeks	One to two weeks
Gynaecology	16 to 20 weeks	Three weeks	Two weeks
Orthopaedic Consultant	*52 to 60 weeks	42 weeks	One week
Ear, Nose and Throat Consultant	Five to ten weeks	Four to eight weeks	One week
Paediatrician	Eight to 12 weeks	Six weeks	No waiting time

\*Orthopaedic Consultant – Mr Speaker, I need to inform the House that with respect to this part, I stated the average for Orthopaedics was eight to 20 weeks, when in fact the average waiting time was 52 to 60 weeks. My apologies.

1535 **Hon. D A Feetham:** Mr Speaker, in order for the hon. Gentleman not to surrender the advantage that he has of having the written answer there and giving it to me before I start with my supplementaries, will he be so kind as to give me the answers after the session finishes, so that I can take that? Thank you, I am very grateful to him.

1540 Well, just dealing with the recruitment consultants, as I understand it, there are 149 employees employed within the Care Agency through recruitment consultants out of a total workforce in the Care Agency of 382. That means that 39% of people within the Care Agency are effectively working via recruitment consultants.

1545 Then in relation to elderly residential services, I think the figure that the hon. Gentleman gave me, and I would appreciate it if he could confirm it, is 127 employed via recruitment consultants out of a total workforce of 422 – the percentage there is 30%.

Now, does the hon. Gentleman agree with me in the first instance that we are dealing with significantly high percentages of workers working within these two sectors employed through recruitment consultants?

1550 **Hon. N F Costa:** No, Mr Speaker, I do not agree with him, for the simple reason that I have explained in the past every time he has asked me in the House – I know that he said in a recent video which was shared with me, which they would have called perhaps a grubby little podcast when they were in Government, but I welcome the video and he said in the video that we never answer the questions in respect of how many people are employed via labour supply agencies. Let me tell him, that is not correct.

We have gone back through *Hansard* and I have answered that question every single time he has asked me that particular question. He has asked me that particular question ... 15 times he has asked me and 15 times he has got the answer.

1560 So I hope that on the next occasion that he makes a video, which they will have called a grubby little podcast, he at least has the decency to rectify the incorrect statement that he attributed and the *mala fides* that he attributed to me in that respect.

1565 The reason why I do not agree with him, Mr Speaker, is for the reason that I have explained to him in the past on those 15 occasions. The Care Agency provides domiciliary care. As he knows, the domiciliary care budget has gone from £600,000 when they were in Government, to £2.6 million now. The number of persons receiving domiciliary care has increased up to, if I recall

correctly, over ... In fact I have the exact figure. In the last calendar year, there were 478 persons receiving domiciliary care. So these are 478 persons in the community who receive domiciliary care by carers.

1570 Therefore, it has represented a huge increase in the number of people who are able to receive care and continue to live in their houses, which I am sure we can both agree is in fact a very good thing because we are providing carers at home and within the community we avoid the possibility that as a result of the lack of care they may end up in hospital where we should only have people who require medical and clinical care, rather than other types of care.

1575 And as a result, care workers in the Care Agency amount to 135. Those carers are the ones that are employed through the labour supply agencies. If we did not have that facility of having labour supply agencies providing that care, then what he is asking us is to directly employ 135 persons. If we were to do that, the bill to the taxpayer, in order to provide what I think is an excellently beneficial service to the community, would not be £2.5 million; it would be a lot, lot more. And I think that for the reasons that he alluded himself earlier, that we have to provide services in a sustainable way, we are persuaded that providing services through labour supply agencies is the correct one to take.

1580 We provide the care that persons need in the community and we also take care of taxpayer's money.

1585 **Hon. D A Feetham:** Well, Mr Speaker, thank you very much to the Minister for that answer. Indeed, I have asked questions in relation to how many people have been employed through recruitment consultants, and recruitment consultants generally on a number of occasions, because it is a matter that is of concern to Her Majesty's Opposition and it is a matter that is of concern to the people that are employed through recruitment consultants.

1590 Indeed, it is a concern to those service users who want to see continuity of service and, therefore I would suggest to the hon. Member that it is a concern all round. It does appear that that concern is justified because these are very, very high numbers – 39% in the Care Agency, 30% in the Elderly Residential Services.

1595 Mr Speaker, he may have provided me with these figures in the past, but in fact I am still waiting for an answer to a question that I lodged last time round, which was a question about how many people are employed through recruitment consultants in the Government generally and in public authorities generally, and I am still waiting for the answer. That answer has not been provided and I do not know whether that answer will be provided at close of business this session.

1600 But I do not agree with the characterisation that the Government provides the answers to the questions. The Hon. Minister, in fairness to him, may provide answers to questions that I have asked in relation to this, but other members of his Government do not and it is not my fault if the Government is politically schizophrenic in that regard.

1605 Mr Speaker, what has the Government put in place in order to ensure that there is continuity of service to service users and that service users do not suffer as a consequence of having people employed through recruitment consultants, that by that very nature, is going to be short-term employment? Because if the Minister says it is not short-term employment, then that raises other issues in relation to the exploitation of workers who are being placed in these positions.

1610 **Hon. N F Costa:** Mr Speaker, it lies ill in the mouth of the hon. Gentleman to call this Government schizophrenic – (**Hon. D A Feetham:** Politically.) politically schizophrenic, when we have a PDP Leader of the Opposition, a Labour Party that merged with the GSD and therefore, let us not talk about political schizophrenia, Mr Speaker, because the party opposite has given us much in the subject. Indeed, it would take an entire conference of psychologists to examine the schizophrenia that is prevalent in that particular party. (*Laughter*)

Mr Speaker, I note the hon. Gentleman's concern in respect of continuity of care and it is not a point that I wish to be confrontational with him on, because I think we are all agreed that if we can provide continuity of care to persons who are in our charge, we should.

1620 But of course, the hon. Gentleman in my view, misses the obvious point. Even if the Government were to triple the budget for domiciliary care from £2.5 million to £6 million, because we directly employ persons by any of the agencies on which he has asked me questions, people still get sick, they go on leave, they have other commitments. So you would never have a situation, never, where there will only be one person providing a continuity of care. And indeed, 1625 Mr Speaker, it happens all over my responsibilities, including of course in the GHA.

I have to make the point at times that nurses for instance, do not work directly or just for a ward; they work for the GHA. The GHA also now encompasses ERS and therefore persons employed by the GHA or the ERS may have to provide the services in other parts of my responsibilities.

1630 But do we try to ensure continuity of care? It is the policy of the Government that we try to ensure it. That is the directive that is issued to the care provider and they try to do so insofar as is possible, but the point I am trying to make to him is this: if you were to migrate all of the persons provided through labour recruitment supply firms and they were to be craned over to the GHA, the same issues would arise, whether they were directly employed or not.

1635 In other words, the form of employment in no way changes the issues that arise in terms of continuity of care. Therefore, given that that is the case, there is no reason why we would change a demonstrably excellent arrangement with labour supply firms, who are able to provide care to the persons in our community who deserve it and who of course provide it at what we think are eminently reasonable prices that always ensures the best interests of our community.

1640 **Hon. D A Feetham:** Mr Speaker, I am afraid that the preamble to his answer provokes a preamble from me, and that is, we might as well all go to joint counselling, because the point that the hon. Gentleman makes comes from the Liberal contingent of the Government, and that Liberal contingent has not always been *ad idem* with the GSLP side of the contingent, indeed 1645 fighting elections against it in 1992 and in 1996.

But Mr Speaker, there is an important distinction. I understand that you are always going to need, within any organisation, supply workers. That is undoubtedly the case, it happens in the private sector, it happens in the public sector. But what we are dealing with is, significant amounts of labour through recruitment consultants, I mean it is 39% and what I want to know, is 1650 what the Government is doing to ensure that that does not lead to any prejudice in the service that is provided to service users. Because by the very nature of recruitment consultants, you are much more likely to have a higher turnover of staff than of course if they were employed in a different way.

I have more supplementaries in relation to this: when the hon. Gentleman gives me the 1655 answer, I will move on.

1660 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman is full of questions to which I have already given answers to. When I rose, it was not a preamble to an answer; it was my answer. I have told him on every single occasion he has asked me and I have told him that he has asked me on 15 separate occasions, that the Government is entirely satisfied with the services that have been provided through the labour supply company. I wish the hon. Gentleman would stop calling it a recruitment agency; they are not recruitment agencies. They are labour supply companies.

And of course, the Care Agency, the GHA and the ERS provide a supervisory function and role and provides the relevant directors to those labour supply agencies as to how their job is to be 1665 discharged. I would be the first one to know if there were any problems with any of the companies that provide labour to the Government that it then provides to members of our community. I am glad to tell him, Mr Speaker, that I have not received complaints about those companies that provide labour to the Government. Therefore, as I have said, we are perfectly

1670 satisfied with the arrangements that we have in place, and moreover, I am perfectly satisfied  
that the supervision that is carried out respectively by the GHA, ERS and the Care Agency is  
adequate and sufficient to ensure that the persons that receive those services are perfectly safe  
and that they are receiving the care that they need.

1675 **Hon. D A Feetham:** Mr Speaker, moving on now to the labour side and looking at it from the  
point of view, not from the service user but from the point of view of the employee. In this type  
of area, you have a situation where the Government pays the recruitment consultant x amount  
for the labour provided by a specific worker. Then that worker is paid by the recruitment  
consultants a lesser amount, because for each worker that is placed through the Care Agency  
and the Elderly Residential Service, the recruitment consultant will make a percentage.

1680 What safeguards does the Government have in place, or does the Government take an  
interest in ensuring that those workers that are working within the Care Agency, Elderly  
Residential Services, in these numbers are not exploited by recruitment consultants and that  
they get a fair amount of pay for their labour for the work that they do in these particular jobs;  
and that of course the recruitment consultant does not cream off the Government and also the  
1685 worker?

**Hon. N F Costa:** Mr Speaker, in the first place, exploitation is quite a strong word for the hon.  
Gentleman to use. And once again, they are not recruitment agencies; they are labour supply  
companies to the Government.

1690 I really have resisted telling him this since he asked me supplementaries, but he does recall,  
does he not, that we inherited the system of domiciliary care from them? (*Interjection by Hon. D  
A Feetham*) Of course not, because we provide more care (*Interjection*) but because we provide  
more care because we care more. Therefore, we saw a need to have to increase the domiciliary  
care package for other members of our community and that meant having to spend more  
1695 money and we did so. Therefore, the fact that there are more carers providing care is, in fact I  
would have thought a very good thing indeed.

But, Mr Speaker, as I said, he has to remember that we inherited that system from him. And I  
am telling him that we are satisfied with the system in respect of obtaining labour from labour  
supply companies.

1700 And once again, I think it lies ill in his mouth to ask me the last bit of his question, because in  
fact we have been criticised in that same video that he made where he accused me of not  
providing him the answers over which I have answered 15 times, of questioning going for – wait  
for it – value for money. And now he is asking me whether we are on top of obtaining value for  
money.

1705 Mr Speaker, I know that you do not want me to go back to when they were in Government,  
but even during the course of one supplementary question, they are inherently contradictory.  
So, Mr Speaker, he cannot now – or maybe he will because he certainly has no inherent  
consistency in what he says inside or outside of this House, but given that he does put a price  
and a premium now on value for money, yes that was the reason why we seek bids on the basis  
1710 of providing the best value for money for the taxpayer of Gibraltar. Therefore, he can rest  
assured that I certainly, in respect of the bids in which I have been involved and which I have had  
advice from my officials in respect of those particular bids, that I am satisfied that the taxpayer  
of Gibraltar has obtained value for money, and the Government is *not* getting creamed off.

1715 **Hon. D A Feetham:** Mr Speaker, he is unfortunately sidestepping the issue and the core of my  
supplementary question. Undoubtedly what we have is a situation where the Government, let  
us say in theory, pays £10 to the recruitment consultant – that is what they are, recruitment  
consultants – and the recruitment consultant may pay the minimum wage an hour to the  
worker. That means that the recruitment consultant keeps in its pocket, the balance between  
1720 the minimum wage and the £10.

1725 What I am asking him is, what is the Government doing to ensure that workers are not exploited in this kind of situation? Because on the one hand, workers are exploited and on the other, it is undoubtedly the case that these recruitment consultants are making an awful lot of money at taxpayers' expense. And indeed, more so than I thought because I look at these figures and we are talking about very high levels of workers in these areas through recruitment consultants.

Mr Speaker, what is he doing to prevent exploitation of workers in this situation?  
(*Interjection*)

1730 **Hon. N F Costa:** Mr Speaker, asking for bids in respect of processes of which he has asked us not to do so: in the first place, Mr Speaker, no, I am afraid that I will have to insist, and it really does pain me to have to explain the rudimentaries of employment law to a QC, but they are not recruitment consultants; they are labour supply companies. If they were recruitment consultants, they would be recruiting labour directly for the Government, which is exactly what  
1735 he is criticising us for!

So no, they are not recruitment consultants; they are labour supply companies.

And the only reason why I am insisting on the point is only because he has insisted on making the point that they are called recruitment consultants. Well. I do not know from where he got that term, but certainly not with any company that I deal with which are recruitment  
1740 consultants.

Mr Speaker, the law of Gibraltar I can assure him is being applied by the labour supply companies which provide labour to the Government, and as I have told him in my answer before, and I think he is intent today on not listening to me, that in respect of the bids in which I have received advice and in respect of which I have been involved, I am satisfied that the  
1745 employee is not being exploited. I have answered that question already, Mr Speaker.

**Chief Minister (Hon. F R Picardo) :** Mr Speaker, is that a convenient moment for the House to recess for 15 minutes?

1750 **Mr Speaker:** I would rather finish the supplementaries.

**Hon. Chief Minister:** I thought we had, Mr Speaker.

**Mr Speaker:** The Hon. the Leader of the Opposition has one. As soon as we have finished  
1755 with these, we will recess.

**Hon. D A Feetham:** One more, Mr Speaker – just one more.

**Mr Speaker:** One more and then we can move on.  
1760

**Hon. D A Feetham:** I do not want to hog this area of today's session.

But yes, Mr Speaker, can he therefore assure this House that he is satisfied that there are no situations out there, under his responsibility, where employees are being paid the minimum wage and you have a situation where the recruitment consultant or the labour suppliers, or  
1765 whatever you want to call it, (*Interjection*) is not taking a substantial amount over and above that which could go into the pockets of those workers?

And is he satisfied that there are no exploited workers through recruitment consultants or whatever he wants to call them, in Gibraltar within the areas of his responsibility?

1770 **Hon. N F Costa:** Mr Speaker, I am going to have to reply to the hon. Gentleman in the manner that I have already done so.

1775 The community has a choice and it is a very simple one. We either continue to provide domiciliary care to – I gave him the exact number before – the 470 persons who receive domiciliary care, which I think we must all agree is a very good thing. Providing care in the community prevents other harms, which are that people are not cared for at home and therefore end up in hospital, where we should have people who are medically unwell and should only be there for the length of the time that they are medically unwell and then discharged home.

1780 The reason why we have been able to maintain a high bed resiliency in the hospital is directly linked to the provision and the increase of domiciliary care. Because once the person is medically discharged and is well enough to go home, that person for the most part tends to be elderly persons who would require care. Without that domiciliary care, they would simply be unable to go home, which is why the numbers keep increasing.

1785 Therefore, as I told him during the course of one of my supplementary answers, if the hon. Gentleman is suggesting that those 135 care workers should be employed directly – and there is no other way to consider his question, it is binary, Mr Speaker, you either have them through labour supply companies or you have them directly employed – if you have them directly employed, as he must surely understand, the bill would likely go from £2 million to £6 million, without addressing the only genuine concern which I think he has raised, which is about continuity of care.

1790 Because the method of employment does not affect the quality of the care or the issues that arise as to continuity of care, because a person directly employed or through an agency is going to be as ill or not as ill as many times, irrespective – (*Interjection*) yes, yes, irrespective of his employer.

1795 **Hon. D A Feetham:** I will tell him one of the ways that he can do it – and of course other ways, will be in our excellent manifesto at the next election. (*Interjections and laughter*) But hang on a minute, he has spent, I dint know how many years trying to get rid of me and now he wants me to stand! I just cannot believe it – talk about schizophrenia!

1800 Mr Speaker, yes, you can deal with the inequities of the current situation by actually making it mandatory and forcing the recruitment agency or whatever he wants to call it, to pay the worker say a percentage, but a high percentage of the amount that the recruitment agency is paid for that worker.

1805 So say for example, if in the contract it said, ‘You have got to pay your worker 80% or 85% of what we pay you as an hourly rate for that worker’, that worker then gets 80% or 85% in his pocket. But at the moment, I suspect – I do not have the figures – that there are individuals out there that are being paid the minimum wage –

1810 **Mr Speaker:** Which is?

**Hon. D A Feetham:** – which is just over £5, I think it is, the minimum wage. (*Interjections*) £6, absolutely. And then you have a situation where the recruitment agency is for example charging £10 or £12 an hour for that individual. I find that as not being fair. I find that iniquitous. It is iniquitous for the worker and it is actually, in my view, iniquitous for the taxpayer.

1815 **Hon. Chief Minister:** Mr Speaker, can I give the House a piece of information, which predates the hon. Gentleman’s position as Minister for Health.

1820 One of the key things we did when we were elected was that we spoke to those labour supply companies, which the hon. Gentleman likes to call recruitment agencies, and we told them that the fees they were charging them, when they were in Government – which were in the region of £15 to £16 per worker – were too high and that they had to reduce them. The amount that he is talking about now, whether it is £12 or £10 is the greatly reduced price that



we imposed so that they would not pocket (*Interjection*) a larger chunk of the amount paid by the taxpayer.

1825 And so, Mr Speaker, I will take from what he has taken a backhanded compliment and I hope the information I have provided to the House is helpful in his formulation of questions.

**Mr Speaker:** The Leader of the Opposition has a supplementary.

1830 **Hon. E J Phillips:** Mr Speaker, in relation to the Minister for Health's suggestion relating to the continuity of care point, particularly given his suggestion that we are receiving excellent service in relation to the labour supply company that is providing these individuals to work in our institutions, is the Government satisfied and is he satisfied as to the standards that are being met by those particular employees that are working from the labour supply company?

1835 I am interested to hear how the Government monitors the standards of the service that are delivered to the service users, Mr Speaker. That is the nature of the question.

**Hon. N F Costa:** Mr Speaker, I am happy to provide him with an overview and if he wants to ask me in the next session of Parliament, I will give him the exact way that it is done because I would like to get the feedback from the professionals that do it.

1840 But in terms of overview, I think that the standards that are being demanded by the Care Agency or the ERS, etc. are the standards that ought to apply, save that I do think that we could do better work in that respect. To that extent, without wishing to reveal a statement that I hope to make in due course, there is considerable work being undertaken in terms of formalising those standards and to have certain benchmarks that are made public by which we can measure that performance.

1845 So whereas at this point in time I am happy *de facto* with how the supervision and the checking is currently being conducted by the professionals in the Care Agency, because I do trust them to be doing an excellent job in that respect and I think that they do exactly what is asked of them, I think we can ask more of ourselves in terms of our community, by setting standards higher in terms of the benchmarks by which we will measure carers.

1850 That is very much a work in progress and I am working with that with certain professionals to agree a framework in that respect – very much as I am sure he will know about the Quality Care Commission and we will not be reinventing the wheel. We are in fact looking at those standards in the UK to be able to translate them *mutatis mutandis* to make sure that they apply in a smaller community like Gibraltar.

1855 So am I satisfied *de facto*? Yes. Am I satisfied *de jure*? No. I think that there is work to be done there to be able to have quality benchmarks by which we can measure the work being conducted by carers. So I think he does alight on an important point.

1860

**Mr Speaker:** The Hon. Lawrence Llamas –

1865 **Hon. E J Phillips:** Mr Speaker, just one if I may. Is it right in suggesting that the information in relation to the adherence to the minimum standards of care, and I appreciate the comments that the Minister has made to give us some reassurance as to how that is operating at the moment, but the Minister will agree with me that these people are dealing with probably some of the most vulnerable people in our community, particularly patients and therefore, would he agree with me that adherence to minimum standards is fairly limited at the moment and the supervision of it is fairly limited?

1870

**Hon. N F Costa:** Mr Speaker, I think that the hon. Gentleman, if I may turn it around, should agree with us: that the care that is being provided is proving to be a high-quality level of care, as I told him. Our community is vibrant in many respects, one of which is to write to me in the event of any dissatisfaction with any part of the service and I have to tell him, Mr Speaker, and in

1875 fact I have shared this with the Hon. the Chief Minister on many occasions, that I do receive high  
praise for the services that are provided by some of the companies that provide labour to the  
Government.

1880 But as I have already conceded to him, I am not trying to be difficult, we are working on  
benchmarks that I would like to enshrine in an overarching framework by which we can measure  
the work being carried out by the carers.

1885 **Hon. L F Llamas:** Mr Speaker, I am really grateful that the Hon. Minister has actually said that  
he is looking into the care quality of the provision, I think that is a really good initiative. I brought  
that into the House in my maiden Budget speech in 2016 and I am really grateful that he is  
seriously looking into this.

I just want to ask the Government in relation to a statement they made last week, which  
reads as follows: they will 'no longer tolerate zero-hour contracts and expect all employees to be  
contracted part time or full time.'

1890 I think, Mr Speaker, this will go a long way in providing certainty and stability to the workers  
but will also transcend into the continuity of care. This statement was made in a particular case  
which is the new contract being given for John Mackintosh Wing. Is this a new policy that the  
Government will be employing all across the board as it goes, renewing contracts moving  
forward?

1895 **Hon. N F Costa:** Mr Speaker, I do not want to speak for my hon. colleague, but I can tell him  
that it is not just in relation to the John Mackintosh Home bid. Also, in respect of Hillsides and in  
respect of Bella Vista, we have always been very clear to the company that we expect nothing  
less than employees to have contracts that set out either whether they are going to be full time  
or part time and of course whether the contract is one or the other will depend on the needs of  
1900 the service, but also taking into account the wishes expressed by the particular employees.

**Mr Speaker:** We will now have a recess of 20 minutes. When we come back, we will be  
dealing with Question 259.

*The House recessed for 20 minutes.*

#### **Q259-260/2018**

#### **Hearing aids –**

#### **Details of devices, needs assessments and costs**

1905 **Clerk:** Question 259, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question No. 150/2018, can  
the Minister for Health give details of any other assistive devices provided by the Health  
Authority for those suffering from hearing impairments and associated hearing conditions;  
together with details of how the person is assessed for their needs and what the costs to the  
1910 individual could be?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1915 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this  
question together with Question 260.

**Clerk:** Question 260, the Hon. E J Phillips.

1920 **Hon. E J Phillips:** Mr Speaker, the Government has confirmed that those with hearing impediments are provided with a £420 contribution towards hearing aids. Can the Government state whether or not, in the event that higher grade and more costly hearing aids are medically recommended, that the GHA will meet the costs?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1925 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, at present, the Audiology Department only issues hearing aids and tinnitus maskers or a combination of hearing aid with incorporated masker. These are issued free and do not require income assessments.

1930 In the case of children needing assistive devices in school, such as radio hearing aids, these are usually obtained by the Audiology Department, but paid for by the Department of Education. The type of assistive device required is recommended by the paediatric assessment team at the Nuffield Centre in London.

The Audiology Department has been called upon for advice by other Government Departments in respect of assistive devices. In such cases, the GHA is not involved in the assessments for entitlement or installation of the devices.

1935 Mr Speaker, in respect of Question 260, yes.

**Hon. E J Reyes:** In respect of my question 259, Mr Speaker, I am glad to hear that the radio hearing aids and so on are in conjunction with the Department of Education, but what happens to those individuals who are beyond education age?

1940 I know a hearing assistance device can be extremely useful, but there are many cases where for example the ability to be able to connect to the loop induction system is highly recommended. Would perhaps a similar process with feedback coming in, recommendations coming in from medical practitioners to the Audiology Department, would that in itself be helpful to allow these individuals to at least get part subsidy or whatever to additional devices as in extreme cases, they are a necessity in order to have a decent quality of life?

1950 **Hon. N F Costa:** Mr Speaker, I will certainly pass his comments to the relevant Department and clinician. Given that we do provide advice in respect to radio hearing aids obtained by the Audiology Department, I do not see why if that is not a service that will not be provided by the GHA. Certainly if there is a clinical need for it then the GHA in fact ought to pay for it.

So I will take his comments back to the Audiology Department and ask the question and I will write to him.

1955 **Hon. E J Reyes:** I am extremely grateful, Mr Speaker, that the Minister is going to look into that. Can we as well with your leave, Mr Speaker, come to like a gentleman's agreement that we will leave it in abeyance until perhaps the Budget session, by which time he will have had an opportunity to look at it and we can raise this matter then as a way forward to those of us with hearing impairments.

1960 **Hon. N F Costa:** Mr Speaker, depending on our day tomorrow – and by that, I mean depending on whether we come to this House or whether we go back to the office – I am sure that I will be able to have an answer for him either tomorrow or in the early part of next week.

**Q261/2018**

**Primary Care Centre proposed move –  
Public consultation**

**Clerk:** Question 261, the Hon. E J Phillips.

1965 **Hon. E J Phillips:** Mr Speaker, can the Government state whether it has consulted the public at large in respect of the proposed move of the Primary Care Centre?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1970 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, there have been extensive and intricate consultations with all multi-disciplinary teams with respect to design and layout over the last 14 months, for both the Primary Community Centre and the Paediatric Centre. Feedback received from our service users as to the present Primary Care Centre was also factored during the design stages.

1975 Mr Speaker, as I never tire of saying, I feel incredibly privileged to serve our community and to work with so many excellent professionals to improve our healthcare services. The new Primary Care and Community Centre is the culmination of our endeavours towards enabling clinicians to guide and lead our patients' needs, while always placing them at the heart of everything we do.

1980 I am enormously pleased to see that the diligent work and devotion of our healthcare professionals and our dedicated staff at the Gibraltar Health Authority have enabled this incredibly exciting project to come to fruition.

I am confident that we will deliver a Primary Care Centre and Paediatrics Centre, which will enhance our services to our community and serve us well for now and also in the future.

1985 **Hon. E J Phillips:** Mr Speaker, I carefully listened to his answer insofar as the extensive intricate views taken from the teams within the GHA and that service users views were factored in. My question related to public consultation so therefore the answer to the question is, we assume, no – is that right?

1990 **Hon. N F Costa:** Yes, Mr Speaker, he is correct. There was no formal public consultation in respect of the move to the new PCC. That is correct.

1995 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can I just ask purely from a financial point of view, as to what the anticipated costs of this move will be and whether it will be borne by the Improvement & Development Fund, the Health Authority itself or some other source?

2000 **Hon. N F Costa:** Mr Speaker, he asks me, as is his wont and expertise in respect of financial matters, of which I do not have the information before me so I cannot tell him from which fund the monies will come from.

2005 What I can tell him, however, Mr Speaker, is that the reason why the announcement was not made until 14 months after I was appointed Minister for Health is because during the course of those 14 months, apart from working very hard on the designs of the new PCC, which will be a bespoke facility for primary care health and also for paediatric health, integrating primary and secondary in-patient care for children in this hub, the developer will be the entity that pays for the new build and therefore, the Government will not be paying for the capital of that build but will instead, be paying a rent. During the course of those negotiations we have spent a lot of time trying to knuckle down on the best possible rent to be paid to the developer, once the new PCC is built.

2010 I have to tell him also that there is a capital investment that the Government will be making, I do not know from which subhead or from which fund that capital money will come from, but that

capital investment relates to the entrance to the new primary care centre which is going to be on the front of the existing hospital so that patients can access the new PCC from there.

2015 So there will be some investment in that respect and there are also other items of capital expenditure which I do not have in front of me, so I will not hazard guesses now because I do not want to unintentionally mislead the House, but if he asks me in the next session of the House I will be able to tell him exactly where the capital investment is and how much rent we will be paying.

2020 **Hon. R M Clinton:** Mr Speaker, I am extremely grateful to the Minister for his answer, as it does give me something to work on and I guess I understand the logic in replicating the model that was used to finance the hospital itself, a form of sale and lease back I imagine, but I will ask more direct questions on that in the future.

Can I ask the Minister, does he have a timeframe for the building of the infrastructure that will be required to facilitate the move from the Primary Care Centre?

2025 **Hon. N F Costa:** Mr Speaker, before I answer the question that he has asked, to be clear this is not a sale and lease back arrangement. This is a developer building a new build which will be used by the Government, but it is not like the present arrangement for St Bernard's Hospital where the Government currently pays, if I recall correctly, over £4 million a year. So we are not using that template; in fact we will be paying a rent.

2030 Now, whether or not the Government has the option to buy that at a particular point in time, I cannot remember the term. Again, if he were to ask me those specific questions I will come back to this House and provide him with the answers.

2035 And in respect of timeframes, if I recall again the heads of terms correctly, I do recall that the paediatric hub will be ready by the end of March, I think, of next year and the new PCC will be ready by the end of June of next year.

I am talking from memory and therefore I would not like to be quoted in that respect. But again, if he asks me specifically I will check the heads of terms and of course I will be able to provide an answer to the hon. Gentleman at the next sitting of the House.

2040 **Hon. E J Phillips:** Mr Speaker, just one further question. Obviously, the announcement that the Government made in relation to the PCC and Paediatric Centre has confirmed that the new Primary Care Centre is due to open in the first half of 2019. The Minister does not expect any slippage into the second half of 2019 – I know that he was not too sure in the answer to Mr Clinton's question, but he does not expect that to move into the second half of the year?

2045 **Hon. N F Costa:** No, Mr Speaker, the hon. Gentleman is right in noticing a hesitancy, but not the reason why. The reason why I was hesitant was because I do not want to tell the hon. Gentleman a particular month, to then check the heads of terms and find that it was actually the end of May and not the end of March.

2050 But as I say, from memory, the heads of terms stipulate that both centres will be delivered to the Government in the first part of the next year, but I cannot recall the exact months. If he asks me in the next session I will have the answers for him.

**Q262-264/2018**

**GHA services –**

**Repatriation; children's alcohol/drug misuse and mental health**

**Clerk:** Question 262, the Hon. E J Phillips.

2055 **Hon. E J Phillips:** Mr Speaker, can the Government state which services the GHA are currently recommending or contemplating repatriating?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2060 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 263 and 264.

**Clerk:** Question 263, the Hon. E J Phillips.

2065 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of people under 18 years of age that have been seen by Accident and Emergency as a result of alcohol and drug misuse for every month in the last 12 months?

**Clerk:** Question 264, the Hon. E J Phillips.

2070 **Hon. E J Phillips:** Of those children currently in care, can the Government state the number that present with mental health issues?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2075 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA is contemplating the feasibility of repatriating as many services to Gibraltar as possible including interventional cardiology, MRI, spinal surgery, paediatric surgery and extending our urology services.

2080 To date, the GHA has repatriated the following services: Urology Service – February 2016; Chemotherapy – September 2016; Bariatric Surgery – January 2017; Colorectal Surgery – June 2017; Breast Surgery Services – January 2018; Paediatric Cardiology clinics – January 2018; Vascular Surgery Services – January 2018; and Thyroid Surgery – February 2018.

2085 Mr Speaker, there have been a total of 50 attendances to the Accident & Emergency Department of people under the age of 18 as a result of alcohol and drug misuse in the last 12 months.

There are no children in care with mental health issues.

2090 **Hon. E J Phillips:** Insofar as the Minister's answer to Question 262/2018 is concerned, am I right in thinking, Mr Speaker, that of those that the Government intend to repatriate in relation to paediatrics or cardiology and neurology, that that would fit within the existing repatriated services and therefore, would that mean that there would not be an additional cost to those repatriations. Of course, there will always be an element of cost to those services because the policy of the Government is to ensure that our service can be offered as wide as possible to the community.

2095 But does the Government factor in the fact that the existing infrastructure in the teams will be able to perform those newly repatriated services?

2100 **Hon. N F Costa:** Mr Speaker, I think that I have understood the hon. Gentleman's question, but in respect of the services that I have mentioned to him that we have repatriated, certainly in my time since January 2017 to February 2018, unless my staff correct me and they will send me an email if I am incorrect, every single repatriation has required additional human resources.

2105 Therefore, I think we can safely assume, although I will double check this for him because I do not want to unintentionally mislead the House, all of the other services that we wish to repatriate – interventional cardiology, MRI, spinal surgery and paediatric surgery – will require additional human and of course capital resources, because we will require the equipment to be

able to provide those services and also the concomitant costs in respect of maintenance and servicing.

2110 **Hon. E J Phillips:** And I assume, Mr Speaker, that it would seem to me, from someone who does not have the figures to hand in relation to for example spinal surgery or complicated paediatric surgery, that there would be a significant cost to not only the infrastructure and the hiring of human resources to deal with these types of operations, but does the Government consider, when it is weighing up repatriation, the ability to outsource these issues and the cost of that outsourcing vis-à-vis the hiring of further human resources in terms of cardiologists, 2115 consultant surgeons in relation to those services that he wishes to repatriate?

**Hon. N F Costa:** Mr Speaker, the decision to repatriate is not a complicated matrix as such but there are various variables that are taken into account.

2120 One of them is whether or not it is the policy of the GHA to provide services in-house. The answer of course is that yes, it is preferable always to be able to provide medical, clinical and surgical services at home so that patients do not have to undergo the stresses of travel. So that will always be the answer to that particular question.

2125 Then the question becomes: if that is the policy will the repatriation be more expensive or less expensive and if it is more expensive, is it prohibitively expensive or is it an expense that is although greater, manageable.

2130 We have found so far – and that is not to say that it will always be the case – that the services that we have repatriated, although it will increase the cost in terms of salaries and equipment because we are bringing over surgeons and nurses and any other clinician that is required to provide a service within the GHA, that the cost of sending a Gibraltar patient out with all the inconvenience and stress that that entails, is in fact beneficial to the taxpayer. In other words, to date, all the repatriated services are more cost effective than referring one of our patients to a tertiary centre.

2135 But the reason why I say that it is not a straightforward formula, is because of course there is also the other option of having visiting consultants which we have also increased. And I know he did not ask me about that, but it relates to the supplementary question that he asked me. I do not have the figures to hand, I do not have the costs to hand. If he wants to know exactly how much for example the urology repatriation has cost versus how much it used to cost us to send people outside, I will be delighted to provide him with that information.

2140 But there will always be, as I am continually advised by my clinicians, services that cannot be provided in-house. Open heart surgery is the example that they most often provide me. In those cases, it makes sense to have the surgeon come to Gibraltar as a visiting consultant to provide the service. The reason why we cannot have certain specialisms in Gibraltar is because the surgeon, in order not to de-skill, has to be able to operate all of the time. Therefore, we can have a visiting surgeon come and do our operations, but then we cannot keep him because to 2145 keep him here would mean that they would actually lose their GMC registration licensing for becoming de-skilled.

2150 So it is a combination of keeping sponsored patients going to the extent that those services are best provided away from Gibraltar to repatriate all those services that are best provided in Gibraltar and, for those where we think that it is best provided in Gibraltar but we cannot provide the service, to have visiting consultants.

**Q265-266/2018**

**Children in care or with behavioural issues –  
Length of time in care; assistance for families**

**Clerk:** Question 265, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, of those children currently in care, can the Government state how long those children have been in care?

2155

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, of those children currently in care, the length of time in care ranges from six months, being the shortest period – sorry, Mr Speaker, I will answer this question together with Question 266. My apologies.

2160

**Clerk:** Question 266, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm what programmes are available for families struggling to cope with children who have behavioural issues?

2165

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, my apologies for jumping the gun but sometimes it is hard not to press the buzzer when you know the answer.

2170

Mr Speaker, of those children currently in care, the length of time in care ranges from six months, being the shortest period, to nine years and six months, being the longest period.

There are currently two specific parenting programmes, aimed at supporting parents and carers to manage their children's behavioural problems. These are The Incredible Years programme and the Time Out for Parents programme.

2175

Further to this, each child known to the Children's Team will have either a Child Protection or Child in Need Plan. Within this plan, the social worker will have identified any specific programme to support families if they are struggling to cope with their children's behavioural issues. All plans will be tailor-made to meet the needs of each individual child.

2180

**Q267/2018**

**Tobacco-related offences –  
Persons detained in last 24 months**

**Clerk:** Question 267, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the numbers, ages and nationality of those persons detained for tobacco and tobacco related offences in the last 24 months?

2185

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the number of persons detained for tobacco and tobacco-related offences in the last 24 months is in the schedule I now hand over to the hon. Gentleman.

2190



**Answer to Question 267**

RGP 01/04/2016 – 31/03/2017

Age	Number of Persons Arrested
20	1
21	1
23	1
24	3
25	1
26	3
27	4
34	1
39	2
40	1
45	1
48	1
50	1
60	1
64	1
66	1

Nationality	Number of Persons Arrested
Spanish	13
British Local	9
Portuguese	1
Moroccan	1

RGP 01/04/2017 – 08/03/2018

Age	Number of Persons Arrested
18	1
19	1
20	1
21	4
26	1
31	1
36	2
39	1
41	1

Nationality	Number of Persons Arrested
British Gibraltarian	4
Morocco	1
Spain	6
British	2

**HOUSING AND EQUALITY**

**Q268/2018**

**Charles Bruzon House –  
Policy on interior modifications by residents**

**Clerk:** Question 268, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, would Government reconsider its zero-tolerance policy towards any interior modifications by residents to their homes at Charles Bruzon House, particularly whether on medical grounds as to why these should be made, such as replacing shower units with a bath where the latter is more suitable for the residents?

2195

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

2200 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, Charles Bruzon House is a brand-new purpose-built accommodation for the elderly which has been designed with input from occupational therapists and other professionals.

The block was completed last year so tenants moved in very recently. Flats were offered to prospective tenants on the basis that no alterations to the flats could be made and this was a condition of them accepting the flats.

2210 **Hon. T N Hammond:** Mr Speaker, that is understood. However, can the Minister see that it is possible, particularly when we look at the demographic of the residents of Charles Bruzon House, that over a period of time, a relatively short space of time potentially, their medical conditions ... they may develop medical conditions or have existing medical conditions which may become aggravated and it may therefore necessitate or be important for quality of life, that certain changes, with appropriate clinical support, be made to those residences and that having an absolute zero-tolerance policy may not be appropriate?

2215 **Hon. Miss S J Sacramento:** Mr Speaker, these flats are specifically designed for that. They have been designed with elderly people in the worst stages of their life in mind, on the advice of professionals and the design is purely on the advice of professionals, so that people may remain independent for longer.

In this case that the hon. Gentleman is referring to, someone now wants a bath instead of a shower but would completely compromise the whole ethos of this building, Mr Speaker. They are very welcome to ask for an exchange for a house that would be suitable for them with a bath. But certainly not in a brand-new building which has been designed in a particular way to accommodate elderly people in a particular way and at great expense to the taxpayer.

2225 **Hon. T N Hammond:** But, Mr Speaker, surely the Minister will accept at least that it is possible for people to develop medical conditions which may necessitate certain modifications in a property. They may become wheelchair bound and therefore need access, they may need light switches moved to lower positions. Who knows? There is a whole plethora of medical conditions that can affect ... So to have a zero-tolerance policy rather than a case by case, 'we will analyse and just see if there are medical grounds for making a change', it just seems a little bit harsh that you would ask somebody to move from their home, rather than allow them possibly out of their own expense and with appropriate approvals, to make modifications.

2235 **Hon. Miss S J Sacramento:** Mr Speaker, I still do not think the hon. Gentleman understands. These flats have been designed to accommodate people with advanced medical conditions.

Mr Speaker, the hon. Gentleman has referred to people who are wheelchair bound. In terms of people who are wheelchair users, Mr Speaker, because I do not like to refer to people who are wheelchair bound – like my hon. colleague Dr Cortes referred the hon. Gentleman to my leaflet on language etiquette and disability, I would refer the hon. Gentleman to the same document, he may find it enlightening.

2240 But these flats are already built and designed for people who may be wheelchair users. The light switches have already been designed for people who may have mobility issues. In this case, Mr Speaker, someone who was allocated this flat recently now wants a bath instead of a shower. Mr Speaker, the answer is no because it has been designed at tremendous expense for the bathrooms to accommodate people with severe disabilities and the medical advice that we have is that this is appropriate.

2245 Mr Speaker, if they did not want a shower because they particularly wanted a bath at the time when they were offered this flat very recently and which they accepted on the basis that they could make no alterations, then they could have very perfectly rejected that flat and asked

2250 for a flat which had a bath, in which case they would have been allocated a flat elsewhere with a bath, but not here, Mr Speaker.

It is not a question of us having a zero-tolerance policy, Mr Speaker. It is about us having made a great investment in time and upon the advice of professionals in the design which we are very happy with and very satisfied with, and of course, Mr Speaker, this comes at taxpayers' expense. We certainly look at this on a case by case basis and in this case, Mr Speaker, the incurring taxpayers' expense is not justified.

**Hon. T N Hammond:** Mr Speaker, I think that the Minister gave a clue as to what the policy is there and she keeps referring to some ... she is making a huge assumption in referring to a particular case. I am not referring to a particular case; I am referring to a policy in general as has been described to me.

Now if the Minister is telling me that actually they do look at cases on a case by case basis and there is scope for modifications to be made appropriately when medical conditions demand it, then I would accept that answer and I am sure that the residents of Charles Bruzon would accept that answer, because that would not then be a zero-tolerance policy.

So if that is what the Minister is saying, that there is not a zero-tolerance policy but there is scope for modification in the right conditions and on a case by case basis, I absolutely accept that answer.

**Hon. Miss S J Sacramento:** Mr Speaker, he still does not seem to listen to the answer. Mr Speaker, no-one has said that there is a zero-tolerance policy. Mr Speaker, the hon. Gentleman has invented it. We *always* try to help, we *always* look at cases on a case by case basis and we weigh it up in what is in the best interests of everybody, Mr Speaker.

I know that this arises from a particular case because there is only one case in which this application has been made. Mr Speaker, the answer is no because we have just invested a lot of money on the advice of medical professionals and in this case, this was accepted by the individuals in question very, very recently and circumstances have not changed.

Therefore, the Government has made a decision which I think and I agree is perfectly justifiable. No-one is talking about zero-tolerance policies, Mr Speaker, there is no such thing, particularly when talking about vulnerable people and elderly people. We will try to help, but we will help in the best way.

**Hon. T N Hammond:** So for absolute clarity the Minister did not refute the fact that in my question I raised the issue as a zero-tolerance policy. She basically responded – the hon. Lady, I apologise, basically responded in a manner that indicated that the premise of my question was correct.

The hon. Lady has now moved on from that position and I am very gratified that she has. She has, I believe, if she would just confirm it one more time, confirm it to me that there is scope for modification on a case by case basis; that no modifications have been applied for that have been accepted at this stage is understood and appreciated.

**Hon. Miss S J Sacramento:** Mr Speaker, we are verging on the hypothetical here, because the reality is that it is unlikely that we will be asked for modifications because of the way that these flats have been designed.

We have had the input, and I say it once again, of medical professionals to make the design the best way possible to ensure independent living for our elderly community for as long as possible. We simply do not envisage after the hours and hours that were spent by the professionals on the design of these flats that they require anything else.

**Mr Speaker:** Next question.

HEALTH, CARE AND JUSTICE

Q267/2018

Tobacco-related offences –  
Supplementary question

**Hon. E J Phillips:** Mr Speaker, I just need to go back to 267, the schedule that was handed over to me.

2305 Can the Minister just clarify the difference in the year 2016 to 2017 in relation to persons arrested and in relation to the second schedule that refers to British Local and British  
Gibraltarian and then British in the second column. I am not too sure what he means by that.  
The schedule, apologies.

2310 So insofar as the schedule that he handed over to us for those persons arrested, in the second column to the right it refers to 'British Local – 9' and the column below 'British  
Gibraltarian' and 'British' at the bottom of that. 'British Local' – what does that mean insofar as  
the reference? I assume it means British Gibraltarian but not –

**Minister for Health, Care and Justice (Hon. N F Costa):** Gibraltarian.

2315 **Hon. E J Phillips:** Okay, I am grateful, thank you.

HOUSING AND EQUALITY

Q269/2018

Rental homes –  
Plans to build more

**Clerk:** Question 269, the Hon. E J Phillips.

2320 **Hon. E J Phillips:** Mr Speaker, can the Government provide details, outline or otherwise, of its plan to build further homes for rental?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

2325 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I refer the hon. Gentleman to my answer to Question 168/2018. Announcements will be made in due course.

**Hon. E J Phillips:** Yes, Mr Speaker, I am aware of the hon. Lady's answer to the question, but since then, of course, Action for Housing have been pressing her and there is of course understandably genuine interest as to the revelation that the hon. Lady made at the last sitting.

2330 Therefore, if the hon. Lady is willing to make another further revelation so that we can have another titbit of the plans that she intends to deal with in relation to rental building? (*Laughter and interjections*)

2335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think we would rather leave *bits* and all the other references the hon. Gentleman has made out of the debate, and we will make an announcement as a Government when we are ready to do so.

**Q270/2018**  
**Varyl Begg Estate flats –**  
**Damp issues**

**Clerk:** Question 270, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can Government indicate to the House whether it is aware of damp issues within flats in Varyl Begg Estate, and how it puts them right if/when alerted to them, such as the average turnaround time to cure such issues?  
2340

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Housing Department is aware that there are reports of damp in Varyl Begg Estate in the same way that there will be in all the other housing estates.  
2345

Reports of damp are processed by the Housing Department when such complaints are reported, with a target date of three months for completion.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I was asked to visit one particular flat which has been suffering from damp issues which just keep getting worse and worse, for years. Basically, they seem to be tired of calling the Housing Department. That is why I wanted to find out the typical turnaround times in case it was a standard that it would take this long.  
2350

So in light of what the Minister has just said, would she be happy to prioritise this house because these people are elderly and they have respiratory issues as a result? Would they be happy to prioritise this matter and treat this particular flat as soon as possible?  
2355

**Hon. Miss S J Sacramento:** Mr Speaker, if the hon. Lady genuinely wanted us to expedite this matter, which obviously sounds serious, then all the hon. Lady had to do as she does on other matters on other occasions, is to pick up the phone, call me, give me the name and the address and I would have looked into it immediately.  
2360

The Housing Department of course receives hundreds, sometimes thousands of complaints in relation to works. Some are major works, some are minor works but the volume is tremendous. It may well be that as a result of human error, this may well have slipped the net. So I will ask the hon. Lady to confidentially give me the name and the address and I will of course look into it.  
2365

But, Mr Speaker, genuinely if we hear, if something comes to someone's attention which is serious, then is it really, Mr Speaker, a matter for a Parliament question and not really a matter for someone to be practical, pick up the phone and we will help, without the need of parliamentary business time?  
2370

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate the Minister's answer and also her willingness to get this matter on track. And I do agree that there are some matters that I have called her on and she has assisted, but then there are several other emails that I have sent over the last year that I am still waiting for a reply, and I thought that this was worthy of flagging up in order to capture her attention and ensure that this issue got sorted out as soon as possible.  
2375

**Q271/2018**  
**Government flats –**  
**Details of sales since 2011**

**Clerk:** Question 271, the Hon. L F Llamas.

2380 **Hon. L F Llamas:** Mr Speaker, since 2011 with reference to Bayview Terraces, Cumberland Terraces, Nelson's View, Beach View Terraces and Mons Calpe Mews, can the Government give a breakdown of sales details for each, as follows: (a) how many flats have been sold with 100% financing from the purchaser; (b) how many have been sold with 50/50 ratio; and (c) how many have been sold at any other ratio and specify what that ratio is?

2385 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I refer the hon. Gentleman to my answer in Parliament to Question 188/2017.

2390 **Hon. L F Llamas:** Mr Speaker, the Hon. Minister provided an answer that this is a public document and suggested that the Opposition spend £12,000 in reaching an answer.

Mr Speaker, I would like to refer back to Question 943/2011 where the Opposition then, the Government today, asked the same question and got a very detailed answer by the Government back then.

2395 Is this the time for change that was promised?

**Hon. Miss S J Sacramento:** Mr Speaker, this is the same question that he has asked me orally as well in the past and at no point, Mr Speaker, was this raised on the last occasion when I answered in the same way.

2400 Mr Speaker, I am taking the same position that we have taken in relation to when the hon. Members on the opposite side asked for information that may well be available at Companies House, by undertaking a company search. This is the exact same thing, Mr Speaker. It is information that is available publicly.

2405 In any event, Mr Speaker, in relation to the Bayview, Cumberland and Nelson's, in any event, Mr Speaker, if the hon. Gentleman may recall, I know he is not part of the GSD now, but he was part of the GSD when he stood for election and these are all estates that were sold by the GSD and not by this Government, Mr Speaker.

2410 **Hon. L F Llamas:** Mr Speaker, that is beside the point. The point is that back in 2011 the level of transparency given back then was a lot higher and what we are receiving now is a direction from the Hon. Minister to go to Land Property Services and conduct a search at £12,000 in order to obtain an answer which should be given in this House.

2415 And, Mr Speaker, the fact that Bayview, Cumberland and Nelson's were sold by the previous administration, there are properties within those estates which were even sold by this administration. Therefore, will the Government provide the answer that I have asked for on two occasions in this House?

And the fact is that this question I happened to come across whilst researching what they were given by the previous administration whilst they were in Opposition.

2420 **Hon. Miss S J Sacramento:** Mr Speaker, it is not information ... I do not think, Mr Speaker, that it is something that would cost that amount. Had I been aware, Mr Speaker – (*Interjection*) Mr Speaker, I was not aware that something like this would cost in that region. But, Mr Speaker, bearing in mind that more than 50% of the question that I am being asked relates to housing

estates that were built and sold by the GSD, so that is before my time. But nevertheless, it is still information that is publicly available.

2425 The other point that I make, Mr Speaker, is that this point could clearly have been made orally on the last occasion. What we are having is the extension of what could have been on the last occasion more properly a supplementary and we could have had this debate on the last occasion. But perhaps the hon. Gentleman opposite needed more time to formulate this, Mr Speaker.

2430 I think that perhaps given time I am happy to prepare a schedule of this information, Mr Speaker. I do not think it is necessarily appropriate that I am accountable to this House to give information that relates to estates that were built and sold by the GSD. Mr Speaker, I have to ask staff to undertake this exercise thoroughly. Clearly it will relate to sales of properties that were sold post-2011, not pre-2011 and, Mr Speaker, I am happy to provide that information and  
2435 I will see if I can get somebody to provide that.

Certainly, that information would not have been available on this occasion, but given more time, Mr Speaker, perhaps by the next parliamentary session I will ensure that I have that information up to date – but certainly, Mr Speaker, in relation to sales which we have undertaken since we have been in Government. *(Interjections)*

2440 Yes, but the majority, Mr Speaker, of the sales of certainly the first three estates would have taken place before 2011 because they were developments that were developed by the GSD, Mr Speaker.

**Mr Speaker:** The Hon. Edwin Reyes.

2445

**Hon. E J Reyes:** May I, Mr Speaker, since the Minister has committed herself now to providing some information to avoid my supplementary coming later on: yes, I agree with the Minister that the majority of the houses referring to Bayview, Cumberland, Nelson's and so on would have taken place prior to 2011; but there have been transactions in respect of those  
2450 houses post-December 2011 and I certainly would be interested in that information. Because a tenant who bought a home, a purchaser who bought originally prior to December 2011 has the option and may have bought further shares later on.

So that information would probably come up in my supplementaries, if I give the Minister advance warning, when she gets her clerks to undertake this onerous task, then they know  
2455 which direction I am going to be heading in my supplementaries as well.

**Hon. Miss S J Sacramento:** Mr Speaker, that is information that can be derived but I suspect that that is a huge exercise and is very, very unlikely to be ready by the next sitting of this Parliament. We are looking at all transactions of these affordable housing since 2011. Some  
2460 premises may have changed ownership more than once, we are talking about a substantial volume of ownership.

I will look into it, Mr Speaker, but I think it is an exercise that would be quite onerous and quite unlikely to be ready in a month.

2465 **Hon. E J Reyes:** I will add further, Mr Speaker, it may or may not help the Minister when she embarks on this exercise, I remember Dr Garcia used to ask questions when he was on the Opposition benches and he received an answer which satisfied him at the time and I think that would probably satisfy at least me.

Through the Land Sales Registry he can then from there devise, say, in respect of flats at  
2470 Cumberland Terraces and it is easier to get it that way, rather than searching each individual property, so the ledger of the transactions on sales.

**TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT**

**Q286/2018**

**Ocean Spa Plaza scaffolding collapse –  
Health and safety investigation**

**Clerk:** We now move to Question 286, and the questioner is the Hon. T N Hammond.

2475 **Hon. T N Hammond:** Mr Speaker, has a health and safety investigation been carried out of the recent scaffolding collapse at Ocean Spa Plaza and what were the results of that investigation? Were any recommendations made to avoid future occurrences and what were those recommendations?

2480 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the Health and Safety Inspectorate has investigated the recent scaffolding collapse at Ocean Spa Plaza.

2485 As part of the investigation, the materials used were tested and found to conform to the relevant specifications. Only the east elevation of the façade was affected. The west elevation remained in-tact.

2490 The determining factor on the collapse was the swirling channelled effect of the winds which at times reached speeds of 117 kilometres per hour. The Health and Safety Inspectorate recommended the doubling of securing eyebolts holding the scaffolding in place, as well as the connecting of the scaffold modules all the way to the top and back to back with steel ties and the avoidance of continuous non-perforated material along the perimeter of the site.

2495 I am informed, Mr Speaker, that the recommendations have been accepted and the works carried out to the satisfaction of the Health and Safety Inspectorate.

**Hon. T N Hammond:** I very much thank the Minister and the Health and Safety Inspectorate for having conducted that investigation speedily and actually come up with some very solid recommendations.

2500 Will those recommendations now be taken forward to other potential sites which may be in a similar area or suffer similar wind conditions to ensure that perhaps we would not be affected in the same way or that future sites may not be affected in the same way, or will those recommendations only be applied to this particular development?

2505 **Hon. G H Licudi:** Mr Speaker, the issue was specific to this particular site. There are of course regular inspections by the Health and Safety Inspectors in all the sites around Gibraltar. That is part of their job, it is part of what they do.

2510 In this particular case, what happened was that a non-perforated sheeting, white sheeting had been used by the company that put up the scaffolding and that is what trapped the wind and because of the swirling effect of the wind at very high speed, that is what caused the collapse of the scaffolding, even though the scaffolding itself had complied with all necessary health and safety measures.

2515 So it was not that there was any fault or problem in the erection of the scaffolding or the fixing of the scaffolding, but the combined effect of the winds with the non-perforated sheeting. The recommendation obviously was to remove the non-perforated sheeting and to replace it with a perforated sheeting.

I would say that the purpose of the sheeting is really for dust control in respect of the area. A non-perforated sheeting has greater effect in terms of dust control, but has the problem of



trapping the wind and causing this. So whilst the perforated sheeting will allow the wind through, it is less effective in controlling the dust from the works going into other areas.

2520 So clearly the compromise that has to be reached is that a sheeting has to be used which has some perforation, which does allow the wind to go through but which does also conform with the requirements in terms of dust control. That is the balance that has to be struck.

In this particular case, the company opted for more dust control without anticipating that this would be the effect, but that has now been corrected.

2525

**Hon. T N Hammond:** And, Mr Speaker, I think that the Minister has pointed out what most of us had guessed, that the sheeting was certainly a significant factor in that particular collapse. But he has also referred to other recommendations like the doubling of the number of eyebolts in the scaffolding and as I say, I just wonder if in other developments in that area – because we are likely to see future developments in that area, I am assuming – it wouldn't be worth applying those same standards of doubling the eye bolts, taking the lessons learned from this particular collapse and, through the planning process perhaps, just ensure that we do not experience anything similar or at least reduce the chance of anything similar occurring in the future.

2530

**Hon. G H Licudi:** Mr Speaker, the hon. Member mentions that I indicated that the principle factor was the sheeting; in fact it was the determining factor. As I indicated earlier, the way that the scaffolding had been put up and the eyebolts which had been put in place to secure the scaffolding conformed to all health and safety standards. So that in itself was not the problem.

2535

Certainly the Health and Safety Inspectors will be very astute as to problems with wind and they will want to ensure that this is not repeated in other sites. They will be, or they have been, carrying out inspections to make sure that the eyebolts properly secure the scaffolding. But in this particular case, the problem was not the eyebolts; the problem was the sheeting that was used and that has now been replaced.

2540

**Hon. D A Feetham:** Mr Speaker, I did some research in relation to this for other reasons, not specifically because of this site, and I know the problem was the actual sheeting that effectively acted as a type of sail, so with the wind, acting as a sail, it just dragged the scaffolding over.

2545

But this type of sheeting is designed, the way that it is connected to the scaffolding is through rope connections that are designed to effectively disengage when there are strong winds and it appears that in this case, my information is that in this case, what happened was that it was tied very strongly on a permanent basis and when the sheet actually caught the wind it just could not release.

2550

Now, is that something that the hon. Gentleman has in the information that has been provided to him, because that is what I have been told was the problem in this particular case?

2555

**Hon. G H Licudi:** Mr Speaker, I cannot see anything just looking at and trying to address the issue that the hon. Member has mentioned. In the information I have been provided, I cannot see anything which mentions specifically these particular methods of tying which are supposed to release, but I am happy to look at it and get back to the hon. Member.

2560

**Mr Speaker:** Next question.

**Q287/2018**

**Waterport Place falling metal sheet –  
Health and safety investigation**

**Clerk:** Question 287, the Hon. T N Hammond.

2565 **Hon. T N Hammond:** Does Government intend to carry out a health and safety investigation of the recent incident where a sheet of metal fell from Waterport Place?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2570 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, a health and safety investigation of the recent incident has in fact been opened by the Health and Safety Inspectorate, so they are investigating the issue.

2575

**Q288/2018**

**Visitor expenditure–  
Monthly figures for 2017**

**Clerk:** Question 288, the Hon. T N Hammond.

2580 **Hon. T N Hammond:** Can Government provide the total visitor expenditure figures, by month, for July to December 2017.

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2585 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the tourist expenditure figures for the whole of 2017 are currently being compiled by the Government Statistics Office and are therefore not available. They are being compiled for the whole of the year of 2017.

2590 The latest tourist expenditure figures are included in the Tourist Survey Report 2016 which is available on the Government website. Tourist expenditure estimates are not compiled by month. They are calculated as the total sum of the expenditure from six categories of visitors: visitor arrivals at hotels; excursionists from cruises; visitors on yachts; visitors in supplementary accommodation; in-transit visitors; and excursionists from Spain. Monthly expenditure figures are therefore not available.

**Q289-290/2018**

**University of Gibraltar Act 2015 –  
General borrowing; land mortgage**

2595 **Clerk:** Question 289, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise if it has given any approval for general borrowing under section 37 of the University of Gibraltar Act 2015 and if so, for what amount and purpose?

2600 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I shall answer this question with 290/2018.

2605

**Clerk:** Question 290, the Hon. R M Clinton.

2610 **Hon. R M Clinton:** Mr Speaker, can the Government please advise if it has given any approval for the University to mortgage any of its land under section 40(2) of the University of Gibraltar Act 2015 and if so, for what amount and purpose?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2615 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the Government has not given approval for any general borrowing under section 37 or for the university to mortgage any of its land under section 40(2) of the University of Gibraltar Act 2015, as no request has been made by the University for either purpose.

#### ADJOURNMENT

2620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until Monday at 3 p.m. in the afternoon.

2625 **Mr Speaker:** Before we do, I recall that the Chief Minister and I were discussing the question of the requirement about the Estimates of Expenditure as I had indicated. Has he been able to review the matter now or he can do it between now and Monday?

**Hon. Chief Minister:** Mr Speaker, I have had a preliminary look but I want to check two other sources for my recollection so that I can put something to you and to the Clerk which is properly researched and also the understanding of others in my office. So I will do that in time for Monday.

2630

**Mr Speaker:** Right, the House will therefore adjourn until Monday, 26th March at three in the afternoon.

*The House adjourned at 6.40 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.12 p.m. – 8.27 p.m.**

**Gibraltar, Monday, 26th March 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.12 p.m.*

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

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

## Questions for Oral Answer

### COMMERCE

#### Q285/2018

#### Postal service review – Findings

**Clerk:** Meeting of Parliament – Monday, 26th March 2018.

We continue with Answers to Oral Questions.

We commence with Question 285, the Hon. L F Llamas.

5

**Hon. L F Llamas:** Mr Speaker, can the Government disclose its findings upon conducting the postal service review?

**Clerk:** Answer, the Hon. the Minister for Commerce.

10

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, the review is still ongoing.

**Hon. L F Llamas:** Mr Speaker, without going into too much detail on the actual review, does the Hon. Minister have any indication of any findings that they may have encountered so far. On this side of the House I am pretty sure we are all getting the same feedback from members of the community that they are still awaiting parcels and postage from as far as December and they still have not received it; and they are only just receiving even local postage, is also taking quite a considerable amount of time.

20  
Somebody this week actually mentioned a health appointment for which they had been waiting for eight years and they have actually missed the appointment because the actual appointment date arrived two weeks after the appointment had actually been allocated to them. Is the Minister aware of these sorts of problems that people are encountering before actually disclosing the final review of what the review may reveal in the future?

25  
**Hon. A J Isola:** Mr Speaker, from what the hon. Member has said, it is obvious that he understands why we are doing a review. And at this stage, all I can really do is say that the review is still ongoing.

30  
**Hon. Ms M D Hassan Nahon:** Mr Speaker, could I ask the Hon. Minister when he will have the findings of the review and we can be sure that we will get this information, please?

**Hon. A J Isola:** Mr Speaker, when the review is completed. I am not able to put any finer time on that. These things take time, processes, people, manning levels, a whole raft of different issues are being considered and reviewed. When that is completed, it will be completed.

I would rather give it the time that it needs rather than try and put a date on it by which time we will be forced to finish. So I am confident it will be reviewed shortly and at that time I will be happy to discuss it further.

**Hon. D A Feetham:** Mr Speaker, if I may. Just two questions so the Hon. Minister can answer them both at the same time.

The first is that he may recall that I asked him about this some time ago and I asked about the individuals that were on supply contracts within the Post Office. So the first question is, have any of those individuals that were long-term supply been engaged permanently by the Government?

Secondly, he refers to the review. That is a review conducted by the Government. I sense from the questions that my colleagues on this side have asked that there is an implication that that is going to be made available to the Opposition. But can the Government confirm that the review is going to be made public, or the results of that review are going to be made public? Or is it the intention of the Government to just simply make a public statement on the way forward for the Post Office, but not necessarily publicise the results of the review?

**Hon. A J Isola:** Mr Speaker, as the hon. Member has just alluded to in the last part of his question, we will make a statement at the time saying what the way forward will be. There are obviously discussions to be had long before that with the members of staff and the union on the different aspects of it, so I would not expect the review to be made public, no, or shared indeed with the Opposition.

With regard to the first question on the supply workers, depending on what date that question is asked, the answer could be different. I know we have made some supply workers permanent who had done the time period they were required to do, but since the commencement of the review, those have been frozen so we have not moved further on those.

But I can certainly say that in my time in looking after the Post Office in the last 12 to 18 months, there has been certainly one supply worker that I recall, but I would need notice to be specific in respect of the date that you ask for, so that I can give you some clarity. Because I know some had been, but certainly not in the last six to eight months and I think that was when the question was asked by the hon. Member.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, from my understanding, there are about 10 members of staff who are on supply and a few of them, I do not actually have the information with me now, but I have done my homework and there are several of them who have been on supply for over a couple of years or more. So a lot of these members of staff who are on supply are waiting patiently for the end of this review and obviously from their point of view, they have been on supply for longer than the review has been going on, as the Hon. Minister has said, and they are waiting patiently to know what their future will be.

So if I can ask the Minister to engage them as much as possible after this review is concluded and try to enfranchise them and obviously offer them contracts, it is exactly what they are waiting for.

Thank you.

**Hon. A J Isola:** Mr Speaker, obviously the workers are well aware of the review. All the staff, I met with, a couple of months back at the Post Office and explained to them where we were, what we were doing and why we were doing it, so they fully understand that. I am grateful for their indulgence and their patience and I hope not to keep them waiting too much longer.

**Hon. L F Llamas:** Mr Speaker, could I ask what is the Government exactly doing in this interim whilst it is reviewing the processes and the lengths of time that it takes to receive letters and parcels.

85 My own personal experience, Mr Speaker, a couple of months ago when I did go, I had to be attended by an actual Customs officer which was going beyond his call of duty, to be able to retrieve the parcel because the people who were there employed by the postal service simply could not cope with the demand and the amount of people – and this was after Christmas, nothing to do with the Christmas period.

90

**Hon. A J Isola:** Mr Speaker, these are the reasons why we are conducting the review and consequently our intention is to end up with a better service, providing better value for money to the taxpayer and with the service levels that you would expect and require from the Post Office.

95

**Hon. D A Feetham:** Yes, I am afraid that I do not get my post delivered because the postman is too scared of my four dogs, so I have to go down to the Post Office to collect my letters!

100 But, Mr Speaker, does the Hon. Minister know whether this review is going to be concluded before the next General Election and that it is the intention that a statement is going to be made well before that date, so that everybody knows where they stand before that seminal moment in the history of Gibraltar?

**Hon. A J Isola:** Yes, Mr Speaker, long before. *(Interjections)*

## ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

### Q291-305/2018

**Public Debt; liquid reserves; General Sinking Fund; Savings Bank; GBIC Limited; GOC (Secretaries) Limited; GEP Limited; GSTR Limited; GEWP Limited; accounting; GDC – Details and reasons**

**Clerk:** Question 291, the Hon. R M Clinton.

105

**Hon. R M Clinton:** Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following date, being 1st December 2017?

110 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 292 to 115 305.

**Clerk:** Question 292, the Hon. R M Clinton.

120 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund Government Owned Companies, deposits, contingencies and other funds for the following date, being 1st December 2017?



**Clerk:** Question 293, the Hon. R M Clinton.

125

**Hon. R M Clinton:** Mr Speaker, can the Government advise how total liquid reserves are invested/held, giving details of all savings bank accounts and cash held for the following date, being 1st December 2017?

**Clerk:** Question 294, the Hon. R M Clinton.

130

**Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund as at 1st December 2017?

**Clerk:** Question 295, the Hon. R M Clinton.

135

**Hon. R M Clinton:** Mr Speaker, can the Government advise why the Report and Annual Accounts for the Savings Bank for 2015-16 has been sent to depositors and yet the full Savings Bank Report for 31st March 2016 has not yet been Gazetted as required by the Savings Bank Act?

140

**Clerk:** Question 296, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise what is the procedure in the Gibraltar Savings Bank for the situation where instructions have not been obtained for the reinvestment of maturing debentures?

145

**Clerk:** Question 297, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise in the year to 31st January 2018, how many complaints have been received from pensioners who claim to have lost interest due to the non-renewal of Gibraltar Savings Bank debentures?

150

**Clerk:** Question 298, the Hon. R M Clinton.

155

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GBIC Limited and what is GBIC short for?

**Clerk:** Question 299, the Hon. R M Clinton.

160

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GOC (Secretaries) Limited and what is GOC short for?

**Clerk:** Question 300, the Hon. R M Clinton.

165

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GEP Limited and what is GEP short for?

**Clerk:** Question 301, the Hon. R M Clinton.

170

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GSTR Limited and what is GSTR short for?

**Clerk:** Question 302, the Hon. R M Clinton.

175

**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GEWP Limited and what is GEWP short for?

**Clerk:** Question 303, the Hon. R M Clinton.

180

**Hon. R M Clinton:** Mr Speaker, can the Government advise why GBIC Limited and GOC (Secretaries) Limited have individuals as directors and secretary, contrary to the Government's policy of having corporate directors and secretaries, and what was the criteria for the selection of these individuals?

185

**Clerk:** Question 304, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government undertaken any exercise in respect of a cost-benefit analysis of a move from cash accounting to accrual accounting for the reporting of Gibraltar's public finances?

190

**Clerk:** Question 305, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if the Gibraltar Development Corporation has any branches outside Gibraltar and if so where and why and since what date?

195

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

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, the position as regards the total liquid assets composition, when, where and how these are invested on a particular date chosen by the Member opposite continues to be as previously stated.

200

The figures requested for 1st December are: Gross Debt £447.7 million; Sinking Fund £5.2 million; Aggregate Debt £442.5 million; Cash £86.2 million; Net Debt £356.3 million.

205

The Report on the Savings Bank results which I send to its customers is not a requirement and there is no reason why it should not be sent before, after or at the same time as the accounts are Gazetted.

Whilst responsibility to return debenture certificates and provide instructions for reinvestment lies with debenture holders, the Savings Bank does send a letter to all debenture holders a few weeks before the maturity date, reminding them of the upcoming debenture maturity and reinvestment options. Following the maturity date, further efforts are made to contact clients who have not responded to the initial letter, either by letter or telephone.

210

The debenture prospectus states that, and I quote:

From and after the date of redemption of any debenture, all interest on the principal monies represented by a debenture shall cease and determine whether payment of the principal monies shall have been demanded or not.

215

There have been five complaints received from pensioners on loss of interest in the year to 31st January 2018.

When the Government registers a new company, it does so because it has decided so to do and this is also the case when a company name is chosen and directors are appointed.

The names chosen for the companies identified in the hon. Member's question are made up from the letters of the Roman alphabet which runs from A to Z. There is no other name for such companies other than that which has been registered.

220

No cost-benefit analysis of a possible move to accrual accounting has been undertaken.

The Gibraltar Development Corporation has no branches anywhere.

225 **Hon. R M Clinton:** Mr Speaker, you will of course, I hope, indulge me as I go through the questions, of which there are obviously quite a few.

If I could thank the Minister for his answers and if I could perhaps start with Question 295. I agree that there is nothing said in the Savings Bank Act that it cannot be published outside the Gazette but surely the Minister would agree with me that it is kind of somewhat logical that the law should require one thing and he actually does something that the law does not require and yet still does not do what the law does require.

230 I recall the debate that we had on my amendment to the Savings Bank Act, which would require publication within a certain timeframe, he said he saw no reason to publish it until the Government's accounts were published in full and yet he has seen fit to publish them and issue them to the depositors. I do not see that logic follows, in that he has obviously now released this to the depositors but still has not yet Gazetted it.

235 So obviously his original argument is saying, 'Well, I am not going to release this until the Government's full accounts are prepared' has seen to have fallen away or perhaps there is some other reason on which the Minister can enlighten me, but perhaps the Minister could indicate when he intends to Gazette these?

240 **Hon. Sir J J Bossano:** Well, first of all, I certainly do not agree with his opening statement that it is illogical because that would mean that I am accepting that I am illogical and I do not accept that, Mr Speaker.

245 The fact that I chose to send the reduced level of information that is in the booklet that I sent to depositors before the accounts have been Gazetted is consistent with the answer that I gave him which he has just quoted. It will be Gazetted when the accounts are published and that is what I intend to do. But since that has not yet happened, I did not want to delay further the abridged version that I sent to each depositor.

250 **Hon. R M Clinton:** Well, Mr Speaker, I move then to Question 296 and I note what the Minister has quoted in the prospectus and certainly I would accept that as normal banking practice.

255 But can I ask the Minister what happens in reality to the money that comes off debentures? Does it get paid to a debenture holder's account or does it go into a suspense of some sort, pending instruction and absence that instruction there is no interest earned?

**Hon. Sir J J Bossano:** Well, Mr Speaker, the hon. Member knows that it is a special fund and it is not separated into different accounts. So the money is kept on a cash account in one of the banks that we use, which is one of the local banks and there is no return on that money while it is there, because it has not been reinvested.

260 So part of the reason why we do not pay interest to the depositor is because we cannot invest the money without knowing if it is going to be reinvested for how long. Because as the hon. Member knows, there is a requirement to match on average the period of reinvestment and the period of repayment so that we do not get caught in a situation where we are borrowing short and lending long.

270 **Hon. R M Clinton:** I thank the Minister for his answer. In relation to Question 297 where there have been five complaints from pensioners on reinvestment of proceeds, and in a way this ties in to the previous discussion about our postal services in which certainly I know of several pensioners who claimed that either they did not receive the letter or they received the letter late. Is the Savings Bank taking that into account, in the sense of pensioners may not necessarily be on top of the maturity dates of their debentures and the required letters advising them of the maturity may not receive them in time to act upon it? Is the Savings Bank exercising a degree of discretion in respect of these complaints and in fact have these complaints now been resolved?

275

**Hon. Sir J J Bossano:** I think, Mr Speaker, to put it in context in the same period as the five, which is a year ending on 31st March, a total of 4,482 holders of debentures had their debentures maturing. But there seems to have been in this period, over a number of days, either delays or letters that have not gone there and that has been investigated and therefore, exceptionally there has been an adjustment made which has not come from the Savings Bank but from the Post Office side. That is to say, it has not been at the cost to the Savings Bank because the Savings Bank posted the letters early enough.

**Hon. R M Clinton:** Well, I am grateful to the Minister and I am sure that the debenture holders or pensioners will be delighted to know that they will be compensated.

Mr Speaker, if I can refer now to Questions 298, 299, 300, 301 and 302, the Minister's answer is somewhat light on information, to put it mildly, and I think everybody in this House can probably guess what the Roman letter G stands for and so I presume the other letters must stand for something else. Because otherwise, why not start with ABC and carry on ACD etc. until you exhaust the alphabet? There is obviously a particular rationale for the choice, for example, of GBIC.

Mr Speaker, I will illustrate this by reference to Europa Stadium Limited, which has since been morphed into a power-station-owning entity, which was originally called Europa Stadium Limited and has now become ES Limited.

So, Mr Speaker, there is a sort of rationale and there is a set pattern to the way the Government has done this in the past. I just find it perhaps regrettable that the Government cannot see itself or bring itself to tell the House what these particular initials stand for. In fact you know, Mr Speaker, from my reading of the question, the initials obviously stand for something.

Now, the Government obviously does not want to volunteer what those initials stand for, but could the Government perhaps confirm that the G stands for Gibraltar?

**Hon. Sir J J Bossano:** No, Mr Speaker, the G stands for G in the Roman alphabet, because I have already told him that the fact that we choose one letter as opposed to another, does not mean that the name of a company is anything other than the name that has been registered and that is the name that will go on the letterhead, the name that people will refer to it and the name that will feature on all the documentation of the company. The G might be Guernsey instead of Gibraltar.

**Hon. R M Clinton:** By that very answer, Mr Speaker, he belies the fact that there is obviously a meaning behind it when he says the G might be Guernsey, obviously means something, if not nothing.

But can I come back to GOC (Secretaries)? I mean is the Minister seriously saying that GOC does not stand for anything or it may as well be called Death Star (Secretaries) Limited or Skywalker Limited (Secretaries) or Jabba Hutt Limited or any other Star Wars character?

I mean is the Government seriously telling this House that there is no rationale for the naming of its companies? (*Interjection*)

**Hon. Sir J J Bossano:** What I am telling the hon. Member is what I have told him before. We take decisions, he is entitled to information as to what we have done but he is not entitled to expect us to have to justify why we choose one letter as opposed to another in a name, or why we put one person as opposed to another in a position.

We do it because governments take thousands of decisions every day of the week and they have been elected to take those decisions. The consequences of those decisions may be something that the hon. Member agrees or does not agree, but it is not a question of having to have a bilateral approach to choosing company names.

The issue is, those are the names that have been suggested for those companies and that is the names in which they have been registered and it is part of the decision process of the Government. I know he has not been in Government and I am sure if he looks back it is not the kind of thing that anybody in Opposition has ever challenged before, 'why do you choose this name and not another one?' Well, because I am the Government and you are the Opposition, basically.

**Hon. R M Clinton:** Well, Mr Speaker, I am grateful for the Minister's answer.

Can I ask then, in terms of the answer to Question 303. There are individuals appointed but obviously the Minister chooses not to explain why those individuals have been selected, but he has not explained whether the Government's policy has changed in respect of having corporate directors and secretaries as opposed to individuals.

I would like to understand why, for GBIC Limited and GOC (Secretaries) Limited, this is different to other Government entities.

**Hon. Sir J J Bossano:** Mr Speaker, when the hon. Member's first questioned why we put Company Directors Limited, he was told that it was so that the individuals could change and we would not need to go back and change the name of the directors. Clearly that does not mean that we have to do that in every single case. We choose to do it when we feel we should do it and when we feel we should not do it, we do not do it.

**Hon. R M Clinton:** Mr Speaker, can I then ask in respect of GBIC Limited, why it is necessary to have a director that is resident in Hong Kong? Is that something to do with the activities of the company and if so, what are they?

**Hon. Sir J J Bossano:** Mr Speaker, when somebody is appointed, it is not because it is necessary, nor is it that it requires a consultation with the Members opposite. We appoint somebody because we think he has something to contribute in the role to which he is being appointed.

**Hon. R M Clinton:** So, Mr Speaker, following on from what the Minister has said, and I follow his logic, then GBIC Limited obviously has some activity or some relationship with Hong Kong or why else would you appoint a director who is resident in Hong Kong? Would I be correct in assuming then that GBIC Limited has some business interest in South East Asia?

**Hon. Sir J J Bossano:** Mr Speaker, he can assume whatever he wants but I am not here to correct or otherwise his assumptions. He is asking hypothetical questions about his speculation. I am telling him that we took a decision to appoint a certain person to a certain company and give it a certain name. He has the information of the person and the company and the name and that is all the information he is entitled to have.

Why did we put it there, is it that there is something going to be happening in Hong Kong? Well, if there is, when it happens he will no doubt find out.

**Hon. R M Clinton:** Sorry, Mr Speaker, I was just reviewing my answers. I have nothing further to add, thank you.

**Hon. L F Llamas:** Mr Speaker, could I ask, is the directorship linked to any additional remuneration for that role.

**Hon. Sir J J Bossano:** No, Mr Speaker.

380 **Hon. T N Hammond:** Mr Speaker, in order that I do not assume anything, may I ask the Minister, where we come to GOC (Secretaries), that the Secretaries element in the name is not a random and coincidental agglomeration of Roman letters but actually does mean Secretaries?

385 **Hon. Sir J J Bossano:** Mr Speaker, the selection of a secretary or the selection of directors is something that is done because we think it is appropriate to do it in the way that it has been done. There is no... *(Interjection)* I do not follow what the supplementary is trying to get at. *(Interjection)*

**Hon. T N Hammond:** Sorry, the question is simply, does the Secretaries in brackets following GOC actually mean the word 'secretaries' or is it just a random accumulation of letters?

390 **Hon. Sir J J Bossano:** Well I think it means what it reads, I mean whoever prepared the answer for me puts that down that this is what it means, what it says on the paper.

395 **Hon. R M Clinton:** Sorry, Mr Speaker, I just had one thought. Could the Minister enlighten the House as to who chooses the names of these companies. Is there a Cabinet company-naming committee that decides on names based on the Roman alphabet on a random basis? Is there a code book the Cabinet uses? Could the Minister enlighten us as to how these wonderful names are arrived at?

Thank you.

400 **Hon. Sir J J Bossano:** No, I think that is decided at the level of AA, Mr Speaker. *(Laughter and interjections)*

#### Q306/2018

#### Public service vacancies – Number as at 31st January 2018

**Clerk:** Question 306, the Hon. D A Feetham.

405 **Hon. D A Feetham:** Mr Speaker, how many vacancies were there in the public service as at 31st January 2018?

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

410 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** None, Mr Speaker.

#### Q307/2018

#### New Calpe House – Use for medical patients

**Clerk:** Question 307, the Hon. Ms M D Hassan Nahon.

415 **Hon. Ms M D Hassan Nahon:** Can the Government confirm that the new Calpe House building in 19-23 Norfolk Square will only be used by patients and their escorts for medical related reasons, or are there already plans to house others?

420 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, there is no change in the intended use of Calpe House.

425 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I ask this question following representations as a result of a request to change the application of the lease to remove the condition restricting use of the hostel to use by the Calpe House Charitable Trust. So even though the hon. Gentleman has confirmed that there are no plans at the moment, can he confirm that this will remain in the future as well?

430 **Hon. Sir J J Bossano:** Well, Mr Speaker, I cannot tell the hon. Lady in the future indefinitely, that is to say certainly in the future for as long as I am patron of the charitable trust and the trustees are the trustees that are there. But I have to say that I want to take the opportunity for congratulating the trustees and indeed express my gratitude to Her Majesty's Government for having removed the restrictions that existed, because we paid a reduced price for the property because it had the restriction. There was a value put on that restriction which was waived when it was negotiated directly with the Minister responsible, in the knowledge that this is an institution that is a charity and will continue to be a charity.

435 But it means that if at some future date, for example, certainly not in the very near future but at some time in the future, there was a need to look for a bigger place, then the realisable value of the property would be much better than it would have been with the restriction that it had. And I think that is the value of having removed it.

In the meantime, of course, we have got an asset now that has a greater value even though the use will be the same because the restriction is no longer there.

445 **Hon. D A Feetham:** Yes, Mr Speaker, may I, with the permission of the Leader of the Opposition to my right, join in congratulating the Trustees for what the hon. Gentleman has just outlined in his reply.

450 Can I also say that I have last week been to London at the invitation of the Trustees and they took me round the new Calpe House and it is going to be an absolutely fantastic facility for the people of Gibraltar and indeed all the Trustees can be truly proud of the work that they have done in respect of Calpe House.

455 My question, Mr Speaker, because of course it is Question Time, is: in terms of completion, does he know more or less when Calpe House will be completed and when the new Calpe House will be available to the GHA?

**Chief Minister (Hon. F R Picardo)** Mr Speaker, I will allow the hon. Member to answer that question, but if I might just for a moment deal with the issue of the question that the hon. Lady has asked, which I think is something that is important for the whole House to be aware of.

460 As Mr Bossano has said, the indication to the Government is that this of course adds value to the lease, etc. But also, and I think this is important for the hon. Lady to factor into her reckoning of this matter, all that has happened is that the new Calpe House is now in exactly the same position as the old Calpe House was.

465 Of course, the old Calpe House is the current Calpe House in use and that lease, I believe in Prince's Square if my memory serves me right, does not have any restrictions. And so, what has happened, is that the trustees have rightly, in the view of the Government, moved to remove

the restrictions that there are in respect of the new lease, to put themselves in exactly the same position they were in, in respect of the old and current lease.

470 So as the Minister has suggested for example, when the time comes, they will be able to realise the value of the new lease as they go to increase the space available to Gibraltarians if that were to be an issue again in the future.

475 So there is not a move here that suggests a desire to change use; there is a move here to put the new Calpe House premises, and the law of the lease of the new Calpe House premises, into exactly the same standing as that of the current Calpe House premises which are also unrestricted. I hope this assists the hon. Lady in understanding why there has been that change made.

480 I do not have an exact date to share with the hon. Gentleman so I will give way to Mr Bossano if he has, but I think we all agree that as soon as possible is the right answer. But if the hon. Gentleman wants me to give way so he does not have to ask a question, he can make a comment, I am happy to do so.

485 **Hon. D A Feetham:** Yes, Mr Speaker, just in relation to the point that the Hon. the Chief Minister has made, the change of use is not an indication that there will be a change of use. What the change of use does is it gets rid of a restriction within the lease which then means that on the books of the trust, you have an asset that is of a greater value because it is unencumbered by that restriction. That is the reality, and that, in my respectful view, is good business by the trustees and therefore they ought to be congratulated for it, which is the point that the hon. Gentleman made.

490 **Hon. Sir J J Bossano:** I have not got a specific date that I recall, Mr Speaker, but he actually has been to see it more recently than I have. So my information is that there are no delays of any significance and that it is on time.

495 I think we would all like to see it happening and the sooner the better, because the present Calpe House is not in a very good state and the trust has to spend money on doing things to the one that is going to be put on the market, which is an unnecessary cost. So now that the investment has been made in the new one, the sooner we can start using it, we will be able to accommodate more people and see what return we can get from the other one.

**DEPUTY CHIEF MINISTER**

**Q308/2018**

**Activity-led tourism –**

**Land use**

**Clerk:** Question 308, the Hon. E J Phillips.

500 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what plans, if any, it has to use land for the purposes of activity-led tourism?

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

505 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker. The Government is studying proposals for the use of the Northern Defences for the purposes of heritage and activity-led tourism.



**Hon. E J Phillips:** Would the Government agree that the key to increasing activity-led tourism – indeed, event-led tourism – is its marketing?

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**Hon. Deputy Chief Minister:** Mr Speaker, the hon. Member will understand that I am not the Minister for Tourism nor the Minister for Marketing. But the question was posed from a land point of view, so I answered the question as landlord in terms of whether the Government intends to locate a site to be used for tourism-related activity.

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**Hon. E J Phillips:** Mr Speaker, I think I have asked a question in relation to land use, yes for the purposes of activity-led tourism. I am just asking whether the Deputy Chief Minister would agree that the key to having a successful policy in respect of that activity-led tourism or event-led tourism is marketing.

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**Hon. Dr J J Garcia:** Yes, Mr Speaker.

**Hon. E J Phillips:** And therefore, he would also agree, Mr Speaker, that expenditure on tourism and marketing should be driven by value-for-money criteria, linked directly to results, would he not?

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**Chief Minister (Hon. F R Picardo):** Absolutely, Mr Speaker. Hence why the hon. Gentleman will have seen a press release issued by the Government a few hours ago, thanking him, the hon. Lady and Mr Llamas for their support at the recent event at the top of the Rock, where the Government launched the Skywalk, using a gentleman by the name of Mark Hamill, who used to star as Luke Skywalker in the movies which also feature ‘Dad Vader’ and others, (*Laughter*) well known to Members opposite, Mr Speaker!

530

And the hon. Gentleman might like to know, and this is why I wanted to thank them for their support, that the marketing of that particular opening which marketed the whole of Gibraltar, not just the Skywalk, garnered on the *Time Magazine* site, which has 15 million followers as I understand it, either on Facebook or on Twitter, over half a million views of a video on Gibraltar and the Skywalk. It was reflected in Mark Hamill’s own Twitter feed which has 2.6 million followers. On another website it had a quarter of a million views of that video and indeed, Mr Speaker, I forget the countless numbers of television stations, I believe 117 television stations around the world carried the video of the opening of the Gibraltar Skywalk.

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So, Mr Speaker, marketing is absolutely what we have to be ensuring we get right and marketing, Mr Speaker, unfortunately sometimes costs money but we have to ensure that we use the money wisely to get the widest possible reach for Gibraltar, just as we, I think, demonstrated last week in an event which we also used to ensure that people who were followers of the particular saga that this particular actor is well known for also had the opportunity to interact with him.

545

So I would like to thank Ms Marlene Hassan Nahon, the Independent, Mr Lawrence Llamas the Independent and the Leader of the Opposition for the GSD, Mr Speaker, for supporting that event.

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Thank you very much indeed.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the invitation. I always try to attend as many public events that I have been asked to attend and I will continue to do so because that is what I have been asked to do sat in this House and when Government invites me to its functions I will of course attend. It would be odd if I just refused it.

555

Mr Speaker, in relation to the position of the Government, can the Government confirm that the significant costs associated with having Mark Hamill is driven by value-for-money criteria linked directly to its results?

560 **Hon. Chief Minister:** Mr Speaker, I would not even call it a significant cost. Given the reach that we had, I think that hon. Gentlemen might look at the cost of the Skywalk versus the cost of this event, which unfortunately we are prevented by this non-disclosure agreement of giving the details of, and would decide that actually this is not just good value for money, this is *excellent* value for money, *brilliant* value for money.

565 In particular, just to juxtapose it, and as I said in my statement at the end of that press release, in the same week as we are also demonstrating our investment in health, because we had just launched that week the new Primary Care Centre and the new Paediatric Centre so that our children do not have to go to the same primary care centre as adults, and in the same months as we are being told by hon. Members that we are investing too much in education.

570 So I think in terms of value for money compared to the reach and the cost of the Skywalk, I really wish I could give Members chapter and verse of what the cost has been because it is absolutely excellent value for money and gets the name Gibraltar a reach we do not usually have, to the many millions of people that we want to attract.

575 I will just say this to the hon. Gentleman at the end of this contribution, Mr Speaker. Gibraltar has had a pull to attract people for many years. Part of it is the view of the apes in Gibraltar and I think that will always continue and I think as my friends in the taxi trade say often, the apes are our Mickey Mouse and they continue to be the biggest draw for Gibraltar.

580 We have also been able to draw on the affections of those who have served militarily in Gibraltar, who wanted to return and bring their families. We also draw on our historical significance and our strategic significance and people are interested in coming to see Gibraltar for those reasons.

585 We draw on the fact that Gibraltar is iconic and people who visit Gibraltar and are lucky enough to arrive by ship want to see it, get off the cruise ships – perhaps not as many as we would like but many do. But we have to reach a new generation of tourists to Gibraltar and as the world changes, Mr Speaker, and we cannot rely on WW2 veterans who have served here or have served here subsequently to bring their families, etc. we have to reach a new demographic. Mr Speaker, the hon. Members opposite will agree with me that that means reaching a new generation of individuals who might want to come to Gibraltar.

590 There have been two significant things which we can point to in the past year in that respect. One of them, and in my view at the moment the most significant, because it has been one of the largest events in Gibraltar's history, certainly the largest event for the launch of any tourist site, is the visit by Mark Hamill, the actor who played Luke Skywalker.

595 The second is the fact that Gibraltar is featured in a video game called *Call of Duty*, Mr Speaker, which is what is known in the trade as a 'shoot 'em up' based on the Second World War. Mr Speaker, it is really quite incredible to see that the reach of this video game technology is now in the hundreds of millions of people. Hundreds of millions of people around the world play these games. Indeed now, Mr Speaker, they play together and one of the stages of that game – this is a special edition of the game which is a World War II version, includes Gibraltar as a fortress coming under attack from Axis forces etc.

600 We have to reach that new demographic, we have to reach the new generations. This was, Mr Speaker, in respect of the launch of the Skywalk, exactly the right way to reach them and to make something of our Skywalk to make it different to all the other skywalks around the world. This is the Gibraltar Skywalk. Gibraltar, if the hon. Member cares to look carefully, looks a little in profile like the island where the Last Jedi is to be found in the last edition of the saga. This is all creating part of the myth. We are trying to create an attraction for people.

605 I have seen, Mr Speaker, that there are some who think this is not going to produce a return. Well, Mr Speaker, we think it has, certainly in marketing terms already. The advertising value of what I am telling the hon. Gentleman has been the reach of this video is absolutely huge. If we had had to pay for it, Mr Speaker, it would have been millions of pounds.

610 I have read some people trying to be funny to bring in references to Tatooine, etc. and actually not achieving even funniness, let alone serious political reach, but you know, that is

what happens if you become a nomad in politics I suppose, Mr Speaker. You do not actually ever hit the target.

615 But if you look at this seriously and if you work it out carefully, Mr Speaker, even the real Slim Shady, Mr Speaker, would have understood (*Laughter*) the value of bringing the Force to Gibraltar.

**Hon. E J Phillips:** Mr Speaker –

620 **Mr Speaker:** Before the Leader of the Opposition asks a supplementary, given that the Chief Minister has widened the scope of the original question by his intervention, I will allow supplementaries on those aspects by which he has widened the scope, but I am not allowing any debate on these issues.

625 **Hon. E J Phillips:** Mr Speaker, given the fact that this House and the people in our community will not be permitted to know how much this event on the Rock has cost us, can the Government confirm at least that they have been able to manage the message being delivered via Twitter and other social media outlets in respect of Mr Hamill's communication?

630 Because as far as we can tell from this side of the House, Mr Hamill remarked on 'Why would they ever invite me to the opening of something called a Skywalk? Remains a mystery.' I think that is a fairly negative way of putting a Skywalk who has cost us money, Mr Speaker. Can the Chief Minister confirm that he is managing the marketing message being delivered to our community, outside our community?

635 **Hon. Chief Minister:** Mr Speaker, I paused to think because I really do not believe it is possible for the hon. Gentleman to mean what he has just said. I assume he is trying to deal with some social media mutterings of others who he has responsibility and owes allegiance to, Mr Speaker.

640 Now irony, Mr Speaker, is not something that tastes 'metally'. Irony is a methodology of getting across a message. And so, when Luke Skywalker, because that is how he is best known, says, 'I can't imagine why they ask me to open a Skywalk!', he is being ironic and, in that way, communicating a message. Very well, if I may say so, because the hon. Gentleman will indulge me for a moment as I reflect to the House, Mr Speaker, how far the irony of that particular message has gone.

645 In just seeking to give the House an updated number, that ironic message from Mark Hamill, also known as HamillHimself, garnered 7,938 likes – this is a way of measuring on social media, Mr Speaker – 969 retweets and 314 comments, Mr Speaker. So, 8,000, in effect, likes, 1,000 retweets, 315 comments. That is probably a million times more than anything he has ever said on Twitter has attracted the attention of, or indeed, Mr Speaker, that those beyond this House

650 who he owes allegiance to might ever have suffered the liking of.  
Just after that, Mr Speaker, Mark Hamill the actor who played Luke Skywalker, amusingly also took a picture of himself of his face in a Barbary Macaque cut-out, Mr Speaker. That obtained 7,000 likes and, Mr Speaker, just demonstrating that one can be a celebrity but also be a thoroughly decent, nice and kind individual as well, another tweet that the hon. – sorry no, not the honourable, he is not *really* a Jedi! (*Laughter*) That Mark Hamill himself put up which talked about World Down's Syndrome Day, and featured what we were doing in Gibraltar for World Down's Syndrome Day, garnered 4,500 likes and 630 retweets, Mr Speaker. That is just on Twitter.

660 The numbers on Facebook are I think even higher, Mr Speaker. That is one part of the marketing and if I may say so, Mr Speaker, and I will be very honest with the hon. Gentleman, we do not control what Mark Hamill says on Twitter. You never contract to control what is said; you contract so that something *is* said and that it is in the positive, and that is extraordinarily positive messaging which goes beyond simply saying – which is very bad marketing, by the way –

665 'I have been to open the Skywalk, the Skywalk is open, come and turn up, it is £1.50.' That is *not* good marketing.

Good marketing is marketing that gives a twist, that is ironic, that suggests something exciting. Mr Speaker, if the hon. Gentleman would care to know, the one thing I did not think worked very well was that one of the Stormtroopers was very casually photographed in the background. That turned out to be one of the key features of what drove the message, because  
670 people wanted to know what the Stormtrooper was doing casually hanging on the side of the balcony.

In fact, there was a caption competition running at one stage and some very funny contributions about what it was that the Stormtroopers were saying: 'They really need to polish the Death Star better', etc.

675 So, Mr Speaker, you do not need to control a message if you are on message with the people that you contract. These were excellent messages from Mark Hamill himself. I think they demonstrate the value of what we have done. They got out the message. We can all be grouches and scrooges about things. This was the right thing to do.

And the hon. Gentleman says we are not going to be permitted to know the cost. No,  
680 Mr Speaker, I am not permitted to tell you the cost, but I wish I could because it would demonstrate that all of the attempts to denigrate this are absolutely wrong and all the attempts to compare it to investment in health services are absolutely wrong, because it is done in the same week as we invest in the Primary Care Centre and the new Paediatric Facility. Frankly, Mr Speaker, to suggest that we would do anything that is not value for money, I think does not  
685 demonstrate the understanding the hon. Gentleman should have of how we ensure that we get the message out.

But the results speak for themselves. When have we had something out in 117 television stations? When have we had something to do with Gibraltar with half a million views already, four days after it has happened, on the *Time Magazine* page? Mr Speaker, these are excellent  
690 numbers, they show that the message has gone further.

I thought the attack would be, Mr Speaker, that we have spun this too well. But no, the suggestion seems to be the opposite. But I think the hon. Gentleman needs to get the irony of the message.. He needs to understand what irony is and see the value of marketing done in that way as well as we have.

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**Hon. E J Phillips:** I have just one further question, Mr Speaker.

**Mr Speaker:** The Force is telling me that we should move on. (*Laughter*) I will allow one more supplementary and then we are moving on. We are not having more of Mark Hamill or Luke Skywalker in the House today.  
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**Hon. D A Feetham:** I had one more.

**Hon. E J Phillips:** Mr Speaker, I thank the Chief Minister for his response in relation to his expertise on ironic and the irony of this particular type of marketing on social media. But speaking seriously for one moment, how does the Government rationalise with people that have complained to me and complained to my colleagues about the excessive spending of public money – ?  
705

**Mr Speaker:** No, no. We are now debating Government expenditure on a general basis. It does not arise from the original question. It does not even arise from the supplementaries that I have allowed.  
710

**Hon. E J Phillips:** Mr Speaker, but he has given the widest possible remit.  
715

**Mr Speaker:** No, I am not allowing that question. I am very sorry. You are outside the rules.

**Hon. E J Phillips:** Mr Speaker, I don't know how. It is the Chief Minister that is outside the rules.

720

**Mr Speaker:** The Hon. Mr Llamas.

**Hon. L F Llamas:** Mr Speaker, just on the marketing aspect, would the Government accept that perhaps they have lost an opportunity of having marketed this event in advance to the actual day and being able to attract fans over and fill up rooms in hotels and the restaurants in Gibraltar?

725

**Hon. Chief Minister:** Well, Mr Speaker, the one thing I did not say before was that Mark Hamill apparently on television in GBC said, 'I am very lucky that they called it a Skywalk, otherwise they might never have contracted me to come and open it.'

730

The definition of irony which I have got here, is 'the expression of one's meaning by using language that normally signifies the opposite, typically for humorous or emphatic effect', by the way.

735

Mr Speaker, I do not know whether the hon. Gentleman attended the events at the Piazza. The events at the Piazza demonstrated just how blessed Gibraltar is, because Mark Hamill landed in brilliant sunshine and had his picture taken, as anyone arriving at Gibraltar would, with Kaiane, with the Rock behind, an important marketing picture for Gibraltar in the future – Luke Skywalker, Gibraltar and our Mayor, Miss World 2009.

740

It then rained cats and dogs. I bit my nails to the quick and by seven o'clock in the area in front of this Parliament, the sun was shining brightly and everyone that had an interest was here for an interview that Mark Hamill did with Nick Guerrero. Now the important thing, Mr Speaker, to tell the hon. Gentleman is the public order issues that we had getting Mark Hamill out of the lobby of the House of Parliament.

745

Now, the hon. Gentleman knows that unfortunately, although I do not think it is necessary in Gibraltar but you know sometimes, as the hon. former, former Leader of the Oppositions says, we have to do these things. I have a bodyguard in Gibraltar. I have two in Spain for reasons which might be more obvious. He had five, Mr Speaker, and we had to call reinforcements to get him out. Now, if we had said earlier than we had that he was coming, we might have had even more difficult public order issues.

750

The airport at one stage was full of people wanting to see him on his arrival. There were people who would not let him out of here. The Rock Hotel was besieged by people at different times. That is why we did not announce it earlier than we did, because we were concerned about those issues.

755

But I think that the spread of the message has worked. That is what the marketing was about. This was not an event-led tourist event. In other words, we did not use the visit as a tourist event to fill hotels. We used the visit to promote a thing that we hope will help us fill hotels and attract people to Gibraltar.

760

Look, it is possible to bring a celebrity every weekend, tell people they are coming and potentially, as long as the celebrity has a strong enough draw, fill Gibraltar with people who are interested in seeing that celebrity. That is not an area that we have explored but, Mr Speaker, what we have done in this instance, I think, is used the marketing by the celebrity being here in order to create an interest in those who follow the saga, in coming to see that Skywalk etc.

765

**Mr Speaker:** The Hon. Mr Feetham.

**Hon. D A Feetham:** Thank you very much, Mr Speaker. Just a couple or three quick-fire supplementaries, Mr Speaker and then I will sit down.

The first is: did Mr Hamill insist on the non-disclosure of the consideration payable under this contract or was it the Government that insisted on it?

770 Secondly does the Chief Minister think that it is in the public interest for a Government to be signing a non-disclosure that it will not effectively disclose the consideration for a contract of this nature to a Parliament?

And thirdly, is there any truth in the rumour that the Government is bringing Eminem next to Gibraltar? *(Laughter)*

775

**Hon. Chief Minister:** Well, Mr Speaker, I have to start by apologising to the hon. Gentleman, because I was not able to invite him also to the Skywalk launch. Not all Ministers were able to be invited because we had a controlled set of numbers and we needed certain shots etc. taken. So it was not possible to invite all Members of the House so we went for representatives of all the political groups opposite and we found the support of the GSD for this event and the support of Mr Llamas and Ms Hassan Nahon. Otherwise, Mr Speaker, we might have had the very difficult situation of having a Sith Lord and a Jedi on the same viewing platform, and then all sorts of trouble could have ensued. *(Laughter)*

780

But, Mr Speaker, it is not us that insisted on the confidentiality clause; it is a standard clause in the artist's agreement. Frankly, I am going to seek to be discharged from that but I do not know whether we will be because it is a standard clause of his. And there is control, Mr Speaker, because this money is in the Estimates Book under marketing costs, etc. It is like the Music Festival, we are not able to disclose the individual fees of the bands, but you know what it cost. In other words, you know what is spent on that and you know how much is spent on marketing.

785

790 But you just put yourself in a position, Mr Speaker, if you disclose that you are not going to get best possible value for money, because if you get a discount, Mr Speaker, and that is published, others will want to pay no more than you have paid.

So it is entirely in the public interest of Gibraltar that we respect confidentiality agreements because we think we get better deals for the Gibraltar taxpayer as a result, not worse deals as a result. So I think hon. Members would appreciate that that is the logic of why we accept these things.

795

Finally, Mr Speaker, I know that these questions were put in some time ago, which means, Mr Speaker, these questions were put in long before there was any chance of anybody knowing about Mark Hamill coming to Gibraltar. They cannot have been intended for that, although all the supplementaries have been on that. I welcome that, Mr Speaker, because we have been able to deal with an issue that has been made public in another not so positive way by the Members of the party represented opposite but who are not in this House to put the very contrary view that was expressed by hon. Members present at the event last week.

800

**Mr Speaker:** The Hon. Roy Clinton and that is the last supplementary that I am allowing. I have had enough this afternoon. Half an hour on Luke Skywalker, I think is – *(Laughter)*

805

**Hon. R M Clinton:** Thank you, Mr Speaker, I will be brief.

Given that the Chief Minister has emphasised that this was indeed value for money, can he advise the House whose idea this was and was there a cost-benefit analysis presented beforehand as to this event?

810

And finally, Mr Speaker, would he be willing to disclose to this House, the total cost of the Skywalk, including the cost of the opening?

Thank you, Mr Speaker.

815

**Hon. Chief Minister:** Mr Speaker, it was my idea. Yes, we did a cost-benefit analysis. We will disclose the full cost of the Skywalk but not the cost of the opening because that would allow people to work out the cost of the event and therefore put us in breach of our obligations. I am

820 sure that the hon. Gentleman does not want to put the Government of Gibraltar in breach of its contractual obligations, Mr Speaker.

And I bow to you now as Supreme Leader and end this part of the questioning.

**Q309/2018**

**St Christopher's School –  
Plans once handed over to Government**

825 **Clerk:** Question 309, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain what plans it has for St Christopher's School, and explain in what physical conditions the school has been handed over to the Government?

830

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker. St Christopher's School has not yet been handed over to the Government.

**CHIEF MINISTER**

**Q310/2018**

**Economic Advisory Council 2025 –  
Members and meetings**

835 **Clerk:** Question 310, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government appointed members to the Board of the Economic Advisory Council 2025 and if so, how many times, and on what dates, has it met since formation?

840

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

845 **Chief Minister (Hon. F R Picardo):** Mr Speaker, less than 90 days after the result of the 2015 General Election, the former Prime Minister of the United Kingdom, David Cameron, called a referendum on the UK and Gibraltar's membership of the European Union. For that reason, the Government decided to forgo appointments to the said Economic Advisory Council.

The Government will therefore now expect to convene the council in July, a date by which we may have greater clarity as to the access the UK and Gibraltar may have to the EU Single Market.

850 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer, although I fail to see why the Brexit vote had to delay the creation of the council. In fact, I would have thought there would have been more reason for its creation.

Can I ask the Chief Minister, has he identified the individuals that he would wish to appoint to such a council and if so, have they been approached?

855

**Hon. Chief Minister:** Well, Mr Speaker, I do not agree, because it is not possible to make serious suggestions *in vacuo*. So in other words, Mr Speaker, what is the point of sitting round thinking about what we would do if we had access to the Single Market if we do not have access

860 to the Single Market, or thinking about what we would do if we do not have access to the Single Market if we do have access to the Single Market.

So what makes more sense, Mr Speaker, is to know what the settled position is going to be, what market we are going to have access to and to plan in that way.

I have approached a number of people to form part of this council and I expect to approach others in coming months.

865 You should not expect a call. *(Laughter)*

**Hon. R M Clinton:** No indeed, Mr Speaker, I certainly would not expect a call.

Can the Chief Minister enlighten us as to the significance of July? Forgive me if I am not up to speed on that particular date.

870

**Hon. Chief Minister:** Well, Mr Speaker, I take it then that he is not following the debate about when the European Union expects to enter into arrangements with the United Kingdom.

### Q311/2018

#### Pensions for private sector workers – Government manifesto commitments

**Clerk:** Question 311, the Hon. R M Clinton.

875 **Hon. R M Clinton:** Mr Speaker, how does the Government believe it has fulfilled its manifesto commitment of 2011 and 2015 in respect of pensions for private sector workers?

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

880 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in full, sir.

### Q312/2018

#### Tax rebates – Value outstanding as at 31st December 2017

**Clerk:** Question 312, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise the value of tax rebates outstanding as at 31st December 2017, analysed between personal and corporate?

885

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Income Tax Office does not hold historical information on the level of tax rebates due.

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The fact is that the total value of refunds due to individuals and entities is obviously in a state of constant flux. The Tax Office continues with its refund repayment programme and is continuing to bring assessments up to date. The result of this strategy is that additional refunds continue to be made in a timely manner as practically possible.

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Therefore, during the current financial year, and as at 9th March 2018, the Income Tax Office has paid an unprecedented £14,247,460 in tax rebates. That is the largest amount ever paid in



tax rebates in the history of our community and is in keeping with our policy of seeking to be as up to date as possible in respect of the amounts repaid to taxpayers.

Mr Speaker, this is a record to be proud of and I am pleased to tell the House that I will be able to provide more detail on the success of our policy during the course of the debate on the Appropriation Bill later this year.

**Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for his answer. I will perhaps file another question, Mr Speaker, with your permission, because without checking *Hansard* I cannot remember off the top of my head, I am fairly certain that we have had information in the past on the level of tax refunds outstanding and therefore it is entirely within the ability and remit of the Tax Office to provide that information.

While I am on my feet, Mr Speaker, the Chief Minister has just given a number of rebates paid of £14 million and change: would he confirm to the House that is in fact more than the estimated revenue repayments of £10 million in the Estimates Book?

**Hon. Chief Minister:** Yes, Mr Speaker, it is a 50% surplus over that amount. In fact, instead of £10 million we have paid £14,400,000 to date. That means, Mr Speaker, that the £10 million which would have been the largest amount ever paid in tax rebates in any financial year has been exceeded half again, Mr Speaker. An excellent record to be proud of in paying back to people and exceeding, Mr Speaker, the amount ever paid by any Government in the past in any financial year.

**Hon. R M Clinton:** Well, Mr Speaker, I would be the first to congratulate him on behalf of the taxpayer, if only we knew how much more remains to be paid. As soon as we have that information, I will be the first one to congratulate the Government for repaying what taxpayers are due.

But I have no further question for him.

**Hon. Chief Minister:** Well, Mr Speaker, in that case, I will look forward to receiving his congratulations, but hopefully not caveated in any way, because this is the largest amount ever paid. If he wants to compare that to the amounts that may be outstanding, he might want to compare that to the amounts outstanding as a ratio of the amounts outstanding at the time that the party that he represents was in office because, Mr Speaker, I think even that is important.

I think the demonstration and commitment of the Government in repaying to taxpayers is now more evident than ever, and as I said during the course of the last Appropriation debate and will demonstrate during the course of the coming Appropriation debate, to which I am very much looking forward.

#### Q313-320/2018

#### PAYE, Social Insurance, Rates, Corporate and Personal Tax arrears – Details as at 31st December 2017

**Clerk:** Question 313, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for PAYE tax arrears as at 31st December 2017, without disclosing the names of those debtors.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 314 to 320.

**Clerk:** Question 314, the Hon. R M Clinton.

945

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Social Insurance arrears as at 31st December 2017, without disclosing the names of those debtors?

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**Clerk:** Question 315, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Rates arrears as at 31st December 2017, without disclosing the names of those debtors?

955

**Clerk:** Question 316, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Corporate Tax arrears as at 31st December 2017, without disclosing the names of those debtors?

960

**Clerk:** Question 317, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Personal Tax arrears as at 31st December 2017, without disclosing the names of those debtors?

965

**Clerk:** Question 318, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government state whether any individual or company listed in the lists of arrears provided for PAYE, Social Insurance, Rates, Corporate and Personal Tax as at 31st December 2017, appears in more than one list and how many do so?

970

**Clerk:** Question 319, the Hon. R M Clinton.

975

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for electricity arrears as at 31st December 2017, without disclosing the names of those debtors?

980

**Clerk:** Question 320, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for rent arrears as at 31st December 2017, without disclosing the names of those debtors?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand over a schedule with the information requested.

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**Mr Speaker:** Whilst the hon. Member studies the schedules and therefore he can come back and ask supplementaries, we will move on to the last two questions from the Hon. Lawrence Llamas.

ANSWER TO QUESTION 313

Top 30 amounts  
outstanding for PAYE

Outstanding
£535,020.83
£364,113.32
£352,613.02
£217,118.40
£206,717.72
£192,575.15
£142,525.54
£139,500.47
£132,866.71
£119,186.99
£107,156.72
£96,861.60
£94,411.90
£82,860.18
£80,865.64
£75,777.16
£75,425.23
£72,805.18
£70,874.64
£67,394.77
£66,978.45
£65,527.55
£60,118.94
£58,889.35
£57,745.68
£57,671.65
£57,396.90
£57,058.55
£55,088.00
£54,635.64

ANSWER TO QUESTION 314

Top 30 amounts  
outstanding for Social  
Insurance

Outstanding
£316,998.09
£216,186.51
£142,602.19
£118,915.55
£95,011.23
£93,660.21
£90,737.36
£88,736.70
£78,673.49
£77,668.27
£75,024.87
£66,388.30
£65,728.97
£65,255.91
£59,054.27
£58,633.38
£57,972.33
£56,467.56
£55,900.25
£53,879.20
£50,555.65
£49,160.52
£48,664.10
£47,946.01
£46,783.89
£46,491.02
£45,643.23
£44,252.23
£43,419.75
£41,330.69

ANSWER TO QUESTION 315

Top 30  
amounts  
outstanding for  
Rates

Outstanding
£646,252.56
£284,335.05
£211,733.50
£191,381.75
£172,900.00
£120,263.23
£105,826.51
£99,112.00
£95,096.67
£85,468.93
£78,707.97
£77,195.60
£68,174.63
£65,842.92
£63,904.20
£59,786.65
£56,919.37
£53,897.52
£52,032.20
£50,630.15
£43,109.64
£41,915.56
£39,293.20
£39,271.26
£38,849.05
£37,508.10
£37,503.77
£36,434.06
£34,818.83
£34,276.98

**ANSWER TO QUESTION 316**

Top 30 amounts outstanding  
for Corporate tax

Outstanding
£325,532.97
£127,952.27
£121,172.11
£86,263.72
£75,813.18
£69,097.04
£67,788.50
£67,401.90
£64,320.74
£60,681.23
£53,689.25
£52,347.07
£41,443.05
£38,919.37
£38,616.06
£37,123.86
£35,365.00
£33,249.00
£30,952.62
£30,548.13
£29,117.56
£28,835.94
£26,814.74
£24,014.32
£23,731.65
£23,697.09
£23,213.70
£23,046.80
£22,648.16
£22,461.00

**ANSWER TO QUESTION 317**

Top 30 amounts outstanding  
for Personal tax

Outstanding
£320,978.48
£231,430.52
£108,886.78
£90,077.79
£80,789.54
£76,025.08
£71,650.00
£63,878.00
£63,503.48
£62,050.74
£61,369.57
£59,099.24
£58,131.34
£54,624.87
£50,884.84
£49,442.07
£47,892.57
£47,833.76
£46,809.92
£46,800.53
£46,328.77
£44,948.53
£43,956.00
£43,560.00
£42,794.40
£40,439.59
£39,492.50
£39,291.10
£38,673.46
£38,551.26

**ANSWER TO QUESTION 318**

Companies appearing on more than one list

PAYE	Social	Personal Tax	Corporate	Rates
£364,113.32	£316,998.09			
£192,575.15	£216,186.51		£24,014.32	£95,096.67
£139,500.47	£118,915.55			
£57,058.55	£142,602.19			
£96,861.60	£90,737.36			
£107,156.72	£55,900.25			
£80,865.64	£75,024.87			
	£93,660.21			£52,032.20
	£95,011.23		£52,347.07	

£75,777.16	£65,255.91			
£57,745.68	£65,728.97			
£58,889.35	£59,054.27			
£70,874.64			£38,616.06	
£57,671.65	£48,664.10			
			£67,401.90	£34,818.83
	£49,160.52		£41,443.05	

**ANSWER TO QUESTION 319**

Top 30 amounts  
outstanding for  
Electricity

<b>Outstanding</b>
£21,603.35
£19,295.08
£36,357.13
£18,251.77
£17,631.18
£17,436.21
£16,877.57
£16,030.46
£15,450.48
£24,468.50
£14,782.06
£14,708.89
£14,739.82
£14,662.00
£14,491.31
£14,511.53
£14,132.79
£14,040.99
£13,795.07
£14,025.44
£13,410.64
£13,181.68
£13,238.45
£13,158.65
£12,727.66
£12,536.62
£12,480.48
£12,479.19
£12,384.33
£12,324.23

**ANSWER TO QUESTION 320**

Top 30 amounts  
outstanding for  
Rent

<b>Outstanding</b>
£20,793.65
£20,356.17
£19,954.05
£19,723.35
£19,420.42
£19,064.81
£18,591.82
£18,493.63
£18,011.43
£17,484.26
£17,294.73
£17,141.91
£16,928.24
£16,926.13
£16,763.91
£16,424.11
£16,224.58
£16,194.31
£16,173.94
£16,037.95
£16,020.29
£15,824.64
£15,542.00
£15,491.09
£15,371.05
£15,329.19
£15,236.65
£15,069.64
£14,843.25
£14,806.54

**Q321/2018**  
**Former Rooke site –**  
**Costs of demolition and works; reasons**

995 **Clerk:** Question 321, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose the cost of demolition and any works it may envisage carrying out at the former Rooke site together with its reasons for carrying out these works.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the reply to Question 399/2017 set out the cost of the demolition and the reasons for it. The information requested has therefore been in the public domain for nine months.

1005

**Q322/2018**  
**Disability Allowance –**  
**Concerns**

**Clerk:** Question 322, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide an updated position with regards to Question 94/2018?

1010

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the position in respect of Disability Allowance remains as set out in answer to Question 94/2018. I am looking forward to meeting with the Disability Society tomorrow, in order to better understand their concerns in this respect.

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**Hon. L F Llamas:** Mr Speaker, the question is that people from the Disability Society and Members in general have been under the impression, since the Chief Minister made an address during his initial Budget upon winning his first election, that the Disability Allowance benefit – not the taxable allowance received, the actual benefit – would increase in line with the cost of living. And given that the Chief Minister announced a 2.7% increase in cost of living, that is the percentage that they are seeking to receive.

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In the past, the Government has issued press releases when they have increased the benefit. In one particular year I believe the cost of living only went up 0.4% and the Government actually topped it up and went up to 1.7% and they made a press statement. But given that they have actually been writing to No. 6 asking questions, not just for clarification in the public domain, but they have actually taken the initiative to try and push this agenda forward but have been unable to get any answers; and the fact that the commitment has been there and has been practised throughout the years, it suddenly seems to have stopped. Does the Government have a reasoning for why the Disability benefit has actually not increased in this financial year?

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1030

**Hon. Chief Minister:** Mr Speaker, Question 94/2018, which is the one which is referenced in the question I am dealing with today, deals exclusively with Disability Allowance, Mr Speaker. It does not deal with anything else. But as I have said to the hon. Gentleman, I am going to see the

1035 Disability Society tomorrow, so I will be providing answers to any questions that they put to me tomorrow, directly.

**Q313-320/2018**

**PAYE, Social Insurance, Rates, Corporate and Personal Tax arrears –  
Supplementary questions**

**Mr Speaker:** Are there any supplementaries arising from those schedules?

1040 **Hon. R M Clinton:** Yes, Mr Speaker. Just on a cursory review of the schedules and we may come back with more specific questions, if I can direct the Chief Minister to his answer to Question 314, top 30 amounts outstanding for Social Insurance, and the amount there is £316,998.09. Looking at the corresponding schedule that was handed to us in October 2016, it is in fact the same identical number.

1045 Can the Chief Minister advise or at least confirm that we are talking about the same debtor and if so, why is it in the space of time that has elapsed, that number has not changed?

1050 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, it is the same debtor. The amounts accrued in 2001, 2003 and 2009 and the company is in liquidation – that is why the figures have not changed.

**Hon. R M Clinton:** I am grateful to the Chief Minister for that answer. Can he advise, if he has the information with him, which of the other entities relate to companies that are in liquidation?

1055 **Hon. Chief Minister:** In that schedule, Mr Speaker, in Social Insurance there are none other in liquidation, but there are a number in the legal process and I do not know whether that legal process is winding-up proceedings or not, because I do not have that information.

1060 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for that. Would I be correct in presuming – and I presume that would be the correct assumption – that in his answer to Question 318 where the Social Insurance amounts of £316,998.09 appears, that the PAYE debtor is in relation obviously to the same debtor and is also therefore, the same entity in liquidation? And if I could ask whether the line down, the next one down, also relates to the company in liquidation.

1065 **Hon. Chief Minister:** So, Mr Speaker, he said in 318, so the first line of 318 is the one that he referred me to which has in respect of the column for Social Insurance the same figure, £316,998.09, then the figure for PAYE £364,113.32 is of course, because that is how it is set out, owed by the same debtor, Mr Speaker.

I did not catch the second limb of what he asked me.

1070 **Hon. R M Clinton:** Yes, I am grateful to the Chief Minister. I was just asking if the next line down of that same schedule in answer to 318 would relate to an entity in liquidation?

1075 **Hon. Chief Minister:** Mr Speaker, the note I have says ‘pending liquidation’. So I assume that is at some part of the process of the winding-up procedure of the court.

**Hon. D A Feetham:** Mr Speaker, what about the second number on the schedule for PAYE £364,113.32 and also the numbers as well on personal tax, which is – (*Interjection*) sorry? Yes,



1080 well, which is exactly the same as the number that was given to us in October 2016. That is the second one on the schedule on PAYE.

**Hon. Chief Minister:** That is exactly the question that I answered to the hon. Gentleman, Mr Speaker. That entity is the one that is – (*Interjection*) No, no but he also asked me to relate it to the number in respect of PAYE that appeared in the answer at 318, I believe, Mr Speaker. So if  
1085 the hon. Gentleman looks at 318, that is the number that I gave the hon. Gentleman, you see, so it is the same entity, Mr Speaker, and it is in liquidation.

**Hon. D A Feetham:** Mr Speaker, I am grateful for that.  
What about personal tax? What we have on personal tax in October 2016, the top number  
1090 was £320,978.48 and the second highest debtor on personal tax in October 2016 was £231,432.52 which are identical to the figures in the schedule that he has provided in answer to my hon. Friend today.

**Hon. Chief Minister:** Yes, Mr Speaker, so they are in liquidation, but obviously in human  
1095 terms that means bankruptcy. (*Interjection*) So these are two individuals in bankruptcy.

**Mr Speaker:** Any other supplementaries?  
That is the end of question time then.

#### PROCEDURAL

#### Estimates of Expenditure – Agreed to be circulated on Wednesday, 2nd May

**Mr Speaker:** Before we move on, there is a matter that I want to clarify. Members will recall  
1100 that we agreed that the Estimates of Expenditure, that the Constitution would be met, the requirements of the Constitution, if the Estimates of Expenditure were circulated not later than 30th April.

Now, 30th April is a public holiday in Gibraltar, Monday is the public holiday and Tuesday,  
1105 1st May is also a public holiday. Therefore, basing ourselves on the Interpretation and General Clauses act, the requirement would be met if the Estimates are circulated on Wednesday, 2nd May. Is that agreed?

Thank you very much.

#### Q186-188/2018 Government workers – Question held over to this session

**Hon. D A Feetham:** Mr Speaker, I have one matter, before the Hon. Chief Minister moves to  
1110 something else.

**Chief Minister (Hon. F R Picardo):** All I am going to do is table the Written Questions. Does he  
want to say it before or after I table the Written Questions?

**Hon. D A Feetham:** Before, I would appreciate it. Maybe it is a point that is badly made,  
1115 because it may well be that the answer is in the Written Questions.

1120 But, Mr Speaker, you may recall that at the last session of Parliament I had one question, which was a question about the supply workers from recruitment consultants across the public service and the hon. Gentleman, Minister Bossano, I think he indicated that in the time available it had not been possible to compile the information in order to provide an answer.

At that stage I referred Mr Speaker to Standing Orders and I asked for my question to be left over to this session of Parliament, whether it is orally or in writing. And in fact, my recollection was that that is where we left it – we left it at that stage.

1125 Now, I would like to know where we are with that question because of course, Mr Speaker, what I could have done and I am not going to get technical about this, what we could have done would have been if the Hon. Minister had said, 'No, no my answer is I do not have the information therefore that is my answer and that is it, because the time to compile it has been too short,' I would have asked for the indulgence of Mr Speaker and I would have said to Mr Speaker, 'Can I repeat the question next time round?'

1130 So in fairness to me and in fairness to ... not that the hon. Gentlemen are going to be too fair to me, but in fairness I would say, I would just like to know where we stand with that question. Because now we have got Easter so there is another month that is going to be lost and if the hon. Gentleman intends to answer my question, well look, I will sit down and shut up.

1135 But the indication that has been given to me is that the hon. Gentleman now believes that he answered my question and that is the end of the matter, which I think is terribly unfair and I appeal to the hon. Gentleman's sense of fairness.

**Hon. Chief Minister:** Well, Mr Speaker, I do not know what makes the hon. Gentleman think – (*Laughter*) if I manage to get the words out through my mirth! I do not know what makes the hon. Gentleman think that we would be anything other than entirely generous to him, Mr Speaker.

If only he had allowed me, Mr Speaker, to lay on the table the Written Answers to the Written Questions, I have the answer to his question here, Mr Speaker.

1145 **Hon. D A Feetham:** A full answer or ... ?

**Hon. Chief Minister:** They always are, Mr Speaker! (*Laughter*) – to table for the hon. Gentleman also ... Well, not to table but at least to pass to the Clerk to pass to him that answer, because our understanding is that they are questions that are then dealt with as written at the next occasion and here we are, Mr Speaker.

#### QUESTIONS FOR WRITTEN ANSWER

**Chief Minister (Hon. F R Picardo):** So I therefore have the honour, Mr Speaker, to table the answers to Written Questions numbers W12 to W22/2018 inclusive and to pass over also, Mr Speaker, the answer to the hon. Gentleman's question which was left unanswered at the last session. And I hope, Mr Speaker, of course, that he enjoys the answer, as we always wish that he does.

And, Mr Speaker, I think that might be a convenient moment –

1160 **Mr Speaker:** Before we go –

**Hon. Chief Minister:** Oh, perhaps not, Mr Speaker!

**Clarification by Mr Speaker  
of Rule 16(2) re unanswered questions**

**Mr Speaker:** Not by way of making any ruling on this matter, but I had an opportunity this afternoon earlier when I spoke to the hon. Member, to have a look at Rule 16(2) which says:

If any question remains unanswered when the Parliament adjourns on the last day of a meeting a written answer shall be sent to the Member who put the question:

Provided that where the question has been set down for oral answer the Member who put the question may within three days, exclusive of Saturdays, Sundays and public holidays, next after the adjournment of the Parliament require in writing that the question be postponed to a day at the next meeting of the Parliament.

1165 So, the position therefore, is this. If a question is on the agenda and for some reason or  
another the question is not asked, it is not answered because it is not asked, and it might not be  
asked because the hon. questioner is not present and has agreed with his colleagues that it  
should not be dealt with. If that happens, then unless he gives an indication within three days  
1170 that he wishes to take the matter forward, a written answer is given – and only in those  
circumstances.

When the other day he rose and he had the exchange with the Hon. Mr Bossano, in good  
faith, I took the answer that Mr Bossano had given in good faith, I thought the question had not  
been answered.

1175 But no, if a question is put and the answer is 'I am not able to answer it, I do not have the  
information here because I require more time', as far as the proceedings of Parliament that day  
are concerned, the question has been answered, and the answer is that I cannot give you the  
information that you require.

1180 That would not set off, in my view, Rule 16(2). Rule 16(2) I think only comes into operation if  
the question has not been asked and if it has not been asked, it has not been answered. That is  
the way that I understand over the years that that particular rule has been applied – certainly,  
when I was a Member and I would imagine in between.

**Hon. D A Feetham:** Mr Speaker, I do not want to sound controversial. I thoroughly disagree  
with the interpretation that Mr Speaker has placed on this particular clause and indeed, I would  
1185 wager my professional reputation – (*Interjections*) I go as far as to say that I would wager my  
professional reputation that Mr Speaker is wrong in relation to that.

1190 Because you see, if I ask a question ... What Mr Speaker is saying is that this particular clause  
in Standing Orders is there only in a situation where the question does not get asked. That  
cannot be right. This is there to cover that situation, I agree, but it is also there to cover a  
situation where the Government says, 'Well look, I do not have the information here now, but I  
am going to have it next time round.' Well, instead of asking the question again next time round,  
what then happens is that the same question can be left over for next time round and then the  
answer is provided. That must be the purposive, common-sense interpretation to this particular  
clause.

1195 But as always, Mr Speaker, you are the final voice and the final arbiter and my professional  
reputation is irrelevant – it is neither here nor there. But I have to say that I could not stay sitting  
down without expressing my view in relation to this, because in fairness I just do not agree with  
it.

1200 **Mr Speaker:** I respect what the hon. Member is saying entirely. Fortunately, I do not have  
any professional reputation at stake (*Laughter*) on this matter, but as I say it is my recollection  
that that is the manner in which, in practical terms, that particular rule has been applied over  
the years and I do not think that there has been any exception to that until just now.

1205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, on behalf of the Government, the Government will not just abide by your ruling but agree with it respectfully, Mr Speaker, because there are, and this is what the hon. Gentleman understood when he was in Government but does not like to understand when he is in Opposition.

1210 There are rules as to questions and then rules as to answers. The rules as to answers are procedural, they deal with when answers are provided and how answers are provided. They cannot deal with the substance of answers and once a question is asked, such answer as may be provided as long as it is in keeping with the rules, Mr Speaker, is an answer.

1215 And therefore, Mr Speaker, I think it is very clear that it would be ungenerous of the Government to seek to invoke the rule that you cannot ask the same question within six months, where a Minister has given such an answer. And there Mr Speaker has discretion and would say, 'Well look, if what the Minister said at the last session was that he did not have the information, then I am going to allow the question to be put again, even though six months have not passed.'

1220 But that does not get the hon. Gentleman off the hook he has created for himself again on his professional reputation (*Laughter*) and Rule 16(2), which I am afraid, Mr Speaker, leaves the House with the abiding view that once again his professional reputation lies in tatters around him. (*Laughter*)

1225 And, Mr Speaker, as much for him as for all the rest of us, I think that may be a convenient moment for us to recess for him to collect his reputation and for the rest of us to have a comfort break for 15 minutes.

**Mr Speaker:** Very well, we shall now have a short recess.

*The House recessed for 15 minutes.*

## Order of the Day

### PRIVATE MEMBERS' MOTIONS

#### Environment – Gibraltar's air quality and renewable energy – Amended motion carried

**Clerk:** Government business has now terminated.

We now move to Private Members' Motions – the Hon. Ms M D Hassan Nahon.

1230 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*'THIS HOUSE:*

*NOTES that the content of this motion represents the views and desires of a considerable number of constituents who have taken part in the debate and elaboration of the motion via the civil platform "Together Gibraltar".*

*BELIEVES that it is the responsibility of our current administration, and our elected representatives in Parliament to deliver on commitments to shape our future.*

*UNDERSTANDS that poor air quality in Gibraltar is not a new phenomenon.*

*ACCEPTS that we must demonstrate adherence to EU targets on air quality.*

*AKNOWLEDGES that we must relocate / add new air quality monitors to locations so as to better reflect the air quality in dense urban environments.*

*RECOGNISES that vehicular emissions are the second largest contributor to air pollution in Gibraltar.*

*COMMITTS to meeting EU targets on recyclable waste.*

*RECOMMENDS an independent analysis of renewable energy sources and potential for Gibraltar.*

*WELCOMES the Bill to amend the Gibraltar Electricity Authority Act 2003 in order to support feed-in arrangements, however, expresses concern that this Bill does not propose a framework that provides some form of investment protection through guaranteed feed-in tariffs or others, and relies exclusively on discretion by the Gibraltar Electricity Authority.*

*DECLARES the need for the creation of a cross party platform. There is a need for an independent, executive body to oversee the actions above, such that the election cycle and varying manifesto commitments will not de-prioritise the environmental agenda, and only a broad parliamentary consensus can guarantee the level of commitment this issue requires.'*

**Mr Speaker:** I now propose the question in the terms of the motion moved by the hon. Lady.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, as many of you probably know, I, together with a group of socially aware and active constituents, have organised a civic platform designed to promote participation and help bring positive change in Gibraltar. This platform is called 'Together Gibraltar' and I would like this platform to be a useful tool in bringing the voice of the people we represent closer to us; the legislators and decision-makers of this community also.

It is intended to be a pragmatic, non-partisan vehicle of expression and I hereby encourage the Members of this House to put aside their differences and their cynicism and take full advantage now and in the future of this direct line of communication with the electorate.

After several meetings with these constituents, it was determined that we should commence by approaching a subject capable of generating great consensus. The subject of the environment, its current state and how we are dealing with the great challenges that await us in the future, was the key to our first step.

At this stage, it is important to state that it is a responsibility of our current administration and our elected representatives in Parliament to deliver on commitments to shape our future. These measures must be practicable and measurable and not fall into empty declarations of principle like has so often been the case in the past.

They require urgent and effective legislative changes, substantial investment and a pedagogical effort aimed at educating and empowering the public at large. All this in a way that is financially as well as environmentally sustainable.

We seek a holistic approach with a wide consensus on measures and targets to be established with veritable evidence of adherence towards these targets and a long-term plan binding both present and future Governments.

In that vein, let me start addressing the real substance of this proposal. It transpired from the meeting that one of the most important issues for our constituents is pollution and air quality. Air quality is not only an environmental concern but also one that impacts on the health and quality of life of our constituents. So much so, that Gibraltar has a higher rate of respiratory disease than anywhere else in Europe, 2.5 the amount of times than that of the EU mean in 2013. And there is anecdotal concern about other diseases often linked with pollutants: cancer and dementia for example.

This concern is not a new phenomenon, not in Gibraltar and definitely not in this House. In fact, in July 2010 following the failure to meet European limits on PM10 and Nitrogen Dioxide particles, the Air Quality Action Plan was prepared.

Subsequently, a TEN – Time Extension Notification – was submitted for ongoing, non-conformity breaches to levels of pollutants. The TEN included a number of actions deemed outstanding in 2011, many of which remain outstanding six years later.

1270 These include park and ride scheme for border walks and tourists, a city centre low emission zone, emphasis on low emission vehicles/public transport, to remove 2-stroke engine mopeds off the road and launch of the new power plant.

1275 In order to achieve these aims, we must demonstrate adherence to EU targets, also in a post Brexit scenario on air quality for arsenic, benzene, cadmium, carbon monoxide, lead, nickel, nitrogen dioxide, NO<sub>2</sub>, ozone, particulate matter PM10 and PM2.5, Polycyclic Aromatic Hydrocarbons (PAH) and sulphur dioxide.

1280 These efforts require a planned scientific approach and an adequate monitoring infrastructure. It is impossible to verify the implementation of this plan without relocating and adding new air quality monitors to certain locations so as to better reflect the air quality in dense urban environments, particularly in the north and west part of town, for example, Waterport Terraces. Until we can offer an accurate diagnosis of the problem we will not be able to provide an effective solution.

1285 As part of this holistic approach, we must take into account the environmental impact of our traffic plan and ensure that it does not disrupt our environmental objectives. Vehicular emissions are the second largest contributor to air pollution in Gibraltar. Furthermore, congestion, noise and energy dependency issues worsen while the number of cars on the roads increase.

1290 Between 30,000 and 40,000 vehicles on the road and the figure increasing, the matter must be addressed. It is therefore proposed that a target of 10% electric vehicles by 2020 be adhered to; a year on year decrease of the number of non-electric vehicles on the road; a service level agreement of 99% operational availability of air quality monitors be implemented; and implement a road tax to deter car ownership as well as implement a congestion charge zone to reduce congestion and pollution on our clogged streets. A feasibility study of a Zipcar-style car-sharing scheme also; transparency on the progress towards a fleet of electric taxis; and hybrid low emission fleet of buses.

1295 Another fundamental aspect of a sustainable environmental agenda is the issue of waste disposal. We must therefore firmly commit to meeting EU targets on recyclable waste, 60% paper, 60% glass, 50% metals, 23% plastic, 15% wood.

1300 An adequate plan to address this issue should include investment in grass roots education and distribution of household bins; recycling bins in every private and public estate, Government office and Corporate office; implementation of a new tax to non-recyclable waste beyond a certain amount. Legislation ensuring businesses on Main Street separate their recycling for collection; legislation to phase out by 2020 all single use plastic bags, with no import duty and tax benefit on paper bags and alternatives.

1305 Partly due to successive Governments' failure to create awareness of the environmental agenda, our energy consumption per capita is in the global top ten worst offenders list. This means we have come to expect a lifestyle that is high in energy consumption. This can only continue if we implement a comprehensive renewable energy plan, capable of maximising the many sources of renewable energy at our disposal.

1310 In order to efficiently approach this, I propose an independent expert analysis of renewable energy sources and potential for Gibraltar. This must include a plan for renewables to generate no less than 15% of Gibraltar electricity demands by 2020, as well as the incorporation of zero emission standards to all future building projects.

1315 With permission, Mr Speaker, I shall leave out the section on the Gibraltar Electricity Authority Act 2003 where I have outlined some concerns to the Minister for the Environment and Climate Change, because he has kindly agreed to postpone that Bill in order to discuss my concerns, so I shall leave that out of the motion at the moment.

1320 In general, Mr Speaker, I therefore look to the Government to consider the potential of the renewable energy economy and establish a multi-sector, independent body, capable of identifying where businesses could contribute in allowing us to address our environmental challenges for a win/win outcome, with the regulator talking to the regulated. If approached in a fragmented manner, we risk having incomplete or even incorrect solutions.

1325 Finally, Mr Speaker, I end by stressing yet again, that environmental sustainability and fighting climate change is not a partisan issue, Mr Speaker. In this battle we win together or we lose together. I therefore propose the creation of a cross-party platform capable of ensuring these measures are implemented irrespective of party political or other agendas.

1330 Mr Speaker, there is a need for an independent executive body to oversee the aforementioned actions, such that the election cycle and varying manifesto commitments will not deprioritise the environmental agenda and only a broad parliamentary consensus can guarantee the level of commitment this issue requires.

1335 We need the 20 to 30-year vision with ambitious targets and governance structures in place such that it remains a priority irrespective of who is in Government. The people of Gibraltar wish it so, Mr Speaker, and it is our obligation to make their wishes a reality.

Thank you, Mr Speaker.

1335 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Marlene Hassan Nahon.

The Hon. Dr John Cortes.

1340 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I want to sincerely thank the hon. Lady for her motion and for bringing it to this House. I have long said that the environment is such a vital matter that it in fact transcends party politics and there is no better sign of progress in politics than when opposite sides of the House agree on matters for the wider benefit of the community that this Parliament serves.

1345 Having said this and precisely working in the interest of community improvement and benefit for present and future generations, I will address the hon. Lady's points in turn.

1350 Mr Speaker, I am very much aware of the views of our community when it comes to the environment. I have taken great pride my whole life in the fact that I have worked with and through our community to improve the environment. Indeed, it is only by working together with all sectors and ages of our community that we can deliver real environmental sustainability.

1355 Mr Speaker, I agree with the philosophy expressed in the motion that it is the responsibility of the administration and all elected representatives to deliver on commitments that shape our future.

1360 The Government's track record during the past six years is clear evidence of this. Gibraltar saw its first pioneering pieces of environmental legislation under the stewardship of my hon. Colleague, the then Chief Minister, Sir Joe Bossano with whom I worked closely in the late 1980s to set the foundations of what we have today.

1365 More recently, my hon. Friend and colleague Paul Balban is spearheading the most environmental and forward-thinking Transport Plan Gibraltar has ever seen. Similarly, my colleague, Steven Linares, to just mention a few, is leading with initiatives in his own areas which will have great environmental benefits.

The Government recognises the importance of the environment and despite the view of some that Gibraltar is too small to make a difference, we believe that Gibraltar can punch above its weight – to use that phrase used so often – in environment, as it does in so many other areas.

1365 We are now, Mr Speaker, working on putting the finishing touches to our long-term environmental strategy, which I am sure the hon. Lady will love listening to the things that she has been saying, which will do us proud and will safeguard our environment for current and future generations.

1370 Mr Speaker, there is one point on which I want to just correct the hon. Lady and that is on the question of air quality, only in respect that we have made very big progress in the last few years. If we focus on the science, we will see that the facts of our performance on air quality, despite the need, which I acknowledge, to do more, is improving all the time. The environmental statistics from 2015 and 2016, both of which are online – we are awaiting the final 2017 data – show clearly that there is a continuing trend over those periods of improvement in air quality, including our first ever attaining European Union standards in 2016.

1375 Of course, air quality could be better and we have to remember that we do live in an urban area. Despite this, Mr Speaker, Government has worked successfully since our very first few days in office to improve and tackle air quality issues. We have closed the two highly Polluting South District power stations and when we commission the new gas generators later this year, we will slash pollution levels, leaving of course traffic as the major source of problems for air quality  
1380 which will also be tackled with the Sustainable Traffic, Transport and Parking Plan (STTPP) and the promotion of hybrid and electric vehicles.

The issue of nitrogen oxide exceedances is largely due to our old and ageing power stations and the lack of foresight of the last administration to deal with this issue when they could. Once again, Mr Speaker, one of the first issues tackled by this administration in 2011 was indeed  
1385 power generation in Gibraltar, on which the Chief Minister himself led.

We have already adopted a cleaner form of diesel. Indeed, Mr Speaker, I can announce now that of this year and for the time that we will still be using diesel, we are in fact already using fuel which includes biodiesel for the first time, which counts towards our renewable targets. We are moving to gas whilst delivery renewables in public buildings, with much more to come.

1390 Mr Speaker, we agree with the sentiment on EU targets, I have already in the last two Budget speeches committed to meeting existing EU targets on the environment and more importantly, committed to the future adoption of EU targets or better, so as to ensure that our environmental standards are not diminished.

1395 Mr Speaker, as Brexit approaches, the EU can be reassured that we will be a beacon of good environmental practice, at which no-one will be able to point an accusing finger.

On air quality monitors, Mr Speaker, I have already committed to a monitor in the North District in the past.

1400 Mr Speaker, in the field of waste management, I would like to remind Members that one of the first policies adopted by this administration within our first fortnight in office was to increase recycling to include paper and cardboard, in addition to increasing new cycling streams and recycling points throughout Gibraltar.

1405 We thrust recycling into the 21st century when Gibraltar was seriously trailing behind all other European countries. Our recycling figures continue to increase and will continue to do so. We are now once again reviewing our waste management strategy to ensure that we are as self-sufficient and clean as possible in this strategy.

1410 Mr Speaker, renewable energy was non-existent in Gibraltar until 2012. This is a fact. It was not even in the vocabulary of the then Government and I know this from my own personal experience. Increasingly panels are going up on our roofs and the solar projects at the hospital and GSLA pool are examples. We have not advanced at the pace that I would have liked but then again, we must remember that we started from below zero because the mindset within the public and private sectors was not there when it should have been, back in 2011.

Analyses of the opportunity for renewable energy have been carried out and continue to be done so by independent bodies, and a number of initiatives will be coming to fruition in the coming months.

1415 I acknowledge that the hon. Lady has been in touch with me with some suggestions on amending the Bill for the Gibraltar Electricity Authority amendment and therefore, I too will refer to that when we come to debate that at the next sitting of Parliament.

Mr Speaker, I agree in principle with a concept that guarantees that environmental governance transcends the nuances of the adversarial political system. The environment is such



1420 an important issue, as more and more people are discovering. The effects of man-induced climate change, including sea level rise and severe weather effects, the effects of plastic on the life of our oceans and on our health, are there for all to see and will impact each and every one of us. There is no 'Planet B.'

1425 So I agree with the sentiment and I welcome the hon. Member's contribution and ask her to feel free to approach me and to meet with me to discuss the ideas that she has, and her group has, and wants to bring forward. I think that she will be, Mr Speaker, very pleased with the plans that we are preparing as indeed will be anyone who cares about the environment, about the planet and the community in which we live.

1430 We are working very hard to ensure that the environment is safeguarded now and in the future, not least, Mr Speaker, against possible future administrations which may not be as bold and pioneering in their environmental strategies as we are and have been.

1435 However, Mr Speaker, I cannot have confidence in a cross-party platform that reflects the current composition of the House. While I associate most comfortably with the hon. Lady's sentiments and I appreciate the Hon. Mr Llamas' love of animals – and indeed the Hon. Mr Hammond's latter-day interest in bird photography, including those of a very high standard – (*Interjection and laughter*) I cannot forget the horrendous environmental legacy of the GSD.

1440 The Official Opposition is the party that stood for election just over two years ago, falsely feeding fear on our plans for power production – (**Several Members:** Hear, Hear!) (*Banging on desks*) attempting to manipulate information, data and reports for political gain all of which, flew in the face of environmental science. (*Interjection*) It is the party that wanted to place a dirty diesel plant in the heart of natural Gibraltar. It is the party that would not contemplate energy efficiency or renewables as an option for the future. It is the party that would not listen to voices – including my own, as I know first-hand – voices calling for better environmental governance – something which frustrated and angered me so much that I was drawn into standing for election. It is that party that I helped defeat that must never again be allowed to have a direct say in how we manage the environment in Gibraltar.

1445 Mr Speaker, however, having said all that, I would extend my invitation to all Members opposite to contact me and meet with me to put forward any matters that they think would benefit the environment and these will be given full attention.

1450 And so, Mr Speaker, I hereby propose the following amendment. In doing so, Mr Speaker, I also commit to continuing to be fully open to approaches by all and to continue to meet and consult regularly with environmental NGOs, as I have been doing for the six years that I have had the privilege and honour to be Minister for the Environment.

Mr Speaker, I propose the following amendment:

*Delete all after THIS HOUSE and add:*

*'NOTES the severe environmental problems being faced by the Earth including the effects of man-induced climate change and of plastic waste within the oceans.*

*RECOGNISES the increased awareness in the community of environmental issues and the desire to improve the environment.*

*BELIEVES that good environmental governance is of the utmost importance in the 21st Century and that Gibraltar must play its part as a responsible nation.*

*BELIEVES that it is the responsibility of Government and Parliament to deliver on its commitments and to lead in shaping our future.*

*UNDERSTANDS that efforts must continue to further improve Gibraltar's air quality.*

*COMMITTS to maintaining the highest environmental standards in all areas, including air quality and that these should be at least to the level of European Union targets.*

*WELCOMES citizen involvement in promoting good environmental governance.*

*WELCOMES the practice of the Government in working closely with environmental NGOs, businesses and others in taking forward environmental improvements for the benefit of our community and beyond.*

*SUPPORTS the Government in continuing its work over the past six years to improve the environment and environmental governance in Gibraltar and commits to providing cross party support in further improving the environmental status of Gibraltar across the board, including air and water quality, energy efficiency, power generation, recycling plastic and other waste management and the protection of nature and biodiversity.'*

1455 Mr Speaker, I have already said enough in my reply to the hon. Lady's most welcome motion and therefore, I simply commend this amendment to the House. *(Banging on desks)*

**Mr Speaker:** So, what is now before the House is the amendment moved by the Hon. Dr John Cortes.

1460 Does anyone wish to speak on the amendment? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I will speak. I have only just received the amendment and I am just analysing a little bit.

1465 I do thank the Minister for his comments on my efforts at bird photography and indeed other wildlife photography and would certainly welcome the occasional like from him perhaps on Facebook also in that respect.

1470 Mr Speaker, I also welcome the fact that the hon. Lady – and I join the Minister in this respect – has brought this motion to the House and now the amended motion of course, as it does afford another opportunity to place the environment and the environmental agenda at centre stage.

1475 Now the good lady has invited on environmental issues, I look forward to her continued interest because there remains much to be done in Gibraltar, despite the Minister's comments. And I think the Minister is fully aware that there is a great deal of work to be done in this respect. The Chief Minister driving around in a Tesla and a wave generator that boils the occasional kettle is hardly a fantastic record on the environment and we are sadly very much lagging behind the rest of the world in most respects. *(Interjection)* Perhaps, I don't know, we will see what happens when you get rid of the batteries.

In speaking, I shall endeavour to address the issues that are now present on the motion and which adds something to the environmental debate.

1480 Air quality is a matter of great concern, as both the Hon. Minister and the hon. Lady have stated, to our community and I have also addressed the air quality issue in my previous two Budget speeches. I am delighted that the hon. Lady joins me in recognising the importance of this issue. I do not believe that the statements made about air quality in the original motion that has been tabled add anything new to the discussion, but the opportunity to discuss the issue once more is to be welcomed.

1490 The way we measure and monitor air quality and the confidence that exists in the data produced certainly need to be reviewed. That is not to say that we are in a position to necessarily acknowledge that we must relocate or add air monitors. We have quite a high number at present and the new power station will also be monitoring its emissions. Therefore, I cannot say without a greater analysis whether it is necessary to add further monitors, although the more monitoring there is, the better, one would presume.

1495 The confidence in the data is of greater concern, however. We routinely report that air quality is within acceptable parameters but this certainly goes against the anecdotal information I consistently receive from constituents. Many people find that they can breathe more easily when they are away from Gibraltar, that their eyes itch less, that their allergies affect them less. There is a real belief among many in our community that our air quality is poor and that we are not getting the whole truth about it and that it is affecting our health.

1500 What do we do about this lack of confidence. Well, certainly gathering more data alone would not solve the problem. Perhaps it is time that we did not rely entirely on Government for this information, that we at least ensured that the process involved in gathering the information

and the output from those processes was independently assessed, whether by audit or by outsourcing the data gathering itself. I strongly believe that we do need to rebuild the confidence in the community that what we are being told about the air quality fits their experiences.

1505 Vehicular emissions are the second largest contributor to air pollution, as has already been stated. I am not sure why the hon. Lady has picked this particular contributor without mentioning all of the others. Power production remains the greatest contributor to air pollution. While this should improve considerably with the advent of the new power station, the Government in choosing the location it has, and without going into the various safety arguments  
1510 about LNG, is very much banking on being able to run that power station exclusively on LNG.

If this, or any future Government is unable to achieve this for any reason, and has to fall back on diesel for fuel, considering the location chosen for the power station, the low level of the stacks and the Government's unwillingness to fit electro static precipitators to remove emissions from diesel combustion, contrary to the Minister's assurances at the outset of the project that  
1515 the best possible technology will be used in controlling emissions, a diesel power station upwind of the most densely populated areas of our community and our people daily breathing its emissions will do nothing to enhance air quality. So we do hope that the LNG supply is certainly assured and regular.

Vehicle emissions do indeed come second in contributing to poor air quality and we do need  
1520 to tackle this. I think we very quickly jump to the fact that there are multiple vehicles per household and too many vehicles on the roads. The problem is rather more complex than this and needs to be carefully examined before implementing measures. The STTPP unfortunately does not provide a great deal of input in this respect.

More vehicles on the roads is obviously bad, but limiting the vehicles coming into the town  
1525 area from across the frontier by providing proper facilities for tourists, such as a decent park and ride service, must be considered. This is something that happens all over the world. But it is not even so simple as saying fewer vehicles on our roads will improve air quality. The type of vehicle is also very important. More electric vehicles will lead to an improvement and greater incentives need to be provided to encourage consumers to go electric. Present measures are clearly not  
1530 enough and there is no noticeable increase in ownership. Even promised incentives such as free charging points and parking in Mid-Town car park have not been delivered by Government. They find themselves in the chicken-and-egg situation of not being willing to give over those promised spaces due to lack of demand, while perhaps if those spaces were available, it might create the demand.

Diesel vehicles are the major contributor when it comes to reducing air quality, particularly  
1535 large commercial and public transport vehicles. They all contribute. Yet diesel prices remain lower than petrol prices, hardly a disincentive for buying diesel. Worse than this, we seem to import or recycle old diesel vehicles rather than getting them off our roads. Many are the times I find myself on our roads behind a vehicle with a brand new number plate, yet can see from its  
1540 condition that it is not a new vehicle, far from it and it is belching out clouds of black soot. How do vehicles like this get onto our roads?

Well, one reason as has already been discovered through questions I have tabled previously, is that we do not consistently check vehicle emissions when conducting MOTs so many are  
1545 passing this test, which is designed and should be removing such polluters from our streets but is failing to do so.

Even when it comes to Government activity, there are issues. We replace the bus fleet with  
vehicles that meet the latest emission standards but then sell off the old buses with much cheapness to a local company so that they remain on our streets. In other words, rather than demanding that operators of public transport vehicles meet the same standards as those  
1550 operated by Government, we allow for a different standard and then encourage this by selling them the buses.

1555 The motion, having ignored for some reason the pollution caused by power production has also ignored number three on the list of contributors to poor air quality, bunkering. Strange smells routinely pervade certain of our districts. No-one really knows where these come from or even what they are. But you can be pretty sure they arise in a light westerly wind and a ship nearby is receiving bunkers. The issues around bunkering and air quality are not that well understood and I would certainly welcome an opportunity to develop a much clearer appreciation of what goes on in our bay and how it impacts on air quality in our community.

1560 There are local hot spots around the dockyard caused by the marine industry which are of course of great concern to residents in those areas and I have highlighted this very recently. It is time to look at the practices of Gibdock and understand that our community has grown and developed. Some of those practices are no longer appropriate. Practices such as the running of ships' diesel engines for power whilst they are in dock, rather than hooking them up to a shore supply which will ensure fewer emissions, particularly as that shore supply will be derived soon  
1565 from a modern power station.

Dust from construction affects the air we breathe, irritates our eyes and exacerbates respiratory disorders. Now, in most communities this seldom causes a serious problem unless you are a construction worker, but here, the density of construction projects and their duration mean that we must be very much alive to the medium and long-term impacts of construction on  
1570 our health.

There is a real frustration in the community that we live in an eternal building site. While I recognise the importance to the economy of construction, some consideration must be given to the impact of ceaseless building works, and Planning should be taking into account these factors. It is depressing to have Ministers stand up in this House stating that every available space will be developed. Sometimes a pause for thought and consideration of where we are heading is necessary and I would suggest that the time is ripe to do this now. There appears to be no long-term strategy, just a grab for cash and little consideration of the future.  
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There are a whole range of other factors that affect air quality. Aviation, Saharan dust, volatile organic compounds. The debate on air quality is a complex one. The motion, other than allowing another opportunity to raise important concerns in this area, contributes little else to the debate.  
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On recyclable waste, the original motion says that this House commits to meeting EU targets. I do not see how this House can do that as it has no executive authority so it is not possible to support that particular measure as originally phrased, although I believe in the way it is phrased in the amended version of the motion, it is looking likely that it is something that we can support. What we can do in this House is indeed to commit to support measures proposed to it by Government which take us towards achieving those targets.  
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I will say that this is an area, one of the few as far as the environment goes, where real progress does seem to have been made. We have a long way to go and that has more to do with the need to make the cultural shift towards recycling, rather than the facilities available, which have improved significantly I will say under the Hon. Minister, and I am sure will continue to improve.  
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On renewable energy, I do not believe the Government has moved fast enough in progressing this and perhaps outsourcing expertise might be useful. It is difficult to see how even the limited targets that have been set for renewables will be achieved at the current rate of progress and there is nothing sufficiently substantial set out in Government publications such as the Environmental Action and Management Plan or the National Energy Efficiency Action Plan, to suggest otherwise.  
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There are many action plans but not much action. Indeed, we do only produce in the region of ... Less than 0.1% of our energy is currently produced from renewables. It is very difficult to see how a 20% target will be achieved by 2020 and I will be the first to congratulate the Minister, should that be achieved.  
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1605 So why is renewable energy important? Well, one factor is that reducing our reliance on burning fossil fuels reduces the impact of cost fluctuations in that particular market, making the overall cost of energy production more stable, so there are economic reasons, even in the short-term capital investment is required.

Of course, significantly a reduction in the need to burn fossil fuels for power production, will further reduce the pollutants produced from power generation regardless of that fossil fuel source and therefore have a direct impact on our air quality, something we all strive for.

1610 Likewise, Mr Speaker, as has been the trend so far, I will not address the matters in the motion particularly pertaining to the upcoming Bill but I would welcome the opportunity to participate in any discussions that happen ahead of the publication of that Bill, because it is certainly an important piece of legislation from an environmental perspective but I do believe it can be phrased or amended in particular ways which hopefully will enhance the uptake of the opportunities that that Bill will represent to the community. So I will be more than happy to participate in any conversations that take place in that respect.

1615 Thank you very much.

**Mr Speaker:** Does any other hon. Member wish to contribute? The Hon. Lawrence Llamas.

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**Hon. L F Llamas:** Mr Speaker, I shall be supporting this amendment gladly.

I would like to thank the Hon. Minister for the Environment and Climate Change for the opportunity that he is offering today in meeting and exchanging ideas in putting forward initiatives which may be of use for the community in the future, measures such as those mentioned by the hon. Lady, which I think were quite interesting in terms of congestion charges, road tax for more than one vehicle and zip car. I think all these are good ideas which could work in Gibraltar and they must be explored, and, if found to be suitable, then brought into measure.

1625 The only thing I would like to add is that I think we need to emphasise a bit more civic responsibility and promote that sense of pride within us, that we are all in this together and that we must all do our bit in every aspect of society but in so much that we can do for the environment – not think that just one action will not have effect and the fact that, even though Gibraltar is very small, Gibraltar as a whole can make a difference, not so much perhaps in global terms and figures but at least proving to the world that we are serious in what we do.

1630 Thank you, Mr Speaker.

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**Mr Speaker:** Does any other hon. Member wish to speak on Dr Cortes' amendment? The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Do you want...?

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

**Hon. E J Phillips:** Mr Speaker, thank you to the Minister for the Environment in dealing with those issues. This side of the House, certainly the official Opposition, will be supporting the motion as amended.

1645 I would like to identify with the comments that the Hon. Mr Llamas dealt with in terms of civic pride. I think that is right in terms of civic responsibility. It is a platform that he shared with us at the last election insofar as our commitment to restoring civic pride, responsibility and respect insofar as our natural and urban environment is concerned.

1650 It is right, of course, that the Minister states quite clearly that the environment is an issue that transcends politics. Of course it was the Chief Minister himself who suggested at the last election that we should depoliticise the question of the environment, one with which we entirely agree; but of course there are times in this House that we need to hold the Government to account insofar as its commitment and its policies in respect of the environment is concerned.

1655 Of course this debate goes beyond renewables, it goes beyond air quality and it certainly  
goes beyond plastics in our water. It is about a cultural shift in the way in which each of us  
interacts with our natural and urban environment. It is about the way in which we live our lives  
and work in our community and other interactions with our environment. If we are going to take  
1660 seriously, in a mature way, the way in which we deal with the environment, we need to start at  
base level, at education. I do not think that is something that anyone in this House has  
mentioned yet, but quite clearly we have to start at base level with our children and in respect  
of communicating to our people and our children about our use of land in our community.

The Hon. Mr Hammond dealt with this question of a plan looking towards the future and I  
believe it was Ms Nahon also who suggested that we should have a 20-to-30-year plan moving  
1665 into the future as to how we use our land in the future.

That is the only contribution that I would like to make in more of a general approach, but we  
will be supporting the Government's amended motion.

Oh, there is just one point, Mr Speaker, that I would like to make. The Hon. the Minister may  
want to change the words 'man-induced climate change', given the fact that the Minister for  
1670 Equality has only recently returned from New York, and perhaps maybe change it to 'human-  
induced climate change'.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

1675 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is in the interest of constructive politics and as a  
gesture of good faith that I approve the Government's amendment to this motion. I am grateful  
for the goodwill that the Minister for the Environment and Climate Change has shown this  
House by tailoring his amendment to as much of a cross-collaborative paper as he has been able  
to provide us with at this stage. However, this approval is not without a degree of healthy  
1680 scepticism and the hope is that future parliamentary collaboration with Government will be  
even more fruitful than this one.

I am well aware that I am effectively and realistically forced to approve this amendment due  
to parliamentary dynamics which we all understand. As an independent Member of this House,  
and indeed simply as a Member of the Opposition, I must make concessions to the Government  
1685 who, with the majority that they hold, can flatten all proposals made by an Opposition Member  
time and time again.

The original motion that I presented made a number of concrete proposals in relation to  
environmental policies in Gibraltar, many of which have been suppressed and replaced by the  
Government with general statements of goodwill. I do, however, welcome with great hope and  
1690 expectation the point on cross-party support for matters relating to the environment and hope  
to see the Government back this statement with some tangible demonstration of their  
commitment to this issue, such as the establishment of a cross-party commission with the sole  
purpose of exploring an environmental agenda. The environment, one of the most crucial areas  
of policy now and for decades to come, should without a doubt be a concern that transcends  
1695 party lines.

As for the other more concrete proposals in the amendment that have been removed from  
this motion, I will continue to put these forward to Government and to the Gibraltar public as  
per my commitment to the members of the civil society movement Together Gibraltar, who  
brought me their concerns and fine-tuned these proposals in a series of focus groups. Their hard  
1700 work will not fall by the wayside simply because Government in its amendment to this motion  
has sought to remove any suggestion that there are practical steps by way of more cross-House  
collaboration that could be taken right now which would make Gibraltar healthier, cleaner and  
greener.

In relation to the jibes thrown at me by the hon. Member on my right, I will lead by example  
1705 by refraining from answering the hon. Member's vacuous pot shots and keep things constructive

on such an important issue rather than sink to what has now become the GSD hallmark of pettiness and detracting from real subjects. (**A Member:** Hear, hear.)

1710 The Government would do well to understand that organised civil society can have a very positive effect on the running of our democracy and they will be receiving many more proposals from Together Gibraltar in the future.

I am once again grateful to the Minister for his invitation to the general population to participate and engage with him further on this matter. Meanwhile, I am hopeful that one day these proposals might be accepted for what they are – constructive suggestions for the betterment of Gibraltar's future – without the need to whitewash them into oblivion.

1715 Thank you, Mr Speaker.

**Mr Speaker:** Does anybody else wish to speak on the amendment before I call the hon. mover to reply? The Hon. Roy Clinton.

1720 **Hon. R M Clinton:** Mr Speaker, just a Point of Order. I would just like to understand what your view is on the distribution of amendments to motions. Certainly this side, the official Opposition, only just received the amendment, when it is patently obvious –

**Mr Speaker:** There is no need to circulate the amendment until it has been moved.

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**Hon. R M Clinton:** But, Mr Speaker, it is patently obvious that the Lady had access or had notice of the amendment before the official Opposition did.

1730 **Mr Speaker:** I imagine that is the case because the Government, Dr Cortes, the moment that ... once the hon. Lady had given an indication of her motion, he has discussed the matter with her and they have come to an agreed amendment. (*Interjection*) I do not think there is anything in the Rules that precludes that. But the position as far as Parliament is concerned is that an amendment is circulated once it is moved. Until it is moved it does not have to be circulated if the person putting the amendment does not wish to do so.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, just on this principle because it is an important one, it is established in the Rules of Procedure of this House, and indeed it is in the Rules of Practice of this House, that notice is required to be given in writing of any amendment moved, but that notice is given on the moving of the amendment unless a Member decides that he wants to give notice earlier. In some instances I recall in this House receiving from Opposition benches or from Government benches notice of amendments that some people have decided they are going to give ahead of the debate, and in some instances we have made amendments together during the course of the debate, or indeed some parties have agreed amendments and when they do they consider what the best moment to circulate is. The hon. Gentleman may recall we recently – I forget on what subject – were discussing the possibility of amendments being taken as a whole House and hon. Members did not like them and therefore they did not support them, and that we were doing literally together as we were trying to reach a consolidated position which might have been a position of the whole House.

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I think on this occasion it is absolutely right and proper that two Members, whatever side they be on – it could be two Members on the Opposition benches or indeed a Member on this side – work together to agree a position which they then put to the House in the form and manner that they see fit, so long as it is in keeping with the rules. The Government is going to insist on that continuing to be the practice and not requiring parties to put notice of a motion earlier. Indeed, Members opposite might tell us that we are trying to stymie their ability to change motions because the Government puts motions and they are able to propose amendments to a motion themselves literally as they get up to propose them, and if we say that we require notice of that they will say that we are trying to in some way hamper their ability to

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amend our motions. So the rules are the rules, Mr Speaker, and I think they are rules for good reason.

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**Mr Speaker:** Yes. If any of the two Members who have not spoken on the amendment – the Hon. Edwin Reyes or the Hon. Mr Daniel Feetham – wanted to have made an amendment to the amendment, there is no need for them to give prior notice. They stand and they propose the amendment. Having proposed it, it is then circulated. It does not have to be circulated beforehand.

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**Hon. R M Clinton:** Sorry, Mr Speaker, my point was that the House as a whole gets notice of the amendment at the same time.

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**Mr Speaker:** It does not have to. There is no requirement for the House as a whole ... and the House gets to know once the amendment is proposed. If it is not proposed, it is not before Parliament.

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**Hon. Chief Minister:** Mr Speaker, perhaps this example might help the hon. Gentleman. We all know where the dividing lines are on different issues. If we were to put a motion on Calpe House then it is possible that, if it dealt with particular aspects of Calpe House, hon. Members of the official Opposition might agree a position with the Government amending a motion that might have come from the hon. Lady and we may give her notice when we move the motion, and then the hon. Lady would get up and make the point that he is making.

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This is politics and this is the way that politics is done on the model of the Westminster Parliament which we have adopted here in our Rules, and this is the way that motions are dealt with.

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**Mr Speaker:** I now call upon the Hon. Minister, Mr Paul Balban.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Thank you, Mr Speaker.

I stand and I hope that I do not start to gain a reputation for being verbose. *(Laughter)* There is too much to say on this matter for me to be able to just sit down and let this one go by.

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Where do I start? There is too much to talk about, but just to make as many succinct points as possible, the reference to the cross-party nature of this motion is extremely important because obviously otherwise what we get is a situation whereby the STTPP is proposing certain things and these things are being criticised by the other side, and in fact the emissions coming from the other side can be destructive in that respect.

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The STTPP, which is purely an environmental document more than a traffic plan itself, is actually dealing exactly in that, in the issues raised in this motion. The issue that we have is that simply Gibraltar cannot sustain the number of vehicles on our roads, and that we are clear about – I think we agree across the floor that that is something which we need to tackle. The STTPP is doing exactly that and what we cannot have is one side or one Member opposite saying that the STTPP does not go far enough and then another part of the same official Opposition, namely the former former Leader of the Opposition, saying that we are being politically brave admitting to us being politically brave in that respect simply because we are following on with the residential parking scheme, which at the end of the day, what it is trying to do, is to encourage people to adopt other forms of transport which are sustainable forms of transport. That is what we are doing at the moment. As I mentioned at great length last time, things need to settle and I think they are starting to settle already. It is just a question of a matter of time, and these things remain fluid.

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One thing which is very important: we talk about car sharing, electric taxis and park and ride and we refer to them as if they are all new ideas. It worries me because I think perhaps we have not read the document. I know the document took time in the making. It is a very thorough



1810 document, a very extensive document, but if you read the document, even if you just read the  
summary of the document, all these ideas are set out within the document. These are things  
that we are doing as a Government over time because what we cannot do is do everything at  
once. Okay, we can rock a few boats and then slowly move on to other parts of the plan. The  
1815 plan is massive and, as we have said before, change is something that people are not  
comfortable with at the beginning. So things have to be done slowly and the key word, as the  
Hon. the Leader of the Opposition said, is education. I agree totally with the word education and  
this is what we are trying to do. It is a slow process. We need to tackle schools and we need to  
1820 get people used to things from not throwing wipes down the loo to things like trying to walk to  
school or trying to cycle to school. I really believe in these things and, just like I tell my children  
and tell them off if I see a wipe going where it should not go, I will also encourage my children to  
cycle just I like to cycle in that respect – the essence being that everything it does is exactly that.  
We are trying to encourage people to use Redibikes as much as possible and we are encouraging  
people to cycle as much as possible. We are looking at park and ride because we agree that we  
1825 need to allow tourists to remain further out of the city. This is also the ethos of the residential  
parking scheme. When all the pieces of that puzzle are finished, then people coming to visit  
Gibraltar will not be able to access those areas and then obviously emissions will come down.

Talking of emissions, this Government, one of the first things they did at the beginning of  
2012 was to lead by example. G1 is a fully electric vehicle and the other fleet vehicles are  
hybrids. In fact, all our car parks are set up with electrical charging points. At Midtown, which  
1830 was referred to recently, all the points are ready to go. There has been no interest and we are  
actually going to press the button because they are all set out, they are all ready to go and it is  
only a question of pressing the button, but there has been no interest. Nobody has stopped and  
said, 'Look, I have got an electric car – where can I charge it?' But the infrastructure is set up, so  
we will get those parking places available quite quickly now; we just need to press the button.  
1835 But, it is also a shame to have 15 to 20 parking spaces in a car park empty because nobody  
wants to use them, so we will press the button and have them working and then we will see, and  
if people say, 'I need a parking space,' we will always leave one or two available at the start and  
move from there on. There are also plans of setting up an electrical charging point on Linewall  
Road as well as part of the pay and display schemes there.

1840 So it is all part of the process. The cultural shift, as the Leader of the Opposition also  
mentioned, is the important thing. People slowly have to adopt the measures. All these things  
will be unpopular, and if we see eye to eye across the House ... and I think we should be  
supportive of these. I am not saying that the residential parking scheme will work as set out; I  
have never said that or alluded to that at all. We have taken the decisions which we think will  
1845 best fit the problem. The thing is malleable, it is totally fluid and we will adapt, but time needs to  
be given for that.

So, coming back to the point, as I said, the environmental plan, the STTPP, is something which  
we are rolling out. Again, if across the floor of the House there is consensus, that is the only way  
that we are going to move ahead. If we start saying no, the residential parking scheme in zone  
1850 two is not working, we need to be patient, give it time and support it in that respect.

As I said, Mr Speaker, that is as far as I will say for the moment, other than obviously I am  
fully supportive, clearly, of the amendment to the motion.

1855 **Mr Speaker:** Any other contributor? The Hon. Dr John Cortes.

**Hon. Dr J E Cortes:** Mr Speaker, I am very gratified and I thank all the contributors to this  
debate. I think there is wide consensus here. I am going to just pick up on one or two points of  
fact in a moment.

1860 I want to reassure the hon. Lady that my amendment was in no way meant to force her into  
doing anything, although I understand what she was referring to. I would also reassure her and

those who have advised her in bringing this motion that I am not brushing aside any one of the points that she has made either in her original motion or in her contribution.

1865 I think that when you consider that in 2011 you could only recycle glass and some types of plastic – you could not recycle paper or cardboard or electronic equipment or oil just over six years ago – it shows you how far behind we were and the progress that we have made.

1870 A number of facts, to answer the Hon. Mr Hammond's comments. The lack of confidence in the analysis of air quality data: I think he may be giving a little bit too much attention to some detractors. He recommended that we should outsource this. This in fact is outsourced to a specialist UK company that independently assesses our data and gives us the reports. Then we publish this data annually and we invite the NGOs to a presentation. So I would reassure him that he should have confidence in those results.

1875 The power station has got the best available technology for the particular machines. It is the intention to run them on gas, I assure him. It is quite humorous to see him urging us now to use gas instead of diesel, considering where he has been in that particular debate in the past, but I think his contribution was generally positive and conciliatory.

I have already referred to the hon. Lady.

1880 On renewables all I am going to say is watch this space. I do recall one of his predecessors, an Opposition spokesman for the environment, who condemned me as being responsible for the loss of the Barbary Partridge, that secretive species in Gibraltar; and now, if you will excuse the term, we have Barbary Partridges even in the soup. (*Laughter and interjections*) Absolutely not. A form of words and nothing else. But seriously, we have seen the success of the reintroduction at very little expense by proper management and with patience, which is what you have to do when you are looking at natural processes. And with renewables I think hon. Members opposite will be very pleased to see the developments that are imminent.

1885 Both Mr Llamas and Mr Phillips refer to civic responsibilities. I totally agree with this. I think the world is changing. I think it is now no longer lone voices that are shouting this. I think it is coming across loud and clear. The international media and social media are really fighting the environmental cause, so I think it is a matter of time. Some of the NGOs here are working so hard and the schools are doing tremendous work – the teachers and pupils and so on.

1890 So I think that all these things will be reflected in a plan that we shall be presenting quite soon and all I can now say is once again to commend the amendment to the House.

**Mr Speaker:** Mr Speaker, I will now put Dr Cortes' amended motion to the vote. Those in favour? (**Members:** Aye.) Those against? Carried.

1895 What is now before the House, therefore, is a motion as amended by Dr Cortes. Dr Cortes cannot speak to this motion, the hon. Lady cannot speak other than when exercising her right to reply at the end, but all other hon. Members may speak to this motion now as amended.

The Hon. the Chief Minister.

1900 **Hon. Chief Minister:** Mr Speaker, I rise first of all to congratulate the Hon. Dr Cortes and the hon. Lady for being able to come to terms in respect of an area where there is a strongly held view that the environment should not be a party political issue, but where we each have strongly held views and those in the nature of the type of debate that we have on our views become partisan views. I think to be able to surmount the partisan element and reach a conclusion which is in the interests of the community as a whole they both deserve to be congratulated, in particular given the things that the Hon. Mr Clinton has said, because  
1905 Mr Clinton has said that the official Opposition have just seen the amendment but I think it is to the credit in particular of the Minister and the hon. Lady that the amendment that they have just seen is an amendment that they have just accepted. I think that demonstrates the good  
1910 faith in which John Cortes has approached this issue and that that has been reciprocated in the work that he has done with the hon. Lady.

1915 The hon. Gentleman will excuse me for saying that when he says that sometimes people feel that they have less itchy eyes when they are out of Gibraltar, I do not join in the view. I may have less itchy eyes when I am out of here and I am not spending hours looking at them, and I am sure the feeling is absolutely mutual – politically, not personally – but certainly not when I am out of Gibraltar. Otherwise, people would rightly be choosing another environment in which to live and I think Gibraltarians are very proud of the environment in which we live, although we all think that there are things that we need to improve in terms of our air quality and the industries that there are in Gibraltar, and the Government will not be found wanting in that respect.

1920 I do not want to delve into the partisan but it is important to set things in their historical context. For example, the hon. Gentleman sometimes asks questions about a particular area which is dedicated to a particular industry, which he mentions by name. Well, the practices in respect of that industry which relate to ship building have changed considerably in the time that we have been in office. Have they changed enough? Well, if you ask us, the answer is probably no, not enough. If you ask people who live around that facility, probably not enough. If you ask him, the answer is probably the same, not enough, so a broad measure of agreement. But it must be true that we have to set that in its historical context. We are talking about the change which we have delivered in respect of that facility and our commitment to continue to deliver change in respect of that facility from a starting point of when we took over and were responsible for making those changes, from 9th December 2011, which is when they were in office. So this is an important issue, because even without wanting to fall out on the subject there is a reality, which is that they had the opportunity to determine what changes to impose until a particular period, they imposed some but not others; we have imposed some already and are looking to impose others and I think that is an important thing to keep in mind, in particular when we say what is it that we are doing.

1930 The hon. Gentleman I assume was politically teasing us when he said that, because I think it is understood that this Government has not done everything that it is possible to do to protect the environment. If that were the only thing one were to do one would go down to GibElec and switch off. We would have cold showers, or as much hot water as could be heated by solar panels; we would stop everyone from using their vehicles, we would stop the importation of petroleum products and we would stop the importation of bottled water in plastic bottles. That is what we would do. We would then have to drink salt water because we would not have the energy required in order to have a reverse osmosis mechanism.

1940 So have we done everything that can be done? Of course we have not. We have balanced what can be done versus what we can do in the context of continuing to have a society that provides those whom we are responsible for with ... I hesitate to say the comforts, because I think they are the necessities of modern life, and try to balance that by trying to ensure that the things that we continue to do are done in a way which creates less damage to the environment. That is a balance which is difficult to strike and you strike it by looking at what is the best available technology.

1945 If I may say so, one of the things that Joe Bossano was responsible for – and I have told the House before – was the insistence that the Government consider the possibility of moving to LNG, away from fossil fuels like diesel etc., as the type of propulsion for the engines of our power station. Well, we took that step, and if I may say so, we took it with considerable political risk, which hon. Members opposite created for us because we were making that choice. So I answer the hon. Gentleman's question about what it is that we are doing: well, we are running the gamut even of the political risk and criticism that they create for us when we are making decisions which we believe are in the best interest of Gibraltar and the environment. To such an extent, although I have not heard the exact terms of what it is that he said today but I will rely on the interpretation given by the Hon. Dr Cortes – which I will of course prefer, whatever it is that he said – that he is now encouraging us to pursue the generation of electricity through the burning of liquefied natural gas rather than other fossil fuels.

1965 So you see we are prepared to take a political risk if it is right to do so, and in that way, I say  
with respect, we demonstrate that our interest is not a partisan one, because if it were we  
would have done the easy thing, which is to continue to burn diesel and not suffer the possibility  
of a general election that might have been determined because hon. Members were creating  
that political issue around the better environmental option, which was to burn LNG. The hon.  
1970 Gentleman might like to have a coffee with me and ask me how many times I wondered whether  
this was the right thing to do in political electoral terms, but it was certainly the right thing to do  
in environmental terms, and that is a demonstration, I think, that we were making the right  
choice for Gibraltar, not just the right choice for us.

1975 And so when hon. Members refer to the fact that I am in a Tesla and that is not enough, well  
that is a first step, because hon. Members cannot seriously be telling us from the benches  
opposite that we will see whether Teslas are the right solution for the future when it comes to  
disposing of our batteries and at the same time tell us that we need more electrical charging  
points for electrical vehicles, all of which will be propelled by those self-same batteries. So he  
will understand, Mr Speaker, if I were to suggest that there might be a hint of hypocrisy at a  
political level if that were the position he has taken. And so I will take him at his best in respect  
1980 of this issue and I will welcome the fact that he is supportive of electric vehicles, which must  
mean that he is supportive therefore of something as emblematic as the vehicle which propels  
the chief elected politician of this community, making a statement politically that we are a  
community that cares for the environment.

1985 We very often are asked what we are going to do about traffic as a source of pollution.  
Absent that issue of batteries, because human ingenuity has not yet found a different  
mechanism other than hydrogen – which is not popular and there are not many vehicles  
available – to propel mechanical vehicles, I think we are demonstrating in the commitment we  
have to try and include hybrid vehicles in our fleet, or fully electrical vehicles in our fleet, that we  
are seeking to do what is possible. That is the realm in which we must be judged. We could have  
1990 easily continued – and again not run the risk of political criticism – to run a very smart, very  
comfortable Jaguar vehicle, but that very smart, very comfortable Jaguar vehicle was the most  
polluting vehicle in its class. That is a debate we had during the lifetime of the Parliament  
previous to this one. So I think it is certainly the right choice to move to a fully electric vehicle.  
We have vehicles like Priuses in our fleet. They are more polluting than the fully electrical Tesla,  
1995 and so there is a statement. Now, why is a statement important here? Hon. Members can simply  
say, ‘Well, it is important because the hon. Gentleman wants to, for party political reasons,  
pretend something to the electorate.’ Well, that would be contrary to the balance that hon.  
Members have told us that they think we should strike, which is that we should act to  
demonstrate by way of example what our commitment is. So we act to demonstrate by way of  
2000 example by going for a fully electric vehicle.

But then again, to go even further, the important thing is not to use that vehicle when it is  
not necessary, and that is why hon. Members will know that, absent rain, I will walk to my office  
every single day from the south district. That is as much driven by the needs of my waistline as it  
is by my commitment to the environment, but it is important that hon. Members factor in that  
2005 those two are entirely linked. They are linked literally at the hip, because those who walk benefit  
from less tight waistbands and lighter waists. It is very comfortable to be conveyed in a vehicle  
from one place to another. The people of Gibraltar do not provide to those of us who have been  
honoured to hold the office of Chief Minister a vehicle to convey us from one place to another in  
order to aggrandise our egos; they do it so that we can continue working whilst we are moving  
2010 from A to B. That is the reality of it; it is not as if it comes for nothing. But sometimes the right  
choice is to say, ‘Well, I am going to propel myself using the legs that I was given when I was  
born, to get myself from A to B.’

It is also true – the Hon. Mr Feetham was mentioning this the other day – that if you live in a  
remote area it is just not feasible to be able to get yourself from A to B, and I fully accept that if  
2015 you have not got a bus service, if you are quite a distance etc., but otherwise the right choice is

to walk. Why do I say that? Because it is the third element of demonstration of the choices that we make. We made the choice on LNG and we ran the gamut of party political opposition, we made the choice on the Tesla and we ran the gamut of party political opposition, and now we just ran the gamut because that is what walking is in the mornings if you are trying to get to school at a particular time etc., but is also the right choice – another demonstration that we do little things which show that we are committed to doing what we can.

It is part of that phrase which perhaps Miss Hassan Nahon or the Hon. Dr Cortes have used already today – I do not know whether they already have because I was trying to deal with another matter as they spoke, but it is part of that mantra which I had drilled into me by the ESG and by GONHS in the days when I was in opposition and has stuck with me: think global, act local. Local means not just in Gibraltar; it means in respect of your autonomous self and the choices that you make.

One of the things that the Hon. Mr Balban said, which I think is important, is that our children need to be taught what it is that those right choices are in the future. He has referred to his cycling and I think one of the only videos I have not seen circulated on WhatsApp is one of Paul Balban on a bicycle. *(Laughter)* They have gone just about for everything else and given him just about every other accent. *(Laughter)* He always takes it in excellent humour and is the first to circulate it on the Ministers' WhatsApp group, Mr Speaker. But it is true that he leads by example in that respect. I hope I have not given ideas to whoever it is that is doing this. It is not me – I wish I had the time!

I think it is also important to reflect the opposite, if I may say so with respect, that our children sometimes teach us. We now perhaps take things for granted and do not see the environmental cost of some of the things that we do. We now have these glass bottles that Minister Cortes brought to the House, a first move in the direction of avoiding glass bottles, but my own children, sometimes even the youngest of them, have ingrained in them by those who teach them – and do such a great job, of course, if I may say so – that there are things that we have to be doing at home as part of our everyday life. I see somebody in the Gallery drinking from a reusable container. It is absolutely right that that should be the case. Our children are the ones who will inherit the Earth from us. They are starting to take an interest, even before they are adults, in the things that we do and in changing our behaviour. That is to be welcomed and is a demonstration that action commences not just with the age of responsibility but even before, and it is right, proper and quite something that we should be embarrassed by our children in this respect.

So, Mr Speaker, I think that is a demonstration of how we act to ensure at a political level that we are doing as much as we can in the context of the balance that the Hon. John Cortes and Paul Balban referred to. If I may say so, Mr Speaker, with respect, I think it is a good day for this House that we are able to have this debate, that we can reach a conclusion which is a common conclusion and that we have got there through the work of two Members seeking to find common ground, because at the end of the day that is all we have got: the Earth, our common ground. Thank you very much. *(Banging on desks)*

**Mr Speaker:** Any other person wishing to speak? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I do thank the Chief Minister for his intervention. I would just like to make a very few points also.

I think when my hon. Friend rose to request clarification on the parliamentary procedures – and we do understand the parliamentary procedures – it was more from a sense of ... When we are looking at a motion such as this, when we are trying to find consensus and hoping for consensus on an issue on which the motion itself looks for cross-parliamentary support, it would not have been unreasonable to share the amendment to the motion more widely and attain agreement to that amendment prior to bringing it to the House, simply in order to mitigate any risk of it causing controversy in any way. We could have eliminated that very early on. As it is,

the Opposition saw absolutely nothing in the motion that was particularly controversial and we could accept it, but it would have just been a simple courtesy, bearing in mind what we were striving to achieve in respect of this motion – that cross-party consensus – to perhaps have shared it. Indeed, when the original motion was tabled by the hon. Lady some months ago now, I did very quickly write to the Minister and say, ‘Look, it is a great opportunity – I suspect you will be filing an amendment to the motion and perhaps we could have a conversation about that amendment in order to agree it beforehand.’ The Minister did reply positively, but then unfortunately there were no further communications on the subject. So that is, I think, the only reason why my hon. Friend rose on this particular occasion.

In terms of what has been said on LNG, for the record what I said was particularly the need for it to now run on LNG because of the location that Government has chosen, the low stacks, and frankly, from that location it would be a very bad thing indeed if we had to run it now on diesel because of its position in an urban environment – it would cause problems, the low stacks, a whole range of issues associated with the location of the power station.

But I will move swiftly – (*Interjection*) No, I will not. I will move on swiftly from that point. (**Hon. Chief Minister:** I’ll remember.) I’m sure you will! (*Interjection*) Yes, indeed.

I am indeed very pleased that the Chief Minister has specifically recognised the issues around, as he referred to it, a certain industry around which our community has grown up, and if the Government is serious about addressing some of those issues associated with that industry, I know the residents of that area will be very pleased indeed and I will certainly take that message back to those who have approached me, that the Government is serious about dealing with the environmental problems that emanate from that industry now that our community has grown more closely around it.

As for itchy eyes, well I did say it is an anecdotal issue. I do think, however, people do, my son being an example: the minute he arrives in Gibraltar his allergies begin to play up. That may be down to olive pollen – as I say, it is anecdotal – but it may also be at least partially down to the quality of our air in general, whether that is from pollution from vehicles, from bunkering or indeed the Saharan dust, but it is a reality. However, home is where the heart is and nobody is going to move away from Gibraltar purely because they have itchy eyes, of course. I suspect doing so would cause itchy eyes for entirely different reasons.

I also agree with the Chief Minister that walking, cycling, all these activities are very important and that we need to make them as pleasurable as it is possible to be, because that is one way of encouraging that cultural shift towards those activities. At present ... I know the Minister cycles – he must recognise that the roads in many areas are quite difficult, both because of the traffic and because of the condition of the roads. That could be improved. Walking could be more pleasurable also if there was not so much traffic. Indeed, the last occasion I chose to walk on a rainy day I ended up with a close encounter between a vehicle, a puddle and myself, which was most unpleasant indeed. But such is life, these things happen – perhaps they spotted it was me and decided I needed a soaking! (*Laughter*). But the fact of the matter is that walking around in Gibraltar is often not a particularly pleasurable experience at present and it needs to be made so, it really does need to be made so, and in doing so hopefully we can then encourage that cultural shift that we have all referred to towards a more environmentally friendly Gibraltar. Whether that be because we are healthier because of the physical activity we are undertaking, whether that is because we are recycling more or whether that is because we are conserving more energy, all those things and many more are essential to the progress on environmental issues in our community.

Indeed, now and in the future this will always be a work in progress. I am sure the Hon. Minister would agree with me that when he finishes in office, whenever that day arrives, there will still be work to do on the environment. I am sure he will still be inputting towards that work and agitating for improvements in all sorts of areas and I hope we all continue to do the same. Whether in office or in opposition or indeed playing an active role in our community in any other way, there will always be work to do to improve the environment. It will never be perfect, it will

2120 always take time, and perhaps one day we will reach that utopia but I suspect it will not be in my lifetime.

Thank you, Mr Speaker.

**Mr Speaker:** If there is no other Member wishing to contribute, I will –

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**Hon. Dr J E Cortes:** Mr Speaker, I know I do not have a right to reply and I am not going to, but can I just ... I meant, when I made my earlier contribution – and I do not know how procedurally we can do it – to accept the change from ‘man-’ to ‘human-’ induced. It is a very minor change. I am not sure whether there is ... In the second line, ‘the effects of human-induced ...’.

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**Mr Speaker:** I will make a very simple suggestion for the Hon. Neil Costa and anybody else to stand up now and move an amendment substituting for the word ‘manmade’, ‘human-induced’.

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**Hon. N F Costa:** Mr Speaker, I therefore propose that we substitute the word ‘man-’ in the first paragraph of the motion to ‘human-’ induced climate change.

**Mr Speaker:** Do all hon. Members agree with that amendment?

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**Hon. Chief Minister:** Mr Speaker, I would like to speak on that.

**Mr Speaker:** You want to speak? Very well. *(Laughter and interjections)*

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**Hon. Chief Minister:** Mr Speaker, dealing with the amendment moved by the Hon. Mr Costa, I would like to raise an issue that arises for all humans.

**Mr Speaker:** You can only speak about whether it should be ‘human’ other than ‘man’. You cannot speak on anything else.

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**Hon. Chief Minister:** Well, it is an issue that relates to all humans, Mr Speaker, *(Laughter)* whether they are man or woman or, as the hon. Lady, if she were here, would tell me, the other 26 variants of humanity that we now must respect – absolutely rightly – and that is whether humans think, especially those who are sitting on the other side or whether it might just be men, that the change of location of the power station was not also a very positive thing, because otherwise we would have had the larger stacks that the hon. Gentleman is referring to burning diesel, and all in an area which is where the green corridor to the Upper Rock is for the Barbary Partridge, within sight of the Upper Rock, making it impossible to see any views from the area known as Jews’ Gate, because all the people would have seen from there would have been the stacks of the GSD power station spewing out smoke. And therefore, Mr Speaker, I commend the amendment to the House.

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**Mr Speaker:** I now put the amendment that the word ‘human’ should be substituted for ‘man’. Those in favour? **(Members: Aye.)** Agreed.

I now call upon the hon. Lady to close the debate.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I recognise the great strides, I have to say firstly, that this Government has made since they took over as Government *(Banging on desks)* where environment is concerned, and I think it would be ungenerous for any Member of this House not to.

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My original motion was about uniting us on such an important issue, not dividing us or even using the platform for one MP to get mileage over anyone else, because this subject is so much

bigger than any of us. Therefore, I want to thank the House and the Hon. Minister for meeting me some way in the middle on this imperative topic and I am therefore pleased that my original motion has served at least in some way to continue to keep this matter in the limelight, where it should be.

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For my part and that of the civil society group that I represent, we shall continue to bring important topics like this one to the House in order to reflect and promote participation across the community, because in my humble view that is the best way to get positive results looking forward, together. Thank you. *(Banging on desks)*

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**Mr Speaker:** I will now put the motion to the House. Those in favour? **(Members: Aye.)** Those against? Carried.

**Finance Bill –  
Reintroduction of presenting with Appropriation Bill –  
Motion not carried**

**Clerk:** We now move to the second Private Member's Motion. The Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*THIS HOUSE*

*NOTES that the last Finance Bill presented to this House was in March 1987 by an AACR Government more than 30 years ago and that the practice of presenting a Bill specifically for tax altering measures was discontinued by the 1988 GSLP Government.*

*FURTHER NOTES the reason given by the Hon. Sir Joe Bossano in April 1988 for the change in practice was to introduce a 'more flexible fiscal system where tariffs, duties or whatever charges are made are capable of quick adjustments rather than a requirement to come to the House and change the law' end quote, and that not presenting a Finance Bill has been the continued practice of successive Governments since.*

*NOTES that there are recent examples of Bills to amend tax legislation that require backdating in order to give effect to Budget measures announced in previous years and that this is unsatisfactory.*

*RESOLVES that for the sake of improving financial administration, parliamentary debate and legal certainty to taxpayers that either:*

*the practice of presenting a Finance Bill at Budget time together with the Appropriation Bill be reintroduced with immediate effect; or*

*to preserve any desired fiscal flexibility that the House consider and pass individual resolutions on any measure requiring legislative change at the time it considers the Appropriation Bill and that all such measures requiring legislative change that are so approved by resolution be encompassed in a Finance Bill to be presented to the House within three months of the passage of the Appropriation Bill.*

Mr Speaker, taxation goes to the heart of Government and indeed it is the very reason why we are in this Chamber. Resistance to unjust taxation led to the signing of Magna Carta in 1215 and the resulting embryonic Parliament. Charles I eventually lost his head to Parliament over his need to raise taxation in 1649. The Stamp Act of 1765 led to the revolutionary slogan 'No taxation without representation' in the American War of Independence in 1776 and it is even argued that the heavy taxation of peasants led to the French Revolution in 1789. And yet we do

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not debate or even vote on taxation in this Chamber, and we have not done so for 30 years.  
(*Interjection and laughter*)

2195 **Hon. D A Feetham:** That was rude! (*Interjections and laughter*)

**Hon. R M Clinton:**... And yet Mr Speaker, it is quite incredible that we, as parliamentarians, have abdicated our rights to vote on a Government's taxation policy, and frankly we should be ashamed of ourselves.

2200 My motion is not, contrary to what Members opposite may think, partisan in nature, but merely seeks to re-establish the right of this Parliament to vote on tax measures. I hope, I suspect in vain, to convince Members that it is in the interests of good governance that we vote on tax measures. I will set out the merits for my motion beginning with the origin for the suspension of the Finance Bill and ending with the practical and political problems that arise with its absence.

2205 Every year in this place we have the greatest show on Earth in the form of the Budget debate. The Chief Minister and Finance Minister rises and gives his grand State of the Nation address together with what his intended Budget measures will be for the forthcoming tax year, as well as estimated expenditure. It is understandable that it is the tax measures that receive the greatest attention from the public and business alike. For more than 30 years, at the conclusion of that great show we in this House have then voted not on the tax measures proposed but on the Appropriation Bill for public expenditure as set out in the Estimates Book. The tax measures that the Chief Minister announces technically have no legal effect, since they have neither been voted on by this House nor passed by a resolution, or even regulation at that point.

2210 It was normal practice until 1988 for two Bills to be presented to this House by the then Financial Development Secretary, namely a Finance Bill dealing with changes to taxation and then an Appropriation Bill to provide the estimated future departmental expenditure. The *Hansard* record of the 1987 Budget debate on the Finance Bill records extremely healthy disagreements on the tax measures then proposed by the AACR with the GSLP, then led by the Hon. Sir Joe Bossano, on more than occasion voting against individual tax measures, as indeed was their right as an Opposition. But a debate was had on each measure and a vote recorded.

2215 In the 1988 Budget, held on 29th April 1988, the Development Secretary announced that he would only be presenting an Appropriation Bill and there would be no Finance Bill. The Hon. Sir Joe Bossano as Chief Minister explained the reasoning behind this move as follows:

We believe that we need a more flexible fiscal system, Mr Speaker, where tariffs, duties or whatever charges are made are capable of quick adjustments, rather than a requirement to come to the House and change the law. What we would want would be that the law should lay down the framework, for whether you pay 5p stamp duty or 10p stamp duty should not require full blown debate in the House.

2225 The underlying motivation was, to use Sir Joe Bossano's own words:

That kind of quick response I think would give us a competitive advantage and is one of the beauties of the smallness of Gibraltar, that we can respond to market demands if we are able to get the machinery of Government organised in a way that responds quickly and efficiently and if we create the legal structure to allow for a flexible fiscal system so that we can be ahead of our competitors by providing a quicker service to the customers we want to attract to Gibraltar.

Those were noble sentiments indeed but included two big ifs, namely: (1) *if* we are able to get the machinery of Government to respond quickly and efficiently; and (2) *if* we create a legal structure for a flexible fiscal system.

2230 There is no doubt that successive Governments have responded quickly to maintain and protect Gibraltar's competitive position in accordance with market demand, and indeed all Government Departments have risen to that challenge.

2235 It is perhaps in the second 'if' that our taxation process has fallen short. Some areas of taxation and indirect taxation are perhaps too flexible, such as increases in Social Insurance announced outside Budget time, while others still require primary legislation that sometimes gets forgotten. Flexibility in taxation has also been given more importance in parliamentary debate than scrutiny of the taxation measures themselves. I do not see that we have created a flexible fiscal system, let alone one that retains the need for Parliament's approval and scrutiny.

2240 Instead of the legal certainty given when we had a Finance Bill, we have ended up with a less than desirable system for the introduction of taxation measures. In answer to Question 827/2016 on 24th November 2016, I asked the Government the following question: can the Government please advise the process and timing for the enactment of Budget measures into Gibraltar's tax legislation? I will read the answer and the supplementaries from *Hansard* in order to refresh Members' memories as follows. This is the Chief Minister, the Hon. F R Picardo, from *Hansard*:

Mr Speaker, the process for the enactment of budget measures into Gibraltar tax legislation is a two-stage process. First, the measures are administratively implemented with immediate effect as per the date announced in the Budget. Secondly, the legislative amendments involve close liaison with law drafters from the Gibraltar Law Offices, experts from other Government Departments and relevant interested stakeholders. The timing of the legislating of such measures is dependent on the complexities of the subject matter.

2245 My supplementary question to the Chief Minister was as follows:

I wonder if the Chief Minister could advise at what stage and which year we are up to in terms of actual enactment into tax legislation?

and the Chief Minister's answer was:

I think we are complete up to 2014; and in respect of 2015 and 2016, budget measures are in their final stages of drafting and will be published shortly.

2250 Mr Speaker, I am frankly at a loss to understand as to how measures can be implemented administratively, unless of course by regulation. They will have no legal effect until such time as the relevant amendment was brought to this House. And therein lies the rub and the root of the problem.

2255 It is an oft-told tale in Main Street that Chief Ministers, when deciding on Budget measures, go into semi-seclusion at No. 6 consulting the Delphic oracles, to emerge from their trance with measures that they have dreamt up and which the Income Tax Office only get to hear about on the radio at the same time as the general public. (*Interjection*) This, I accept, may be in the realms of pure fiction, but let us for a moment imagine a future Chief Minister or Finance Minister who, in the interests of the environment, decided that the taxation of personal air consumption was a good idea as it would reduce CO<sub>2</sub> emissions if only the taxpayer is encouraged to breathe and perhaps talk less. Members of this Parliament, Mr Speaker will be delighted to know, would of course be exempt from such a measure. So he or she stands up in  
2260 this House and makes such a pronouncement with immediate effect. What happens next? Is it to be automatically administratively implemented? If so, how, without the sanction of Parliament, who I imagine would find it somewhat ludicrous, let alone an unworkable measure? When will the debate be had and the vote taken? Are the experts of other Government Departments and relevant interested stakeholders then consulted before Parliament?

2265 Mr Speaker, we need to be able to vote and debate the measures as soon as they are announced, and legislation introduced in months and not years after the Budget. Only then will Parliament fulfil its proper role of scrutiny and give legal certainty to measures.

2270 Let me give a real example from *Hansard* in the debate on the Income Tax (Amendment and Miscellaneous Provisions) Act 2008. I will again quote from *Hansard*. The Chief Minister, the Hon. Sir Peter Caruana, introduced the Bill and stated:

Clause 4, is the second purpose of the Bill and that is to give by primary legislation retrospective effect to the amendments introduced last year, following my Budget address last year, to the Category 2, Category 3 and Category 4 Individual rules that were introduced, to give effect to the announcements that I made in the Budget. Some of those rules had the effect, because they were not published until after 1st July but were retrospective to 1st July, some of those rules, therefore, theoretically had a notional, no, not a notional, had a retrospective, albeit by not very long, taxing for some people, tax increasing I should say effect. Under the applicable legislation, taxation cannot be introduced retrospectively, except by primary legislation. It cannot be introduced retrospectively by subsidiary regulations and, therefore, this Bill gives retrospective effect just to the start of the financial year of 1st July in which we announced during the Budget, to the Categories 2, 3 and 4 which the hon Members will remember we abolished, had to do before we increased the tax of Category 3 and things of that sort. I commend the Bill to the House.

The current Chief Minister, the Hon. Fabian Picardo, replied as follows:

On the point simply, at this stage, of the retrospectivity that we are seeing in clause 4, I understand why the Chief Minister has explained that we are making these rules. He will recall

– and this is an important point, Mr Speaker –

that last year, meaning the financial year 2007/2008, the Government introduced a measure to lower stamp duty. That measure was first announced in the Chief Minister's speech in, I think, late June or early July last year, the Budget was late, but the legislative changes were only brought in, in the calendar year 2008. There, the retrospectivity given to those rules was much shorter. I seem to recall that it was actually from the moment that the Bill was published that the new stamp duty rules took effect.

That illustrates the problems that can occur. The Hon. Fabian Picardo then continued:

A lot of people who had bought property after the Chief Minister's speech but before the legislation, believed that they would be covered by the new rules rather than the rules as they were existing at the time. Now, remember, I brought this matter up in the House and the Chief Minister, and I think rightly as a matter of law said, the law is the law as it is until it is changed.

2275 Mr Speaker, I am told it is unusual to find two QCs agreeing with each other, but on this it seems they agree, namely that taxation law is taxation law until it is changed by this House.

In the examples I have just given, taxpayers were disadvantaged because of the lack of a proper process in the form of a Finance Bill. It was debated and promptly passed as tax measures announced at Budget time.

2280 If Members think that this is a thing of the past, let me point out that there is a Bill on our current agenda, B019/2017, entitled 'A Bill to amend the Public Health Act', published on 12th October 2017. The explanatory memorandum reads as follows:

This Bill amends the Public Health Act so as to introduce a discount scheme of 25% for early payment of General Rates for the second year of trading (the discount in the first year of trading being 50% pursuant to budget measures in 2013, but subsequently amended to 65% pursuant to 2014 budget measures) of all new companies starting up business in Gibraltar.

This Bill amends the Public Health Act to reflect the appropriate level of discounts to rates.

2285 We are now amending amendments to tax measures retrospectively in respect of budgets announced while I was not even a Member of this House. I have it on good authority that tracking unlegislated tax measures has got so complicated that a working group, with the assistance of the Gibraltar Society of Accountants, was in fact set up to try and rectify and update our tax legislation.

2290 Whereas I can understand the Hon. Sir Joe Bossano's logic in wanting to have a more flexible tax system 30 years ago, we can no longer afford to do without a Finance Bill or motion in 21st-century budget time. Not only do we create legal uncertainty, but we look, frankly, sadly, amateur. A Finance Bill would also allow all amendments to legislation to be tracked to the relevant originating Budget in one source.

In the 17th June 2010 Budget debate I note that the Hon. Sir Joe Bossano remarked, perhaps with a sense of nostalgia of his fierce debates with the AACR on their Finance Bills, as follows:

The Bill that we are being commended to vote on is of course the one that votes the expenditure not the revenue and consequently all the measures that have just been announced, which many years ago used to be put in a Finance Bill and be voted separately, will not require a vote from us.

2295 Mr Speaker, apart from the practical problems that the lack of a Finance Bill creates, it also denies Parliament the tool for Opposition to debate the political merits of tax measures, and that frankly is to be regretted.

We have a problem and the solution is simple and well within our power. In my motion I propose two solutions, which are as follows: either (a) the practice of presenting a Finance Bill at Budget time together with the Appropriation Bill be reintroduced with immediate effect; or (b) to preserve any desired fiscal flexibility, that the House consider and pass individual resolutions on any measure requiring legislative change at the time it considers the Appropriation Bill and that such measures requiring legislative change are so approved by resolution be encompassed in a Finance Bill to be presented to the House within three months of the passage of the Appropriation Bill.

2305 The House has two choices, or at least I am presenting two solutions to what I perceive to be a problem. Either method would serve to achieve the desired outcome, although perhaps the colonial book-keeper within me would of course prefer option (a) and the reintroduction of the Finance Bill.

2310 Perhaps I have gone on long enough. I hope I have convinced Members of the merits of my motion, which can only serve taxpayers better and ensure good governance and oversight by this Parliament.

Mr Speaker, I commend my motion to the House. (*Banging on desks*)

2315 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on this motion?  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, let me start by thanking all hon. Members opposite for banging their tables, which served to relieve some of the soporific effect that the hon. Gentleman's speech has had on all of us on this side of the House, and no doubt a number of them on that side of the House. If I may say so, the hon. Gentleman's soporific qualities are without rival in this place.

2320 It is 30 years since a Gibraltar Chief Minister got up for the first time to deliver a Budget address on behalf of the people of Gibraltar, holding the reins of the public finances of Gibraltar, and I will have a lot to say about that during the course of the Budget debate, during the course of the Appropriation Bill, but it is in my view one of the most important moments in the political history of this community's ... *one* of the moments of political emancipation of our nation. That was Sir Joe Bossano who in that way was given way to by the Financial Secretary, who I think under the Rules of the House will be able to tell us more about that when he replies also. In fact, you will recall better than I do, Mr Speaker ... I think *had* to move at that time the Finance Bill, (Hon. Sir J J Bossano: Yes.) and so the First Reading and the Second Reading had to be introduced by the Financial Secretary, (Hon. Sir J J Bossano: Yes.) then an appointed individual (Hon. Sir J J Bossano: Correct.) who sat in this House, unelected ex-officio. (Hon. Sir J J Bossano: Yes.) And there were responses in the past from Members and I recall reading to the House during the course of this year's Appropriation your own view of the response that Joe Bossano gave to the speech of a Financial Secretary in 1973 when he first responded to the Finance Bill, to the Budget, from the Opposition benches. You said, Mr Speaker, and it will be in the record of *Hansard*, for then and for now – because I read your remarks – that it was quite something to

2340 see a Gibraltar elected Member be able to deal with the issues involving the finances from the Opposition benches.

He became Chief Minister, Mr Speaker, and in 1988 he delivered the first Budget speech of a Chief Minister of Gibraltar. He said then not just a Budget speech, a State of the Nation address. In fact, if anybody bothers to go back to read that debate – and there are probably few in this House who have done so, but I commend it to all of them – in that presentation the then  
2345 Financial Secretary said, ‘I now give way to Bwana,’ which was a way of reflecting how colonialism was changing in that specific moment in that Budget debate.

In that Budget debate, where Joe Bossano set out the two essential facilities that we have in Gibraltar and what we have to make better use of and more efficient use of, our land and our people, he set out also the golden rules of GSLP economics which we follow to this day, and one  
2350 of the things that he did was introduce this policy. I am grateful for the hon. Gentleman having at least framed this debate in the correct context politically of the introduction by Joe Bossano – Sir Joe Bossano now, then Joe Bossano – of this change.

So that was our policy in 1988, it is our policy now also, so it is a brave man indeed that gets up in this House to persuade those of us who repeatedly say that we are leopards whose spots do not wash off with bleach that we should change a policy which we introduced in 1988 and  
2355 which we have stuck to in the time that we have been elected again after 1988. So, from 1988 to 1996 where we have our responsibility for the presentation of the Estimates in the Budget debate, that is the policy we pursued. From 2012 to date it is the policy we pursue. So it is brave indeed to get up to try and persuade us that that which we introduced as a matter of policy we  
2360 should change, and he does it, as he usually does, without calling us first and saying, ‘Look, I think there is a value in doing this.’ He pretends to be able to persuade us from opposite us that that which we have done, rationalised, explained and stuck our political colours to is wrong – in the context of a speech at ten to seven in the evening.

It is very difficult to understand how far he thought he was going to get. You see, if one is  
2365 genuine about the view that these changes are in the interests of Gibraltar, then instead of trying to persuade us to change that which is our stated policy and which we have been pursuing, you would have thought there would have been an offline communication to say, ‘Look, I’m going to do this and these are the reasons, let us try and do it together.’ But no, he simply gets up to tell us, ‘That which has been your policy you must change because it is wrong.’  
2370 Well, it was our policy in 1988. Indeed, the former-former Leader of the Opposition – if he has a moment – has said repeatedly, and I can fully understand why, it is no mystery, that the Bossano Government of 1988 to 1992, I think he said – I do not know whether he said to 1996, but 1988 to 1992 – is one of the best Governments Gibraltar has had in its history. I think he is on the record of *Hansard* as having said that on one of the occasions when he calls himself a follower of  
2375 Bossano doctrines and not on others.

**Hon. D A Feetham:** I thought there was going to be a sting to it.

**Hon. Chief Minister:** No, there is no sting – not to you, anyway! There is obviously a very  
2380 good reason why he would want to say that, Mr Speaker, and there is a very good reason why I would want to agree.

Of course it remains the view of us on this side of the House that the policies introduced at the time by a person who is a member of the Executive Committee of the party and a member of the line-up of the party and a member of the Cabinet represented here is still good law. In  
2385 other words, it is good policy. How does he think he is going to persuade us to change from that position? Of course it is still our position.

But what I just find impossible to fathom is that he should find it possible to persuade Members opposite, because every single one of them is elected to this House under the banner of the Gibraltar Social Democrats and what was good for 1988-96 and 2012-18 was also good  
2390 from 1997 to 2011. And so what he is saying ... and I am not suggesting that he has hidden from

2395 this. He has understood that in the way that he has presented it, but what he is saying is in effect that the policies of the party, the initials of which they all defended at the General Election in respect of this crucial aspect of policymaking – indeed, he has gone back, rightly, to Magna Carta and the principle of political representation in his analysis for a non-lawyer was correct. It is difficult to understand how he thinks that he can persuade the GSD that this fundamental GSD policy was wrong.

2400 I assume that the hon. Lady has a way out, because not just the one that the hon. the former-former Leader of the Opposition gave her that she has seceded and she has said she will stand, an advantage she does not allow the hon. Gentleman Mr Llamas, but given the things I hear, they may not be long for independence. But she of course has the ability to say, ‘Well, actually, Roy Clinton is defending the record of a Chief Minister with whom I have a close relationship,’ and indeed, if I may say so, a record that is in respect of the period when you were a member of the Government. She has that relationship with the practice that you are defending. But you do not, is the answer to the hon. Gentleman opposite. In fact, as far as I understand it, the hon. Gentleman was a member of the Executive Committee of the Gibraltar Social Democrats at some stage until he walked out because, shamefully, people in the GSD did not want to read *The New People*. But, Mr Speaker – (*Interjection*) No, the practice today is not to yield to Members opposite. That is the practice today. You ought to... He is his right to determine whether it was the right practice or not. I do not know whether he was on the Executive Committee of the party or not; he may say that he was not. Well, certainly one of the things that he used to say during the course of his leadership campaign, such as it was, was that he had been a member since it was formed. Well, this is what the party that he has defended did for the 16 years that it held the reins of authority, and it was not an issue that we took with them because it was an issue on which we were agreed because there they had adopted GSP policy and made it GSD policy. The incredible thing is that the GSD should now seek to change the GSD’s policy in respect of this matter without at least trying to agree it with us for the reasons that he has said are so important, if he were right.

2415 It is entirely wrong that we do not debate matters of taxation, whether those are duties or direct or indirect taxation of another form. Of course we do. In some instances the changes necessary are done by way of regulation, so they do not come to this House but they are advertised in the context of a Budget debate. In other words, we have a Budget debate where the Chief Minister gets up and says, ‘As from midnight tonight ...’ without holding a whisky in his hand as they do in another place, and makes the announcements. The debate then continues and hon. Members have absolutely the right to get up and say, ‘You haven’t put up the duty on this enough, you are not going to put up the duty on this enough, you have put it up too much on this, you are wrong with your policy on taxation on that.’ But in respect of taxation where direct prime legislation is required, of course they also have the right when the prime legislation comes.

2425 His point, which is a good one, is that the prime legislation does not come quick enough. That is a good point, it is a point that has to be pursued, it is a point on which we are agreed, but the solution to that point is not to bring a Finance Bill.

2430 The hon. Gentleman has to understand that when I was first elected I was still having to catch up with *their* taxation matters which had to come to this House, but only matters which required primary change, because one thing he may not be aware of – and I think will never be aware of, but it is not a matter for me, it is a matter for the people – is that when a Chief Minister ends the debate on the Budget, when the Budget is voted on and passed – in other words, when the Committee Stage and Third Reading are complete – we get into the battery-powered vehicle and we are driven back to No. 6 Convent Place to be presented with a stack of measures to sign, which are the regulations which are required to give effect to the measures in taxation which do not require primary legislation and which are then changed. That is how duty changes. So taxation on tobacco etc. is then suspended from let’s say the Monday morning when the Chief

Minister presents the Budget Bill until the Thursday when we sit down, the House has approved and the regulations are signed making the changes to the duties. That is how it works.

2445 Now, you can spend your Budget debate simply saying, 'I don't agree with the Government on this, I don't agree with the Government on that, the debt is too high, the debt is too low, I am going to vote against the Budget or I am going to vote in favour of the Budget, Civil Service pay is too high ...' – the sort of things the hon. Gentleman says all the time – or you can say also, in addition to all that other stuff that hon. Members say during the course of the Budget debate on the Appropriation, 'By the way, the detail of what you are saying should change in this way or  
2450 should change in another.' That is the debate: 'The duty on this particular commodity is going up too much or it is not going up enough, the rates are going up too much or they are not going up enough, the announcement in respect of stamp duty is not good enough or it goes too far.' That is what you can do in that debate.

2455 Will you persuade us? Well, it is very unlikely you will persuade us because it is not true that Budgets are prepared like the hon. Member says. It is particularly open to them this year to vote against any Budget measure that might come as a need for a change to the primary legislation, whenever it comes in respect of the financial year 2017-18. Why? Well, for a simple reason, Mr Speaker: they voted against the Act; they voted against the Appropriation Bill.

2460 In most instances – in every other instance, in fact, in the history of this Parliament on the basis of the analysis I did in my response to their presentations, their speeches on the Appropriation Bill this year – the Budget has passed with the support of every Member of the House. (**A Member:** Appropriation Bill.) The Appropriation Bill has passed with the support of every Member of the House, and therefore it would have been very difficult indeed to see how  
2465 somebody could vote in favour of a Budget, which is an appropriation financed in a particular way, and then vote against the measures. That is not an encumbrance that hon. Members have, because they voted against the whole thing. Hon. Members voted against the Appropriation Bill, which is of course generated estimating a revenue which is based on measures included in the context of that debate.

2470 He is shaking his head because obviously he knows better. Having been Chief Minister and Minister for Finance for a hundred years before me, Mr Speaker, he knows a lot better, of course, like he knows better about everything; in fact, like he knows better about how a Budget is created, because of course he believes everything he is told in Main Street and he has told us that the oft-told story in Main Street is that the Chief Minister hides himself in his office and that the Commissioner of Income Tax hears of the changes he is making to Income Tax when he gets  
2475 up here.

2480 Well, it is certainly not the case that that is the position under this Chief Minister. Neither was it the case, I am sure, under the former Chief Minister who is sitting next to me, who introduced the measure that he is talking about. From the tales I hear from the inside, not from Main Street, it was not always the case in relation to my predecessor as Chief Minister, the Hon. Sir Peter Caruana. Right! Why? Why is that not the case? Well, because it would be foolish indeed – and I note that we are in the presence of another former Chief Minister, Mr Speaker, but it would be foolish indeed for a Chief Minister to announce a Budget measure without knowing the potential effect or consequence of that measure in cash terms.

2485 Confecting a Budget for this community involves a Commissioner of Income Tax who is involved for weeks telling you, 'If you change this it will likely cost so much because we have so many taxpayers in that category, if you move it in this way it costs so much and if you move it in that way it costs so much. This is my estimate. It could be this. There could be others that are not in this band but when you move the band it could mean that.' You have broad estimates of what a measure costs to the Exchequer or will produce for the Exchequer. The cleverest Chief  
2490 Minister in our history – and who he is will be judged by history; it will not be me, that is for sure, but when it comes to economics it might be the person sitting to my left – would not be able to do that analysis because you do not know the number of taxpayers who are in a particular bracket and therefore you cannot do the calculation unless you have that number.

2495 So, Mr Speaker, the next time he is on Main Street – and as a retiree he is oft in Main Street –  
he should put right those who tell him the story about the Commissioner of Income Tax hearing  
about the measures on the radio at lunchtime. That might start to change the way that he  
perceives the things he has said.

2500 It is also true that alongside the Commissioner of Income Tax the Collector of Customs ... Of  
course, Mr Speaker, if we take a step back the words 'Commissioner of Income Taxes' and  
'Collector of Customs' actually mean the same thing; they are just responsible for different types  
of taxation occurring in different ways. The Collector of Customs is also a hugely important part  
2505 of the planning of a Budget. A Collector of Customs would not hear the measures on radio for  
the first time. He will have been involved for a considerable number of weeks, if not months. In  
fact, both the Commissioner and the Collector will be preparing everything that is not primary  
legislation with the law draftsmen in order to be ready to have those relevant regulations signed  
once the Budget Bill passes. When the Appropriation Bill becomes an Appropriation Act the  
regulations are ready when you arrive at No. 6 Convent Place to sign them, not because they  
heard them on the radio but because they have been preparing them. And of course in the  
2510 whole structure of what is going on the person with responsibility for rates at Land Property  
Services will also be involved, because a rate is in effect also a duty; it is a tax, in effect. So the  
Commissioner of Income Tax, the Collector of Customs, the person with responsibility for rates,  
all of them are involved and preparing relevant regulations.

And how does that happen, Mr Speaker? Does it happen locked in a room for five minutes?  
2515 No, this is a considerable period of preparation. And alongside the Minister for Finance of course  
will be throughout that period a Financial Secretary, who will be running ... And I know that that  
is the job he has always really wanted, Mr Speaker. It was colonial book-keeper or Financial  
Secretary, obviously. A Financial Secretary will be involved in the detail of the planning of a  
Budget, working in conjunction with all of those that I have indicated and with the Chief  
2520 Minister. It could not be otherwise; it would not work otherwise. So the myth on which he has  
based all of his speech, which he heard down Main Street, is no better than some of the  
rumours that are brought here during Question Time. It is just completely untrue. It is untrue.

The Cabinet will be feeding in measures to the Chief Minister's Office throughout the year,  
2525 actually. Different measures may come to the attention of Members at different times that will  
be fed in throughout the year. What the Office of the Chief Minister will always do in this respect  
is say, 'Thank you very much for the input, but nothing can be confirmed to those who have  
suggested that this is an important measure to you until the Chief Minister gets up in the  
Parliament.' That is the position. They are the ones who do not find out until the Chief Minister  
2530 announces it in Parliament – not the Ministers, they will know in co-operation with the Chief  
Minister; not the Commissioner or the Collector responsible for rates etc., but those who have  
made representations, 'I think it is a good idea to a, b, c ...' You cannot tell them what is going to  
happen, otherwise they might stock up on the thing that the duty is going to go up or down on.  
Well, it would be foolish to stock up on things that are going to do down in duty – on the things  
that are going to go up. Those are the people who rightly find out when the Chief Minister is on  
2535 his feet making the announcement and Members opposite find out when the Chief Minister  
makes the announcement.

But Main Street is right about one thing. If there is a Delphic oracle available then you make  
2540 sure the Delphic oracle is involved, and luckily in our Government we have got one, especially on  
these matters.

Therefore a lot of what he has told us is just based on a rumour that has absolutely no basis  
2545 in fact. Although I accept that it is necessary to try and be more up to date in respect of these  
measures, he has to understand that none of the reasons why he has pointed to so far are going  
to persuade us.

It is also true that all the accountancy practices in Gibraltar and some of the law firms  
2550 immediately publish, with a speed that sometimes surprises me, on the day of the Budget a  
summary of the measures so that everyone is aware of them and everyone knows – this is



important – that they have the benefit of the measure from the date of announcement as well as suffer the obligations that may be imposed, because it is quite something to get up and say, ‘Oh, poor taxpayers who are subjected to the measures’ ... Well there have been precious little increases in cost to taxpayers in Gibraltar in any of the years that I have been responsible for delivering the measures. In fact, it is quite something different isn’t it: it is taxpayers saying, ‘Ah-ha, as from x date of the Budget I am entitled to the lower rate.’ That is not what the fight that led to Magna Carta was about and of course the Government absolutely rightly honours from the date of announcement the reductions. That is the reality, Mr Speaker, and for that, as much as for revenue-raising measures, legal cover is required, and if it comes later it is retrospective legal cover. There is provision for retrospective legal cover for a revenue-raising measure, as was demonstrated by them when they were in office, and there was debate about that and it is in *Hansard*, although it is anathema to think that that exists, and that is where we must do better and we must bring those measures sooner, absolutely, but that is not a good argument for what he is presenting to the House today as the alleged only solution, because the words ‘retrospective legal cover’ were uttered in this House for the first time by the man referred to on a number of occasions as the greatest Gibraltarian of all time (*Interjection by Hon. D A Feetham*) by the former-former ... Mr Speaker, he can now admit it. He has got nothing to lose. She is not going to join him again. She can now admit it.

2565 **Hon. D A Feetham:** Oh, you are saying it for her!

**Hon. Chief Minister:** No, *you* are saying it for her. Mr Speaker, let’s be very clear. I have never said that Sir Peter Caruana was the greatest Gibraltarian of all time. Neither would it pass my lips. The hon. Gentleman, even Sir Peter, would not be surprised that I should say that. But he said it and now he is trying to distance himself from it at the time that the hon. Lady was in the party. I wonder whether he still harbours views that she might one day be lobotomised enough in order to go back, but I do not see her as somebody who is capable of reprogramming. She seems to me to be pretty fixed in her direction of travel, as he said when he was giving us his best interpretation of Eminem in the hilarious last session of the House.

2575 Retrospective legal cover is what the Silk, the Queen’s Counsel, the QC told us was possible, and he was right, Mr Speaker. Unfortunately it is not something that we should have to rely on but we have to rely on it and we should do better and we should catch up, but the answer is not to bring a separate Finance Bill.

I do not think that there were fierce debates in this House at the time that the GSLP and its predecessors entitled the GDM and at the time that Joe Bossano was here as a member of the Integrationist Party countered the politics of the AACR. I must say I think the fierce debates arose after 1991 when Sir Peter was elected to this House. The ferocity of debate changes and if hon. Members look at the *Hansards* there are debates of principle before then and then there are deeply personalised debates after that. It is a position I have expressed on a number of occasions to Sir Peter when he was here. So I do not think that the hon. Gentleman is able to reinvent the history of this place, because *Hansard* speaks for itself as to the ferocity of the debates and how they were handled in that time.

2590 So, having dealt with all of the issues, the mechanisms there are for debating the tax measures that require primary legislation, the mechanisms that there are for debating the measures that require regulations, which they do not take up, although this year they could have because they were not going to vote for the Budget, and having dealt with the fact that there is a need to catch up with measures which require primary legislation but that the answer is not the position that the hon. Gentleman has set out, I have little more to say in respect of this motion other than it will not enjoy the support of Members on this side of the House.

2595 I will repeat, Mr Speaker, that if hon. Members wish to bring motions which should enjoy the benefit of support from this side of the House – and politics is about simple mathematics, democracy is about simple mathematics; you get one more than the other guy and you win,

whether it is the election or a motion, but if they genuinely believe that there are measures where they can bring something to the House which will improve Gibraltar and they are genuine about that, then they need to have an offline conversation with us to persuade us of that. That is the way that it works in every Parliament. If you see a motion go down on the Order Paper at Westminster and it carries the signatures of Members from opposite sides of the House, then you know that there is an issue which is going to garner more support than simply a motion on the Order Paper which garners support only from Members on one side of the House. And a motion need not stand in one name only; a number of Members can bring a motion and lay it before the Parliament. So, instead of the method of amendment that we have dealt with today, if a motion were presented by John Cortes and Marlene Hassan Nahon, then hon. Members are given an indication that it enjoys cross-party support. If it is also endorsed by Trevor Hammond, if there is a motion that has three names on it when it is submitted, then hon. Members know that that motion is definitely going to pass with the support of the Government and the official Opposition and the vote of an independent Member. If a motion comes on an issue which is as obviously controversial as this one, because the hon. Gentleman is taking head-on a policy introduced by the GSLP, then it is obviously a motion designed to garner political headlines, soporific though they might be, but not an attempt to make a genuine change to the position as set out in the motion, because it is obviously not going to have a fair wind.

If the hon. Gentleman had brought something which is completely new, which is not recognised in the way that we do things, which does not go to the core of something that we have been doing, perhaps he could say, 'Well, look, this was just something new.' I would still commend to him the fact that he should try with a parliamentary colleague to deal with it by way of consensus, and if there is no consensus then bring it on his own, but consensus should be the first position that we take to try and agree things. But if you are going to take on the stated policy of the party in the founding Budget, in effect in the 10 commandments, and you do not talk to us about it first, then look, it is one of our 10 commandments, we are not going to shift from that and nothing that the hon. Gentleman has said on his feet today has persuaded me, or indeed, I am sure, any other Member on the Government benches. For that reason, I am afraid that the hon. Gentleman is going to see us not support his motion. He is therefore not going to persuade us to change the practice.

I very much look forward to what will happen during the course of this year's Appropriation Bill. Many people claim credit for having ended the political career of the Hon. former-former Leader of the Opposition. I have always thought that nothing will end the political career of the Hon. the former-former Leader of the Opposition because nothing will persuade him to leave politics, even himself, but in the context of that process it has been put to me that his political career was ended by the references to the fact that he might or might not have done something in the names of others on a particular social media site – the bane of my existence during the course of that Budget debate. Then it was put to me that it was just too much for him and that he had said in the course of his departure from politics why he was leaving, although then he did not depart politics; and others have said it was the departure of the Hon. Mr Llamas that led him to decide that enough was enough, two defections again in this debate. That defection, Mr Llamas explained, was about the vote against the Appropriation Bill, a seminal moment in our Parliament's history, because Mr Llamas said, 'I cannot vote against this Appropriation Bill.'

I wonder what will happen this year, Mr Speaker: whether under new leadership outside this House the GSD Opposition will still vote against an Appropriation Bill in this House, (**Hon. Sir J J Bossano:** As he said.) as they said they would continue to do, or whether in fact more sensible heads will prevail and they will vote in favour of the Appropriation Bill, although they might express their disagreement with parts of it, and their views ... as has traditionally been the case in respect of the public finances of Gibraltar. A lot will turn, in my view, on what they do; a lot will turn on what they do. If they vote against again then I believe they will be sealing their fate for good, if they have not done so already. If they vote in favour, then it will mean one magnificent *volte face* for a number of them, and that I think is the live issue going to

2650 the next Appropriation Bill. I very much look forward to seeing what the result of that vote will be. Hon. Members can expect that I will call a division.

I say all that in the context of the hon. Member because I really believe that in the final analysis, as he likes to say, and in the context of the factual matrix, another thing that he likes to say, when history makes the judgement it will be seen that it was neither the hon. Lady nor the  
2655 hon. Gentleman, nor indeed me, and I have been trying to do so for so long because that is the nature of adversarial politics; it was the vote against the Budget that the Hon. Mr Clinton persuaded all hon. Members opposite in the Official Opposition to do that was the end of one leader. He did not prevail in his leadership, and if they carry on down that course it may even be the end of another one or two leaders, because I think now of course there is the one outside  
2660 and the one inside – they might both fall at the same hurdle. But neither voting against an Appropriation Bill nor changing the practices in respect of how we deal with matters in taxation is going to be something that is going to persuade those of us on this side of the House: we are not going to agree to the principles set out in the motion.

2665 **Mr Speaker:** Is there any other contribution from the Opposition benches? The Hon. Daniel Feetham.

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

I have to say – perhaps it is the fact that I have been absent from sitting to my right for less  
2670 than a year and he no longer has the fire in his belly that he used to have – that I found his speech today one of the least unpersuasive that I have ever heard him deliver before this House.

He seems absolutely obsessed, Mr Speaker. Rather than looking at the substance of the motion and considering the merits of the motion, he seems ... It is just a recurring theme and I do not know whether it is because that lack of fire in his belly is also matched by an appreciation  
2675 in the paranoia that the hon. Gentleman feels nowadays that he just seems obsessed by the Hon. Mr Llamas to my right and the hon. Lady and what they might do in the future.

Let me restate the position. I know that he does not really like to hear this because I know that it does not serve his own political fortunes the way that he would ... If the Hon. Mr Llamas wants to come back to the GSD he is going to find me not opposing it. If the hon. Lady wants to  
2680 come back to the GSD (*Laughter*) I am not going to be somebody who is going to oppose it. It is not going to be me that is going to be opposing it. It is not going to be me and it is certainly not going to be people on this side, from Mr Hammond (*Interjections*) all the way to Mr Reyes, that are going to perpetuate any divisions within the Opposition; (*Interjection*) not us, Mr Speaker. But I know, of course, why the hon. Gentleman is obsessed with this particular topic: because he wants to perpetuate divisions which have not been caused by the GSD ourselves.  
2685

The hon. Gentleman says politics is about simple mathematics. Well, look, there I was, simple me, thinking that politics was about principle, that politics was about attempting to improve the lives of people, that politics was attempting to improve the way that things are done. That is what lies at the heart of this particular motion in what the hon. Gentleman is doing, because  
2690 really when you strip away all his barbed comments about me and the former-former Leader of the Opposition or about the independents and all the other barbed comments that he is apt to make in debates of this nature, this is about how we can attempt to improve the procedures of this House, and indeed in this particular case how measures are given effect to as quickly as possible.

2695 He spent about half his speech – it was quite incredible – saying, ‘Well, because these are the 10 commandments and the GSLP has always done things like this ... we introduced it and he is now going against the GSD because the GSD also did it.’ Well, look, what does that have to do with it? If you can improve a procedure, the fact that you did things differently in the past should not be an impediment to change. The issue is can we or can we not do it better. That is  
2700 the issue, not whether Mr Bossano was the first to introduce it and therefore, because

Mr Bossano is an economic guru and the father of the GSLP, it has got to be done like this for evermore. That does not make sense; that is not constructive politics.

2705 The issue here is Mr Clinton has raised important issues in relation to the practice and criticisms of the practice at the present moment in time, and I have not heard anything from the Chief Minister as to how he intends to improve those criticisms, those defects that have been correctly identified by Mr Clinton. Because the Chief Minister has accepted that we have a situation here that we have Budget measures, taxation ... yes, you can give effect to taxation measures announced in the Budget through subsidiary legislation that then does not require coming to this House and it can be done by the Minister by way of regulation, but there are  
2710 measures that do require bringing legislation to this House and he has also admitted that it sometimes takes years for those measures to come to this House, and what he is proposing is, 'Well, actually, let's bring to this House a Finance Bill in order to deal with the implementation of those measures in a timely way.' That seems to me, as somebody who is perhaps not as *au fait* with some of these issues as the hon. Gentleman or Sir Joe Bossano, a perfectly reasonable  
2715 approach, but there is nothing that he has come up with, nothing that he has said to this House today, other than it was the economic guru of the GSLP, Joe Bossano, who was the architect of this policy and we have done it for eight years and you have done it for 16 ... Other than that, he has not really come to this House with a reason as to why this House should not vote in favour of this motion that is presented by Mr Clinton. Therefore, I think the Government is not taking the  
2720 motion with the seriousness that it deserves.

Let me say this: I think that Mr Clinton would be the first person to stand up and if he heard an argument from the Chief Minister, or if he heard an argument from the Father of the House, Minister Bossano, 'Yes, we accept that we should be bringing these measures earlier and we are going to do it in this particular way, but we do not want to do it through a Finance Bill, we are  
2725 going to do it through this particular way,' well I think that Mr Clinton would say, 'Well, look, I have come up with a proposal as to the way that we can do it but we will support the Government in the proposal that the Government makes.' But the speech by the Hon. the Chief Minister is a scorched-earth speech. It is destructive, it is not constructive; it is negative, it is not positive. It is about the politics of the past, not about the politics of the future, Mr Speaker, and that is what this motion by Mr Clinton represents, and therefore I certainly will be voting in  
2730 favour of the motion. (*Banging on desks*)

**Mr Speaker:** Any other contributor to the debate? (*Interjections*) The Hon. Sir Joe Bossano.

2735 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I accept that the Hon. Mr Clinton does not have a clue what he is talking about because he is only limiting himself to what he has read in *Hansard*, which happened a very long time ago, and his interpretation of what happened. But I would expect the hon. Member opposite to know more – and it is not about understanding numbers.

2740 Let me say that, as the Chief Minister has said, the first time a native questioned a Financial Secretary was in 1973 because under the 1968 Constitution it was the Financial Secretary who determined how money was going to be raised and in effect he made the Budget speech setting out how the money was going to be raised, and it was only the first time that there was somebody in the Opposition that was the Shadow of the Financial Secretary, because I was not  
2745 the Finance Minister.

Indeed, if he looks at some of the debates where there was great controversy over tax measures, I can remember one particular Financial Secretary who arrived here at the time that we had achieved parity, who in fact only found out about parity when he stepped off the plane, had left a huge deficit where he had come from in the Caribbean, and when he started attacking  
2750 us in the GSLP who had been involved in the fight for parity I reminded him that the Caribbean's gain was our loss, given his performance in the previous jurisdiction. And there was another Financial Secretary, who increased the tax for everybody in Gibraltar and at the same time

2755 lowered the tax for the expatriates, which included himself. So there were very controversial issues but there was not a controversial issue between the AACR and us, because ultimately the nature of the constitutional relationship that we seemed to have with the UK was that they controlled the purse strings, less so here than in other colonies but still more than they do today and more than they have done since the Constitution removed the appointed Members from this Chamber and made it a less colonial Chamber because we are all now elected.

2760 **Mr Speaker:** The hon. Member if I may remind him of the occasion when all the elected Members voted against the Budget measure and resigned, but of course (**Hon. Sir J J Bossano:** Yes, of course.) sitting here was not a Gibraltarian Speaker but the Governor.

**Hon. Sir J J Bossano:** Absolutely. That was even earlier!

2765 In that progress of emancipation of our people, initially it was started by the GSLP on the basis that it was lucky that I had sufficient knowledge to question the legitimacy of the arguments used by the Financial Secretary, which other people felt they could not, independent of the fact that we could only question the accuracy and the legitimacy of his deductions rather than his right to do it because his right was the way the Constitution was interpreted. In 1988, with the same Constitution, our view was, 'Well, look, at the end of the day, if you are going to raise the taxes, we are the guys that are going to lose the votes, so we want to take that responsibility.'

2770 The Finance Bill was a Bill to increase taxation. We were not in the business of wanting to increase taxation; we were in the business of adjusting measures in order to create, in what was a very critical time in our history when we had to diversify the economy away from its MOD dependence into adjusting measures so that if people said, 'Well, I don't come to Gibraltar because of this and this,' we would be able to react in a way which invariably meant lowering things, not raising them ... So to say that the Magna Carta, the Boston Tea Party or the French Revolution were not about people's taxes being lowered ... It was about taxes being raised, right? Well, we were not in the business of raising taxation. The kind of economy we were developing was not about raising taxation; it was about diversifying from an MOD-based economy to a private sector economy and ensuring that we were able to be competitive in the incentives that we provided.

2780 That cornerstone meant that we came to the House with an Appropriation Bill, which is what still happens, which is the instrument that gives permission to the Government to withdraw money from the Consolidated Fund – the Constitution says we cannot take money out of the Consolidated Fund without the consent of Parliament – and the taxation measures that in the Finance Bill were the measures where we raised the money that went into the Consolidated Fund. But the invention of doing this and then introducing retrospective legal cover was not a GSLP ... one of the 10 commandments; it was one of the GSD 10 commandments – not one of ours, one of theirs, opposed by me.

2795 Therefore, if he is talking about good governance, well, look, if there is good governance, then what they introduced, which was not the absence of a Finance Bill, it was the absence of any kind of legislation to justify taxation, and not just taxation because the hon. Member opposite has included Social Insurance as if Social Insurance was a tax. Social Insurance is not a tax. Social Insurance was never included in the Finance Bill. Social Insurance always was and still today is increased by a motion in this House. What the GSD did, which I claimed was illegal, was to raise insurance and deduct it from workers' pay packets, in my view in breach of the Truck Act, which says you cannot remove from a person's pay packet anything other than that which is provided in the law, and there was no law saying that Social Insurance shall be 10% higher than it was at the end of June on 1st July. What the GSD did was they raised insurance rates without bringing a motion to the House and then gave it what the then Chief Minister, the greatest living Gibraltarian, called retrospective legal cover, for which he got a QC – for inventing this concept (*Laughter*) – and of course the hon. Member opposite was part of a Government that was doing

2805 this retrospective legal cover. When I actually stood up in the House and told ... Without  
pretending to be a lawyer, which is not one of the things I ever want to be ... without pretending  
to be one I said to him, 'Well, look, my interpretation of the law is that what you are doing is  
illegal because every week people get money taken away for the Social Insurance and the  
amount that you are taking away is 10% higher than the amount specified in the legislation, so I  
2810 think this could be challenged,' and the greatest living Gibraltarian said, 'Well, if it is, I will come  
to the House and retrospectively change the Truck Act.' So much for good governance. I do not  
know what the hon. Member would have done if he had been in the GSLP in those days with the  
GSD on this side.

So the truth of the matter is that his criticism of a practice which in fact was defended by the  
2815 GSD Government as being in keeping with the way they do it in the UK ... He did not agree with  
my criticism. He said even if I was right he would simply change the law and make it right, but in  
any event he said, 'When the Chancellor in the UK stands up in Parliament and says what the  
changes are going to be, they are not legislated there and then.' I have not checked whether he  
was telling the truth, but that is a statement made in Parliament and he said that therefore the  
2820 concept of retrospectively giving legal cover to what had already been implemented  
immediately ... and of course one of the things why the measures in the Finance Bill, when there  
was a Finance Bill, or the measures in the Budget speech afterwards – not in our time because  
we introduced very few measures, but certainly in the time of the GSD – had to be brought in  
immediately for the reason that the Chief Minister has said, because if the Minister for Finance  
2825 or the Financial Secretary were to stand up in the middle of the Budget debate and say, 'And we  
are going to introduce legislation in six weeks' time after we have given six weeks' notice to raise  
the duty on a particular product' everybody would spend six weeks buying that product before  
the law was changed. So, in effect, once it is announced in Parliament it is introduced and then  
retrospectively put right, and it can be six weeks or it can be, in some cases, two years – and I do  
2830 not see why it should take two years to do it but you do not need to a Finance Bill to do that.  
The fact you have a Finance Bill is not what is wrong. What is wrong is that things should be  
increased before the law is changed that provides for that increase, and that is what I objected  
to on that side. But that is not what we did in 1988. That is what was done after 1996. So that  
can be changed; that is not sacred. *(Laughter)* **(Hon. Chief Minister:** What a conundrum!)

2835 Therefore, given the fact that there were two Members on the opposite benches who  
thought it was quite all right and it was not a lack of good governance – they were there all the  
time when it was happening – it seems to me that one of the things that one finds in the present  
political system is that Members behave as if they were independent; that is as if they had stood  
as independents, not as if they had stood in a party. Because we go to an election with a party  
2840 policy and certainly if we thought there was a huge democratic deficit and a lack of good  
governance and the equivalent of the absence of the Magna Carta and the possibility of a French  
Revolution repeating itself in Gibraltar, we would have put it in our manifesto if it was that  
important. *(Laughter)* It would not have been an afterthought when one year you decide you do  
not approve of spending and the next year you decide you do not approve of the raising of the  
2845 revenue. Well, the raising of the revenue and the spending of the revenue are the fundamental  
reason why parliaments exist.

The way that it was done on the initiative of the party to which the hon. Member belongs  
was to do it first and legalise it afterwards, a practice that has continued since 2011 but was  
introduced by them. It is all very well for the Hon. Mr Feetham to say, 'Well, look, if you find a  
2850 better way to do things, what does it matter if we did it wrong for 15 years?'  
**(Hon. D A Feetham:** What?) Well, except that this is not how party politics works. This is how  
collections of individuals in the Isle of Man or Jersey or Guernsey govern themselves. So  
tomorrow Mr Clinton, walking up and down Main Street with nothing better to do, thinks of  
something new, comes here and it now becomes party policy. I do not know if the leader of the  
2855 party who also was part of the Government that introduced this aberration –

**Hon. Chief Minister:** And fought elections against it afterwards.

2860 **Hon. Sir J J Bossano:** Yes, of course, and defended it when I criticised it. I do not know whether the leader of the party is as generous as the former-former leader of the party in being willing to accept changes just like that.

Presumably the Leader of the Opposition agrees that the GSD was wrong. Two Members who were in the GSD in Government agree that what they were doing was wrong. A former Minister who is the leader of the party now – *(Interjections and laughter)* I am afraid there is a party whip on this. *(Laughter and banging on desks)*

2865 So the answer is that if there is something that is necessary or something that is better, then of course there is no reason why we should not look at it and then make up our minds whether we want to do it or not.

Certainly it seems to me that from the moment that he started explaining the reasons for doing it he does not seem to understand that the thing that is really wrong is not what happened in 1988 but the thing introduced by the GSD. He seems to have convinced the two Members of the GSD. I do not know whether he needs to convince the greatest living Gibraltar

2870 Gibraltarian whose idea it was that his party is now accusing him of lack of good governance and lack of transparency. *(Interjection)* Yes, Mr Speaker, and you, because you are saying that it is a good idea to change something although it must have been a bad idea to introduce it.

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**Hon. D A Feetham:** No, no, no. That is why I wanted you to give way.

**Hon. Chief Minister:** No, he is not going to give way.

2880

**Hon. Sir J J Bossano:** Okay. So the answer is, Mr Speaker, that if they do it it is a good idea, **(Hon. D A Feetham: No.)** if we carry on doing what they started then it is a bad idea and it is lack of transparency, and if tomorrow Mr Clinton is no longer a member of the party and somebody else has a different idea then that becomes party policy at least for the bit of the party that is in the House – the bit of the party that is outside the House we do not know whether they would agree. *(Interjection)*

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So we have to make clear that, as the Chief Minister said, we are persuaded – and we did not need to be persuaded but we are persuaded – that there is every good reason and no good reason for delaying the time between the introduction of a measure and its legislative introduction. Indeed, in my view it should not be after the event, it should be before, but I was persuaded by the then Chief Minister that my view was wrong and that this is standard practice and that what we were doing was the way they did it in the UK Parliament and nobody suggested that the UK Parliament needed reform. Maybe he should have tried to reform them when he went there with me recently on that mission to the Public Accounts Committee, if it is indeed the case that they do it differently.

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I am not giving way, no. He has got the right of reply, Mr Speaker; he can answer me then.

So the position is that ... Let me make clear that on the question of the Social Insurance increases it has always been done by bringing a motion to the House and it was never done in the Finance Bill. Social Insurance is, in effect, money that is not available to the Government and is not money that is in the Consolidated Fund. So it is not money that is appropriated by Parliament; it is in fact a premium for an insurance policy for either employment or accident or old age. That is what it is.

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I do not see why it should be introduced first and the regulation changed afterwards and I felt very strongly that it was wrong that people should have the rate of insurance deducted from their pay packet without the legislation being changed. I think we should look at whether in fact we can make sure that the gap between the introduction of the new rate and the resolution that approves it and changes the rates in the House should be brought to the bare minimum, because in principle it seems to be wrong to me that people should be paying more insurance

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2910 and the law says that the insurance rate is not what is actually being deducted. I am not sure that the argument that the GSD put at the time was the correct one.

I think in terms of the Finance Bill the truth of the matter is that there would be an argument if we were in the business of fundamentally having to introduce big changes in tax increases, which fortunately we still do not have to do and hopefully we will still not have to do after Brexit, but certainly if that were the situation then I think we would have to review the way things get done if we were doing that. But when you are talking about the bulk of the changes being that you are reducing things, what is the great issue about not doing it? We are not actually providing the money that is going to be spent. In the majority of cases the things that are announced in the Budget are things that are benefits being given in the Budget and not things that are being increased in the Budget. If the hon. Member looks at all the recent Budgets, the things that have gone up have been very few compared to the ones that have come down and the Finance Bill was primarily a situation of covering deficits.

2920 In 1988 we were still in a situation where we were either having to raise taxation to cover recurrent deficits or borrow money to cover recurrent deficits. There is where the importance of the Finance Bill and the importance of the Financial Secretary came in, given that the United Kingdom felt that they needed their own guy to stop the locals from paying themselves too much or spending too much money, which might be a contingent liability on them. So the real role there was to keep the books balanced by introducing things that might have been unpopular. The tax on the razor blade was the historic one that brought the rebellion from all the elected Members when the Governor insisted on doing it.

2930 So I think for the reasons that I have put and the arguments that are put by my colleague the Chief Minister, the position is that we cannot support the Bill, but I certainly think that we should take a look at the Social Insurance side, which is the one I felt very strongly about. *(Banging on desks)*

2935 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I rise to say that I am going to vote for the motion, not necessarily because I agree with all of Mr Clinton's points but because I agree with the practice that prevailed before 1988 by whom I consider the greatest Gibraltarian of all time – our time and any time, Mr Speaker – as opposed to the practice that commenced in 1996 for reasons that by now I think are probably quite obvious to us all.

2940 So, unlike the GSD's response to my motion today which in part has tried to denigrate the value of my intervention, I am happy to set aside useless party agendas and vote for what I genuinely believe to be the best move on the whole.

2945 Thank you, Mr Speaker.

**Mr Speaker:** The Hon. Lawrence Llamas.

2950 **Hon. L F Llamas:** Mr Speaker, I do believe that we have ample time and opportunity to scrutinise the Government during the Budget debate on the measures that they introduce during that debate. However, it would make sense, let alone provide good practice, for changes requiring amendments to legislation to be made in tandem with the Appropriation Bill, or at least in a timely manner, as has been suggested by my hon. Member on the left. Whether this is through a Finance Bill or it is done as part of a schedule within the Appropriation Bill, I think whatever way could be decided, which obviously is not going to happen given the policy of the Members opposite ... I do believe that either way would satisfy efficiency and good governance.

I shall therefore be supporting this motion.

2960 **Mr Speaker:** Is there any other contributor to the debate? No, then I will call upon the mover to reply – that is the Hon. Roy Clinton.



**Hon. R M Clinton:** Mr Speaker, it is in fact gratifying to see the Chief Minister taking such an interest in a subject which he finds so boring, because taxation is hardly boring to the taxpayer for the very definition that they are the ones who have to bear the taxes that are introduced and signed off by him. *(Interjection by Hon. Chief Minister)* Oh, I see, yes.

2965 Well, Mr Speaker, turning to boring, there was actually nothing in his response to –  
*(Interjection)* Yes, well ... Mr Speaker, there was nothing in his response to my speech that  
actually convinces me that my arguments are wrong. In fact, he has said nothing at all, other  
than harping on for a good half an hour about how he goes up dreaming his Budget measures as  
to how this Parliament actually votes on these measures. He admits that the Budget debate is on  
2970 the Appropriation and certainly not on the Budget measures. So, whereas we can have a  
debate – if we wanted to, as he says – about the Appropriation and then the Budget measures  
themselves since, as he says, they go hand in hand, the fact of the matter is that we have no  
vote on them in this House other than the case when there is primary legislation. And he himself  
admits that it is really quite something to be behind on implementation of Budget measures into  
2975 primary legislation. He admits that on coming into office he found what I guess was a stack of  
measures that had not yet been introduced – and there is still a stack of measures that need to  
be introduced. As I said, there is one that has yet to come before the House.

I think that if anything comes out of this debate – and it is lamentable that I do not have the  
support of Members opposite – it is that we really need to do better. We need to do better  
2980 because we really cannot afford to have legislation playing catch-up with taxation. It is unfair to  
the taxpayer and it is frankly shoddy practice. As to whose shoddy practice it is I really do not  
care, Mr Speaker. I note the Hon. Father of the House being aghast at somebody having the  
temerity to basically suggest that perhaps the way things have been done in the past, regardless  
of party, is not necessarily the right way of doing things, and I certainly, for one, although of  
2985 course being a Member of the GSD for 30 years ... and, for the record, I only joined the executive  
in 2015 and the Hon. Mr Feetham will attest to that, so perhaps the Chief Minister will make a  
note of that to avoid any more confusion in the future.

The idea of offline communication – in fact the majority of his speech almost had a hurt  
feeling to it that I had not sent him an email, which he probably would not see anyway, or  
2990 written him a letter that he refuses to respond to in any case, or that I had not given him a call to  
say, ‘Look Fabian, Hon. Chief Minister, I have this fantastic idea – what do you think about it?’  
Mr Speaker, the reality of it is that as much as the Chief Minister opposite may encourage us to  
engage with him, the fact of the matter is that he does not want to engage with us. And even if I  
had engaged with him, I do not work for him, regardless of siren calls to become Financial  
2995 Secretary, which increase by the day –

**Hon. D A Feetham:** Yes, I thought that was a bit of a sneaky sort of offer there... calling for  
resignation.

3000 **Hon. R M Clinton:** Siren calls, Mr Speaker –

**Hon. Chief Minister:** It was no more than an invitation to choose.

**Hon. R M Clinton:** – [Laughter] Siren calls, Mr Speaker, to perhaps tender for the job, or even  
3005 perhaps more attractively cross the floor.

**Hon. D A Feetham:** Yes, exactly!

**Hon. R M Clinton:** I shudder, Mr Speaker! Now you know why they are called siren calls!  
3010 There is absolutely nothing in what he said in response that actually went to the heart of  
what I was saying in that we can and we should be doing things better, and a Finance Bill was a  
proposed solution to do that.

3015 But I will grant that he does accept that things should be better. We should not be playing  
catch-up. And, whether he agrees with me or not whether to do that via a separate Finance Bill,  
it is for him in Government to explain to the taxpayer why measures are being delayed. He  
himself brought the example to this House where taxpayers suffered loss because they assumed  
that tax measures had been passed into law and, as he and Sir Peter Caruana agreed, the law is  
the law until it is changed, regardless of how retrospective it is. And of course if you do not make  
it retrospective enough there will be a gap, as there was in the case the Chief Minister referred  
3020 to.

And so, Mr Speaker, I still have not heard a good reason from the Chief Minister as to why  
this is such a bad idea. In fact, we are only doing what was done in the past, and in fact this is  
still the practice today in Westminster. In answer to the Hon. the Father of the House as to how  
Westminster does this, it is not that the Chancellor gets up, makes a speech and that is it. The  
3025 House actually then passes a temporary resolution on the Budget measures as of ... They will  
take effect from midnight that night. So the Parliament actually votes on it and then the detailed  
legislation comes later. So there is actually a process whereby Parliament approves the  
measures and then they are debated later. In fact, the Parliament then has the right even to  
defeat specific measures if they do not like them.

3030 So, Mr Speaker, I am not trying to invent something that is unworkable, nor am I trying to  
invent something by way of criticism of the GSLP, the GSLP Alliance, the GSD or anybody else. All  
I am saying is that if we want, in a modern political system, to manage our tax affairs in a way  
that is recognisable outside this House, we really should have a measure such as the Finance Bill.

I would perhaps even accept, if the Hon. Father of the House was amenable to it, to put an  
3035 amendment in, if he so wished, to say that in cases where taxation is raised a Finance Bill is  
brought to this House. I accept lowering tax is not as offensive as raising tax and certainly would  
not raise blood pressure as much, but again the principle is the same: any alteration of tax  
should come before this House for debate. If you look in the Constitution, no one can bring a  
motion or a Bill to this House that has the effect of raising taxes other than with the agreement  
3040 of the Minister for Finance. And why, Mr Speaker? Because it is a very important matter; it is not  
something to be taken lightly.

Turning to the Father of the House, our Delphic oracle in person – long may he continue – he  
goes back to the origins of his encounters with the Financial Development Secretary and the  
neo-colonial setup that we had then and the question of emancipation of a people. And yes,  
3045 these are very emotive words, Mr Speaker, but the fact remains that the Finance Bill had  
nothing to do with our emancipation. Yes, they may have used it to raise taxes to cover deficits,  
but that is merely the methodology and does not necessarily make it a bad thing in itself. No, the  
problem is that by removing the Finance Bill ... and again I accept that he wanted to do it to  
retain flexibility and be swift on his feet, but it has removed the ability of this Parliament to  
directly vote on the tax measures. Again, I will repeat, we only vote on appropriation measures.  
3050 The Hon. Father of the House has said – and I quoted from *Hansard* – that we do not vote on the  
revenue-raising measures, we only vote on the expenditure. So even in the context of the  
Budget speech this House does not actually get to vote on the Budget in terms of the revenue-  
raising measures or any tax changing measures, we only vote on the appropriation of  
expenditure from the Consolidated Fund and even when the Chief Minister goes back to No. 6 in  
his nice shiny Tesla G1 and signs off all those regulations, fine, he has stood up in this House and  
made a pronouncement but we certainly have not passed those tax measures into law until  
sometime in the future. It almost seems like some time in the past, but then I would be talking  
about *Star Wars* and we do not want to go there. Sometime in the future someone may decide,  
3055 'Oh, look, we forgot to pass this primary legislation on the rates.'

I agree with the Hon. Father of the House in terms of retrospective measures. You cannot tax  
people without a law. Again, it goes back to the whole reason why we are here. There has to be  
legal certainty.  
3060

3065 As regards the 10 commandments, Mr Speaker, I do not think it is in the GSLP manifesto – but I am sure it will be next time – as to whether it is deemed a holy grail of the GSLP mantra not to have a Finance Bill. I frankly would be surprised to see that there, but no doubt it will be there next time round.

3070 I do not see how it detracts from the business of this House to have a Finance Bill, Mr Speaker. It can only make things better, and in fact the Father of the House himself just said it is the fundamental reason why parliaments exist – it is about taxation, the raising of revenues and the spending of money; that is what we are here to do. At the moment, we only seem to be doing half of that – we are looking at the spending of the money but we are not looking at the tax measures and I think that should be redressed. It is in fact sad that the Father of the House feels that he has to obey the party whip and not be free.

3075 And so I detect there are grudging areas of agreement on both sides of the House in that I think that – (*Interjection by Hon. Chief Minister*) Well, look, if the Chief Minister wants to go to sleep he can feel free to do so. I certainly will not miss his contribution to this debate because he might as well not have been here.

3080 Mr Speaker, what I think I am detecting across the House is there is a grudging acknowledgement (**Hon. Chief Minister:** No.) that things could be better – it could be better – and the fact is that they, for whatever party mantra reason – this is the way it has always been done, how dare you suggest we do anything different – will refuse to accept this motion on its merits. It is sad that in this Parliament we feel we have to obey 30-year-old dogmas just because that is what is written in the GSLP 10 commandments – or not, as the case may be.

3085 We in this Parliament are here to legislate for the people of Gibraltar in taxation matters and other matters and I think we are not doing our duty if, certainly on the measures on taxation and their variations, we do not bring a Bill to this House and debate the measures in this place.

And so, Mr Speaker, I commend my motion to the House.

3090 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. Roy Clinton. Those in favour? (**Members:** Aye.) I take it the seven Members on the Opposition benches are voting in favour. Those against? (**Members:** Aye.) There are nine Members of the Opposition, one Member is absent, the motion is defeated.

#### **Congratulations to the Gibraltar Football Association**

3095 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to be generous in my repost before I adjourn, and I congratulate the Hon. Member in wiping the House clear of anyone who might have been in the Gallery to listen, and congratulate him for having been able to join a party 30 years ago that was formed 28 years ago.

3100 But anyway, before we end, on a more convivial note I am sure the whole House will want to join me in congratulating the GFA for its great victory yesterday at Victoria Stadium, when they won their first match as members of FIFA, 1-0. (*Banging on desks*)

#### **Good wishes to Team Gibraltar at Commonwealth Games**

**Chief Minister (Hon. F R Picardo):** Second, Mr Speaker, before I round up, I saw that today Team Gibraltar is on its way to the Commonwealth Games in the Gold Coast. They go, of course, with the wish of the best of Gibraltarian luck from no doubt all Members of this House. I was invited to attend, but given the recent birth of my young daughter I will be ably represented by

3105 the Deputy Chief Minister in the Gold Coast and I am sure that all of us will want to see Team Gibraltar come back with as many medals as possible.

I end adjourning the House *sine die*, wishing all Members on both sides of the House a very happy Easter and one in particular a very happy Passover and also all other members of her community.

3110 Mr Speaker, I now move that the House should adjourn *sine die* and that the force should be with all of us. (*Laughter*)

**Mr Speaker:** The House will now adjourn *sine die*.

*The House adjourned at 8.27 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.30 p.m. – 18.08 p.m.**

**Gibraltar, Friday, 18th May 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.30 p.m.*

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

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Friday, 18th May 2018.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the  
5 last meeting of Parliament, which was held on 16th, 22nd and 26th March 2018.

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

*Mr Speaker signed the Minutes.*

## COMMUNICATIONS FROM THE CHAIR

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

10

**Mr Speaker:** Owing to the unavoidable absence of a number of Ministers – including the  
Chief Minister, who is at this moment on his way back to Gibraltar – the House will now recess  
15 until five o'clock this afternoon, which should give the Chief Minister in particular an opportunity  
to get back. The House will recess until five this afternoon.

*The House recessed at 3.33 p.m. and resumed at 5 p.m.*

**Re-admission of Hon. Lawrence Llamas to GSD –  
Statement by Hon. E J Phillips**

**Mr Speaker:** Earlier this week I received formal notification from the Leader of the Opposition that the Hon. Lawrence Llamas was re-joining the official Opposition, and the Hon. Elliott Phillips has indicated that he would like to make a short statement on the matter.

20 **Hon. E J Phillips:** I am grateful, Mr Speaker.

I rise in order that this House do hereby recognise and acknowledge that the Hon. Member Lawrence Llamas has formally, by vote of our executive, been re-admitted to our political family. It is therefore with pleasure that I confirm that he falls within the party's whip.

25 In the last few months, Mr Speaker, since the election of our new leader, the party has gone from strength to strength in recruiting and reaching out to former members and new –  
(*Interjection by Hon. Chief Minister*) Have you quite finished?

**Chief Minister (Hon. F R Picardo):** No, I think I could be laughing for [*inaudible*].

30 **Hon. E J Phillips:** Mr Speaker ... reaching out to former members and new contributors and it has been exciting to be part of that renewal. We are excited about the upsurge in political activity amongst our younger members, who are committed, bright and enthusiastic about our renewal and are passionate about Gibraltar and how we can do things better.

35 The hon. Member's return – (*Interjection by Hon. Chief Minister*) Do I need to raise my voice, Mr Speaker, in order to drown out the noises across the other side, or is Mr Speaker going to intervene? (*Interjection by Hon. Chief Minister*) Mr Speaker, the hon. Member's return is a positive step in the right direction and his work on the street cleaning campaign and his education initiatives are demonstrative of the good work that has been done during his time out from the GSD.

40 None of us, Mr Speaker, emerge from the wombs of our mothers as perfectly moulded politicians – save, I suspect, for one person, the Father of the House, recently knighted, Sir Joe Bossano – and therefore I am sure we all appreciate that sometimes things happen in political life that are regrettable, or people would have done things differently on reflection. It is a sign of deep political maturity and understanding of our core values that has ultimately made political  
45 engagement on this subject easier. The decision was a hard one but it is one which, in our view, was necessary.

50 It is right to reflect on the positive nature of the party's leadership in achieving this outcome, as well as recognising that there is one individual amongst us who deserves the respect of all, in my view. My hon. Friend Mr Feetham is a robust and consummate politician and a person with whom I have great professional, personal and political respect. The hon. Member continues to discharge his responsibilities to our community seriously and with the determination of a pit bull, and I for one look forward to his continued erudite and lively contributions in this place. Mr Feetham is unequivocal in his support for the party leader's agenda and, given the history, his support is the mark of the man and I applaud him.

55 Mr Speaker, we as a party have always put Gibraltar first and we are entirely focused on providing our community with constructive and critical opposition. Therefore, on behalf of Her Majesty's Opposition, I welcome Mr Llamas back to the fold and look forward to his contributions from these benches. Welcome back home.

60 **Mr Speaker:** Chief Minister.

**Hon. Chief Minister:** Well, Mr Speaker, it would appear that the game of musical chairs continues and that it is now becoming normal on the other side for people to play a game of political hokey cokey: in out, in out.



65 I rise to say that we shall, of course, be amending the motion which is before the House to include Mr Llamas in other select committees which he should have been on if he had continued as an independent Member, and we shall use that motion as amended, when the time comes, to remove him from the Brexit Select Committee. He contacted me to tell me that he expected that to be the case and of course it will be.

70 But, Mr Speaker, given the things that the hon. Member has said, we must reflect on the things that they said a few months past in relation to the motion that we put, some of the things that were said about the hon. Member and some of the things which the hon. Member said, because those things are indelibly imprinted in the collective political memory of this community.

75 The Hon. Mr Llamas accused the GSD of hypocrisy, of deplorable actions, of being confused and, under its current leadership, of being misled. Those are the things not that we say of them; those are the things he said of them. But he has gone back home now, like the prodigal son.

The things that were said of him, Mr Speaker, was that he was as if among a pack of wolves. Well, the wolves have now become pit bulls – a dangerous dog, as I understand it, under our laws. But never mind – I suppose that whoever drafted that sentence wanted to reflect praise but at the same time the fact that this particular breed is illegal and put to one side.

80 Mr Speaker, this is now the politics of anything goes, the politics of post-democratic principle or PDP for short.

85 Anyway, the hon. Gentleman said that Mr Llamas returns to his political home. I suppose that they are a broad church – so broad a church that they include more than one denomination, it would appear, and that the whole of the past few months is as if we were replaying that magnificent episode of *Friends* when Ross and Rachel got back together and just said, 'But we were on a break!'

#### Procedure re making Statements to the House

90 **Mr Speaker:** Let me make one matter clear, insofar as the Standing Orders of the House are concerned. This exchange of statements has been under Communications from the Chair. I am not going to allow that to become a precedent. When I have something to tell Parliament under Communications from the Chair, that is it: Members do not have a right to say anything then – certainly not to challenge me – unless they are prepared to move a substantive motion. That is the only way that it can be done. I am not going to allow, in the future, exchanges of this nature.

95 Statements can be made by Ministers and are made by Ministers by moving a suspension of Standing Orders. Insofar as other Members are concerned – in fact, insofar as Members generally are concerned – the only way that they can make a statement is if it is one of a personal nature. The statement made by the Hon. the Leader of the Opposition, I told him earlier today, is not a personal statement, it is a political statement, and therefore I have, as a matter of courtesy only, allowed him to make it. But it is not a precedent and I will not entertain any such proceedings in the future. It is inappropriate, certainly under Standing Orders, for the kind of statements that we have just had and I will not allow it in the future.

100 Let's carry on.

Papers to be laid

105 **Clerk:** (iv) Petitions; (v) Announcements. (vi) Papers to be laid – the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the table the Report and Audited Accounts of the Gibraltar Electricity Authority for the financial year ending 31st March 2016.

Mr Speaker, I have the honour to lay on the table the Annual Report of the Parole Board for the years 2016 and 2017.

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

### INFRASTRUCTURE AND PLANNING

Q323/2018

**Redibike Scheme –  
Number of users**

110 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
We commence with Question 323. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, further to Question 587/2017, for the Redibike Scheme, can the Government provide a daily schedule with the number of users who have used the service since October 2017 inclusive?  
115

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over.

#### Answer to Question 323/2018

Oct-17		Nov-17		Dec-17		Jan-18		Feb-18		Mar-18		Apr-18		May-18	
Day	Rental	Day	Rental	Day	Rental	Day	Rental	Day	Rental	Day	Rental	Day	Rental	Day	Rental
1	6	1	0	1	1	1	3	1	0	1	0	1	3	1	1
2	4	2	0	2	2	2	2	2	2	2	0	2	9	2	2
3	1	3	0	3	1	3	1	3	5	3	0	3	2	3	0
4	1	4	8	4	0	4	0	4	0	4	0	4	0	4	0
5	3	5	1	5	1	5	1	5	2	5	2	5	4	5	1
6	1	6	1	6	0	6	4	6	2	6	0	6	2	6	2
7	7	7	1	7	1	7	1	7	0	7	1	7	3	7	5
8	5	8	1	8	4	8	0	8	1	8	3	8	3	8	1
9	3	9	1	9	5	9	1	9	6	9	5	9	2	9	3
10	1	10	1	10	0	10	2	10	7	10	0	10	0	10	1
11	2	11	6	11	1	11	0	11	7	11	0	11	1	11	
12	2	12	1	12	3	12	5	12	1	12	0	12	1	12	
13	6	13	1	13	2	13	3	13	1	13	0	13	0	13	
14	4	14	3	14	4	14	1	14	2	14	0	14	4	14	
15	5	15	3	15	3	15	2	15	1	15	1	15	3	15	
16	1	16	1	16	3	16	4	16	4	16	1	16	0	16	
17	2	17	0	17	0	17	1	17	4	17	0	17	1	17	
18	1	18	5	18	0	18	0	18	6	18	1	18	0	18	
19	0	19	3	19	0	19	5	19	0	19	0	19	2	19	
20	4	20	0	20	0	20	11	20	1	20	0	20	0	20	
21	4	21	1	21	3	21	6	21	0	21	1	21	0	21	
22	7	22	0	22	0	22	5	22	1	22	1	22	0	22	
23	1	23	2	23	4	23	1	23	7	23	0	23	0	23	
24	0	24	1	24	3	24	3	24	9	24	2	24	2	24	
25	1	25	5	25	4	25	0	25	0	25	1	25	0	25	
26	3	26	3	26	1	26	0	26	1	26	0	26	1	26	
27	0	27	0	27	1	27	9	27	0	27	2	27	1	27	
28	3	28	0	28	0	28	1	28	0	28	2	28	1	28	
29	0	29	0	29	4	29	2			29	0	29	2	29	
30	1	30	2	30	2	30	0			30	1	30	6	30	
31	3			31	2	31	0			31	3			31	

**Q324/2018**

**Clamps and fixed penalty notices –  
Number of clamps placed on foreign vehicles;  
Fixed penalty notices issued to foreign and local vehicles, number rescinded**

**Clerk:** Question 324. The Hon. T N Hammond.

120

**Hon. T N Hammond:** Can the Minister say how many clamps have been placed on foreign vehicles, by month, since the beginning of September 2017?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

125

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Questions 325, 326 and 327.

**Clerk:** Question 325. The Hon. T N Hammond.

130

**Hon. T N Hammond:** Can the Minister say how many fixed penalty notices for parking offences, by month, have been issued to foreign vehicles since the beginning of September 2017?

135

**Clerk:** Question 326. The Hon. T N Hammond.

**Hon. T N Hammond:** Can the Minister say how many fixed penalty notices for parking offences, by month, have been issued to local vehicles since the beginning of September 2017?

140

**Clerk:** Question 327. The Hon. T N Hammond.

**Hon. T N Hammond:** Of the total number of fixed penalty notices issued since the beginning of September 2017, how many have been rescinded as having been incorrectly issued?

145

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Hon. P J Balban:** Mr Speaker, I now hand over a schedule with the information requested.

**Answer to Questions 324-327/2018**

Month	Clamps to Foreign Vehicles	FPNs to Foreign Vehicles	FPNs to Local Vehicles
Sep-17	239	320	1722
Oct-17	198	290	1847
Nov-17	155	174	1764
Dec-17	97	131	1262
Jan-18	93	155	1563
Feb-18	175	232	1987
Mar-18	71	123	1148
Apr-18	91	238	1892

150

Since the beginning of September 2017 a total 933 Fixed Penalty Notices have been cancelled.

**Hon. T N Hammond:** Mr Speaker, if I may just return one moment to Question 323: I ask simply whether the Minister has available to him, and I understand if he does not – whether he knows how many bikes in total are available within the Redibike Scheme.

155 **Hon. P J Balban:** Mr Speaker, I am not entirely sure. I think it is around 100, but I would need to get back to him if he wants a specific and accurate reply to that question.

**Mr Speaker:** Is there any other supplementary arising from that schedule?

**Q328/2018**  
**Pay and display –**  
**Times and locations of unserviceable machines**

**Clerk:** Question 328/2018. The Hon. T N Hammond.

160

**Hon. T N Hammond:** Mr Speaker, can the Minister provide a schedule for the times and locations that pay and display machines for public parking spaces have been unserviceable?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

165

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over.

**Answer to Question 328/2018**

Pay & Display Machine Location	Dates out of service
Romney Huts car park	19-23 March 2018
Landport	2-8 April 2018
Ragged Staff	2-8 April 2018
Portland House	22-28 January 2018
Airport (Zone A)	12-26 February 2018
Airport (Zone B)	2-8 April 2018
Mid-harbours Marina	26 March — 1 April 2018
Line Wall Road	1-7 January 2018
Watergardens	2-8 April 2018
Grand Parade	1 January — 7 May 2018
Rosia Road	5-11 March 2018
Bayside Road	22 January — 18 March 2018

170 **Hon. T N Hammond:** On Question 328, the parking pay and display, I presume the dates from which the machines are dated as out of service are from the times at which the machines were reported, because clearly the Minister or his Department cannot know until they are reported. So could the Minister just confirm that that is correct?

175 **Hon. P J Balban:** Mr Speaker, that is right. It is either at the time when a user may complain that the machine is not working properly or when the person responsible for checking and auditing the machines himself goes out and realises the machine is not working properly – so either of those two scenarios.

180 **Hon. T N Hammond:** And, in general, is there a type of fault that tends to occur with these machines, or are they completely disparate, completely different things on every occasion? Does a coin get stuck and is that often a fault? I only ask if the Minister is aware; he may not be, I understand that.

185 **Hon. P J Balban:** Mr Speaker, there is a vast array of reasons why the machines may malfunction. I would not be able to give him the exact reasons on this occasion, but they could range from paper jams to coin hopper full, to other more technical issues with communication and with the 4G system etc.

190 **Hon. T N Hammond:** Mr Speaker, I know the machine in Grand Parade – or certainly a machine in Grand Parade – was unserviceable for in excess of four months. Is the Minister aware of why that machine took so long to repair?

195 **Hon. P J Balban:** Mr Speaker, the report I got back from that one – I did ask – was that there was a major malfunction. The machine was returned to the manufacturer's head office. It was then returned to the location, where it still failed to work, and therefore an engineer was actually sent out and the problem was finally established as a communication issue with the 4G antenna; and since then it was replaced.

200 That was an example of a major fault whereby a machine could not be set to work locally. It was sent abroad to be fixed, it came back and the technicians had to come to the fact they had missed the error was something to do with the local communications system and not the machine itself.

205 **Hon. T N Hammond:** Possibly a cheeky question from my perspective, and I know this will be available in the public domain but I am going to ask the question just the same: if a machine is unserviceable, would I be correct in presuming that the parking spaces remain available but effectively cannot be paid for, so they become free parking spaces?

210 **Hon. P J Balban:** Mr Speaker, there are two machines in every single location, so if one machine fails to work there is another machine that would work. There have been very few occasions indeed when both machines have been out, and if they have been out they have been for a very short time indeed within that specific day, but it is, in theory, possible that those machines could be out, and obviously we are alerted to that. Some of the latest machines actually will transmit the error straight to base. The brand new machines have that facility, so we get to hear very quickly that they are out of order or that something has happened with them. But in theory, if both machines broke, for the whole given day clearly cars would park and they would not be expected to pay if there is no way of doing so.

215 **Hon. D A Feetham:** Mr Speaker, unfortunately, I do think that these figures underestimate the nature of the problem, certainly at the Romney Huts car park, where I attempt to park virtually every single morning, so therefore I speak from personal experience.

220 Yes, there are two machines at Romney Huts car park: there is one as you come in that accepts the new pound coins, and there is one at the very end that accepts the old pound coins. In other words, the machine as you go in accepts new pound coins but not the old pound coins, and the one at the end accepts old pound coins but not the new pound coins. Also, the one at the end accepts credit cards, whereas the one at the beginning does not accept credit cards.

225 These machines have been problematical because every single time that it rains there is a problem with the machines, and where there have been significant problems as well, I can tell the ... Well, I am asking is he aware that there are significant problems with the credit card payment facility in relation to this one machine at the very end, because of course professionals who bring their cars in – indeed, other members of the public as well ... It is very rare that you go

230 around with a huge number of coins in your pocket from the day before, particularly if you are  
parking there habitually every single day. You do not hog coins every single day. Certainly I do  
not; I have got other things on my mind. (*Interjections*) I have things constantly on my mind – I’m  
a very conscientious fellow, I have to say. Therefore, you rely on credit cards. This machine has  
been consistently unreliable in relation to credit cards. (**A Member:** Both of them.) Both of  
them. It has been consistently unreliable in terms of you put in two pound coins, for example,  
235 but you cannot put a third in or a fourth. This is the type of nightmare that is facing certainly the  
members of the public who wish to park at this particular car park. Is he aware of that? And if he  
is not aware of it, what is he going to do in terms of finding out whether the veracity of what I  
am saying to the hon. Member across the floor of this House is correct or not – which I am  
absolutely certain is?

240

**Hon. P J Balban:** Mr Speaker, we could do with someone like him to check the machines  
regularly, because that would give me ... Clearly he uses the machines on a daily basis, so he is  
probably more of an expert than I am.

245 One thing I will say, though, is the credit card machines are quite novel for Gibraltar, this way  
of paying for parking at pay and displays, because that was only a recent development that we  
have added. The new machines are fully capable of credit card facilities for that very reason –  
because you do not want to carry around lots of coins in your pocket.

250 Gibraltar is a very unique place; not only do we accept the Gibraltar pound, we accept the  
euro coins as well, and then we have our local pounds and UK pounds as well. So the machines  
unfortunately do sometimes struggle with coins; it is a complaint I have heard of. The new  
machines now filter out ... They will accept the Gibraltar coin as a third currency, so to speak –  
they recognise the weights of the different coins – but they have caused difficulty in certain  
respects.

255 The problem of the credit card issue, I do not know. I am always on top of looking at figures  
and looking at how machines are performing, and complaints do come to the Ministry, as they  
do to the Department itself and the company but I would most definitely have a look at that  
with interest. Obviously, I accept that as a report and I will find out and see whether I can get to  
the bottom of what happened. (*Interjection*)

260 **Hon. D A Feetham:** Well, Mr Speaker, can I publicly as well acknowledge the sterling work of  
Minister Licudi’s former PA, Pepi Lopez. I gather that she is a GSLP member who organises the  
parking there – Romney Huts car park – excellently every morning and directs everybody to the  
appropriate number to phone to make complaints every time there is something wrong with  
these machines, and I can tell the hon. Gentleman that it is something that happens on a daily  
265 basis.

Mr Speaker, comparing machines – in fact, the machine at the small boats marina works  
perfectly. There is one there that works on credit cards. You have got to tab in the registration  
number of the car and it is fantastic. That is never broken – I do not know whether it is because  
it is a newer machine, but if I can urge the Government to effectively install that type of machine  
270 at Romney Huts car park, which is a much more used car park than the small boats marina, then  
I think that would be a constructive move in the right direction.

275 **Hon. P J Balban:** Done, Mr Speaker. Ten machines arrived literally this week. You are  
absolutely right, they are new machines. These machines work extremely well, but  
unfortunately they are subjected to a lot of beating, not only with weather and use, but we have  
seen people who have put coins in ... or they rap the coins on the side, they bang the machine  
and all sorts of things.

280 The one thing you mentioned – and I am fully aware that you park your car there, because  
when we do our business I have noticed your car parked there, and they do work in the small  
boats marina. (*Interjections*) Yes, those are the latest machines, the latest technology, and those

are the new machines that we are installing throughout Gibraltar. They will be, hopefully, *in situ* in a relatively short period of time.

285 **Hon. R M Clinton:** Mr Speaker, in the course of the exchanges the Minister has had with my colleagues as reference these new machines and the collection of the registration number of the car itself, I was wondering if the Minister could explain to the House what is the need to collect this data.

290 **Hon. P J Balban:** Mr Speaker, I asked the same question and the reason I was given is because it links the payment to a specific vehicle, so you cannot pass over credit to another vehicle – for example, if you have paid £10 and you have decided you have to rush off and you have ended up using just one hour, you then pass it on or sell it on to the person who comes your way. This is the way these machines are designed in the UK and we have the same system in Gibraltar. It ties the payment to the car.

295 **Mr Speaker:** Any other supplementary?

**Hon. T N Hammond:** Just one more from me, Mr Speaker.  
Reference the latest machines that have arrived, is the Minister aware whether they function with SMS, so if you are running late you can actually text an advance to the machine, as we see in many other cities around the world?

300 **Hon. P J Balban:** Not yet, Mr Speaker. We are looking at different technology completely, as they do not run off that sort of machine. That is very interesting technology. It comes with smart IT technology and that runs through telephone systems and apps linked to telephones. It is something that we are actively pursuing as the way forward and obviously we have exciting innovations up our sleeves for the future.

**Q329/2018**  
**Commercial vehicles –**  
**Parking in public car parks and parking spaces; MoT and emissions testing**

310 **Clerk:** Question 329. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, what is the Government's view on the parking of vehicles for the purpose of conducting business in public car parks or in public parking spaces?

315 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Question 330.

320 **Clerk:** Question 330. The Hon. T N Hammond.

**Hon. T N Hammond:** Can the Minister confirm that commercial vehicles are subject to exactly the same MOT requirements as private vehicles and that all are subjected to emissions testing?

325 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Hon. P J Balban:** Mr Speaker, with reference to Question 329, I would be grateful if the hon. Member could elaborate as to the manner of business that he is referring to. I would be very happy to furnish him with all the information at my disposal at a later date, although the conduct of business on the public highway may not necessarily fall under my remit as Minister for Transport and Traffic. As he may be aware, there are a number of forms for conducting business in public parking spaces.

With reference to Question 330, the answer is no, all commercial vehicles are tested one year after the date when the vehicle was first registered and thereafter annually, while private motor vehicles are tested four years after the date of first registration and thereafter biannually. Date of first registration is defined as date first put into service, whether in Gibraltar or elsewhere.

Exhaust emissions for all vehicles have always been part of the roadworthiness test. Furthermore, the Motor Vehicle Test Centre has purchased one new emission testing machine, commonly known as a smoke meter, and they are in the process of ordering two more smoke meters. These machines meet the requirement of Directive 2009/40/EC on periodic roadworthiness tests, which comes into force on 20th May this year.

**Mr Speaker:** May I elucidate one matter: in answer to Question 330, the Minister said ‘private motor vehicles ... four years after the date of first registration and thereafter biannually.’ Every two years is not biannually. Biannually is twice a year, every six months. I am a maths teacher by profession, but I think I should also correct the English when it is wrong. It should be biennially – every two years, biennially – not biannually.

**Hon. P J Balban:** Thank you, Mr Speaker, absolutely right. I will ask my staff. I was just reading off the paper, but you are absolutely right, it is every two years as opposed to every six months. *(Interjection by Mr Speaker)* Thank you.

**Hon. T N Hammond:** Mr Speaker, thank you.

Returning, if I may, to Question 329, I do understand that there are many purposes to which businesses may wish to conduct business on the public highway, in public car parks and in public parking spaces, which is why I referred the question to Government in general rather than a specific Minister.

On this occasion I think the Minister may be able to elaborate on elements of the type of business. For instance, in Grand Parade I know a lot of vehicles appear to be parked for sale. It is possible or likely that those vehicles are being sold by a particular business. What is Government’s view? Are those spaces paid for by a business, or does the business have a permit to use those spaces? How does that system work?

**Hon. P J Balban:** Mr Speaker, it is perfectly legal to place a private car on the public highway and advertise it for sale. How it is done specifically ... I do not know whether these vehicles are ... I cannot prove whether they all come from the same company, from one company, or they are individual sellers; or, if it is regarding the business which he is alluding to, how they are conducting their business in that respect – we would have to look at that. But it has been reported to me that the numbers that you call to ask about a vehicle are not necessarily the same number. So, if for example you had an advert with a company logo on it and phone the same number, then clearly you can assume that it is a business selling second hand vehicles on a public highway or in a car park, but I do not think that is the case. I do not really know exactly – and each specific case, I suppose, would be different; I have never sold a vehicle in that respect – whether that car still belongs to the individual and is being sold for that person and remains in that person’s name, or whether the car has been transferred to the person who the vehicle has been passed on to and now it is the property of the company. So again I think it is a very difficult question to reply to accurately in that respect.



**Hon. T N Hammond:** I appreciate that any private individual can place a notice on their car that it is for sale. However, it would appear to me to be more than a coincidence that in Grand Parade at the moment, previously on Ragged Staff, we have 18 or 20 vehicles all parked alongside each other, all for sale, but we do not see similar activity in other places of Gibraltar, so the random odd vehicle ... which is why it strikes me that it may be for business purposes.

I understand the Minister telling me that because there are different numbers it is difficult to investigate, but is it something that is worthy of investigation just to assess whether this is a business that is driving this practice? Surely it cannot be reasonable for a business to use public land to sell its business without an appropriate permit to do so. To make money out of public land in that way would seem to me inappropriate. Is it something that the Minister considers should be investigated by his Department?

**Hon. P J Balban:** Mr Speaker, clearly if it is one business conducting their business in a car park, then obviously it is something that needs to be looked at, as to who the vehicle is registered to, which I think is key to what the question is. If the vehicle is still registered under the person who has insurance and the logbook is in that person's name, is it a private vehicle or has he sold that vehicle to the company; and if the company is advertising, then the responsibility, should there be an accident, now falls with the company.

So it is a difficult one to get to the bottom of, but I will say, if it is of any of any use, as we progress with the residential parking scheme, naturally this practice could well cease because you would only be able to park that vehicle in the place where it resides. The plan at the moment for Grand Parade, the area in question that you are asking about, is white area, which is free parking, and as it is free parking anyone has a right to park there. As the schemes start developing, the use of that white parking may change in that respect.

But definitely I think if it is one company operating and conducting their business from a public area, then I think it is something which affects other users and other people wishing to park. I just do not know how easy it is to clamp down on that because we would need to check who the vehicle is registered to and whether it is actually a company selling it on behalf of someone else, or whether it is a company selling their own property.

**Hon. D A Feetham:** Mr Speaker, I think this is an important topic. In fact, the hon. Member, when he was explaining and justifying the multitude of parking spaces at Ragged Staff when we were complaining, 'Well, look, there are empty spaces there and they don't seem to be taken by zone 2 residents: what are you doing about it?' one of the things that the hon. Gentleman said, apart from, 'Well, it's at an early stage – let's see how it works out,' is that before, there used to be a number of cars there that were for sale – whether it was private business or whatever, they were there and they were parked almost on a permanent basis in a public parking space, taking the space from others who would use them.

Does he not agree with me that that is a practice that is potentially abusive, and that therefore if it is potentially abusive any Government that really wants to tackle the parking problem in Gibraltar has to tackle that kind of abusive practice, and that it would be entirely right for a Government to consider whether it should legislate in order to prevent it across the board? I know that it would be difficult, because you would have to do it across the board, because it is very difficult, for the reason the hon. Gentleman outlined in his answer to my friend, Mr Hammond, to determine whether it is a business or whether it is a privately owned vehicle, because in fact it could be a business but the logbook is still in the name of the private individual. But I think it is entirely proper, and does he not agree that it is entirely proper for the Government to consider whether it should legislate across the board in this area?

**Hon. P J Balban:** Mr Speaker, I will most definitely take that into account. It is something which I am aware of. The company that you are alluding to is clearly the one that works in the area. This does happen in other areas of Gibraltar with other businesses, because they are

430 servicing vehicles, or whatever. If it is abusive in nature, then it is something which we would look at.

I think there are many things to tackle in terms of parking. It is not just one thing. There are a myriad of things that need to be looked at and I think it is only reasonable to accept that this is also something that we need to look at as well, apart from all the other aspects, but obviously I think it is something that needs ... I do accept that people could consider that ... and obviously it is clear what that side of the House would do if they were on this side, and obviously I will –

**A Member:** We don't have to do that just because they say so.

440 **Hon. P J Balban:** No. Yes, so it is something I am ... But it is clear from our side that obviously I am looking at every single thing regarding traffic and it is something which I am well aware of too.

**Hon T N Hammond:** Mr Speaker, in order that this discussion does not appear to revolve around a single business, I would just like to add, and the Minister has mentioned the fact, that business activities do take place in other areas. I would like to refer specifically to the Catalan Bay car park, which frequently appears to have vehicles parked there, being serviced, being repaired, and as we approach the summer, clearly those parking spaces that are taken up by a business – if the business has no right to use those parking spaces, either through permit or other means – would be invaluable as public parking spaces, because access to the beach does become very difficult.

450 Would the Minister similarly consider looking at the issue of the Catalan Bay car park and ensuring that the public parking spaces there are available to the public as opposed to business?

455 **Hon. P J Balban:** Mr Speaker, it is a widespread thing. It happens in Catalan Bay car park, it happens in others – I have just referred to the places that you have mentioned. There are mechanics at work on the street, there are others who store things in vehicles, there are others who wash cars in public parking spaces, others who put cars on sale; it is something which happens.

460 One of the tools which is at our disposition, that we use effectively, I think, is that of street cleaning. By street cleaning as often as possible it causes major disruption to businesses if they are operating from the car parks. In that respect it disincentivises that sort of behaviour. Clearly, if we could street clean every single week, for example, I do not think businesses would be interested in operating in that way. But it is something which street cleaning does tackle.

465 Obviously, we are very well aware of these practices and obviously we will consider ways in which we can assist in this respect.

**Hon. T N Hammond:** I do understand that street cleaning is clearly disruptive of a business that may be conducting activity on the public highway or in public parking, but the fact is it is public parking and surely it should be available to the public – and therefore a more direct means of confronting a business that is conducting activity in this place might be more appropriate. Would the Minister agree with me?

475 **Hon. P J Balban:** Mr Speaker, as I said, I think it is a problem that we are very well aware of and there are so many things that are being tackled as part of the traffic plan, as part of traffic, it is just another thing that needs to be looked at and tackled. It is another one of the myriad of items that we need to find time to tackle.

480 At the moment, we are progressing with other residential parking schemes, which is taking a vast amount of time from the Department, apart from many other projects as part of the STTP, so it is not something which is critical at the moment but it is definitely something that we are aware of and that we will need to give time to in due course.

**Q331/2018**

**Devil's Tower Road car parks –  
Income from White Fleet vehicles**

**Clerk:** Question 331. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, what income is derived by Government for the parking of  
485 White Fleet vehicles at the Devil's Tower Road car parks?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, annual income  
490 derived for Devil's Tower Road car park for parking of White Fleet vehicles is: from Gedime,  
£30,276; and from Bassadone, £108,000.

**Clerk:** Question 332. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, may I just go back to Question 331 briefly, the previous  
495 question? Very briefly, Mr Speaker, would the Minister be aware of how many parking spaces  
those companies occupy within those car parks?

**Hon. P J Balban:** Mr Speaker, I do not know whether they actually work a car per space or  
500 whether they take up an area and they may perhaps be fitting three cars in the space of two.  
Because they are using that area exclusively, they have ways and means of perhaps jumping  
through windows into other vehicles to get them out. I do not think it is space per parking, so it  
would be difficult to ascertain.

Roughly, there may be ... Do you need to know numbers of cars or numbers of parking  
505 spaces?

**Hon. T N Hammond:** Number of cars would be –

**Hon. P J Balban:** Approximately, I think there are at least a couple of hundred for Bassadone  
510 and just a fraction of that for Gedime, but I will need to find out. It is areas, I think, that is  
more ... They fit as many cars into that area as possible.

**Chief Minister (Hon. F R Picardo):** But that is going to finish; that is going to end.

**Hon. P J Balban:** Mr Speaker, this was a temporary arrangement which was made to  
515 maximise usage of the car park at Devil's Tower Road, because when we took office in 2011 we  
found those floors which were underutilised and it was felt it made good sense for the taxpayer  
to put those to good use, and I think that has in fact been the case. Now, as we look towards the  
near future, this will end because the companies will be relocating to other areas that they are  
520 purchasing. That will now release the parking spaces down in that car park for us to use in a  
different fashion.

**Hon. D A Feetham:** Mr Speaker, may I ask for the air conditioning to be switched on. It is  
quite hot – either that, or the male menopause is catching up.  
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**Hon. Chief Minister:** That supplementary doesn't arise!

**Q332/2018**  
**Devil's Tower Road car parks –**  
**Lifts**

**Clerk:** Question 332. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, can the Minister provide a schedule for the times that the lifts at the Devil's Tower Road car parks have been unserviceable?

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**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over.

**Answer to Question 332/2018**

	Lift 1	Lift 2	Lift 3	Lift 4
January	18	0	18	4
February	20	12	27	18
March	31	1	21	31
April	30	1	8	30

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**Hon. T N Hammond:** Mr Speaker, does the Minister have an explanation as to why the lifts appear to be unserviceable so often in these car parks? Looking at lifts 1 and 4, for instance, they have been unserviceable for the entirety of both March and April of this year; lifts 2 and 3 have fared slightly better, but still a very poor record on serviceability. Is there a reason for this?

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**Hon. P J Balban:** Yes, Mr Speaker, there is a reason for this to do with water ingress, to do with the design of the building. Water has been coming through the lift shafts and causing major disruptions to the electrical system within the lifts.

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We have now managed to find ways of tackling this issue and major parts have been replaced. As far as I am aware, the lifts are working much better, but it was due to water ingress – that was the reason why the lifts were out.

**Q333/2018**  
**Speeding fines –**  
**Agreement with Spain re local drivers**

**Clerk:** Question 333. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, are any arrangements in place with the Spanish authorities for the transmission of speeding fines acquired in Spain to local drivers?

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**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, Gibraltar has signed a memorandum of understanding with the Driver, Vehicle and Licensing Agency in the UK, which sets out the arrangements established between the DVLA and Her Majesty's Government of Gibraltar, including details of the services and standards being provided to comply with Directive

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560 (EU) 2015/413 facilitating cross-border exchange of information on road-safety related traffic offences. The aim of this Directive is to facilitate the cross-border exchange of information on road-safety related traffic offences within all EU member states, not only Spain, and thereby facilitate the enforcement of penalties.

565 **Hon. T N Hammond:** Would the Minister be aware of how many fines have been allocated to Gibraltar-registered vehicles due to offences in Spain since this agreement came into place?

**Hon. P J Balban:** Mr Speaker, no, not unless the question is asked specifically ... I think that question will have been asked by the press recently; I do not know whether that figure is available ... come back with that , okay?

570 **Hon. T N Hammond:** Possibly on the same theme: is the Minister aware of any foreign-registered vehicles who have been pursued in their own countries for offences that have taken place in Gibraltar?

575 **Hon. P J Balban:** Mr Speaker, he would have to ask that question specifically, and I can then find out.

**Q334/2018**  
**Grand Parade car park –**  
**Underground scheme**

**Clerk:** Question 334.The Hon. R M Clinton.

580 **Hon. R M Clinton:** Mr Speaker, further to Question 444/2017, in respect of the Grand Parade car park, has the Government reconsidered the possibility of an underground scheme; and what was the economic obstacle to the previous underground scheme if the then developer was committed to pay for the whole project?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

585 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the previous underground scheme was formally presented to the GSD administration and was not proceeded with at the time.

590 After a meeting between the Chief Minister and the ESG, GOHNS and the Heritage Trust, this Government is analysing once again the updated costings and technical information with regard to an underground scheme and will then take a decision one way or another.

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

595 So, just to confirm to the House, what he is saying now is that given the representations of the DPC, the Government is in fact reconsidering going underground.

Perhaps if I could take him back to the other side of my question – as to the economic viability, he has not answered my question.

600 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not what the hon. Gentleman said. What he said was that after a meeting with the Chief Minister, the Government is reconsidering the position, having spoken to the ESG, GOHNS and the Heritage Trust, which is the position.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his intervention. Perhaps he could share with this House what it was that these representative bodies have said to him that is causing him to have a change of heart on this project.

605 Again, I come back to the question of economics: what was it that was uneconomic about the proposal in the first place?

**Hon. Chief Minister:** He has made the assumption about the change of heart. I have not said that there is such a thing. I have said that there has been a meeting with the ESG, GOHNS and the Heritage Trust and that the Government are considering the position as a result.

**Hon. R M Clinton:** Mr Speaker, I will not labour the point any more, other than to ask one further supplementary. Can we take it, then, that the Government project that was presented to the DPC is effectively being put on ice for the moment until the Chief Minister considers whether he has or has not had a change of heart?

**Hon. Chief Minister:** No, Mr Speaker, he can go from here knowing that the Chief Minister has met the ESG, GOHNS and the Heritage Trust and is considering the position as a result of that meeting, which he has now been told on four occasions.

620 **Hon. D A Feetham:** Can the Chief Minister at least give this House a flavour of the arguments that were put to him by GOHNS and others as to why he is now reconsidering the position? Of course you can be asked to reconsider the position and do so simply because these are important organisations and the Government does not want to antagonise any of them, but I think that there must be some cogent arguments that were put to him in relation to this that at least has allowed him to say, 'Well, look, let me look at it again in the light of those arguments.' Or weren't cogent arguments put to him? I just ask.

**Hon. Chief Minister:** Mr Speaker, obviously the arguments they put were much better than the arguments that *they* put. The arguments that those I met from the ESG, GOHNS and the Heritage Trust were much better than the arguments that Hon. Members put, because the Members opposite did not persuade us of the arguments that they put publicly in respect of this matter.

635 Gibraltar has very many good reporters, and my job is not to report to him the things that people say to me in meetings which are not public.

The Government is exploring some of the things that we were told. The things that we were told may or may not lead us to a conclusion once we have explored them. Once we have made a determination, we will make an announcement about our decision on how to proceed in that respect.

640 **Hon. D A Feetham:** Yes, but, Mr Speaker, I can understand GOHNS and the ESG having concerns about the Government project on environmental grounds – the impact that it might have on Alameda Gardens, for example. That is one thing, and the Government may decide, 'Well, we are going to reconsider our position in the light of those concerns,' but there may be other arguments that were put, arguments of an economic nature, of financial viability, of the viability of an underground project in that site in general.

650 I would just like the Hon. the Chief Minister to perhaps, rather than – I know it is difficult for him – adopting a fencing approach across the floor of the House in terms of how the Government answers questions from the Opposition, to just give us a flavour of what are the type of issues that have made the Government at least reconsider its original position – because what it is saying is, 'Look, we're not necessarily abandoning our intended project, but we are prepared to look at it again.'

655 **Hon. Chief Minister:** Mr Speaker, I am not trying to fence with him. It is not the favoured sport of pit bulls, as far as I understand. What I am trying to do is ensure that the process that the Government has embarked upon is not in any way tarnished by an attempt to take us in one direction or another before we have been able to make a final determination.

660 I think it is appropriate to say that we are reviewing aspects of what we have been told, and if those things that we have been told can be put to those who originally made the designs that were looked at in a way that might make the determinations that were made different, then it may be that the final design is different and the final decision is different.

665 I do know that the hon. Gentleman is pining for more parking in the Town area. (*Interjection by Hon. D A Feetham*) I really am not going to keep him waiting for much longer, but I should say he really should have bought at Midtown, like so many others did.

**Hon. R M Clinton:** Mr Speaker, regardless of the representations made by these interest groups, is the Chief Minister still of the opinion that it is uneconomic to go underground at Grand Parade?

670 **Hon. Chief Minister:** Mr Speaker, I have not been shown anything to suggest the contrary.

**Hon. R M Clinton:** Mr Speaker, would the Chief Minister not agree with me that if somebody, a third party, agrees to pay for the entire scheme and not a penny leaves the pocket of the Government, then it is entirely economic? Would he not agree?

675 **Hon. Chief Minister:** No, Mr Speaker, because the hon. Gentleman is failing to factor in so many aspects of what public planning is all about that he fails to even point in the direction of appropriate decision making in respect of an asset like Grand Parade.

680 For example, somebody can tell you that they are going to do something at an unrealistic price and you know that the special purpose vehicle (SPV) they are going to set up for that purpose is going to be bankrupt halfway through the project, and then you are either going to leave a big hole in the ground or you are going to have to use taxpayers' money to continue. Vide, Mr Speaker, the problems of the contract at the tunnel under the runway, which was underbid at the time that they were in Government, which led to extensive litigation; or indeed vide the projects that they oversaw by OEM at Cumberland etc., which resulted in that company going into liquidation, although they had loaned it £7 million and the taxpayer lost £7 million as a result.

685 So the fact that the third party says it will pay for something does not mean it is economic, and of course a third party that is solvent could pay for something and set up a parking which is economically viable at a rate of £15 per hour for parking – something that even the most determined parking pit bull might decide is not a good outcome for the taxpayer or for this community.

690 The hon. Gentleman postulates a hypothesis which is entirely wrong and I am surprised that the man, who has been an accountant, should not have seen the obvious *pitfalls* that such a proposal would have given rise to, even for the parking pit *bull*.

**Hon. R M Clinton:** Mr Speaker, I really must refute some of the comments the Chief Minister has made.

700 First of all, he, as a lawyer, will know above all that if you contract with somebody on a major construction project, the first thing you will ask for is, of course, a performance bond. But of course if the Chief Minister does not know anything about that, perhaps he should go back to Oxford and do a course on construction.

Mr Speaker, in terms of the viability of a project and certainly the record of the GSD Government, we can go back in time as far as he wants: we can go back to GibRepair, if we want.

705 I would love to read him the audit report on GibRepair when the GSLP were in Government, but we are not going to go back into ancient history, I guess.

Mr Speaker, if there is a project in which a developer puts up a performance bond to complete the project, then surely he must agree it is economic.

710 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman, as ever, enlightens me when he speaks in this House. Given that he suggests that the absence of knowledge of the need for a performance bond if somebody embarks on a construction project vitiates my knowledge of the law, I now know where the previously referred to 'greatest Gibraltarian of all time' must be: he must be back at Queen Mary College, because it was under his administration and carrying the political colours that he has always defended – not some of the others, the Labour Party, the PDP and the independents, but he has always been GSD – that the Government embarked on the OEM projects at Cumberland without the sort of performance bond that saw them being able to complete and saw the collapse of a company called Haymills and saw, as I told him a moment ago, the Government loan that company £7 million and a £7 million loss to the taxpayer.

720 Much as I would like to go back to the gleaming towers of Oxford, where I spent many happy days and perhaps one day will spend some more in the future, I daresay that those who taught me contract taught me a darn sight better than those who taught him accounts.

725 **Mr Speaker:** Next question.

**Hon. D A Feetham:** Sorry, Mr Speaker, may I have just one more?

**Mr Speaker:** Relevant?

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**Hon. D A Feetham:** Yes, absolutely. *(Laughter)*

**Hon. Chief Minister:** That'll be the day!

735 **Hon. D A Feetham:** Absolutely relevant, Mr Speaker!

**A Member:** He knows you well! *(Interjection and laughter)*

740 **Hon. D A Feetham:** Mr Speaker, I hope that after today's session you can give me one of those golden stars that my teachers used to give me. I did not receive one very often, I have to say – occasionally – but I have been well behaved, as we have all on this side of the House.

Mr Speaker, just picking up on the hon. Gentleman's last question, if you did have a performance bond in this particular case, would it not meet the concerns of the Chief Minister in his reply as provided to this House?

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**Hon. Chief Minister:** Mr Speaker, a performance bond is a very particular thing. As far as I am concerned, a performance bond is something which demonstrates ability to complete a project. It is not the sort of thing that we have been shown in respect of this project *ever* in the past. We have not seen performance bonds. We have seen letters that say, 'We have the money and we can do it.'

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The hon. Member who has just asked the question, Mr Feetham, knows what a performance bond is: it is a contractual obligation backed by a bank. The Hon. Mr Clinton, given that he has asked questions about performance bonds in respect of this project, may think that something on someone's letterhead saying, 'I have the money to complete the project, I have the backers and I'm ready to do it,' is a performance bond. Well, it is no more a bond than anything that

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Mr Llamas told this House two months ago and he no longer stands by in respect of matters that we have already been debating.

760 And what gives rise to the performance bond? This is the point I was making before. A business plan which is based on charging very high rates for the purchase and rental of parkings might give rise to a performance bond but it might not be something that the Government is willing to approve. I think if he were making the determination he might reach the same conclusion that I might reach looking at that sort of business plan.

765 That is why all I am doing is discussing in hypothesis. I am not going into the things that the Government is looking at in relation to this particular project, but if we were to go down a different road, it would have to be based on a robust business plan and performance bonds of the sort that are going to stand up to scrutiny and are not going to expose the taxpayer to the sort of difficulty that we have seen the taxpayer exposed to in the past in the context of the projects I have already referred to.

770 Just to go back to the way that he started attempting to make his supplementary, I think there are two people in this House who can take the role of Elaine Paige for the American agent and I forget which actress for the Russian wife of the other player in *Chess*, and sing to each other *I Know Him So Well*, the great hit from the late 1980s: it is him and me, and so, Mr Speaker, I can see where he is coming from.

775 **Mr Speaker:** Next question.

**Q335/2018**  
**Rock Hotel –**  
**Collapsed wall**

**Clerk:** Question 335. The Hon. Ms M D Hassan Nahon.

780 **Hon. Ms M D Hassan Nahon:** Can Government explain what it intends to do regarding the collapsed wall by the Rock Hotel?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

785 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, whilst the Government's Technical Services team assisted with making the wall safe immediately after its collapse in October 2015, the wall is privately owned by the Rock Hotel and any other further works fall directly under the remit of the Rock Hotel.

790 There are no immediate safety concerns in the area at this moment in time and it is understood that the Rock Hotel is considering the redevelopment of the area affected by the wall collapse.

795 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I hesitate to ask a supplementary but feel I must in the sense that I appreciate that the comeback would have been that it is private and it therefore does not fall within the remit of Government, but is there anything that Government has a duty of dealing with or being on top of when something actually ends up looking rather unsightly, even when it is a private piece of land?

**Hon. P J Balban:** Mr Speaker, the Government's remit at the time of the collapse was that the most important thing was the safety of the area. That was addressed effectively and the area is absolutely safe at the moment.

800 Because the Rock Hotel is, we understand, considering the redevelopment of the area because of the rock collapse, I do not think there is much more to do at the moment. It may not be as slightly as perhaps a wall was before, because it was also part of a wall and a very big tree that was there, but it is private property and they have plans for it.

805 **Hon. D A Feetham:** Just one question in relation to this: does the Government have any rights as a landlord in respect of this particular property? I have not looked at it, I have to say, but of course if the Government is the freeholder – the Crown in right of the Government of Gibraltar – there may well be clauses in the lease that could allow the Government to insist that this particular wall is repaired. I do not know, because I have not looked at the lease; I am just asking.  
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**Hon. Chief Minister:** Well, Mr Speaker, none of us have looked at the lease because the tenant is looking at the redevelopment already and is looking to make proposals to, if necessary, the Government if it involves any element of change of use, or indeed to the DPC if it involves a new project.  
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We have already had an indication from the owners of what they might initially be thinking of, but they have not yet firmed up, so it would be very peculiar indeed to require somebody who is in the process of doing something to do it at a particular speed which might not be commercially viable.

820 I think the important thing is to know that you do not need to have a wall there, given that there is now a stepping back – the wall is a retaining wall for the material that has now come down from there – and there is therefore an opportunity to do something which is different to a retaining wall.

825 It would not be fair for me to say anything else at this stage because I have been told by the owners what they are thinking of doing, but they may make a different decision. But I am quite happy to tell him behind the Speaker's Chair what it is that they may be considering.

**Hon. R M Clinton:** Mr Speaker, I am not sure if I recall correctly, but I believe Technical Services were involved at the time of the wall collapse in terms of cleaning up and making the area safe. Has the hotel, seeing as it is a private wall, made any compensation payment to the Government for this work?  
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**Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman is wrong. Technical Services attended the scene and ensured that matters were dealt with in keeping with the safety requirements of the Technical Services Department, but the works were undertaken at the cost of the leaseholder.  
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**Mr Speaker:** The Hon. Chief Minister.

840 **Hon. Chief Minister:** Mr Speaker, I move that the House should now adjourn.

Before I do, Mr Speaker, I would like to recognise that the Muslim community in Gibraltar, with the Muslims across the world, have now started their period of Ramadan, and that the Jewish community in Gibraltar will be celebrating their feast of Shavuot on Monday.

845 Indeed, to reflect for a moment in a manner that I am sure will unite the whole House, today the Father of the House is not with us because he has been to Buckingham Palace to be knighted by Prince Charles, the heir to the throne, and has emerged a knight. I give notice that I shall be moving a motion during the course of this meeting, which I do hope will enjoy the support of all Members, that he also be made a Freeman of the City of Gibraltar.

850 Mr Speaker, I do not know whether we have seen the last of the musical chairs, but I propose that we return on Wednesday next week at 3 p.m. to see what the lay of the land might be.

**Condolences to Hon. G H Licudi**

**Hon. D A Feetham:** Mr Speaker, may I also extend our condolences – and I am sure that I speak for everybody on this side of the House – to Mr Licudi on the sad passing of his father.

855 **Mr Speaker:** I associate myself with that. Gilbert Licudi's father was a friend of mine. We used to sometimes go to the opera together in Algeciras, so I used to know him well.  
The House will now –

860 **Hon. Chief Minister:** Thank you Mr Speaker, can I just take the cue from the Hon. Mr Feetham. I have expressed my condolences to Mr Licudi personally today, but given that he has wanted to express them publicly I think it is right that on behalf of all his colleagues on this side of the House we also express our condolences to him.

865 **Mr Speaker:** On that note, the House will now adjourn until next Wednesday at three in the afternoon.

*The House adjourned at 6.08 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.03 p.m. – 6.37 p.m.**

**Gibraltar, Wednesday, 23rd May 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.03 p.m.*

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

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

## Silence in memory of Manchester Arena victims

**Clerk:** Meeting of Parliament, Wednesday, 23rd May 2018. Order of Proceedings.

**Mr Speaker:** The Hon. the Chief Minister.

5

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yesterday, Parliament in the United Kingdom started its proceedings by calling a minute's silence to remember the attack at the Manchester Arena exactly a year ago and I call upon Parliament today, our first day back in Gibraltar, to do the same thing and to observe a minute's silence to remember those who died at the Manchester Arena a year ago.

10

*A minute's silence was observed.*

**Hon. Chief Minister:** Thank you, Mr Speaker.

I am grateful to the hon. Lady, who pointed out to me yesterday that the UK Parliament had started in that fashion, so we could emulate them today.

## Suspension of Standing Order 7(1) to permit laying of papers

**Clerk:** The suspension of Standing Orders. The Hon. the Minister for Commerce.

15

**Minister for Commerce (Hon. A J Isola):** 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 reports on the table.

**Mr Speaker:** I beg to move, in the terms of the motion proposed by the hon. Member ... Those in favour? (**Members:** Aye.) Those against? Carried.

**PAPERS TO BE LAID**

20 **Clerk:** Papers to be laid. The Hon. the Minister for Commerce.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, I have the honour to lay the following on the table.

25 (1) The Financial Services Commission Annual Report and Audited Accounts for the years ending March 2000 to March 2017. If I may just briefly explain, for some reason these have not been laid before Parliament. I have done it as soon as I have become aware. The reports are all public and are all online and have been each of the years in the intervening period.

(2) The Financial Services Resolution and Compensation Committee Financial Statements for the year ending March 2017.

30 (3) The Report on the Operations of the Gibraltar Financial Services Commission 2017.

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

**DEPUTY CHIEF MINISTER**

**Q420/2018**

**Parliament building and lobby –  
Plans to beautify**

**Clerk:** We now return to answers to Oral Questions.

We commence with Question 420. The Hon. Ms M D Hassan Nahon.

35

**Hon. Ms M D Hassan Nahon:** Does Government have plans to beautify the dilapidated state of the outer facade of our Parliament building and lobby?

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

40

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government will look at the beautification of the outer facade of Parliament once the external lift has been installed.

45 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can we have any idea of when this will be accomplished?

**Hon. Deputy Chief Minister:** Yes, Mr Speaker – as soon as the estimates of revenue and expenditure for this financial year are passed at Budget time. We will then have the funding to be able to proceed.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q336/2018

Gibdock –

Discussions re onshore power technology

50 **Clerk:** We now go to Question 336. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, further to Question 242/2018, can the Minister confirm that the discussions being held with Gibdock outside of those pertaining to the lease include the requirement for the provision of shore-supplied power to vessels under repair; and can the  
55 Minister advise how many meetings have taken place and what progress has been made in these discussions?

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

60 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, yes, sir. Approximately five meetings have been held with Gibdock, both with myself and with the CEO of the Gibraltar Electricity – that is five taken together. Additionally, there is contact with potential providers of onshore power technology. Some progress has been  
65 made.

**Hon. T N Hammond:** When the Minister says ‘some progress’, can he perhaps elaborate on that a little bit? Is it likely that the outcome will be that Gibdock will have the facility to provide shore power once these talks are complete?

70 **Hon. Dr J E Cortes:** Mr Speaker, we are heading in that direction. I do not think it would be prudent for me to give more details because these are clearly discussions that are developing, but I am hopeful. I am positive about the intended outcome.

75 **Hon. T N Hammond:** Mr Speaker, could the Minister describe what obstacles might be in the way of providing shore supply for vessels being worked on at Gibdock?

**Hon. Dr J E Cortes:** No, Mr Speaker, we are identifying that technology. We must make sure that the technology is possible to deploy in Gibraltar. Then we need to look at the details and so  
80 on. We are actually currently in discussions, as I have said, with potential providers of this technology but I do not really think there is anything more I can add at this stage.

**Hon. T N Hammond:** Can the Minister confirm that the obstacles are not of a financial or economic nature?

85 **Hon. Dr J E Cortes:** I could not confirm that they were, as I still do not have a firm idea of what the costs could be. So, at the moment those are not obstacles. At the moment, we are looking at the technology.

90 **Hon. T N Hammond:** Can the Minister confirm that shore-supply power of this nature is provided in other jurisdictions and other dockyards?



95 **Hon. Dr J E Cortes:** Mr Speaker, in some other jurisdictions it is and it is with providers in those jurisdictions that we are talking to see how technically feasible this would be. I am pretty convinced it will be, but as I say, it is too early for me to be able to answer that in any detail.

100 **Hon. T N Hammond:** One last question, Mr Speaker. Would the Minister agree that shore supply to vessels in Gibdock would provide immense benefits in terms of air quality in that area and therefore to the health of people living in and around the environment of the dockyard?

105 **Hon. Dr J E Cortes:** Mr Speaker, I wonder why else the hon. Member would think that I wanted to achieve that. Shore power is supplied currently to ships in dry dock through a different system, and clearly taking away the need for ships to be powering with their own engines would result in improved air quality, and this is the reason why we are looking at this.

**Hon. R M Clinton:** Mr Speaker, can the Minister advise if he is aware whether Her Majesty's naval base currently provides shore supply to naval vessels; and if so, why can we not do the same?

110 **Hon. Dr J E Cortes:** Yes, Mr Speaker, Her Majesty's naval base does. They bring in generators and they supply from generators. I am not convinced that that is what I would like to see for Gibdock.

**Mr Speaker:** Next question.

**Q337/2018**  
**Waste Water Treatment Plan –**  
**Commencement of work**

115 **Clerk:** Question 337. The Hon. T N Hammond.

**Hon. T N Hammond:** When does Government expect works to commence on the Waste Water Treatment Plant?

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

125 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, meetings of the Waste Water Treatment Plant Advanced Works Group are being held on a regular basis, dealing with the preparatory work. Works on the ground are expected to commence during the next few months.

**Hon. T N Hammond:** Mr Speaker, we are obviously glad to hear that on this side of the House.

130 Can the Minister confirm that, as far as he is aware, there is no variation to the costs he announced in respect of the contract?

135 **Hon. Dr J E Cortes:** I am not aware of any variation. The advanced works group at the moment is looking at things like the environmental impact assessment, heritage assessments, planning the works – in fact, as I say, they are here on a very regular basis. At the moment, there is no indication of any variation of cost.

**Q338/2018**

**Pets harmed by rat poison –  
Changes to system of rodent control**

**Clerk:** Question 338. The Hon. D A Feetham.

140 **Hon. D A Feetham:** Mr Speaker, how does the Government intend to change its present system of rodent control, or that of its sub-contractors, so that pets are not harmed by rat poison?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, occasions when pets have been harmed by poison set out by Government contractors are extremely rare. The recently reported case, where the pet was unharmed following veterinary intervention by the Gibraltar Veterinary Clinic, was a result of someone  
150 unknown tampering with bait and exposing it from its greatly concealed and inaccessible location. Different methods and types of bait are now being considered and will be trialed very shortly.

155 **Hon. D A Feetham:** But Mr Speaker, surely if it is possible for somebody – a member of the public, obviously – to interfere with baits, it was foreseeable when it first occurred.

What I want to know, bearing in mind that of course yes, I am commenting on what happened in the past but I am interested as well on what is going to happen in the future ... I am a dog lover, he knows that – I have got four dogs myself – and it is a very, very bad way for a dog to go, to die from rat poisoning. Whilst the hon. Gentleman says they were unharmed, this  
160 particular dog – in fact, there was more than one dog; there were two dogs that I am aware of – although he says unharmed. It wasn't unharmed. The dog did not die as a consequence, but obviously it was harmed by consuming this.

What is he going to do as an immediate measure in order to ensure that no other dogs are harmed as a consequence of rat poison that is laid, at the end of the day by a subcontractor  
165 pertaining to the Government?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, it is down to the definition of harm and I will agree; what I meant is no lasting harm came to it, because of rapid intervention. I am not aware of any other  
170 case.

As I think the hon. Member will be aware – because this was stated publicly in answer to a press question, or in connection with a press release; I cannot remember the detail – my reaction was immediate and these were all removed immediately.

175 The system that we are about to trial, about which I have only been briefed over the last couple of days, will conceal a different type of bait – a type of bait that is known not to have residual effects, so that if a rat were to eat this bait and then got eaten by another animal it would not suffer – and these would be concealed within sealed containers, which would be bolted to the ground and only rats could come in and out. That is what was presented to me and I have approved as a trial run.

180 **Chief Minister (Hon. F R Picardo):** We do not know what effect it has on wolves.

**Hon. D A Feetham:** Well, that is certainly a welcome announcement from the Minister for dog lovers in Gibraltar, I am sure, including myself. (*Interjection by Hon. Chief Minister*) And for the dogs – yes, indeed!

185 Am I right, therefore, in saying that the laying down of rat poison has been suspended until this new system is introduced? Or is it still the case that rat poison is being laid in places in Gibraltar at the present moment in time?

**Hon. Dr J E Cortes:** No rat poison of the type that we were talking about has been laid since, and older ones have been removed. Because it is only a couple of weeks, we are not overly  
190 concerned about a sudden explosion of the rat population, because the new system is probably being laid this week if it has not been tried out already today. So, at the moment, there should be none of that type of rat poison. As I say, it was very well concealed down in between the rocks of the revetments, where there have been rat problems in the past. Somebody pulled it up  
195 and clearly that is not acceptable and as soon as I realised that we stopped it.

I think that people with pets need not be concerned, but neither should people who fear there is going to be a rat population explosion.

**Hon. D A Feetham:** Just one final question – and it may well be that, in fact, in the light of the  
200 fact that the Government is changing the system to this system where only rats can access the bait it may be that it is superfluous – but has the Government considered any type of signage, or anything like that, that may also help?

The hon. Gentleman says, ‘Well, it was picked up by somebody – somebody must have taken the bait out.’ It could actually have been a small animal, a small dog, that could have accessed it  
205 and then taken it out. It is very difficult to say how that particular bait was inaccessible for a larger dog, but if you have proper signage even when it is very secure ... because accidents do happen and unforeseeable accidents do happen as well. Signage is important. I note that the Hon. Minister is nodding.

**Hon. Dr J E Cortes:** Yes, Mr Speaker, I should have said that. There will be signage  
210 accompanying each of these bait boxes.

**Q339-340/2018**  
**Public cleaning contract**  
**Update re awarding of contract**

**Clerk:** Question 339. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if it has reached a decision in  
215 respect of the award of the public cleaning contract?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
220 Mr Speaker, I will answer this question together with Question 340.

**Clerk:** Question 340. The Hon. L F Llamas.

225 **Hon. L F Llamas:** Mr Speaker, can the Government update this House as to the tendering process and plans for the new public cleaning contract?

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

230

**Hon. Dr J E Cortes:** Mr Speaker, the tender board is currently deliberating.

**Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: when did the contract actually end? When was the deadline for submission of tenders?

235

**Hon. Dr J E Cortes:** Mr Speaker, there have been a number of extensions in order to allow the proper processing of the tender. I believe the current extension ends either end of May or end of June, but clearly if the award cannot be made before – if it is the end of June, I am sure it will be made – then there would have to be an additional extension.

240

**Hon. R M Clinton:** I thank the Minister for his answer.

How many extensions have been given so far, and again what was the deadline for the submission of tenders?

245

**Hon. Dr J E Cortes:** Mr Speaker, I do not have that detail. I think the contract expired just under a year ago, so regardless of the number of extensions, the extension has been to the date that I have just mentioned. I can obviously obtain that information, but I cannot recall the date of the tender.

250

**Hon. E J Phillips:** Mr Speaker, I just rise to ask one supplementary question in relation to this point. I have been approached by a number of employees in respect of the company performing those functions. What assurances can the Government give in respect of this particular contract? I know that the Minister says it is in progress, but a level of reassurance from the Minister would go down quite well.

255

**Hon. Dr J E Cortes:** Mr Speaker, we had a motion here in this House in which we guaranteed the interests of the employees. I am in regular contact with their union representatives and I have met with them probably on two or three occasions over the last few months, on which those reassurances that were publicly stated here in this House and have been stated elsewhere were repeated to them, so there is no reason for them to be concerned.

260

**Hon. E J Phillips:** Mr Speaker, the Minister will appreciate that they are actively concerned in the tendering process and, with respect, of course they deserve that level of reassurance as to timing. That is the point that is being made to me by those employees. I do very much appreciate what the Hon. the Minister says about that, but I was seeking some form of reassurance as to the timing of that contract being awarded.

265

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, in relation to timing of something that is in the hands of an independent procuring board, I think what we all need to be saying is that we are not going to put pressure on an independent board to make a decision which might be the wrong decision; we are going to allow them to make the right decision. I think it is important that we are not seen to interfere with a board that is determining European tender in particular.

270

It is obvious that we have taken longer than the hon. Members opposite expected to be in different parties, because we have had the same question twice from the former independent

275 Member and Members of the party opposite. So it has clearly taken longer than they anticipated they were going to be apart when they put their questions together.

It has taken longer than we thought it was going to take, but it has to be done in a way that is not in any way interfered with. We cannot put pressure on the board to decide by next week, and I would have thought that the employees of the company – who have seen me quite regularly, have seen the Hon. Minister quite regularly and have my door open to them at any time – want us to make the right decision for this community and the right decision for them, and that means allowing the independent adjudicators of the tender to be able to reach the right decision.

**Q341/2018**  
**Lifeguarding service –**  
**Privatisation**

**Clerk:** Question 341. The Hon. T N Hammond.

285

**Hon. T N Hammond:** Mr Speaker, further to Question 20/2018, does Government intend to privatise the lifeguarding services at our beaches?

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

290

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, no, sir.

**Q342-343/2018**  
**Upper Rock –**  
**Cleaning of Skywalk; safety of attractions**

**Clerk:** Question 342. The Hon. T N Hammond.

295

**Hon. T N Hammond:** Mr Speaker, what is the frequency of cleaning of the Skywalk, what methods are used to clean inaccessible areas, and who conducts the cleaning?

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

300

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 343.

**Clerk:** Question 343. The Hon. Ms M D Hassan Nahon.

305

**Hon. Ms M D Hassan Nahon:** With the new and relatively new tourist attractions in the Upper Rock, like the Skywalk and the suspension bridge, is Government satisfied that the Upper Rock is generally safe for tourists; and if not, is it doing anything about this?

310

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

315 **Hon. Dr J E Cortes:** Mr Speaker, the Skywalk is currently cleaned twice a day, mornings and evenings. The company carrying out twice-daily cleaning operations is Blastaway Ltd. The inaccessible areas are cleaned by Koala Ltd on an ad hoc basis using a rope access method, and this is carried out by trained personnel.

The Upper Rock is as safe as any other nature reserve or national park anywhere in the world with similar characteristics.

320

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can I ask the hon. Gentleman whether they have guards constantly at their suspension bridge in particular, or if there is a security measure there?

325 **Hon. Dr J E Cortes:** Yes, Mr Speaker, the presence of the security at the suspension bridge is more related to vandalism than to safety. I think we have answered questions in relation to the safety of the suspension bridge and I think we have answered those points, but the security guard is present there more in relation to the potential of vandalising it rather than for safety reasons.

330 On some occasions – and people have been warned – when there are monkeys on the bridge it is best not to be there and sometimes the security guard will say, ‘Don’t cross it, there’s a monkey in the middle of the bridge,’ but other than that it is purely for reasons of preventing vandalism.

335 **Hon. Ms M D Hassan Nahon:** Mr Speaker, what I was trying to get to, if the hon. Gentleman might answer, is what are the times when the security guard is there.

And regarding the warnings about monkeys, is there signage? I do not personally go anywhere near it because I am scared of heights, so I would not know.

340 Also, is there a maximum weight or maximum number of people that the bridge can take, and is there something to stop more people than the maximum from getting in? I was given an example of one day when there were many tourists there, that it seemed a little overweight and that was my concern.

**Chief Minister (Hon. F R Picardo):** Who seemed overweight, the tourists?

345 **Hon. Ms M D Hassan Nahon:** The bridge was overladen with people.

**Hon. Dr J E Cortes:** Mr Speaker, for some of the questions asked I would need to confirm the information. It is specific data which I would have recalled just after the bridge was built, but now I do not want to mislead the House in giving information.

350 Certainly it is a very robust structure. As far as the information that has come to me, we have never got anywhere near that being threatened in any way by excessive weight of users.

Again, the security officers are there ... I would again need to look exactly at the timings. There are occasions – for example, in high winds – where the bridge is actually closed off physically.

355 The kind of detail I am being asked is something that I would need notice of. I would be very happy either to answer a question again here or to respond to the hon. Member if she wishes to contact me directly. I would not like to rely on memory and possibly mislead this House.

360 **Hon. T N Hammond:** Mr Speaker, just with reference to the cleaning of the Skywalk and Koala’s ad hoc cleaning of the less accessible areas, the Skywalk is, of course, a new attraction heavily promoted and marketed of late and so it is, I hope, bringing people to see it – and of

course there will be nothing more disappointing than arriving at the Skywalk and finding areas of it are dirty and therefore not transparent but opaque. Could the Minister indicate how often this ad hoc activity is occurring? I have been to the Skywalk and certainly in certain wind conditions, particularly Levante, it is almost on a daily basis that the under-surfaces are obscured and I assume it is the under-surfaces which are the most difficult to get to and therefore those that are the responsibility of Koala.

**Hon. Dr J E Cortes:** I would not be able to answer in detail. We have a mechanism by which, when the staff feel that it needs this specialist cleaning, that is triggered off. I can again obtain the information. We obviously respond to complaints or if anybody seems to think that there is a need we will respond. But again I could not tell you now. Because it is ad hoc, I could not tell you like I could on the actual cleaning of the accessible surfaces that it is twice a day. I would again need to check that, but also reassure the hon. Member that if it is identified that there is a need, then that is done right away.

**Hon. T N Hammond:** And are inspections therefore carried out by the staff on a regular basis – and would that be daily, twice daily, more often – in order to indicate when such cleaning might be required?

**Hon. Dr J E Cortes:** There are inspections carried out. Remember that we have security staff there on a permanent basis and they will report back, as well as the supervisors on the staff who do their daily rounds. So we do get regular feedback.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have a couple of photos relating to the path to the new Skywalk, which shows some gaping holes in between some rocks leading to a cliff. So my question is: imagine the summer months when children and families ... How much of a responsibility does the Government have towards a nature reserve which can bring problems and fatalities, but how much is it the responsibility of a Government to deal with natural structures that could be dangerous?

**Hon. Chief Minister:** Mr Speaker, this is a question really of legal liability and where the Government might be considered to have liability in respect of areas of highway or not highway etc. We could say things to each other in the context of the debate that might result in a Government being found or not found liable in a subsequent case without having taken specific legal advice on the subject. In any event, in my view this is not the forum for that sort of debate as to potential liability.

I think that we all know the Upper Rock. It is our playground, our backyard. People who come from outside may not know it as well. They come to visit it, but it is clear that they are visiting an area of nature reserve maintained, insofar as it is possible to maintain it, as nature intended. Indeed, there are many who have pledged their lives to ensuring that that should be as much as nature intended it as possible.

So, if she will allow me to say that I think we should resist having a debate as to potential liability in hypothetical situations where things *might* happen, I think it is probably in the interests of our community that we should not progress to have a detailed discussion about *potential* areas of danger.

**Hon. D A Feetham:** Mr Speaker, just coming back to the Skywalk, the Hon. Minister said that Koala had the contract to maintain and to clean the areas of the Skywalk that were inaccessible to ordinary, basically, cleaning methods. Is that contract a contract for a price annually, or does it depend, for example, on the number of times that Koala are called out in order to do the cleaning?

415 So, for example, and I am getting at this, if you have a contract whereby Koala are paid every time that they are called out – so it is incident specific, if I can call it that – then at certain times in the year there may be more reluctance by people there to call out Koala because it is an additional expense; whereas if it is just a contract – every year somebody is paid x amount and it does not matter how many times they are called out – then it is a different situation. I would like to see what type of contract in that regard we are dealing with.

420 **Hon. Dr J E Cortes:** Mr Speaker, again I would need notice. I will look into it. I believe it is actually – but again I believe, I cannot confirm – that it is related to the number of times they are called out, but I could be wrong and I would need to check that particular detail.

**Hon. D A Feetham:** I am grateful to the Minister.  
425 Just a supplementary that piggybacks on to the question of the hon. Lady on the exchange that she had with the Chief Minister, I do visit the area occasionally – you cannot take dogs up there because of the monkeys, but I do visit the area occasionally. Obviously there are sheer drops. That is nature. We are talking about a road that effectively runs the course of the spine of the Rock at its very top, and it is very difficult to actually make it safe proof – it is impossible to  
430 do so. But is the Government considering signages, for example, in relation to that? Signage is something that can, if we are considering questions of liability of the future – God forbid that there is an accident, at the very least everything is being done to warn people of the dangers that they will face in a nature reserve, obvious as he and I might say that they are?

435 **Hon. Dr J E Cortes:** Mr Speaker, the hon. Member is a neighbour to the Skywalk almost. I am trying to figure out which is the best way up there from his residence, but – *(Interjection by Hon. Chief Minister)* *(Hon. D A Feetham: Charles V Wall)* Mr Speaker, I will follow up on the Hon. Chief Minister's comment – if he is offering to use his specialised skills in cleaning it, we need to see whether it would be ad hoc or not.

440 The hon. Member will be aware – because he is on the Upper Rock certainly a lot more than the rest of us, for obvious reasons – that there has been a considerable improvement in the nature and extent of signage on the Upper Rock over the last few years. We are constantly reviewing signage and this is something that is very much on the cards.

**Q344/2018**  
**Nun's Well –**  
**Plans to tidy site and display information**

445 **Clerk:** Question 344. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Does Government have plans to restore Nun's Well, clear the debris and display appropriate signage and information about this historical site and potential location of interest for tourists?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I wonder whether the hon. Lady was hiding behind a car when I was there a few  
455 weeks ago actually dealing with this very matter, because the answer is yes.



**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can ask a supplementary – I haven't been following you, by the way – would it be possible to repair the site to allow access to the spring below? There is a spring.

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**Hon. Dr J E Cortes:** Mr Speaker, I said that because it was very current in my work agenda when this question came through – and I think I did look almost behind every car!

Yes, there are a number of phases planned, improving the area, removing the building which is a very new building and which is not in a very good state, introducing interpretation and seats, benches and so on. The next phase would be addressing access or at least visibility of the well underneath. There are a couple of ways in which this can be achieved and this is part of the work that we are looking at now.

**Hon. R M Clinton:** Mr Speaker, I am aware that a number of years ago the Heritage Trust held the lease for Nun's Well. Can the Minister confirm that the lease has now reverted to the Government?

**Hon. Dr J E Cortes:** Mr Speaker, as far as I am aware, certainly since I have been Minister for Heritage, which is just over a year and a half, I do not believe it is with the Heritage Trust any longer. I have some recollection – but I am not even sure whether I was in Government at the time – that it used to be, but I think they did not want to renew it because they were not able to do whatever it is they planned to do. I am not sure when it happened but it is no longer with the Heritage Trust, of that I am pretty certain.

#### Q345/2018

#### Upper Rock Nature Reserve entrance fees – Arrears update Moneys due from debtor and action taken to recover

**Clerk:** Question 345. The Hon. L F Llamas.

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**Hon. L F Llamas:** Mr Speaker, further to Written Question 12/2018, can the Government provide details of moneys due by the debtor in respect of moneys due outside of the three-month credit period, together with the action being taken to recover these moneys?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, £73,195.40 is presently owed – or at the time of preparing the answer, which was probably last week. An agreement is presently in place whereby the moneys owed are recovered by means of regular instalments.

**Hon. L F Llamas:** Mr Speaker, by when is this agreement scheduled to end the payments and have the full moneys due fully paid?

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**Hon. Dr J E Cortes:** Mr Speaker, there will be a continuation of regular instalments because we must remember that as the moneys are paid more money is owed when more visitors are brought over, so this will not have a finishing date. I think we have mentioned this before. There will always be a time lag and when you have a peak of visitors then the debt will be higher than

500 when you have a trough of visitors. So this is not a finite thing and this will need to continue on an indefinite basis.

**Hon. L F Llamas:** Mr Speaker, surely it cannot be the case that a particular tour provider is being allowed to accrue such a level of debt which does fluctuate outside of the three month credit period – that is why there is a three month credit period where the money is due for the passengers and their tourists that have gone up to the Upper Rock are settled. If they are taking up the passengers, there is no reason why they should not be able to repay the moneys they have charged those passengers for taking them up.

510 For the Minister to suggest that this is an indefinite arrangement, then surely interest should be accrued in the same way as people have to get mortgages for £140,000 or £70,000 and have to pay interest. Is this something that the Government will actually look at in a bit more of a serious fashion?

**Hon. Dr J E Cortes:** Mr Speaker, the intention is to achieve – and we are much closer than we were, if you look at the figures – that the only money pending will be that which is due from recent visitors. That is what I am saying. So there will have to continue to be regular instalments to the payment – that is what I am saying. (*Interjection*) We are, I think, honing in on achieving that level within the next few months.

**Q346/2018**  
**Vacant teaching posts –**  
**Update re any changes**

**Clerk:** Question 346. The Hon. E J Reyes.

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**Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details in respect of any changes of vacant teaching posts since the answer provided to Question 219/2018, indicating the school/establishment where these changes may have occurred and from which dates?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there are no changes in respect of vacant teaching posts. However, I can update the House in that interviews for new entrants were conducted from 5th to 12th April and vacant TLR interviews ... in fact, this says 'will be held' but are actually currently being held. They started yesterday and they finish... if today is the 23<sup>rd</sup>, which I think it is, they finish tomorrow.

535 **Hon. E J Reyes:** Mr Speaker, the Minister has indicated that interviews are taking place. Some took place in April and others are taking place now. Does he have any figures for the numbers of applicants, the numbers of interviews being involved?

**Hon. Dr J E Cortes:** No, Mr Speaker. I would need notice of that question.

540 **Hon. E J Reyes:** Mr Speaker, when the interview process is complete and so on, does he envisage the successful applicants taking post immediately or, given that at this stage we are in the current academic year, they will not be effective until the start of the 2018-19 year? It is a

question of which academic year. The board surely must have some sort of indication of when the posts is tenable.

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**Hon. Dr J E Cortes:** Mr Speaker, this will depend on a number of factors: it will depend on the actual posts; it will depend whether the vacancy is from somebody who is not there or somebody who is terminating at the end of the term; it will depend exactly when the Public Service Commission clears ... As the hon. Member will know, this can sometimes take a few weeks. So it is looking likely, the date that we are, that it could be that at least some of the posts will start in September, but I cannot answer that question without the facts and figures in front of me.

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**Hon. E J Reyes:** Mr Speaker, I know the interviews are taking place now. Is it in respect of one vacancy or a number of vacancies? Does he have an indication of that?

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**Hon. Dr J E Cortes:** Mr Speaker, there were a number of vacancies for new entrants and for TLRs which were advertised. There was a batch of quite a few some couple of months ago and the interviews are ... If they are going on for three days – and believe you me, they are long sessions – that means there are quite a number of applicants and there are a number of vacancies. I think we probably have advertised for all the ones that I mentioned last time with the exception of one or two that I pointed out were subject to review.

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**Q347/2018**  
**School facilities used by the community –**  
**Cancellations**

**Clerk:** Question 347. The Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education inform this House how many cancellations have been necessary at any of the facilities made available for community use since the answer provided to Question 220/2018, indicating the location, date and reason for the cancellation?

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

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**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Yes, Mr Speaker, these are the numbers of cancellations made since the answer provided to Question 220: Westside School on 18th and 19th April to accommodate their parents' evenings; Governor's Meadow School on 26th March so that they could set up for their school assembly.

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**Mr Speaker:** Since this information is not of an urgent nature, does the hon. Member not think that he could perhaps defer that for six months in order to abide with the six-month rule? It is not urgent: whether he gets this information now or in three months' time does not make any difference. He is asking questions to which the answers, I know, are different, but it is the same question. In Question 220 he wanted to know cancellations, now he wants to know cancellations and these are the only ones that have occurred in the interim period. There is no reason why he cannot wait six months to get the information more globally.

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**Hon. E J Reyes:** Mr Speaker, Question 220 was posed because in a previous session of Parliament I had asked that specific question to the Minister for Sport, who in his reply told me

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that he did not maintain the records of the schools and therefore I should refer them to the Minister for Education.

590 There is a certain validity behind the suggestion Mr Speaker is offering me, but however because of my regular contact with the sporting fraternity, sometimes ... The reasons given today by the Hon. Minister are to do with parents' evening and preparing for the school assembly and are a one-off, one-day cancellation. There have been others that, due to certain remedial works needing to be undertaken, it has extended a long period of time, and if I wait six months it has gone beyond a period of time when I could ask the Minister what is the estimated date when this facility could be back in use.

595 I will bear Mr Speaker's suggestion in mind for next time. I hope as little disruption as possible will occur in the future, but given the Government's intentions to carry out certain refurbishment work within the schools and so on, it could well be that when the academic year starts again in September and we move on to the next season of allocation for community use, there may be extended or longer periods of time. It could be a particular area of community use.  
600 Hypothetically, the pitch area towards the western part of Westside School, which hits the back of Governor's Meadow School, could have to be taken over by a contractor to store materials, as has happened, and other reasons. So I do not want to shoot myself in the foot and not be able to ask those questions.

605 As and when the sporting fraternity bring these matters to my attention, I will use a bit of common sense and judgement and, if need be, consult with Mr Speaker before posing the questions.

**Mr Speaker:** The only thing is that I wonder is the cancellation of facilities for community use for a parents' evening ... That is what the school is there for, to hold parents' evenings on a particular ... Is that a cancellation or is that a school using the facilities of the school for the purpose for which the school exists?  
610

It seems superfluous to me, but anyhow, the hon. Member need not be afraid – he knows that I tend to be generally quite liberal with his questions.

**Q348/2018**  
**Scholarships –**  
**Details of non-mandatory awards**

615 **Clerk:** Question 348. The Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education provide details of scholarships financed during the financial year 2017-18, other than mandatory awards, indicating the course being followed, the qualification to be attained upon successful completion, the institution delivering the course and the start and end dates of these courses?  
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**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
625 Mr Speaker, I will hand over a schedule to the hon. Member which contains the information requested.

GIBRALTAR PARLIAMENT, WEDNESDAY, 23rd MAY 2018

Answer to Question 348

Award start dates	Award termination date	Course	Qualification	Institution
2017	2018	AAT Accounting Level 2	AAT	University of Gibraltar
2017	2018	Access to Nursing	Higher Education Diploma	Distance Learning Centre
2014	2018	Accounting	CIMA	CIMA
2016	2020	Accounting and Finance	BSc	University of Gibraltar
2018	2019	Accounts	BSc	The Open University
2017	2019	Addictions Counselling	Foundation	University of Bath
2017	2019	Advanced Certificate in Terrorism Studies	Advanced Certificate	University of St Andrews
2017	2018	Advanced Diploma in Accounting	AAT Level 4	University of Gibraltar
2017	2018	Advanced Diploma in Accounting	AAT Level 3	University of Gibraltar
2018	2019	Air Transport Pilot License	EASA CPL/IR	FTE Jerez, Flight Training Europe
2016	2019	Applied Psychology	BSc	University of Brighton
2017	2020	Arts and Humanities (Spanish)	BA	The Open University
2015	2018	BA (Hons) Business Management	BA	The Open University
2016	2019	BA (Hons) Early Years	BA (Hons)	The Open University
2015	2020	BA Childhood & Youth Studies	BA	The Open University
2012	2018	Bachelor of Laws (Hons)	BA	The Open University
2014	2018	Bachelor of Laws BA (Hons)	BA	The Open University
2016	2018	Bar Professional Training Course	BPTC	University of the West of England, Bristol, UWE
2015	2017	Business Administration	MBA	Bangor University
2017	2021	Business and Management	BSc	University of Gibraltar
2015	2018	Business and Management	BSc	University of Gibraltar
2016	2020	Business and Marketing	BSc	University of Gibraltar
2015	2019	Business Management	BA	The Open University
2014	2018	Business Studies	BA	The Open University
2016	2021	Business Sustainability	PhD	University of Gibraltar
2018	2018	Certificate in Advanced Value	Certificate	New York University
2017	2018	Certificate of Higher Education in Environment	HND	The Open University
2012	2019	Childhood & Youth Studies	BA	The Open University
2017	2020	Childhood and Youth Studies	BA	The Open University
2017	2019	Civil Engineering and Construction Management	MSc	Heriot Watt University
2015	2018	Clinical microbiology and infectious diseases	MSc	The University of Edinburgh
2017	2018	CMI Level 5 - Management and Leadership	Diploma	Gibraltar College
2015	2018	Coaching for Performance in Football	BSc	Anglia Ruskin University
2017	2018	Computer Games (Software Development) with placement and digital arts foundation	Foundation	Southampton Solent University
2012	2019	Computing (Information Security & Forensics)	PG Dip	The Open University
2011	2019	Computing & IT and a second subject	BSc	The Open University
2017	2023	Computing and IT	BSc (Hons)	The Open University
2017	2018	Construction Project Management	MSc	Liverpool John Moores University
2017	2019	Creative Arts	PhD	The University of Central Lancashire, UCLAN
2015	2018	Dementia Studies	MSc	University of Stirling
2016	2018	Development Management	MSc	The Open University
2014	2018	Diploma - International Relations	Diploma	London School of Economics
2017	2020	Early Childhood	BA	The Open University
2015	2019	Early Years	BA	The Open University
2016	2018	Electronic Music Production & Performance Degree	BA	Berlin
2014	2018	English Language and Literature	BA	The Open University
2017	2018	Fast Track Yachtmaster Offshore Motor Course	MCA RYA / SRC VHF incl GMDSS	All Abroad Sailing Academy
2016	2018	Fire Rescue Service Management	Foundation	Blackburn College
2017	2018	Google Squared Course	Certificate	Google Online
2017	2018	Graduate Diploma in Law	GDL	BPP Law School
2017	2018	Graduate Diploma in Law	GDL	BPP University, London
2017	2018	Graduate Diploma in Law	GDL	
2017	2018	Grant making, Philanthropy & Social Investment	MSc	CASS Business School
2017	2020	Health	BSc	The Open University
2017	2020	Health and Social Care	BA	The Open University
2017	2020	Health and Social Care	BA	Bangor University
2015	2021	Healthcare	PhD	University of Gibraltar
2017	2020	History	BA	The Open University
2017	2018	Human Resources Level 3	QLS	UK Open College
2017	2019	Information Security	MSc	University of London - Royal Holloway
2017	2018	International Beauty Therapy Diploma	CIBTAC	Marbella Beauty Academy
2015	2018	IT and Computing	BSc	The Open University
2013	2019	Law	LLB	The Open University
2014	2020	Law	LLB	The Open University
2015	2018	Law	LLB	The Open University
2016	2018	Law	LLB	The Open University
2016	2022	Law	BA (Hons)	The Open University
2017	2018	Law	LLB	The Open University
2017	2023	Law	LLB	The Open University
2017	2021	Law	LLB (Hons)	The Open University
2017	2018	Legal Practice Course with integrated LLM	LPC & LLM	BPP University, London

Continued

Continued Answer to Question 348

2017	2019	Level 7 Advanced HR Management Course	CIPD Level 7	CIPD
2015	2021	Literature	PhD	University of Gibraltar
2011	2020	LLB	LLB	The University of Law
2016	2018	Management Accounting	BSc	The University of Derby
2017	2018	Management and Leadership Diploma	CMI Level 6 Diploma	Brighton School of Business and Management
2017	2018	Management and Leadership Diploma	CMI Level 6 Diploma	Brighton School of Business and Management
2017	2018	Management and Strategic Leadership	MA	London Metropolitan University
2015	2021	Marine Biology	PhD	University of Gibraltar
2017	2019	Master's in Education	MA	University of Exeter
2017	2018	MCA RYA Day Skipper / RYA Radar Course / RAY Diesel Engine Course / Maritime Radio Operators Licence	MCA RYA / SRC VHF incl GMDSS	All Abroad Sailing Academy
2017	2021	Mechanical Engineering	HND	Teesside University
2015	2018	Medical Ultrasound (MSK Route)	PgDIP	Bournemouth University
2017	2019	MLP Licensed Master Coach	NLP	NLP
2017	2018	MSc Musculoskeletal Science	MSc	The Open University
2017	2020	Music Production	BA	University of Central Lancashire, UCLan
2016	2022	Nutritional Therapy and Science Foundation Course	BSc (Hons)	BCNH College of Nutrition and Health
2016	2020	Part-time PhD Researcher	PhD	University of Gibraltar
2017	2018	Personal Trainer and Fitness Instructing	QCF Diploma level 3	Stone Bridge Associated College
2017	2018	PGCE	PGCE	Sunderland University
2015	2019	PhD History	PhD	Darwin College, University of Cambridge
2015	2022	PhD Researcher	PhD	University of Gibraltar
2017	2022	PhD Researcher	PhD	University of Gibraltar
2017	2022	PhD Researcher - Institute of Life and Earth Sciences	PhD	University of Gibraltar
2016	2021	PhD Social Work	PhD	University of Gibraltar
2017	2018	Phibrows Microblading Training	Microblading Training	Brank Babic Microblading Academy
2017	2019	Philosophy, Science and Religion	MSc	The University of Edinburgh
2016	2018	Physician Associate Studies	PGDip	Newcastle University
2016	2018	Post Graduate Certificate Mental Health & Substance Abuse	Post Grad Cert.	
2017	2018	Postgraduate Certificate in Advancing Healthcare Practice	MSc	The Open University
2017	2018	Primary Education	PGCE	Bath Spa University
2017	2018	Primary Modular PGCE	PGCE	Canterbury Christ Church University
2017	2018	Primary Modular PGCE	PGCE	Canterbury Christ Church University
2017	2018	Primary PE Specialism	PGCE with QTS	St Mary's University, Twickenham
2016	2019	Professional Computing	MSc	Staffordshire University
2017	2022	Professional Doctorate	DProf	University of Sunderland
2015	2018	Professional Practice in Arts	BA	Middlesex University London
2015	2018	Psychology	BSc	Cardiff Metropolitan University
2016	2019	Psychology	BSc	The University of Derby
2017	2019	Psychology	BSc	The Open University
2015	2021	Psychology with Counselling	BSc	The Open University
2017	2019	Quadrilingue	MA	Universite Sorbonne Nouvelle, Paris
2015	2018	Real Estate	BSc	University of the West of England , UWE
2014	2018	Research Life Sciences	Mphil/PhD	University of Westminster
2017	2018	Safe and Accepting Schools/Teaching students with communication needs (learning disability)/Teaching students with behavioural needs/Special Education Part1/Teaching Students with Communication Needs (Autism Spectrum Disorders)	AQ/ABQ Courses	Queens University
2017	2019	Social Work	MA	Liverpool John Moores University
2016	2021	Socio Economics	PhD	University of Gibraltar
2014	2018	Sport, fitness & coaching	BSc	The Open University
2016	2019	Sports and Physical Education	BSc	Liverpool Hope University
2017	2019	Sports Coaching	FdA	Leeds City College
2017	2018	STCW Basic Safety Training	STCW	All Abroad Sailing Academy
2016	2019	Theatre Arts (Prop & Special Effects)	BA (Hons)	Greater Brighton Metropolitan College, MET
2017	2019	Theology & Christian Ministry	MA	San Franciscan University of Steubenville
2017	2020	Trichology	Diploma	The Trichology Society
2015	2021	Youth Work	BA	The Open University

**Q349-357/2018**

**New schools –**

**Location; contract; classrooms; total area; cost;  
teacher support; traffic; evacuation and collection points**

**Clerk:** Question 349. The Hon. E J Reyes.

630 **Hon. E J Reyes:** Mr Speaker, given the strong opposition expressed by the majority of the  
teaching profession in respect of the closeness of location of the two new co-educational  
secondary schools, is Government now reconsidering the sites where the new schools will be  
built?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I will answer this question together with Questions 350 to 357.

640 **Clerk:** Question 350. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, further to Q39/2018, can the Government advise the  
monetary value of the contract awarded to GJBS for the construction of Notre Dame School?

645 **Clerk:** Question 351. The Hon. D A Feetham.

**Hon. D A Feetham:** How many classrooms will the two new proposed comprehensive schools  
contain?

650 **Clerk:** Question 352. The Hon. D A Feetham.

**Hon. D A Feetham:** What will be the total constructed area in square metres of each of the  
two proposed new comprehensive schools?

655 **Clerk:** Question 353. The Hon. D A Feetham.

**Hon. D A Feetham:** Does the price of £52 million, announced by the Government for the  
construction of the two new schools in the area of Waterport terraces, include all necessary  
internal fittings such as would render those schools fully functioning?

660 **Clerk:** Question 354. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, is the Government satisfied it has the support of the secondary  
education teaching fraternity in developing the two secondary schools as outlined in their plans?

665 **Clerk:** Question 355. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide an update to Question 711/2017?

670 **Clerk:** Question 356. The Hon. L F Llamas.

**Hon. L F Llamas:** Further to Question 222/2018, can the Government update this House with the latest information relating to traffic assessments in connection to the new schools?

675 **Clerk:** Question 357. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, further to Question 229/2018, can the Government update this House with the latest information relating to the evacuation and collection points for the new schools?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
685 Mr Speaker, the location is not being reconsidered and a contract has been awarded for the schools' design and build.

685

Some secondary school teachers from Westside have raised questions on the location of their new school and other aspects of the educational reform proposed, which the Chief Minister addressed yesterday at a meeting with them. The issues raised can be mitigated in full consultation with the professionals. We have no doubt that the staff in secondary education will be extremely happy with the finished product. Children will be delighted to see the facilities we will provide.

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In relation to Notre Dame, in view of the fact that we will shortly be inviting proposals for similar schools, this information cannot yet be made public.

695

In answer to Question 351, 60 classrooms for Bayside and 60 classrooms for Westside.

In relation to the surface area, Bayside will have 23,623 m<sup>2</sup> and Westside 24,883.5 m<sup>2</sup>.

The provision of fixtures, fittings and equipment (FFE) as well as the provision ICT equipment are excluded from the contract awarded for the construction of the new schools at Waterport.

In relation to Question 355, there is no change to the stated position.

700

Discussions continue with the Ministry for Traffic.

In relation to Question 357, this matter is under consideration, as stated in my reply to a similar question at the last sitting.

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**Hon. E J Reyes:** Mr Speaker, specifically on Question 351, the Minister indicated that each of the two schools would have 60 classrooms. Is that figure of 60 inclusive or not inclusive of specialist rooms – for example, a science laboratory, or a kitchen in respect of home economics and so on?

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**Hon. Dr J E Cortes:** Mr Speaker, that is exclusive of specialist rooms; that is basic classrooms.

**Hon. E J Reyes:** Mr Speaker, on my specific Question 349 the Minister said that the location is not being reconsidered and I believe he has now indicated that the Chief Minister met with the teaching fraternity yesterday, so more so in light of whatever may have happened or the exchanges with the Chief Minister yesterday.

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I do not think there was any specific reply to Question 354, which I know pertains to Mr Llamas but he is asking is the Government satisfied it has the support of the secondary education teaching fraternity.

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**Hon Dr J E Cortes:** Mr Speaker, I think I did answer. I said that there were secondary school teachers, particularly in Westside, who have raised questions. I have said that the Chief Minister at the meeting yesterday, which I was very pleased to accompany him to, addressed these issues, that they will be mitigated in full consultation and that we have no doubt that at the end



of the process the staff in secondary education – not just teachers but other staff in the education system – will be extremely happy.

725

**Hon. L F Llamas:** Mr Speaker, is the Government satisfied, given that they are still undergoing traffic assessments and evacuation and collection points for the schools, that the locations of these schools will not actually provide any issues moving forward, given that they are located in a difficult area of Gibraltar with cruise passenger traffic and things like that?

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**Hon. Dr J E Cortes:** Yes, Mr Speaker.

**Hon. R M Clinton:** Mr Speaker, if I can take the Minister to his answer to Question 350, which is following up on previous Question 39, for the Minister to say this cannot yet be public, and yet obviously the building is going up, GJBS has been awarded the contract ... He comes to this House and says this cannot yet be made public, and yet on 23rd April of this year the Government is happy to announce the cost of the construction of two comprehensive schools at £52,208,375. Could the Minister please explain to me what is the difference and why is it that he can announce the contract cost awarded to Casais but not to GJBS?

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**Hon. Dr J E Cortes:** Absolutely, Mr Speaker. They are very different. Comprehensive schools and first schools are very different in their requirements, in their extent, in the number of specialist rooms. They are completely different animals and therefore you cannot compare and you cannot even calculate by approximation even ... Based on what we have stated quite openly and transparently on the cost of the construction of the comprehensive school, you cannot get the slightest inkling of how much a primary school would cost.

We are about to go out and look at awarding a contract on the next primary – middle school as opposed to first school, but it is more similar to a first school than it is to a comprehensive school – and shortly we will be having to deal with another first school which will be very similar in content, maybe not in layout, to the one that we have just awarded. If we go out to a competitive process, we have already said how much we are paying for this one. That might prejudice the issue and I would rather not give any hints to the people who are going to compete in order to be able to make the best use of taxpayers' money.

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So they are very different and that is the explanation.

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**Hon. R M Clinton:** Mr Speaker, I would accept the Minister's explanation if he were building standardised schools across a huge country, but I am sure each school will have its own design requirements and each school will have a different size, so we are not talking about standardised units of school. So I really do not follow his logic that he cannot explain or give information to this House about a contract that has obviously patently already been awarded and is under construction. These are not going to be modularised school units that are going to be rolled out across Gibraltar; each one is going to be different. So why can't he just give us the cost information for this one?

760

**Hon. Dr J E Cortes:** Mr Speaker, they are going to be different but the basic content will be very similar. The contractors would speak to each other and it is not in the interest of the taxpayer to reveal how much we are going to be spending on one school when we are about to put out a process of asking for bids for other schools which are not identical at all but similar. We think that this would not be in the best interests of obtaining a reasonable cost which is in the interest of the taxpayer.

770

**Hon. R M Clinton:** Mr Speaker, can I then ask the Minister: the contracts that he has ... well, certainly the one he has already awarded to GJBS and the ones he intends to seek tenders for,

775 do those include ICT fitting out and other fixtures and fittings which he obviously has not included for the comprehensives?

**Hon. Dr J E Cortes:** Mr Speaker, there is an allowance within that for fixtures and fittings, which has been allowed. So there is an allowance for it.

780 **Hon. R M Clinton:** Mr Speaker, can the Minister explain why the difference in procedure behind these schools and the comprehensives – as to why, obviously the comprehensives being a much more complex project, it did not include ICT and FFE?

785 **Hon. Dr J E Cortes:** Precisely because of the complexity and precisely because it was felt that it was in the Government's interest to have a more direct ability to decide and determine, in consultation and within the Department of Education, what is required. It is a much more complex building that we felt was better treated in that way.

790 **Hon. R M Clinton:** Mr Speaker, in which case, can I ask the Minister: how does he intend to deal with those aspects, given that he will then inherit a shell of a building? Does he intend to go out to separate tender on this, or is he going to be speaking effectively to the same contractor once he has made up his mind what he wants in the school?

795 **Hon. Dr J E Cortes:** Mr Speaker, there will not be a shell of a building. This is a process that is concurrent. There is a process. There is a board, which I chair, which is leading on these projects. We have expertise which we can call on and there will be aspects that will have to be contracted out, absolutely, but this is all the work that is going to be undertaken. It is not that we are going to get an empty shell.

800 **Hon. D A Feetham:** Just related to these questions and related to the original question that I asked about what was actually included in the price of £52 million, can the Government confirm that when this went out to tender the original tender included things such as ICT and what the Government has done is ... subsequent to the tender actually going out, there has been a cutback in the amount that people have been asked to provide; hence why the price has actually  
805 come down?

**Hon. Dr J E Cortes:** Mr Speaker, when it went out to the competitive process the competitive bids came in for different elements. It was decided to not incorporate this in this tender, but that does not mean that the building will not be fully fitted as will be required. So that will be  
810 done.

**Hon. D A Feetham:** Yes, but I am getting to a different point. If you go out to tender on one basis, in other words almost a turnkey operation – you are building the school, you are including all the equipment within it – a contractor comes back and he bids for that, but then after  
815 tenders have closed there is a scaling back. When you compare, say for example, £52 million in relation to Casais, it may not be comparable to what other companies have actually bid because of course they are tendering for more to be included within the works that they are doing. That is what I am asking the Hon. Minister.

820 **Hon. Dr J E Cortes:** Mr Speaker, there would have been an identical process regardless who the successful bidder would have been.

825 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I do not know whether it is helpful to the hon. Gentleman, but the prices are broken down between construction and the other elements, so you could easily compare the bit that you were deciding to proceed with, were precise on, to the bits that others had submitted for exactly the same works. So you were comparing like with like across the board.

830 **Hon. R M Clinton:** Mr Speaker, can I then ask the Chief Minister, in terms of the analysis he has obviously had on the tender, what was the amount that has now been excluded in respect of ICT and fixtures and fittings? How much is that going to cost?

835 **Hon. Chief Minister:** That is a question of which he should give specific notice.

**Hon. E J Phillips:** Mr Speaker, just one question on this, and hopefully a simple question that results in a simple answer from the Minister for Education. In the press release of 23rd April, the Chief Minister described this as an unprecedented investment in the education of our children. What I am asking is that when headmasters open these two schools on whatever day – the Day – will it cost us £52 million or will it cost us more? That is the simple answer. A fully functional school: does it cost us £52 million on the day of opening, or will it cost us any more?

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**Hon. Dr J E Cortes:** Clearly, Mr Speaker, if the cost does not include fixtures and fittings there will be an additional element of fixtures and fittings. That is clear from your questioning. Even the questions you have asked made it clear that there will be provision for fixtures and fittings.

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**Hon. D A Feetham:** Yes, and it may well be £5 million, £10 million or £20 million, or whatever, but let me just draw the Minister's attention and, if I may, be granted a little bit of indulgence because I am going to quote square metre prices in terms of other projects and then I am going to ask the Hon. Minister a supplementary.

850

Here, based on the square metreage that the Hon. Minister has given me in answer to my question and based on the price of £52 million, this is going to cost just over £1,000 per m<sup>2</sup>. This is the price of this particular project, all right?

If you look at the Law Courts project – a complicated project; it is a complicated site – that was £3,000 per m<sup>2</sup>. If you look at the catering facility in St Bernard's Hospital, that was £5,000 per m<sup>2</sup>. If you look at St Bernard's School – again, more complicated, I agree, but still £7,000 per m<sup>2</sup>. If you look at the work on Loreto which was undertaken when we were in Government, £1,800 per m<sup>2</sup>. If you look at the Jewish School, which was work that was done in eight weeks, that was £2,000 per m<sup>2</sup>. Actually, low-cost housing is round about £1,200 to £1,300 per m<sup>2</sup>.

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860

This looks pretty low per square metre in comparison – and I have come prepared because I have done my homework in terms of other Government projects that have taken place here in Gibraltar. Can the Minister say to this House that he really feels very confident that this is going to come in at just over £1,000 per m<sup>2</sup>?

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**Hon. Chief Minister:** Mr Speaker, yes, sir, and I expect that when it does come in at that price, or if it deviates because there is good reason during the course of the works to make a decision that changes the cost in some way which we do not anticipate, I expect the hon. Members will want to congratulate us for having been able to deliver a project which will be a magnificent – at last – new set of secondary schools for Gibraltar's children on price, on budget and on time.

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And then it will be very helpful indeed that the hon. Gentleman has done the homework that he tells us he has done, although of course I never accept his figures and will go and check them myself because I will then be able to come back and say that our Government, eight years later,

875 has delivered those two new schools for much less than they were able to deliver some of the projects that he referred to.

Indeed, given that he has thrown down the gauntlet, I dare say that at £84 million the Airport cost £2,400 per m<sup>2</sup>. I think there is a demonstration there of the Government's ability to deliver for the right price, of the fact that we have delivered a contract price which is good for the taxpayer and which will be producing the product that we all expect for our children. I am not going to bother calculating what the Theatre Royal cost per square meter because that was £10 million and we do not have a theatre: I think that means it was £10 million for no square metres.

880  
885 But in the context of what we are doing now, Mr Speaker, I think this is exactly the right way to be negotiating for the Gibraltar taxpayer to be getting the best possible deal and to deliver the best possible product for our children.

**Hon. R M Clinton:** Mr Speaker, can I ask the Chief Minister if the Government is paying a premium – because of the haste at which this project is progressing – to have it completed by September 2019; and if perhaps he did not have such an ambitious timeframe, we could have got a better price for this project?

**Hon. Chief Minister:** Mr Speaker, I really do not know whether the fracturing on the Opposition benches is worse than even I imagined, because we seem to have been told a moment ago that it was too cheap to be realistic, whilst the hon. Gentleman seems to be implying in the thrust of his question that it is too expensive because of the timescale.

895 There is, as far as we are concerned, no premium relating to the speed with which the project will be completed. If there were, it would be included in the per metre that the hon. Gentleman has indicated is already much lower than in some of the other projects that he referred to.

900 It would appear, for example, that there might have been a premium paid for the completion of the Law Courts, because I still remember people complaining about works going on late into the evening before the 2011 General Election.

It would appear there was a premium payable in respect of the completion of the Airport, because I remember being thrown off the side of the site – and I had to insist on my right to be there – whilst I was photographing works going on at midnight at Gibraltar Airport. Indeed, there were certificates granted after resolutions of this House to allow 24-hour working at the Airport, so I suppose that the huge cost of the existing terminal, which went up from £20 million to £84 million by the time of completion, includes an element of that premium.

910 But no, Mr Speaker, in the context of this contract price there is no premium being paid separately in order to ensure delivery of the schools in keeping with our manifesto commitments or indeed in order to achieve the timetable that hon. Members were chiding us and challenging us to achieve before they realised we could achieve it, at which moment they turned from chiding and challenging us to achieve it to telling us that we were going too fast and that we should slow down. You could not make it up.

915 I would say that they are trying to hunt with the hares and run with the hounds –

**Hon. D A Feetham:** I think it's the other way round!

920 **Hon. Chief Minister:** Or the other way round, run with the hares and hunt with the hounds. I am grateful to the hon. Gentleman for pointing that out, but I think it is more likely a case of trying to hunt with the wolves and run with the hounds, given the analogies that we have been given of how the alien resurrection we have before us has come about.

925 **Hon. R M Clinton:** Mr Speaker, I will probably be whistling in the wind before I get a straight answer from the Chief Minister, but does he not accept that having workers working on May Day, when they should be on holiday –?

**Mr Speaker:** No, that is totally irrelevant.

930 **Hon. R M Clinton:** Well, if you will let me finish what I am saying, Mr Speaker, you might see the relevance.

**Mr Speaker:** I will rule it out of order immediately.

935 **Hon. R M Clinton:** Well, fine, but let me finish.

**Mr Speaker:** If you insist, go on.

940 **Hon. R M Clinton:** Thank you. And having workers starting at eight o'clock in the morning in that area must indicate there is obviously a haste about the project – and that comes at a price.

**Mr Speaker:** The Hon. Chief Minister does not have to answer that question if he does not want to.

945 **Hon. Chief Minister:** I am grateful, Mr Speaker.

Many people work on Mayday. Mayday is not a day when shops are required to close. Even though we declared it a bank holiday, when they were in Government they changed it from 1st May to any other bank holiday weekend. Indeed, there was work on bank holidays on many of the projects which they ran and there is work on bank holiday on many of the projects that we run.

950 I think it is important to point out to the hon. Gentleman – who has obviously never been on a construction site and never dirtied his *Financial Times* toting hands with bricks or cement or anything like that – that work on construction sites starts everywhere between seven and eight in the morning. It is a working day for a person who works on a construction site. That is not unusual. If that is what he thought we would pay extra for, he has got it completely wrong. He needs to go back and consult his textbook about what construction is all about.

**Hon. D A Feetham:** Mr Speaker, can I alternate from my fellow wolf to my right and attempt to take a nibble out of the Chief Minister myself a little bit?

960 What the hon. Gentleman has said in answer to my previous supplementary and also the answer that he has given to the Hon. Mr Clinton as well just does not assuage my own concerns that £52 million is an under price for this particular project.

965 The Hon. the Chief Minister in answer to me said, 'But the Airport cost £2,400.' Actually, yes, absolutely. If you look at the comparators of Government projects, all the ones that I have cited, the ones that the Chief Minister has cited, they have never come in at £1,069 per m<sup>2</sup>. If you then add on top of that the point that has been made by the Hon. Mr Clinton, which is that there is undoubtedly a haste in relation to this particular project because the Government is going to want to deliver it within the 18 months that it said that it was going to deliver it – and we all know, and certainly I was very hands on in relation to the projects that I was involved in, we all know that if there is haste it comes at a premium, it comes at an increased price, and therefore this price of £52 million appears to us, or it certainly appears to me, to be a very unrealistic price. When you then add on to that the fact that today we have found out that this is not a turnkey operation, that this is effectively ... I am not going to describe it as the shell because I think that that would be a disservice to the Hon. Minister, but certainly it has got to be equipped

975 on the inside and that is going to cost also a significant amount of money, which I believe is probably going to be around the figure of £7 million or £8 million. But in any event, when you add all those factors, does he not agree with me that it is going to come back for the taxpayer at considerably more than just simply £1,069 per m<sup>2</sup>?

980 **Hon. Chief Minister:** Well, no, Mr Speaker, but –

**Mr Speaker:** Let me intervene here. We are now getting a debate. Questions have been asked: what is the area of the comprehensive school? We know from the press release issued by Government that £52 million is the cost and comparisons are being made about the cost, when  
985 the GSD were in Government, of various projects and so on, and we are now getting a debate about whether the cost of £52 million is realistic or not.

This is not a matter for this House at this juncture. Question Time is about seeking information, it is about asking the Government to adopt certain policies, urging the Government to adopt certain courses of action. It is not about debating whether a tender price is realistic or  
990 is not realistic. That is the expression of opinions and it becomes a debate.

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

**Hon. Chief Minister:** Mr Speaker, may I just deal with the points that the hon. Gentleman has  
995 raised? I think it is important that I do because he has raised them and therefore I think this community deserves that I should address them.

It deserves that I should address them because this is the first time, I think, in the history of this Parliament that an Opposition has urged the Government to pay more for something, which is in effect what the hon. Gentleman is doing. (**Hon. D A Feetham:** No.) He is urging price  
1000 inflation for all those who in future submit a tender or a competitive bid to the Government. That, Mr Speaker, is remarkably dangerous, in my view, and it is not in the interest of the taxpayer. It is an attempt to cover their own obvious shame at the huge cost that they paid for some of their projects.

If there was a particular contract in the history of Gibraltar that was granted at an under  
1005 value, it is obviously the tunnel contract, which was granted at £30 million. You could not find a tunnel in the world, of the sorts of characteristics that we were dealing with here, that could be completed at that price. Result? What the Hon. the now back-in-the-fold Mr Bossino referred to when he was here as a then member of the then GSD – I really do not know what I am looking at now – was the golden legacy of the GSD. The golden legacy of the GSD was the litigation in  
1010 respect of the tunnel under the runway, which cost millions. That was a contract awarded at an under value, not to say anything about the loan lost to OEM in respect of the projects that they were undertaking at Cumberland – all moneys lost and litigation incurred under the GSD.

But, Mr Speaker, we are talking about a company, in Casais, that has submitted a price to the Government in Gibraltar which the Government has accepted, based in particular of course on  
1015 the track record of that company of delivering for Government and to private sector companies on price, on budget and on time. The hon. Gentleman seems to be ready to carve out the excuse for them not to complete on budget and on time and to return to the negotiating table and ask the Government for more, ask the taxpayer for more money. How are they representing the interests of the taxpayer in doing that? It makes absolutely no sense.

But I will tell him why it is that GJBS costs more in many projects. The men and women of Gibraltar Joinery and Building Services, who are of a company the shares of which are owned by the Government, whom we have the highest regard for, who do some of the best work that the Government undertakes, were subjected to the gift of a 16% pay rise after the election had been  
1020 called in 2011, and in that way –

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**Mr Speaker:** No, no. I must interrupt. This is getting completely out of hand and I am not going to have it, Chief Minister. I have given you an opportunity to reply. Reply, but within the parameters of the subject of the question, please.

1030 **Hon. Chief Minister:** No, Mr Speaker, I will tell you – with the greatest of respect, as usual – why this is in the context of the parameters of the question: because the hon. Member has used price per square metre of GJBS. That is why it is within the parameters of the question.

The price per square metre of GJBS is subjected to a 16% increase in the cost of direct labour to GJBS by the former Chief Minister turning up at the lot where GJBS do their business after the  
1035 election had been called and announcing a 16% increase in salary. All of those things go to the bottom line of what it costs to use a particular company and all of those things have led to price inflation in this market. That is why this Government will fight for the best price for the taxpayer.

Hon. Members opposite should realise what they are doing. They should give some thought to what they have done today and the public should know that the Government will, despite  
1040 that, resist any attempt by any contractor in Gibraltar to take the taxpayer for more than he should be paying for any project and we shall ensure that we always get the best value for money. And if there was ever any evidence of the fact that we do that, I want to thank the hon. Gentleman for the homework that he says he has done, which absolutely demonstrates it beyond peradventure.

1045 And, by the way, it is pronounced ‘assuage’.

**Mr Speaker** One last supplementary.

**Hon. D A Feetham:** Yes, Mr Speaker, just addressing the point and then we will move on.

1050 With respect to Mr Speaker and the point that Mr Speaker made earlier – and I just make this point because it may arise in the future – it is perfectly within the remit of an Opposition and the function of an Opposition within the context of Question and Answer sessions to hold the Government to account as to whether they are going to be able to keep to a particular price that they have announced for a particular project. Hence why I have come to this House today very  
1055 well prepared in terms of comparables with other projects, and that is why I have asked –

**Mr Speaker:** The hon. Member knows perfectly well that with all of that information that he has he would not be allowed in any other parliament in Western Europe to do what he is doing today and for the Chief Minister then to engage in a debate. It would not happen during  
1060 Question Time. That is clear. That is as clear as can be. I have seen footage of Winston Churchill being called to order during Question Time because he was introducing matters more appropriate to a debate. Hon. Members do it here very often, in spite of what I say. They get away with it – most of the time they get away with it; I allow them to get away with it most of the time.

1065 It has been a very simple question. The area of the two schools has been asked for and been confirmed, we know the cost, and what happens is that information is then used for a debate lasting nearly half an hour. I am not stopping hon. Members from debating: bring a motion and debate it. You are going to have an opportunity during the debate on the Estimates. Surely education is going to figure very prominently in that, so I am not depriving you. By all means  
1070 raise the matter, but under Question Time you have to be specific.

You have been getting away with it for many years and, much as I have tried over the last five years, I do not think I am successful, particularly where the Chief Minister is concerned and where the Hon. Mr Daniel Feetham is concerned. You are the two who do it all the time. Now it is happening less because you are no longer Leader of the Opposition, but when you are here  
1075 and when you intervene in the exchanges it happens once again – and I am getting a little bit tired, honestly, so –

**Hon. Chief Minister:** Mr Speaker, can I –

1080 **Mr Speaker:** I will allow you a supplementary, I will allow the Chief Minister to answer – then we are moving on to the next question on the Agenda.

1085 **Hon. Chief Minister:** Mr Speaker, I am not going to say he started it; *(Laughter)* what I wanted to say was that I think you are absolutely right and I did not want my intervention to seem that we were somehow challenging your ruling. We are not. My only concern is that once the hon. Member has been allowed to raise those issues it must be right that the Government must then be able to respond. Otherwise, we are left with the pregnant pause of issues put in question and the answer not being put.

1090 **Mr Speaker:** And I do allow you to –

**Hon. Chief Minister:** And I wanted to signify –

**Mr Speaker:** Generally you continue to act on each other symbiotically.

1095 **Hon. Chief Minister:** I wanted to just thank you for giving us the leeway to do that and to just say to hon. Members that we would welcome if they wanted to have a debate on the subject, if they want to put a motion on the subject – of course we would.

1100 We certainly agree with Mr Speaker that we sometimes are allowed on both sides much more leeway in respect of questions than would be the case in any other parliament, which is probably why, in the context of this Parliament, Question Time takes longer than motions and Bills for debate etc.

**Mr Speaker:** Do you have another supplementary – a relevant supplementary?

1105 **Hon. D A Feetham:** No, Mr Speaker. We can move on.

**Mr Speaker:** Next question.

**Q358/2018**  
**New secondary schools –**  
**Compliance with EU law**

**Clerk:** Question 358. The Hon. L F Llamas.

1110 **Hon. L F Llamas:** Mr Speaker, can the Government explain why it has not complied with EU law when contracting for the new secondary schools?

1115 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, all principles and obligations of EU law and Gibraltar laws have been fully complied with when contracting for the new secondary schools.



1120 **Hon. L F Llamas:** Mr Speaker, my understanding from a document circulated in this House – and from EU law, which I have also researched – is that any works contracted by Government exceeding £4 million should, and have to be subjected to an EU tender process in the same way as the Hon. Minister did for the public cleaning contract when that exceeded €134,000.

1125 Therefore, I am at a loss as to how the Hon. Minister can say that we are complying with EU directives but on the other hand it seems that we are not. Can the Hon. Minister please clarify that position?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this contract has been procured through a Government company.

1130 **Hon. L F Llamas:** Mr Speaker, could the Hon. Chief Minister please expand on how that works? Obviously Casais is not a Government-owned company, so if the Hon. Chief Minister could explain the process that has led to this contract being allocated.

1135 **Hon. Chief Minister:** Mr Speaker, I have not told him that Casais is a Government company; I have told him that the contract has been procured through a Government company.

**Hon. L F Llamas:** So could the Hon. Chief Minister explain the process: which Government-owned company procured the contract and how that process was derived?

1140 **Hon. Chief Minister:** Mr Speaker, I do not think that arises. The simple principle is that the EU procurement rules do not apply to procurement by Government companies. It is something that was established at the time that hon. Members were in office. In fact, I have the opinion that was left behind by them telling us exactly that.

1145 **Hon. L F Llamas:** So, on that basis, Mr Speaker, how does the Government justify not using the same loophole with the public service contract that they say that the contract did have to go out to the EU tender process?

1150 **Hon. Chief Minister:** Well, it is not a loophole, Mr Speaker; it is a straightforward different type of contract. One is the Government contract for cleaning and this is a contract through a Government company that is going to own the property when it is built.

So it is not a question of loopholes; it is a question of correctly applying EU law in the proper way in the context of each of the particular instances that we are dealing with.

1155 **Hon. R M Clinton:** Mr Speaker, the Chief Minister has just said something which has sparked my interest, and that is that the Government-owned company will own the building on the land. Would the Chief Minister be willing to ...? I guess he is going to say the question does not arise. He is not willing to disclose the name of the company that has been doing the procurement, but  
1160 if I came to this House with a question, would he be willing to give an answer as to which company is doing the procurement and what land it owns, in terms of our schools?

**Hon. Chief Minister:** Mr Speaker, I do not have that information here with me and it does not arise from the question.

1165 **Mr Speaker:** Next question.

**Q359/2018**  
**Portakabin classrooms –**  
**Number and location**

**Clerk:** Question 359. The Hon. L F Llamas.

1170 **Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide for each academic year how many classrooms are being conducted in portakabins and the schools they relate to?

1175 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the number of classes conducted in portakabins since December 2011 is as follows. Gibraltar College: two classroom portakabins that have been used continuously since December 2011.

1180 St Martin's Special School: two classroom portakabins, ground floor installed in August 2016 and first floor in August 2017 and in use since installation.

1185 Bishop Fitzgerald School: four classroom portakabins and one small soft room portakabin. Three portakabins predate December 2011 and have been in use continuously since they were installed. The soft room portakabin was installed in August 2016 and is used as and when needed by the Learning Support Facilities Unit. The fourth portakabin classroom was installed in August 2017 and has been in use since installation.

**Mr Speaker:** Next question.

**Q360/2018**  
**Special Educational Needs –**  
**Support for students into adulthood**

1190 **Clerk:** Question 360. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide an updated schedule to table ED8, together with details on the policy and work being deployed to support these pupils into adulthood?

1195 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the next update for this table is expected in July.

1200 Pupils with SEN are supported in our schools in a variety of ways. The curriculum in our schools allows these students to develop life skills that are important for them as they move into adulthood. Pupils receive career advice and additional work placement opportunities to allow them to develop skills that make them employable young adults. Pupils are carefully transitioned from the secondary school environment to the Gibraltar College, making use of familiarisation visits. Additionally, students at St Martin's are transitioned to St Bernadette's or  
1205 into employment.

**Q361/2018**  
**Pupils attending schools –**  
**Updated schedule**

**Clerk:** Question 361. The Hon. L F Llamas.

1210 **Hon. L F Llamas:** Mr Speaker, can the Government provide updated schedules, for the academic years 2012-13, 2013-14, 2014-15, 2015-16, 2016-17 and 2017-18, of pupils attending schools in the same format and detail as it provided in tables labelled ED9, ED10, ED11, ED14 during the 2011 publication of statistics on the Government website?

1215 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1220 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have handed over a schedule containing the information requested for ED9/10/11 for the academic years 2012-13 to 2017-18. The schedule additionally contains the information on ED14 for 2017-18.

There has been a change in the way that the data from ED9/10/11 has been processed within that timeframe. However, the hon. Member will see that the schedule provided gives him the snapshot of information that he would have obtained from ED9/10/11.

Mr Speaker, I have no doubt that this will take a little bit of time to digest.

Answer to Question 361

**Pupils per Year in Gibraltar Schools: 2012/13**

School Name	School Year																																	
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2012/13			
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
St Josephs First	39	37	39	35	42	49	37	54	60	51																								
St Mary's First			23	27	23	20	21	21	17	25																								
St Paul's First			36	38	36	39	38	24	38	41																								
St Bernard's First	18	16	14	10	11	14	14	14	14	15																								
Governor's Meadow	25	17	37	34	29	22	34	34	32	30																								
Notre Dame			30	41	37	27	34	23	35	27																								
Hebrew Primary			6	12	13	9	9	11	6	17	12	8	9	12	8	7	9	12																
St Martin's Special	10	4																															26	6
Bishop Fitzgerald											47	52	64	39	52	63	69	56																
St Anne's											62	52	50	45	61	41	53	51																
Sacred Heart Middle											34	30	22	30	22	19	29	27																
St Joseph's Middle											45	54	54	40	42	52	60	54																
Westside																			185	179		220	209		116		98							
Bayside																			229	213		232	203	123	100									

**Pupils per Year in Gibraltar Schools: 2013/14**

School Name	School Year																																		
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2013/14				
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
St Josephs First	42	42	55	35	45	41	45	50	55	37																									
St Mary's First	29	23	28	28	25	28	27	18	21	21																									
St Paul's First	20	21	32	35	37	40	37	39	40	25																									
St Bernard's First	25	9	18	14	16	11	15	15	15	17																									
Governor's Meadow	27	32	33	32	37	33	29	23	32	30																									
Notre Dame	24	36	32	29	32	44	38	27	31	22																									
Hebrew Primary			9	13	5	10	13	8	7	10	5	14	13	7	8	13																			
St Martin's Special	12	3																																22	11
Bishop Fitzgerald											48	50	48	53	64	38	55	63																	
St Anne's											60	47	60	59	48	40	59	42																	
Sacred Heart Middle											33	35	37	33	22	29	27	20																	
St Joseph's Middle											56	52	47	55	53	41	42	54																	
Westside																			227	184		194	210		150		96								
Bayside																			223	230		223	218		142		100								

Continued answer to Question 361

Pupils per Year in Gibraltar Schools: 2014/15

School Name	School Year																															
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2014/15	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
St Josephs First	39	46	48	47	47	47	45	38	42	48																						
St Mary's First	16	17	45	28	29	25	27	27	24	16																						
St Paul's First	21	20	34	44	32	34	37	38	38	42																						
St Bernard's First	22	14	26	8	17	15	15	9	16	17																						
Governor's Meadow	23	19	37	37	38	32	37	33	30	24																						
Notre Dame	24	23	38	44	36	32	35	45	44	25																						
Hebrew Primary			10	9	9	13	5	10	13	8	7	9	6	15	12	7	8	13														
St Martin's Special	5	4																														
Bishop Fitzgerald											64	42	49	52	49	56	70	37														
St Anne's											52	44	69	51	58	57	48	43														
Sacred Heart Middle											34	31	33	39	41	38	23	30														
St Joseph's Middle											42	56	46	40	45	53	53	43														
Westside																					197		232		186		183		170		103	
Bayside																					194		224		236		211		160		100	

Pupils per Year in Gibraltar Schools: 2015/16

School Name	School Year																															
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2015/16	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
St Josephs First	45	31	43	47	56	51	46	52	45	43																						
St Mary's First	15	15	27	31	42	31	30	25	24	27																						
St Paul's First	21	21	35	31	35	44	36	37	37	37																						
St Bernard's First	20	17	23	18	29	11	20	19	18	11																						
Governor's Meadow	23	19	35	28	39	38	38	32	38	33																						
Notre Dame	25	30	34	33	38	45	39	33	37	47																						
Hebrew Primary			6	13	9	8	9	15	4	9	12	8	7	10	3	13	14	0														
St Martin's Special	14	3																														
Bishop Fitzgerald											52	46	60	44	50	53	51	54														
St Anne's											63	44	50	44	69	50	58	53														
St Bernard's Middle											40	43	44	44	26	31	47	39														
St Joseph's Middle											44	44	46	53	56	50	47	56														
Westside																					166		199		227		173		143		142	
Bayside																					195		190		220		220		162		108	

Pupils per Year in Gibraltar Schools: 2016/17

School Name	School Year																															
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2016/17	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
St Josephs First	32	44	48	37	47	55	53	52	52	49																						
St Mary's First	22	8	22	19	26	30	42	32	26	29																						
St Paul's First	17	25	40	43	30	30	35	44	40	39																						
St Bernard's First	24	17	21	14	23	20	31	15	18	23																						
Governor's Meadow	21	21	34	27	39	30	38	37	39	30																						
Notre Dame	24	26	45	42	33	35	42	44	38	33																						
Hebrew Primary			14	9	5	13	9	9	9	17	4	8	11	8	8	9	4	13														
St Martin's Special	12	4																														
Bishop Fitzgerald											61	49	52	47	61	43	49	52														
St Anne's											61	54	62	46	51	41	70	51														
St Bernard's Middle											39	35	42	42	36	37	36	44														
St Joseph's Middle											52	47	48	44	46	53	55	47														
Westside																					207		168		197		218		137		112	
Bayside																					217		195		196		210		167		106	

Continued answer to Question 361

Pupils per Year in Gibraltar Schools: 2017/18

School Name	School Year																																			
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2017/18					
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F				
St Josephs First	44	41	34	44	52	42	47	53	54	54																										
St Mary's First	11	21	24	17	23	18	25	28	43	31																										
St Paul's First	20	20	33	40	40	43	29	30	35	43																										
St Bernard's First	21	20	26	17	22	14	22	24	32	13																										
Governor's Meadow	31	11	39	34	35	28	38	29	40	37																										
Notre Dame			39	28	47	44	33	34	43	41																										
Hebrew Primary			9	8	12	9	5	12	7	9	9	17	4	8	10	6	9	9																		
St Martin's Special	11	5																																		
Bishop Fitzgerald											66	44	56	64	53	48	57	44																		
St Anne's											57	49	53	61	65	40	48	43																		
St Bernard's Middle											40	46	37	36	43	41	34	37																		
St Joseph's Middle											59	49	51	46	45	43	44	51																		
Westside																			196		201		167		182		179		118							
Bayside																			216		214		190		182		157		129							

Classes per Year in Gibraltar Schools: 2012/13

School Name	School Year								
	N	R	1	2	3	4	5	6	7
St Josephs First	2	4	5	5	5				
St Mary's First	1	3	2	2	2				
St Paul's First	2	4	4	3	4				
St Bernard's First	1	2	2	2	2				
Governor's Meadow	2	3	3	3	3				
Notre Dame	2	3	3	3	3				
Hebrew Primary		1	1	1	1	1	1	1	1
Bishop Fitzgerald						4	4	5	5
St Anne's						5	4	4	4
Sacred Heart Middle						3	3	2	3
St Joseph's Middle						4	4	5	4

Classes per Year in Gibraltar Schools: 2013/14

School Name	School Year								
	N	R	1	2	3	4	5	6	7
St Josephs First	2	4	4	5	4				
St Mary's First	1	3	3	2	2				
St Paul's First	2	4	4	3	4				
St Bernard's First	1	2	2	2	2				
Governor's Meadow	2	3	4	3	3				
Notre Dame	1	3	4	3	3				
Hebrew Primary		1	1	1	1	1	1	1	0
Bishop Fitzgerald						4	4	5	5
St Anne's						5	4	4	4
Sacred Heart Middle						4	3	2	3
St Joseph's Middle						4	4	4	5

Continued answer to Question 361/2018

Classes per Year in Gibraltar Schools: 2014/15

School Name	School Year									
	N	R	1	2	3	4	5	6	7	
St Josephs First	2	5	5	4	5					
St Mary's First	1	4	3	3	2					
St Paul's First	1	4	4	4	4					
St Bernard's First	1	2	2	2	2					
Governor's Meadow	2	4	3	4	3					
Notre Dame	2	4	3	4	3					
Hebrew Primary		1	1	1	1	1	1	1	1	1
Bishop Fitzgerald						4	4	4	4	4
St Anne's						4	5	5	4	
Sacred Heart Middle						3	4	3	3	
St Joseph's Middle						4	5	4	4	

Classes per Year in Gibraltar Schools: 2015/16

School Name	School Year									
	N	R	1	2	3	4	5	6	7	
St Josephs First	2	5	5	5	4					
St Mary's First	1	3	4	3	3					
St Paul's First	2	3	4	4	4					
St Bernard's First	1	2	2	2	2					
Governor's Meadow	2	3	4	3	4					
Notre Dame	2	3	3	4	3					
Hebrew Primary		1	1	1	1	1	1	1	1	1
Bishop Fitzgerald						4	4	4	4	4
St Anne's						5	4	5	5	
St Bernard's Middle						4	3	4	3	
St Joseph's Middle						4	4	5	4	

Classes per Year in Gibraltar Schools: 2016/17

School Name	School Year									
	N	R	1	2	3	4	5	6	7	
St Josephs First	2	4	5	5	5					
St Mary's First	1	2	3	4	3					
St Paul's First	2	4	3	4	4					
St Bernard's First	1	2	2	2	2					
Governor's Meadow	2	3	3	4	3					
Notre Dame	2	4	3	4	3					
Hebrew Primary		1	1	1	1	1	1	1	1	1
Bishop Fitzgerald						5	4	4	4	4
St Anne's						5	4	5	5	
St Bernard's Middle						3	4	3	4	
St Joseph's Middle						4	4	4	5	

Continued answer to Question 361/2018

Classes per Year in Gibraltar Schools: 2017/18

School Name	School Year								
	N	R	1	2	3	4	5	6	7
St Josephs First	1	3	4	4	4				
St Mary's First	1	2	2	3	3				
St Paul's First	2	3	4	3	4				
St Bernard's First	1	2	2	2	2				
Governor's Meadow	2	3	3	3	4				
Notre Dame	2	3	4	3	4				
Hebrew Primary		1	1	1	1	1	1	1	1
Bishop Fitzgerald						5	5	4	4
St Anne's						5	5	5	4
St Bernard's Middle						4	3	4	3
St Joseph's Middle						5	4	4	4

ED14: 2017/2018

Total number of students & school leavers for the academic year 2017/18		
Bayside School		
Year	Total number of students	Total number of students who left school this academic year
10	191	2
11	185	5
12	166	10
13	129	5
Total	671	22

Total number of students & school leavers for the academic year 2017/18		
Bayside School		
Year	Total number of students	Total number of students who left school this academic year
10	166	2
11	180	4
12	175	14
13	115	5
Total	636	25

1230 **Mr Speaker:** I believe the Hon. Mr Reyes has some supplementaries arising from the schedule to Question 328.

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

1235 Can I bring the Minister back to his answer on Question 348. I think it is a typographical error which the Minister might be able to update us with. Because the courses are listed in alphabetical order, it is easier for him to refer to the one I am referring to. There are three references being made to courses under the heading 'Graduate Diploma in Law'. The first one is BPP Law School, the second one is BPP University, London, and the third one has no institution identified. That could perhaps could just be a typographical error which the Minister can correct at some stage, so that it goes down correctly in *Hansard*.

1240 Likewise, on the following page, under a course entitled 'Postgraduate Certificate Mental Health & Substance Abuse', it says 'Post Grad Cert.' and no idea of the institution offering the course. Again, it just could be a simple error.

Other than those typographical figures, may I please ask the Minister, Mr Speaker ...? He may recall – I think it was probably sometime around Christmas – when I first started on a question similar to this, and I have even spoken behind the Speaker's Chair with the Minister on this issue. In respect of non-mandatory courses, there seems to have been a course that has been financed, hence the wording on my question was 'details of scholarships financed during the financial year'.

1250 There is a student who I believe is still of compulsory school age, who is being financed undertaking some sort of dance-related course – I believe it is in Canada – and it does not appear in the schedule. I know it cannot be a mandatory, so it must be non-mandatory. My question referred to other mandatory there. The Minister at some stage was trying to get the information. It does not appear here. Perhaps he has information – I even accept if he has to give it to me behind the Speaker's Chair, but I cannot let the occasion pass because then I will be stuck for six months before being able to pose anything similar.

**Hon. Dr J E Cortes:** Mr Speaker, the Hon. Member knows and will accept that he does not have to wait six months to get an answer from me directly.

1260 On the two gaps in the table, it can only be that it is a typographical error, or maybe there is some information still missing, but I will endeavour to answer him very quickly.

The last time I asked on that particular student he was referring to, the reply I got was that that was actually not being financed at the time, so I can only assume that it still is not being financed. But I know the case he is referring to and I will ask again.

1265 **Hon. E J Reyes:** Because of my cordial relationship with the Minister, I accept for the record that at this particular stage he has got no teachers who are being financed. Does the Minister agree that as and when he gets an update and full confirmation, if it is being financed? It could be and he may have to point me in the direction if it is not being financed from an educational grant and from somewhere else. But if we can get to it, then it settles the matter in an amicable manner.

1270 Mr Speaker, can the Minister commit himself to continue co-operating with me on that issue?

**Hon. Dr J E Cortes:** Most certainly, Mr Speaker.

1275

**Mr Speaker:** Any supplementaries arising from the schedule to Question 361?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just make a point, because I think it is an important one?

1280 In the same way as in other parliaments we do not see supplementaries of the sort that we see here descending into debate, in other parliaments people who receive an answer which is statistical, if they wish to ask for that statistical information orally they are then required to ask a supplementary or they ask another question later.

1285 It is another indulgence of the Chair – for which we are all grateful, depending on what side we are sitting on – that people in this Parliament are able to look over the statistical information provided to them and come back later to ask a supplementary out of order. I think it should be recorded for the purposes of *Hansard* that this is an additional indulgence that we enjoy when we are Members of the Opposition in this Parliament. It would be unfair not to also have that clearly provided for. (*Interjection by Hon. D A Feetham*)

1290



**Mr Speaker:** Hon. Member, we did some research at the time of the Commission on Parliamentary Democracy. In most parliaments within the Commonwealth there are time limits to Question Time – an hour and a half, two hours, perhaps two or three times a week. There is a guillotine as well.

1295 And as for the number of supplementaries, well ...! If you look at the *Hansard* here you will find that Ministers are also to blame because they may answer a supplementary with four or five pages. That does not happen anywhere. It is something that has developed here in this Parliament and to the extent that sometimes that is necessary and may be relevant I do not have any problem. Where I do have a problem is when Members extend those exchanges and  
1300 effectively we get a debate which last 20 or 25 minutes. That, I think, is an abuse of Question Time.

Having said that, I think this is, because it is the end of questions on education, a very convenient moment to have a short break of 15 or 20 minutes. We shall have now a short recess.

*The House recessed at 4.45 p.m. and resumed its sitting at 5.11 p.m.*

## CULTURE, THE MEDIA, YOUTH AND SPORT

Q362/2018

Victoria Stadium –  
Lease payments

1305

**Clerk:** We resume with Question 362. The Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 103/2018, can the Minister for Sports update this House with details of payments made by the Gibraltar Football Association in respect of the facilities which they lease at Victoria Stadium and which the  
1310 Minister stated would be paid within the 2017-18 financial year?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, a payment of £10 million was made by the Gibraltar Football Association during the last financial year  
1315 2017-18, as stated in my answer to Question 103/2018.

**Hon. E J Reyes:** If I recall, the Minister has previously stated the balance of the price was to be paid. Can he update this House on the timespan in which they have to pay now I think it is  
1320 another £6 million, or something like that?

**Hon. S E Linares:** Mr Speaker, as I have stated publicly before, the payments were to be to two instalments of £5 million in the financial year 2017-18 – i.e. they did pay the £10 million in one go – and the balance, which is £6.5 million, will be paid in the current year, the 2018-19  
1325 financial year.

**Hon. R M Clinton:** Thank you, Mr Speaker.

1330 I am grateful to the Minister for his answer. Can the Minister advise the House if a sale agreement has been signed?

**Hon. S E Linares:** As I understand it, not yet.

1335 **Hon. R M Clinton:** Mr Speaker, can I ask the Minister, then, on what basis was the £10 million paid to the Government?

1340 **Hon. S E Linares:** Mr Speaker, this was done on the basis of a development licence. Because the GFA are now developing the area, they will be given a development licence and it will follow all the leases, and all the other documentation will also follow. So they have got a development licence.

1345 **Hon. R M Clinton:** Mr Speaker, the £16½ million – the Minister may correct me – is the total purchase price for the stadium, of which the Minister has just advised the House £10 million is by way of development licence. In terms of stamp duty, has any stamp duty been paid in that £10 million, or will it be paid on final signing of the contract on the full £16½ million?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I understand the position is that the full amount of the stamp duty is paid on completion of the conveyance, which is at the end of the process, when the lease is entered into.

#### Q363/2018

#### Gibraltar Sports and Leisure Authority – Update re vacant post

1350 **Clerk:** Question 363. The Hon. E J Reyes.

1355 **Hon. E J Reyes:** Further to the answer provided to Question 202/2018, can the Minister for Sport update this House in respect of the Grade 9 (Administrative Assistant) post which was vacant within the Gibraltar Sports and Leisure Authority and being covered temporarily by a supply worker via S & K Recruitment?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1360 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the post continues to be covered by a supply worker via S & K Recruitment. Government is working with the relevant unions to address how to agree to fill any vacant post permanently.

1365 **Hon. E J Reyes:** Mr Speaker, the Minister has mentioned the unions in plural. That post probably pertained to one particular union as far as their union rights, but perhaps he can expand a bit more just to avoid my further doubts for future questions.

1370 **Hon. S E Linares:** Mr Speaker, some of the SLOs and some of the workers down below – I mean down below physically, not as in post – have changed unions. They are split into which union they belong to, so it will depend on which union. For example, this is an administrative post. I would suggest that it is the GGCA in bulk, but some of them have changed unions and therefore there is a bit of discrepancy and that is why I said ‘unions’ in plural.

1375 **Hon. E J Reyes:** But in previous questions, Mr Speaker, the Minister had told us that for some time he had been in discussions with the union – I interpreted it at the time to be one – in respect of what the staffing levels should be at GSLA and so on, and my interpretation was that that had been concluded, hence why certain posts came out. Am I right in saying that this is just the only issue left pending? But the other bulk review of the established posts, is that certainly settled, or are we back at the negotiating table with that?

1380 **Hon. S E Linares:** No, Mr Speaker. What I would like to remind the hon. Member is that any authority or agency that was set up by the previous administration does not have fixed manning levels, and therefore because there are not fixed manning levels we can then say whether we need it; that is the discussion that we have. And I insist on unions because it is to do with how many people we need on the administrative side or how many people we need on the industrial side.

**Q364/2018**

**Gibraltar Sports and Leisure Authority –  
Pool operative/lifeguard posts**

1385 **Clerk:** Question 364. The Hon. E J Reyes.

1390 **Hon. E J Reyes:** Further to the answer provided to Question 203/2018, can the Minister for Sports update this House in respect of the five staff vacancies for pool operative/lifeguard which are currently waiting to be filled on a substantive basis within the Gibraltar Sports and Leisure Authority, indicating the start dates of employment in respect of the successful applicants?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1395 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, all vacancies were filled, with the successful applicants starting employment on 1st April 2018.

As a result of the completion of this recruitment process, we have now addressed the historical staff shortages at the Gibraltar Sports and Leisure Authority Swimming Pool Complex. In addition, it has also facilitated the opening of the facility seven days a week, offering an enhanced service to the general public.

1400 **Mr Speaker:** Next question.

**Q365/2018**

**Gibraltar Sports and Leisure Authority –  
Cancellations**

**Clerk:** Question 365. The Hon. E J Reyes.

1405 **Hon. E J Reyes:** Can the Minister for Sports inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's facilities since the answer provided to Question 204/2018, indicating the location, date and reason for the cancellation?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1410 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the following cancellations were necessary at the Gibraltar Sports and Leisure Authority facilities since the answer provided to Question 204/2018.

Victoria Sports Hall – Tuesday, 10th April 2018 – water ingress.

1415 Accessible Swimming Pool – Thursday, 12th April to Friday, 13th April for a period of 24 hours; and from Thursday, 26th April to Friday, 27th April for a period of 24 hours. Both these occasions were due to human faecal incidents.

1420 **Hon. E J Reyes:** Mr Speaker, in previous questions the Minister has provided a schedule of the cost of repair works to some facilities, including the sports hall, due to water ingress and so on. Is the Minister now in a position to say he is satisfied, save for minor discrepancies, that we seem to have tackled the bulk of the problem of the water ingress at the sports hall? It unfortunately keeps reoccurring. Neither he nor anyone at the stadium is to blame for the weather, but it certainly hinders the training purposes of the sportsmen, and more so when young children are involved and it does cause great disruption to parents.

1425 **Hon. S E Linares:** Mr Speaker, I am glad to say that the sports hall will soon not be the property of the Authority anyway, but we are satisfied at this time that we are trying to address the water ingress.

1430 The hon. Member alludes to the weather, but even leaving a window just slightly open will have water ingress. The roofs have been constantly maintained and looked after as best can be with a building that is now getting pretty old, but we will try and mitigate it as best we can. It is just one of those things that every time we fix it – and we are fixing it and we maintain it – there seems to be water coming in from parts that probably were not coming in before.

#### Q366/2018

#### Victoria stadium floodlights – Cost of power supply upgrade

**Clerk:** Question 366. The Hon. E J Reyes.

1435 **Hon. E J Reyes:** Further to the answer provided to Question 206 /2018, can the Minister for Sports provide details in respect of the cost for the supply and installation of a new switch fuse for the East Side pylons deemed necessary in order to up the power supply and cater for the floodlights to work at full capacity?

1440 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1445 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the cost of this upgrade was met by the Gibraltar Football Association directly. Therefore, I cannot provide specific details of the cost of these works.

**Hon. E J Reyes:** I am glad to hear that, Mr Speaker, because last time obviously the Minister was not aware of what the costs were and so on. That seems to be good news and it may even pre-empt a bit the next question, but I will wait patiently before we table Question 367.

**Q367/2018**  
**Victoria Stadium floodlights –**  
**Responsibility for maintenance**

**Clerk:** Question 367. The Hon. E J Reyes.

1450

**Hon. E J Reyes:** The question proper, Mr Speaker: further to the answer provided to Question 206/2018, can the Minister for Sports now say where does the responsibility for maintenance of the floodlights at Victoria Stadium lie in the future?

1455

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I find I could have answered these questions both together, but never mind.

1460

For the time being, the day to day maintenance contract remains with the Gibraltar Sports and Leisure Authority, with all major capital expenses met by the Gibraltar Football Association.

In future, all maintenance of what has become the Gibraltar Football Association's footprint will be dealt with directly by the Gibraltar Football Association.

1465

**Hon. E J Reyes:** Mr Speaker, I think I understand that, but, let me clarify, in the last part he said that eventually, we are going to lead that all maintenance will be done by the GFA – so that means that the day to day running will not therefore fall under the GSLA; or is he just referring to the capital expenditure side? I am not entirely clear, so I would rather clarify it now.

1470

**Hon. S E Linares:** Mr Speaker, once the stadium – or the footprint of the Victoria Stadium part of the GFA – becomes completely part of the GFA, it will be up to the GFA how they will manage that.

The Sports and Leisure Authority now are managing it on a day to day basis while the transition period is ongoing, and then after that it will be up to the GFA how they wish to manage that.

1475

**Mr Speaker:** Next question.

**Q368/2018**  
**Cultural grants –**  
**Details of awards**

**Clerk:** Question 368. The Hon. E J Reyes.

1480

**Hon. E J Reyes:** Can the Minister for Culture provide updated consolidated details of all cultural grants awarded during the 2017-18 financial year?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1485

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite updated consolidated details of all cultural grants awarded during the 2017-18 financial year.

**Hon. S E Linares:** I take this opportunity to remind the hon. Member that updated information is posted on the HMGoG website and I believe it will also be on the culture.gi website.

1490 **Mr Speaker,** if I also could say to the Hon. Member that if he does have questions related to the whole schedule, I am willing to discuss it with him.

**Hon. E J Reyes:** Mr Speaker, the one that sticks out, and it may be worth ... so that the taxpayer knows, is the fifth one down, the Gibraltar National Dance Organisation. I am not  
1495 disputing the sum of £11,700, but that is in respect of International Dance Organisation affiliation fees/dance workshops. Is the affiliation fee per se a huge amount, or was it considered a worthwhile investment to forward the bulk of the money? By putting those two things together which are not workshop related and nothing to do with affiliation – it would be nice for the performing fraternity to know what are the affiliation fees and hence deduce what the  
1500 workshops investment was.

**Hon. S E Linares:** Mr Speaker, unfortunately, I have not got those details, but I am willing to pass it over or at least give the hon. Member all the details that are appertaining to that.

1505 **Mr Speaker:** Next question.

**Answer to Question 368**

**CULTURAL GRANTS FOR FINANCIAL YEAR 2017-2018**

MH Bland & Co – Book Grant “What on Earth?” “The Story of Gibraltar”	5,000.00
Gibraltar Productions – Sponsorship for the Gib World Music Festival	50,000.00
State Media Ltd – The Art Bermondsey Project Space	4,000.00
M.O Productions – Organisation staging and production of the 16 <sup>th</sup> Gibraltar International Dance Festival	5,000.00
Gibraltar National Dance Organisation – GNDO for IDO affiliation fee/dance workshops	11,700.00
Bayside & Westside Drama Group to travel to Medway Theatre in Rochester, UK to participate in the Duncan Youth Festival	2,000.00
Urban Dance – support to cover costs of participation at the “Vive tu Sueno” European Dance finals in Paris	2,000.00
Gibraltar Face & Body paint Association – Assistance for the Gibraltar Body Painting Festival 2018	3,000.00
Regina Danino – Installation cost for exhibiting work with group of artists at Bermondsey Project	3,000.00
Ayelet Shay – Book Grant for the translation, production & printing of her book “Relocation Darling Relocation”	6,250.00
Stylos Studios in support of their participation at the World Dance Movement Competition in Italy in July 17	3,000.00
Shane Dalmedo – Purchase of materials and tools for the project of the Encyclopedia of Migrants	2,000.00
Gail Francis Tiron – Book Grant for the production and printing of book “Don’t you Just Love Them”	4,100.00
Sunbow Projects – Virtual Gibraltar Festival	10,000.00
Miss S A McLaren – Assistance for final year at the Northern Ballet School in Manchester, UK	4,260.00
Group 2000 – Assistance for the WWI Play presentation at the Gibraltar Garrisons Library	500.00
The Gibraltar Photographic Society – Purchase of equipment	1,700.00
The Gibraltar philharmonic Society – Support for various concerts promoting classical music	10,000.00
Gibraltar Cultural Services Ltd – Gibraltar Berlin Artist Exchange student sponsorship	6,000.00
R Barabich – The reprint of the book “The memoirs of Arnold Barabiscio”	1,320.00
Davinia Baglietto – Assistance for return flights post Mrs Europe Pageant	488.00
Gibraltar Cultural Services in conjunction with Leisure Cinemas Ltd – Cultural Development Programme	500.00
Gibraltar Horticultural Society – Forthcoming events and projects	2,000.00
Gibraltar Artisans Market – Support towards the Gibraltar Christmas Village 2017	5,000.00
Karen Avellano – Book Grant “Queendom of the Skies”	3,805.00
GibMedia – Gibraltar International Magic Festival Sensory Performance	2,000.00
DSA Old Tyme & Modern Sequence Dance Club – Junior Dance couple travel assistance to Gibraltar	2,000.00
Gibraltar Arts and Crafts Association – St Bernadette’s School workshops	2,000.00
Gibraltar IDF Dance Association – Participation at the IDF World and European Championships 2018	3,000.00
Gibraltar Academy of Music and Performing Arts – Trophies for Festival of Young Musicians	1,500.00

**Q369/2018**  
**Sports-related grants –**  
**Details of awards**

**Clerk:** Question 369. The Hon. E J Reyes.

1510

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

Can the Minister for Sports provide updated consolidated details of all payments made during the 2017-18 financial year in respect of any sports-related grants?

1515

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite updated consolidated details of all payments during the 2017-18 financial year in respect of any sports-related grants.

1520

Mr Speaker, I would like to also remind the hon. Member that this information is regularly – or I should say ‘as from now on’; I understand that the [gsla.gi](http://gsla.gi) website has not been running but it is up and running now. All the updates will be on that website.



**Answer to Question 369/2018**

**Grants awarded for Hosting of Special Sports and Leisure Events, 2017/2018**

Gibraltar Darts Trophy	133,341.00
World Pool & Snooker Championships	397,798.49
Commonwealth Games Reception	2,592.00
Gibraltar Kennel Club	10,012.50
Commonwealth Games Expenses	8,656.27
Gibraltar Classic Vehicle Association	3,200.00
U 23 Qualifiers International Darts Competition	110.00
Gibraltar International Backgammon Tournament	108,000.00
Hockey Challenge Cup	850.00
International Bike Rally	866.64
Harley Davidson Club	4,500.00
Maccabi Gibraltar	4,000.00
Eurafrica Trail	23,419.39
Gibraltar International Junior Chess Championships	40,000.00
Kings Bowl Bowling Tournament	16,000.00
Philharmonic Reception	250.00
Squash Open	6,000.00
Gibraltar Chess Trophy Sponsorship	200,000.00
Community Chess Professional	33,160.93
Futsal Competition	4,000.00
Sports and Media Management (Paolo Futre Event Sponsorship)	1,000.00
Mr Sebastian Coe visit reception	2,200.00
Sports Days PA Systems	9,150.00
Gibraltar International Sailing Regatta	6,000.00
Queens Baton Relay catering expense	1,200.00

**Grants awarded to Sporting Societies, 2017/2018**

Netball Association	10,375.75
Shooting Association	17,456.20
Darts Association	6,475.00
Hockey Association	19,167.37
Ten Pin Bowling Association	2,631.06
Athletics Association	6,008.62
Basketball Association	48,924.42
Triathlon Association	4,523.50
Rowing Association	2381.56
Swimming Association	2,870.34
Pool Association	24,255.40
Badminton Association	5,819.00
Cricket Association	9,832.40
Squash Association	4,215.61
Sea Angling	5,518.54

**Continued answer to Question 369/2018**

**Sports Grants awarded for International Competitions, 2017/18**

Island Games	178,257.67
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**Grants awarded for Sports Development Projects, 2017/2018**

Cricket Association	14,756.14
Chess Association	2,198.83
Cycling Association	394.00
Shooting Federation	12,525.86
Darts Association	4,987.50
Badminton Association	8,187.77
Rowing Association	2629.40
Football Association	2,904.89
Hockey Association	10,133.86
Athletics Association	7,552.75
Basketball Association	9,850.00
Karate Association	961.00
Taekwondo Association	311.99
Netball Association	375.00
Rhythmic Gymnastics Association	11,173.55
Rugby Association	34,067.00
Ice Skating Association	1,805.05
Table Tennis Association	2,316.85
Sailing Association	5,000.00

**Grants awarded for Improvement to Facilities Projects, 2017/2018**

Cricket Association	25,000.00
Badminton Association	15,456.00
Swimming Association	1,824.15
Canoeing Association	2,000.00
Chess Association	1,930.00
Table Soccer Association	17,000.00

**Grants awarded Elite Athletes, 2017/2018**

Golf Union	3,000.00
Athletics Association	5,976.96
Darts Association	4,656.40

**Answer to Question 369/2018**

**Grants awarded to Sport Associations for Attendance at Congresses, 2017/2018**

Triathlon Association	1,128.99
Shooting Association	1,000.00
Hockey Association	365.68
Cricket Association	2,378.52
Rugby Association	998.16
Rowing Association	118.14
Badminton Association	740.00
Volleyball Association	597.36
Athletics Association	2,066.74

**Q370/2018**

**Queen's Hotel and Cinema site –  
Confirmation of sale**

**Clerk:** Question 370. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if it has sold the Queen's Hotel and Queen's Cinema site?

1530 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, no, sir.

**Q371/2018**

**Europa Point university accommodation –  
Cost of construction**

**Clerk:** Question 371. The Hon. R M Clinton.

1535 **Hon. R M Clinton:** Mr Speaker, further to Question 107/2018, can the Government advise what is the total monetary value of the contract awarded to Casais for the construction of the University accommodation block at Europa Point?

1540 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the answer to this question is presently commercially sensitive. The information requested will be disclosed to the hon. Member opposite outside this session of the Parliament on a confidential basis.

1545 **Hon. R M Clinton:** Mr Speaker, I appreciate the Minister's offer to share this information with me privately. Unfortunately, I will not be able to take him up on that offer, in that I am here to ask questions publicly.

1550 I would ask him to explain to this House why this particular contract with Casais is commercially sensitive and yet the contract for the comprehensives is not, which is in a quantum of fifty-odd million, and yet this contract is commercially sensitive. Could he explain to this House the difference in position that he is adopting?

1555 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, because the hon. Gentleman might have realised that we are all about to go into the market to tender or go into competitive process for other residential accommodation, whilst we do not expect to be tendering or going into a competitive process of procurement for other comprehensives for many generations from now.

1560 **Hon. R M Clinton:** Mr Speaker, I must confess I am not aware what other residential projects the Chief Minister is referring to, other than of course affordable housing, but he will of course appreciate the distinction between an accommodation block for what I believe the Minister referred to ... about 147 rooms for an accommodation block cannot be compared to affordable housing schemes that the Government will do for the people of Gibraltar.

1565 I just really would like an answer from the Minister, since this contract is self-evidently underway and is obviously costing us, the taxpayer money, as to what exactly it is that is so commercially sensitive about this particular project.

1570 **Hon. Chief Minister:** It is exactly what I have told the hon. Gentleman, Mr Speaker, because there is no difference between residential accommodation and the cost of it based on the size of the internal layout of the rooms or apartments provided. We have had an analysis of cost per square metre and just how much things used to cost before and how much less they cost now as a result of us pursuing a commercially sensitive and sensible approach. We are not wanting to give away what one costs in order to be able to ensure that we achieve that or better pricing in respect of others in the future.

1575 We think this is in the best interest of the taxpayer and we are here to look after the interests of the taxpayer, to deliver the best value for money and to ensure that the affordable housing that we provide for our people is delivered at the most affordable prices so that we do not have to do what hon. Members did when they were in Government, which was to sell as much as possible to those who were prepared to buy 100%. We want to be able to have a policy, as we did last time, of selling to those who are in most need, whether they can buy 50% or they can buy 100%, and that means being keen on the price at which these properties are offered for sale, which means being keen in the way that we procure the properties as they are built.

1580 For that reason, Mr Speaker, I think we have explained very fully what we consider to be the commercial sensitivity. The hon. Gentleman may or may not agree, but that is not going to change the Government's position on why at this stage – not for good, but at this stage – we do not think it is in the interest of the taxpayer to disclose the price.

1585 We have had instances in the past where we have said, 'Look, at this stage we cannot release the price in respect of this particular building that is going up, because we are still negotiating parts of it or we are trying to deal with similar contracts,' but we have subsequently provided the cost. One of those is the magnificent multi-story car park at Midtown, where some people wish that they had bought parking spaces and regret that they did not, and other similar facilities. The price has been made available as soon as that sensitivity disappears, but it is our obligation to make these judgements, it is our obligation to look after taxpayers' money and I think we do a magnificent job of doing so.

1595 **Hon. R M Clinton:** Mr Speaker, if I may, just one supplementary on this. If the Chief Minister recalls last time we debated – (*Interjection*) Oh, we shouldn't use the word 'debate'; I apologise, Mr Speaker. Last time we asked about the accommodation block he did mention – I did ask in the supplementary questions – about the financing for this particular project, and he said in

1600 answer that he had not yet made up his mind or they were exploring options. Can the Chief Minister share with this House now what the result of that process is and whether he can now share with his House how exactly this accommodation block is to be financed – whether it is by the Government through the Improvement & Development Fund or through a private vehicle?

1605 **Hon. Chief Minister:** No, Mr Speaker, I am not comfortable doing that because, first of all, I did not have notice of the question and I do not want to say something that might not be entirely accurate; and second, because we are in the process of finalising our negotiation in respect of one the option that we did choose. Therefore, when we finish the negotiation it will be possible to say more but not at this stage.

1610 **Hon. D A Feetham:** Mr Speaker, may I?

**Mr Speaker:** Yes.

1615 **Hon. D A Feetham:** Mr Speaker, the Government's role is undoubtedly to make sure that it gets the best deal for the taxpayer. Our role, as an Opposition, is to make sure that we hold the Government to account to ensure that it gets the best deal for the taxpayer.

1620 Can I ask a question designed to drill down in terms of the comparison that he has chosen to deploy in answer to the question from Mr Clinton. It was the Minister who said, 'I cannot give you the answer – it's commercially sensitive because we are now undertaking other projects for the low-cost housing etc.' But are we really dealing with apartments when we are talking about this particular block? Are we not talking about something akin to halls of residence, and therefore really it is not comparable? I may be wrong, and I would like an answer.

**Hon. Chief Minister:** The hon. Gentleman is wrong.

1625 **Hon. D A Feetham:** So we are talking, then, of apartments? This is what is being built here? Or are we talking about rooms that may have a kitchenette, for example, or a bathroom, which is what you would expect to see in some halls of residence? Not sure about the kitchenette, but certainly a bathroom.

1630 **Hon. Chief Minister:** Well, Mr Speaker, most apartments have kitchens. The size of them is not relevant in terms of the cost because what you are talking about is putting in the facilities for drainage and running water and a cable to power a hob or an oven. Then what you choose to put in it is down to the individual who purchases the property. Most apartments have showers and toilets, and so those are the costs that are incurred. You might have some apartments that have two sets of bathrooms, but most of them have one kitchen and so the cost is not necessarily different when you are looking at per square meter – it is residential accommodation. And so, Mr Speaker, that is why we have made the determination that there is an element of sensitivity here and why we want to be able to keep our powder dry in the context of negotiation.

1640 As he has himself analysed, we seem to be driving so good a bargain for the taxpayer that even he cannot believe the numbers that we are achieving in terms of costs. We want to continue doing that, to be able to drive the cost of residential accommodation affordable housing for our people down whilst keeping the quality up. That is why we are not at this stage wanting to give the price out. We are ready to give the price out at the right moment when that sensitivity has gone away, and then they can tell us whether they think we have done a good job or not.

1645 Given the exercise that he has done, which is now mercifully set out in *Hansard* for posterity, we will be able to judge the numbers that we achieve against the benchmark that he has set

1650 through the homework that he has done today, and I estimate that we will do very well indeed, given our approach, and that young people in our community will be very happy to see that we are driving cost down while keeping quality up in the offer that we make to them of affordable housing in the future.

**Q372/2018**  
**Island Games 2019 –**  
**Visitors**

**Clerk:** Question 372. The Hon. D A Feetham.

1655 **Hon. D A Feetham:** Mr Speaker, can the Government explain its plans to cater for visitors to Gibraltar for the forthcoming Island Games?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1660 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, neither HM Government nor the Island Games Association will be responsible for visitors coming to the Island Games in July 2019.

1665 **Hon. D A Feetham:** Well, with respect to the hon. Gentleman, that is a very churlish answer indeed. If you stage a games within a city, be it Island Games, the Commonwealth Games, the Olympic Games or whatever games, you would expect that there is an analysis of whether you are going to be able to cater for visitors coming to the jurisdiction. Is the Hon. Minister saying that the Government has not done that analysis?

1670 **Hon. S E Linares:** Mr Speaker, not for visitors, and I will explain to the hon. Member the difference.

1675 Visitors are people who come to visit and see Gibraltar. For the Island Games these are athletes, coaches and officials who are coming to participate in the Island Games. If the hon. Member wants all the details of what we are going to do for the participants and not visitors, I can give it to him, and this is the information I have. It is up to him whether he wants to listen to that, but there is a vast difference between somebody coming to visit Gibraltar as a tourist and somebody who comes to Gibraltar as a participant. *(Interjections)*

1680 **Hon. E J Phillips:** It's absurd!

1685 **Hon. D A Feetham:** Mr Speaker, may I ask the Chief Minister to provide me with a coherent answer, because quite frankly that is not a coherent answer. *(Interjections)* Well, it isn't; plainly it isn't. If I ask can it explain how it is going to cater for visitors to Gibraltar for the forthcoming Island Games, does he really think that when I draft these questions I am thinking about visitors going to the Upper Rock to view the monkeys or to use the facilities that we were discussing a few moments ago? Of course not! I am talking about visitors who come to Gibraltar for the purpose of the Island Games and I am asking the Minister whether the Government has conducted an analysis of that so that, in terms of numbers, we know whether there is sufficient accommodation, for example, to cater for those people. It is a very simple question and the Hon. Minister I am surprised did not understand it first time round.

1690

**Chief Minister (Hon. F R Picardo):** I am delighted to rise to assist, Mr Speaker. I refer the hon. Gentleman to the answer given a few moments ago.

1695 **Hon. D A Feetham:** Has the Government conducted any kind of analysis as to how many people are going to come to Gibraltar during the time that the Island Games are on show here in Gibraltar for the purposes of the Island Games?

1700 **Hon. S E Linares:** Yes, Mr Speaker, we have, actually, and we have worked very hard. The Accommodation Committee has worked extremely hard to make sure that 2,500 participants will have accommodation in Gibraltar. I will give him even the breakdowns of how we have worked all this out.

1705 We envisage 2,500 participants and an Accommodation Committee was set up over a year ago to look into how and where the visitors, i.e. the participants – we say the visitors and participants – would be accommodated. Of the athletes, coaches and officials who will be staying, 756 will be staying in hotels, 1,146 will be staying in the Europa housing estate, 300 will be staying in Trafalgar Heights flats and 450 in the wonderful student accommodation which we are building. Therefore, the total number is 2,652, so we have a leeway of 152.

1710 **Hon. D A Feetham:** Thank you very much for that answer to my question. Over and above the participants, does the Government expect anybody to come to Gibraltar in order to view the Island Games? And if so, how many does the Government expect to come to Gibraltar as non-participants to view the Island Games and to enjoy what are likely to be magnificent Games, I am sure – they are organising it and everything that they do is absolutely magnificent.

1715 **Several Members:** Hear, hear.

**Hon. S E Linares:** I am sure the hon. Member, when he says –

1720 **Hon. D A Feetham:** They keep changing their minds on that side! These days!

**Hon. S E Linares:** I am sure when the hon. Member says ‘they are’ it includes me, because I am also included. He says ‘they’ as if I did not exist. But never mind, Mr Speaker.

1725 There are more beds in hotels. We are not actually taking all the beds in every single hotel. I insist we will not be responsible for any family or friends who might want to come to the Games. There is still capacity in hotels, where the family and friends could stay, but we are not responsible for where they stay; they can stay anywhere they want, but all the athletes and participants ...

1730 It is important for the hon. Member to understand that the difference is that when you host an Island Games all the participants have to stay within the Island. Although Gibraltar is not an Island, we are considered to be an Island and therefore we have got to make sure that if 2,500 athletes, coaches and participants come we will have places for them. But we are not responsible for any family or friends that come. They will then have to look at their own accommodation.

1735 **Hon. D A Feetham:** Mr Speaker, thank you very much for that.

1740 May I start by apologising to the Hon. Minister: when I referred to ‘they’, obviously I did include him; I did not mean to offend him. There is no need for him to resign from the Government benches as a consequence of my question. I have had enough resignations to last me a lifetime, I have to tell the Hon. Minister, (*Laughter*) so please do not resign because of

anything that I have said or asked him during the course of today. That I, please, ask you.  
*(Interjection by Hon. Chief Minister)*

1745 But, Mr Speaker, I must insist. Is the Hon. Minister saying – because that is what it appears as, and I am just getting one more opportunity ... Is he really saying that the Government is organising an Island Games and it has not even undertaken a study as to how many people – non-participants, okay, let's be clear about this – are going to be visiting Gibraltar at the time of the Games in order to view those magnificent Games and as to whether Gibraltar can actually cater for those people? That is what it appears that he is really saying.

1750 **Hon. S E Linares:** Well, Mr Speaker, I do not intend to resign. I am very happy with my friends, and therefore because I am happy in this Government as opposed to people that resign on the other side willy-nilly – as in any little issue they go and resign – I am not willing to resign. I am going to stay put. **(Hon. Chief Minister: Hear, hear.)** *(Banging on desk)*

1755 Mr Speaker, it is obvious that the hon. Member does not understand the difference. I insist that there is a difference. Of course we have made an analysis of how many people possibly will come with each team. In fact, I can go even further: that when a team like Jersey, Guernsey, Isle of Man – 28 of them; I am not going to mention them all. We asked them, 'How many athletes are coming? How many officials are coming? How many coaches are coming? Those we will accommodate. And can you please also tell us if you have any indication of how many people  
1760 will come?' Mr Speaker, you cannot for the life of me know how many exactly are going to come, and that is why we have left extra capacity in hotels, where the people who come can take up those hotels. I will give you an example. In the Rock Hotel, for example, we have not taken the whole of the hotel; we are taking part of the hotel. There will be a team staying in that hotel and therefore the people who come with them might want to take those extra rooms that  
1765 are available. So that is the explanation.

And one other thing that I do not like saying: they could well stay in La Línea and around here. Why not? But the athletes, coaches and the officials will be staying in Gibraltar. That is the explanation.

1770 We have done an analysis of how many people might be coming to Gibraltar. That is why we have not got all the hotel beds, because if not we would have got all the hotel beds full and not put them in the Village, for example. That is the answer to the hon. Member.

1775 **Hon. D A Feetham:** Okay, so he says that he has done an analysis of the number of people that are coming to Gibraltar. How many people does he expect to come to Gibraltar, visiting for the purpose of viewing these Games?

1780 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has been very clear in what he has told him. He has told him that we have got exact numbers from all of the participating nations as to athletes and as to officials and team members. That is what it is our responsibility to accommodate. The hon. Gentleman does understand that, doesn't he? The responsibility of the Government of Gibraltar will be to accommodate those officials, coaches etc. and players.

1785 It is not the responsibility of the Government of Gibraltar, as the organising nation, to house those who visit as tourists to view the Games, but we have asked for indications from those participating nations, if they know from past experience or have had other indications, how many others will come. For that reason we are leaving space available in our touristically available facilities for those tourists to take the space. But it would be impossible – and let's be very clear about this, it would be impossible – for Gibraltar to host 28 nations, all of their coaches, officials and players and anyone who might wish to come with them, without  
1790 committing the foolishness of renting something that you could float in to house them and lose money on, because it is impossible to float something in to house those potential numbers of people and break even. And because hon. Members just seem to be accusing us of looking after



1795 taxpayers' money and ensuring that we do things at the best possible value-for-money rate, as  
they have in relation to our cost of building, what we are not going to do is to incur, in the  
foolishness of a flight of fancy, like I believe they once did, of bringing in a cruise ship and losing  
1800 money on it in order to bring visitors ... In other words, you bring visitors not to increase the  
value to Gibraltar but to lose money on them. We are not going to do that, and so the right  
decision, which the hon. Member has taken with the committee organising the Island Games, is  
to take the responsibility, as every organising nation does, to house officials, athletes and  
coaches, to ensure that you do that inasmuch as possible outside of hotels, to leave hotels  
1810 insofar as possible available for the numbers of visitors that may come. That is the right way to  
go about ensuring that the Gibraltar Games are not just a success but a magnificent success.

**Mr Speaker:** The Hon. Edwin Reyes.

1805 **Hon. E J Reyes:** Mr Speaker, the Minister indicated this figure of 2,500 and so on, but may I  
ask, let me use a word that perhaps will cater for all of them, Team Gibraltar, the participants of  
Gibraltar, would they be accommodated? Because it does happen in many sports. Would they  
be accommodated under that figure of 2,500, or are they going to be expected to stay in their  
homes and just attend the venues and so on? There is value to having the whole team together,  
1810 as I know – he has also participated in sports – and it is certainly a very worthwhile exercise.

**Hon. S E Linares:** Mr Speaker, I said 2,500 athletes. Remember that this is a figure that is  
given by each Island of how many may come, but as the hon. Member knows, when we host a  
games they say that 200 are coming and maybe 150 come or 170 come. Usually they give you  
1815 the top number, the maximum of who is coming. That is the maximum, 2,500. I have given the  
figures, which add up to 2,652, and we are working closely to make sure that the 152 – and I  
know that there are more participants from Gibraltar than 152, because when we flew over in  
the chartered plane we went with 180-odd ... We will look at having our own athletes probably  
within the Village, where they can be in the atmosphere and be ambassadors to all our – I  
1820 should not say our visitors, the competitors, because if not I will get into trouble ... all the  
participants that are coming to Gibraltar.

**Mr Speaker:** The Hon. Roy Clinton.

1825 **Hon. R M Clinton:** Thank you, Mr Speaker. I will be brief.  
If I may ask the Minister: in the DPC presentation he gave on the accommodation block he  
mentioned that there would be ... I think in the answer to the question he disclosed that there  
would be 144 rooms in the university accommodation block and he has just indicated to the  
House that the idea is to accommodate 450 students in this accommodation. Am I correct in  
1830 assuming, then, that we are talking about an average of three people per room? Is that what the  
Government's intention is?

**Hon. S E Linares:** They are not students; they are participants. Yes, he is right. The rooms are  
big enough because when you accommodate athletes ... I had the privilege of going to the Gold  
1835 Coast in Australia and they were housing four to five people in a room in the Village. These  
rooms are big enough to have a bunk bed and a bed beside. Remember, these are conservative  
numbers because we could even house four in a room, but we are trying to be more  
accommodating to have three in a room. There are also apartments like, for example, in  
Trafalgar Heights, in which there are three-bedroom flats. We are not accommodating people,  
1840 for example, in the living room – which we could. So there is still more leeway where we can put  
more people, but we are trying to make people comfortable and I can assure the hon. Member

that three people in that room is pretty comfortable when you go to a games – if he has ever gone to one.

1845 **Mr Speaker:** Next question.

**Q373/2018**  
**Island Games –**  
**Air conditioning for sports complexes**

**Clerk:** Question 373. The Hon. E J Phillips.

1850 **Hon. E J Phillips:** Mr Speaker, can the Government state whether it has awarded a contract in respect of the provision of air conditioning to the new sports complexes to be built in anticipation of the 2019 Island Games?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1855 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** No, sir, Mr Speaker.

**Mr Speaker:** Next question.

**COMMERCE**

**Q374-376/2018 –**  
**Cyber security –**  
**Government website**

**Clerk:** Question 374. The Hon. R M Clinton.

1860 **Hon. R M Clinton:** Mr Speaker, can the Government advise what cyber security measures it has in place and why did they fail to prevent the recent hacking attack on the Government's website?

**Clerk:** Answer, the Hon. the Minister for Commerce.

1865 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I will answer this question together with Questions 375 and 376.

**Clerk:** Question 375. The Hon. R M Clinton.

1870 **Hon. R M Clinton:** Mr Speaker, can the Government advise if any Government Departments have been subject to a ransomware attack; and if so, how have they been resolved?

**Clerk:** Question 376. The Hon. R M Clinton.

1875 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that during the recent attack on its website, that no personally identifiable information or confidential data was stolen?

**Clerk:** Answer, the Hon. the Minister for Commerce.

1880 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, Government can confirm that it has been advised that we have in place all the necessary cyber security measures to mitigate existing and emerging cyber threats. These measures are fully compliant with all the necessary cyber security industry standards and best practices.

1885 The perpetrators carried out what is known as a zero day exploit attack on the Government website, which is hosted in the United Kingdom and is totally separate to the Government network and its systems. The attack occurred on the same day that the weakness was discovered on the website by the perpetrators, at which point the vulnerability was exploited successfully before a patch/fix was developed and made available to us.

1890 ITLD can confirm that as the website is totally separate from Government systems, no Government Department, Agency or Authority has been affected by any type of ransomware attack and no personal information or confidential data compromised.

**Chief Minister (Hon. F R Picardo):** Whatever you may have been told by your experts.

1895 **Hon. R M Clinton:** Mr Speaker, I thank the Minister for his response.

Can the Minister advise whether the e-Government website is completely different, on a different platform to that of the Government website? And if so, what were the reasons for the e-Government website going down? Or is that nothing to do with any kind of hacking attack, rather a system failure per se?

1900 **Hon. A J Isola:** Mr Speaker, as I have explained, it is totally separate. The Government website is not connected to any other part of the Government network or systems and the e-Government issues are totally separate and unrelated to this issue.

1905 **Hon. R M Clinton:** Mr Speaker, just on that point, he can confirm that e-Government's issues are not as a result of any kind of malicious attack?

**Hon. A J Isola:** Yes, Mr Speaker, I can confirm that.

**Q377/2018**  
**Moneyval –**  
**Visit**

**Clerk:** Question 377. The Hon. R M Clinton.

1910 **Hon. R M Clinton:** Mr Speaker, can the Government advise if a Moneyval visit has been scheduled for Gibraltar; and if so, when?

**Clerk:** Answer, the Hon. the Minister for Commerce.

1915 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, yes, sir, Moneyval has confirmed formal commencement of its evaluation process. This will initially entail the submission of information and responses to the FATF methodology over the next few months. This will culminate in an onsite visit, which will take place between 1st and 12th April 2019.

**Q378/2018**  
**Real estate agents –**  
**Regulation**

**Clerk:** Question 378. The Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, there is an error, in fact, in this question. It relates to 'Further to Question 48/2018' – that should have read 83, but it does not in substance change the nature of the question that I am putting to the Minister, so I will read it.

1925 Further to Question 48 – it should read 83/2018 – can the Government state whether it intends to further regulate real estate agents beyond the scope of the Estate Agents Code of Conduct created under section 91(3) of the Fair Trading Act?

**Clerk:** Answer, the Hon. the Minister for Commerce.

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**Minister for Commerce (Hon. A J Isola):** Mr Speaker, in addition to the code of conduct issued under the Fair Trading Act 2015, the OFT has been appointed as a supervisory authority for real estate agents under the Proceeds of Crime Act 2015 (POCA). The OFT is therefore required to regulate compliance by real estate agents with the Anti-Money Laundering and Combatting the Financing of Terrorism obligations as set out in POCA. To this end it issued guidance notes last month to assist real estate agents to meet their legal requirements and to set out the OFT's regulatory approach. The OFT is currently in the process of engaging with each licensed real estate agent individually to ensure and assist with compliance.

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The OFT also regulates real estate agents in the process of obtaining a licence to provide real estate services in Gibraltar in accordance with Part 9 of the Fair Trading Act 2015. Real estate agents are required to meet the requirements to obtain a licence under this legislation – for example, to have appropriate premises from which to carry on business and to have a separate client account.

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It is also worth noting that the OFT is also in the advanced stages of drafting a revised code of conduct to replace the existing code issued under section 91(3) of the Fair Trading Act. This code makes important updates to the current code and is based in part on the UK Property Ombudsman's code of conduct, which is applicable to real estate agents in the United Kingdom.

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**Hon. E J Phillips:** Mr Speaker, I am grateful to the Minister for that extensive answer relating to the regulation of estate agents.

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Will the revised code of conduct effectively professionalise the industry in relation to estate agents? I say this because of course the new measures that were adopted in the United Kingdom seek to do that by ensuring that estate agents have professional qualifications. Given the fact that every day property is sold and bought by individuals in our community, is the Government intending on pursuing those measures that were adopted in the United Kingdom, particularly in relation to professional qualifications of estate agents?

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**Hon. A J Isola:** Mr Speaker, the issue of professional qualifications is one that is not as simple as the question suggests, in the sense that in many different sectors industry experience is often enabling those that hold it to be grandfathered into a qualification which they may not actually have in terms of exam qualifications. And so, in considering the code of conduct that we seek to implement, which will deal with, as I mentioned earlier and as you have referred to in your question, the UK code of conduct issued, we hope to replicate as far as we possibly can similar standards to those that are in the UK.

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Of course the hon. Member will have sight of these as and when they are available and I will be very happy to discuss them at that time, but I would not like to prejudge or pre-empt any of

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the conclusions of the discussions and the consultations that we are entering into before these are put in place.

1970 **Hon. E J Phillips:** I mention this point, of course, because although a number of industry professionals have approached me in respect of this particular issue, saying that the regulations do not go far enough for them, and I suspect it is one or two of the professional organisations that deal with the buying and selling of property within the industry, I take it from the answer ... I understand the problems with professionalising an industry where you have to grandfather professional qualifications in, and I understand that he clearly does not want to pre-empt what  
1975 the committee will say in relation to professional qualifications, but is it the Government's position that it will pursue this, or will just take the lead from the professionals in industry?

1980 **Hon. A J Isola:** I think I have said that we are pursuing a code of conduct based on the UK model, by which we hope to raise the standards of estate agents in Gibraltar. I have to say at the same time that in all our engagements with them – and as I said in my answer, the OFT is meeting with them individually in terms of their POCA compliance and how we can support them – their response to further increases in the standards that we expect of them have been welcomed and I think that is indicative of their support for trying to raise the quality of the services they provide their clients with.

1985 I really do not want to commit to doing anything more than I have said. I would be very happy to share our thinking with him before we make it public, but at this stage really I do not want to commit any further than saying that when we are ready I am happy to have that discussion with him and go through them then.

1990 **Mr Speaker:** Next question.

## HEALTH, CARE AND JUSTICE

Q.379/2018

A&E –

### Contacting Minister re waiting times

**Clerk:** Question 379. The Hon. R M Clinton.

1995 **Hon. R M Clinton:** Mr Speaker, does the Minister for Health stand by the GHA press release of 27th February 2017 where he stated: 'I have encouraged anyone who was kept waiting for more than 90 minutes in A&E to contact me'; and if so, what actual measures has he put in place in the waiting room at A&E to make patients aware of this and the mechanism to contact the Minister if they so wish?

2000 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2005 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, yes. I am continually contacted by members of our community who wish to discuss issues relating to health, social care, elderly care and justice. For anyone who is unaware of my email address – although I dare say there are few people who are unaware – it is [neil.costa@gibraltar.gov.gi](mailto:neil.costa@gibraltar.gov.gi).

**Hon. R M Clinton:** Mr Speaker, I do not think I heard an answer to my question, and I do not want to repeat what I said again, so I will ask him quite simply: does he still stand by his

statement regarding 90 minutes in A&E; and again, what has he done in practical terms at the A&E waiting room for people to contact him, other than reading out his email address to us now in this Chamber?

**Hon. N F Costa:** Mr Speaker, we have just started my answers to questions, so I will try not to dive in to the answer I would ordinarily have given him had it been later in the day.

I answered by saying yes, therefore I stand by the press release that noted that if anyone waits in A&E for more than 90 minutes they should contact me. I have said to the hon. Gentleman that people can contact me by emailing me and I also said that I dare say very few people do not know what my e-mail address is, and if they do not know my e-mail address they definitely contact me by Facebook or by telephone. We are very contactable and very approachable and I do not think that there is anybody left in the community who has not tried to contact me for one reason or another.

Are there any specific measures at A&E to repeat the statement that I made in public and in this Chamber? No, there are not, Mr Speaker.

**Hon. R M Clinton:** Mr Speaker, I thank the Minister for his honest answer.

I would ask him: would he consider now to at least putting some kind of notice in reasonably large typescript for the people who are waiting there for a considerable period of time? Having done so myself personally, staring at the wall, it would be useful to have that information prominently displayed so that members of the public can take up his invitation, as he so kindly suggests.

**Hon. N F Costa:** Mr Speaker, if he wants, I will pass on a picture to A&E that they can put on the wall so he can stare at me instead.

I do not think there is any need to write that on an A&E wall, because for the reason I have told him already, people feel very free to contact me on any issue. It is not hard to be able to find me cybernetically or in person. Only recently, in fact, I have had two queries relating to A&E. So, as I say, notwithstanding the absence of any specific measures at A&E reminding people of the public statement that I made in respect of 90 minutes, people nonetheless were able to find me and contact me on any matter.

**Hon. R M Clinton:** Mr Speaker, I am afraid I really must labour the point. Is the Minister seriously telling us that yes, people can make a complaint but no, I do not need to tell them how to make a complaint because they can just google me? Is that really what the Minister is saying? If he was serious about his intent, he would put up a public notice saying 'If you have any complaints or any concerns, please contact me at this email address or on this telephone number'.

Mr Speaker, seriously, just on the back of vehicles on the streets you see notices: 'If you have a problem with my driving, call this number'. Is the Minister so afraid of having a sudden flood of complaints that he does not have the courage to put a notice up in A&E saying 'If you are waiting more than 90 minutes, this is the number to call and this is my email'? Can he not at least do that?

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman needs to get a life. Seriously, as I have told him already, I am extremely contactable and approachable.

I tell you what, Mr Speaker, the people who certainly needed notices for people to be able to contact them were certainly the GSD when they were in Government. I do not think that there is anyone left in the community who does not know how to contact me.

And it is not that I am hiding behind anything. I have made a series of press releases and public announcements. What I tell members of the community often is that if they wish to

2060 contact me they can do so in various ways, and on my Facebook page I also have my e-mail address constantly in place so that people can contact me if they want to.

2065 It is not a question of hiding, it is not a question of being afraid. We must be the Government that has been the most accessible Government in Gibraltarian history and we keep repeating that if people have any issues they should feel free to do so – so much so that one of the very first things that I did when I was appointed Minister for Health was to create the Patient Advocacy and Liaison Service and there is, for the first time, a fully resourced office where people can make complaints should they wish to do so and we facilitate that endeavour by having fully resourced an office.

2070 **Hon. R M Clinton:** Mr Speaker, can I ask the Minister if I would have his permission to put up a notice in A&E saying ‘If you are waiting for more than 90 minutes, the Minister has asked you to contact him on this email’?

**Hon. N F Costa:** Mr Speaker, he can try and do that and see what happens.

2075 **Hon. R M Clinton:** Mr Speaker, I have just asked him for his permission. Yes or no?

**Hon. N F Costa:** He can try and do that and we will see what happens.

**Mr Speaker:** Next question.

**Q380/2018**  
**Out-of-court settlements –**  
**Amount paid**

2080 **Clerk:** Question 380. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, I have lost Health to my hon. Friend Mr Llamas, but I promise I will not contact the Minister cybernetically in future on the question of health – maybe on other subjects, but potentially not on health.

2085 Mr Speaker, further to Question 65/2018, and without naming any complainant, can the Minister for Health state the total amount paid in out-of-court settlements?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2090 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, in relation to Question 65/2018, the total amount paid in out-of-court settlements was £947,276.

**Hon. E J Phillips:** Would the Hon. Minister confirm in how many cases?

2095 **Hon. N F Costa:** Eleven, Mr Speaker.

2100 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: when he comes to settling these disputes, is it on the basis of – and again, forgive my ignorance – a commercial view taken by the Minister and his lawyers, or would it necessarily have to be because of a court order having been obtained against the Government?

**Hon. N F Costa:** Mr Speaker, in 10 out of the 11 cases they have been out-of-court settlements, so that would be on the basis of legal advice; and in respect of one case it was by way of court order.

2105 **Mr Speaker:** Do you have any more supplementaries?

**Hon. R M Clinton:** I have one but I do not think it will be in order.

**Mr Speaker:** Next question.

**Q381/2018**  
**Xanit –**  
**Termination of contract**

2110 **Clerk:** Question 381. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, further to Questions 656/2017 and 68/2018, is the Minister for Health now in a position to make a full statement to the House in respect to the termination of contractual arrangements with Xanit?

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**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I am not in a position to make a statement in respect of our contractual relationship with Xanit. This is because my negotiations with Xanit's General Director continue.

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**Hon. E J Phillips:** Mr Speaker, I appreciate the sensitivity surrounding those discussions. I think on the last occasion we had a number of questions in relation to how many patients were currently still receiving care from Xanit and how the Minister anticipates the move to the second provider. Does the Minister expect that to be resolved soon? It is just that it has been some time since we had this question/answer about Xanit and its use by the GHA.

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**Hon. N F Costa:** Mr Speaker, nothing would give me greater pleasure, in fact, than to be able to finalise those negotiations, given that we have been in discussion now for quite some time. They are, I think, substantially progressed. I do hope to be able to finalise those discussions. Unfortunately, though, given the breadth of the relationship in the sense of the many services that Xanit provides to the GHA, which therefore requires us to negotiate a whole series of prices in respect of all of those services, it has not been the most straightforward of discussions. But, as I say, I dare say we are quite advanced but I cannot give an end date by which we will finish those discussions because I cannot reasonably foresee whether it is going to be in a couple of weeks' time or whether it is going to be in a couple of months' time.

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**Hon. E J Phillips:** Is the potential stumbling block a financial issue concerning Xanit? Will there be a payout by the Government in respect to the termination of that contract?

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**Hon. N F Costa:** There are various live issues, Mr Speaker. Financial is one of them.

**Hon. D A Feetham:** But in parallel with those negotiations that he is conducting with Xanit can he also confirm – because I seem to recall that that is what he has said to the House on a



2145 previous occasion – that he is conducting parallel negotiations with other service providers, other hospitals and institutions in Spain, so that he can then have comparators between Xanit and those alternative providers?

**Hon. N F Costa:** Yes, Mr Speaker, we have been able to conclude pricing with one Spanish tertiary centre. We are in negotiations with Xanit and a third tertiary centre. So, in respect of one of them we are quite comfortable that the pricing that we have been given is satisfactory and we are happy with those prices. In respect of Xanit, as I say, we have progressed significantly but I am not quite happy yet. And in respect of a third tertiary centre we are still discussing prices.

2155 **Hon. D A Feetham:** And when the Minister talks about Xanit, a second tertiary centre and a third tertiary centre, just so that we understand it, it is not the intention of the Government to replace Xanit for one of the second or the third; it is negotiations with these three, which the Government will deploy as and when necessary for the benefit of patients within the GHA.

2160 **Hon. N F Costa:** That is exactly correct, Mr Speaker. We think at the GHA that it is always best for clinicians to have a variety of centres to which the GHA can refer patients to.

I should say, in fact, now that I am standing on my feet, that we have approached a fourth tertiary centre that we wish to enter into discussions with to formalise a relationship that we have on an ad hoc basis, for the simple reason that, as I have just said, it is always beneficial not to have all of your eggs in one basket and for the Tertiary Referrals Board to be able to have different tertiary centres, all of which have comparable prices, when they have to decide to which centre it is best clinically to refer a patient, to be able to have that flexibility. Because, of course, apart from having different centres that may specialise or which in the GHA's opinion may provide a better service in a particular area, it may be that on any particular occasion one of the tertiary centres is full and we may have to fall back on or use other tertiary centres.

2170 So, in the same way that the GHA has always had different partner institutions in the UK to which now the Tertiary Referrals Board may refer a patient, depending on the surgery or the procedure to which the patient is referred, we think it makes perfect sense to have that kind of variety available to the Tertiary Referrals Board. But of course these centres are private, so that complicates matters to the extent that we want to make sure that the Gibraltar taxpayer is paying the right price for any services that it receives.

**Mr Speaker:** Next question.

2180 **Hon. D A Feetham:** Just one more?

**Mr Speaker:** Yes.

2185 **Hon. D A Feetham:** Are any of these centres – if he can give me that information – a centre that specialises in cancer treatment at all?

**Hon. N F Costa:** Yes, Mr Speaker. That is the fourth one that I remembered when I was on my feet.

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**Q382-384/2018**

**Diabetes –**

**Number of sufferers; cost of treatment**

**Clerk:** Question 382. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the number of people currently living with diabetes in Gibraltar?

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**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 383 and 384.

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**Clerk:** Question 383. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the number of children diagnosed with type 2 diabetes?

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**Clerk:** Question 384. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the cost to the GHA of treatment and management of type 2 diabetes?

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**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, as at 11th May of this year the total number of patients on the GHA diabetes register is 2,685.

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There are no children diagnosed with type 2 diabetes under the care of the GHA.

There are many costs associated with the treatment and management of type 2 diabetes, such as those relating to clinical staff, which can vary from general practitioners, diabetes nurse specialists, dieticians, optometrists, ophthalmologists, ophthalmic nurses, podiatrists, consultant physicians and all clinical and support staff that are involved in the day-to-day management of these patients. To calculate the total cost to the GHA of treatment and management of type 2 diabetes is not a possible task, given the fact that each case is different in terms of acuity, clinical management and time allocated by each professional in respect of each patient. I can however, confirm that the cost for medication related to the treatment of type 2 diabetes is approximately £320,000 annually.

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**Mr Speaker:** Next question.

**Hon. E J Reyes:** May I, Mr Speaker? In answer to Question 382 the Minister gave a figure of 2,685 as patients with diabetes. I declare a vested interest because I am a diabetic myself. Would he happen to know the breakdown, approximately, of that figure, of type 1 and type 2?

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**Hon. N F Costa:** Yes, Mr Speaker, for type 1 diabetes it is 206 and for type 2 diabetes, 2,479.

**Hon. E J Reyes:** I am very grateful for that, Mr Speaker. I am surprised. I actually thought the type 1 would have been a bit higher. As a type 2 sufferer I think my life is very inconvenienced at times, but I am glad to see that that number is down. At some stage I was convinced it was over the 500 mark. I am very grateful for giving me a ray of hope there. Thank you.

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**Q385/2018**

**Hillsides Residential Home and Bella Vista Day Centre –  
Allied healthcare professional services**

**Clerk:** Question 385. The Hon. Ms M D Hassan Nahon.

2240 **Hon. Ms M D Hassan Nahon:** How many allied healthcare professionals are currently working within Bella Vista and Hillsides dementia centres?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2245 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the current allied health professional services being provided at Hillsides Residential Home are physiotherapy, speech and language therapy, and occupational therapy, each for 20 hours a week.

2250 Bella Vista Day Centre also provides physiotherapy, speech and language therapy and occupational therapy, each for 20 hours per week, and the Centre also provides a psychology service for 40 hours per week.

In addition, all residents at Hillsides and service users at Bella Vista are seen by a chiroprapist every six weeks.

2255 **Hon. Ms M D Hassan Nahon:** Mr Speaker, various representations have been made to me that there are no allied health professionals in these centres and that it was something that was committed to when the centre opened its doors in January 2017. So, without wanting to contradict the hon. Gentleman, perhaps he can furnish me with more information in private because I have been approached by various people who are sure that there are no allied health professionals working in these centres.

2260 **Hon. N F Costa:** Mr Speaker, there are allied health professionals, the ones that I have mentioned, working in Hillsides and Bella Vista.

2265 It may be that the hon. Lady is referring to ... I cannot remember the exact number of weeks but there was a time where, because of recruitment, the services were not being provided. But I can assure the hon. Lady that these services are being provided presently in the hours and in respect of the services that I have just read to the House.

**Q386-387/2018**

**Europort Primary Care Centre –  
Government project; change of location**

**Clerk:** Question 386. The Hon. R M Clinton.

2270 **Hon. R M Clinton:** Mr Speaker, can the Government explain why the proposed new Primary Care Centre in Europort has been presented as a Government project to the Development and Planning Commission?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2275 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 387.

**Clerk:** Question 387. The Hon. L F Llamas.

2280 **Hon. L F Llamas:** Mr Speaker, what factors were deliberated when deciding the change of location for the Primary Care Centre from the ICC to Europort?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2285 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the proposed new Primary Care Centre was presented to the Development and Planning Commission as a Government project because the end user will be the Gibraltar Health Authority.

2290 The current PCC facility based at the International Commercial Centre has served our community for many years. The decision to move away from this location was not a decision that was taken lightly. The spatial limitations and environmental issues of the current PCC, however, have reached the point at which the move has become necessary.

2295 There are many reasons why Europort was chosen as the best site from which to offer primary care services. The unique location offers the possibility not only of providing a new, purpose-built facility but also to have the facility directly linked to St Bernard's Hospital and therefore connected to all secondary healthcare services, which would not otherwise be possible.

Practical advantages of the location include the possibility of consolidating services, maximising resources, the ability to pool nursing and administrative support and eliminating the need for separate storage facilities.

2300 Logistical advantages include linked infrastructure and maintenance, greater security and much more efficient supply chains.

Importantly, the main factor which has led to this decision is – as ever, of course – our patients. The synergy between primary and secondary healthcare will streamline clinical and administrative services, enhance patient pathways and ultimately serve to improve the entire patient experience.

2305 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. In the DPC description of this particular project it is actually described as:

Podium level Atlantic Suites, Europort, proposed construction of a three-storey building extension connected to the existing St Bernard's Hospital.

2310 I must confess, Mr Speaker, I have not seen the plans, but if the Minister could just advise the House – the land at the present, who owns that land and will there be a connection in the existing Atlantic Suites building?

2315 **Hon. N F Costa:** Mr Speaker, if I understood the hon. Gentleman correctly, the connection will be to the Hospital, not to the adjacent Atlantic Suites building. And the land, unless I am mistaken ... I did not come prepared to answer questions in respect of the DPC planning application, Mr Speaker, but I do not think I am misrecollecting when I say that the land is Europort land.

**Hon. L F Llamas:** Mr Speaker, I just wanted to ask the Minister can he confirm that factors such as the availability of chemists surrounding the current Primary Care Centre and how people will then go to seek their prescriptions from the new Primary Care Centre were taken into

2320 consideration and how they will deal with that? Also, in terms of factors such as transport and  
traffic in getting to the new Primary Care Centre and whether ... I am sure these things have  
been well thought out, but I just want confirmation from the Minister, the most obvious one  
being housing the primary centre which deals with primary health issues and the secondary  
2325 health institution within the same ground – whether that does not present difficulties should  
illnesses which are contagious break and therefore jeopardise their primary care in that  
situation?

**Hon. N F Costa:** Mr Speaker, in the first place I would like to thank the hon. Gentleman for  
saying that he is sure that we have thought about these things carefully. I can assure him that  
2330 we have.

If I can answer the last question first, the fact that we will have the Hospital next to the  
Primary Care Centre in fact provides greater synergy between primary and secondary care and  
is, I am told by the clinicians, a very good thing indeed. So he should rest assured that in respect  
of the clinical aspects of it, having primary links with secondary is, I am told by all the clinicians I  
2335 have spoken to, beneficial to the patients.

In respect of parking, this is a matter, as the hon. Gentleman can be sure, that has also been  
thoroughly looked into. We will be making announcements before the paediatric hub and the  
new PCC are announced. The parking plans that we have in mind, which of course will be  
announced in due course jointly with my colleague the Hon. Mr Paul Balban, the Minister for  
2340 Infrastructure and Planning, very much take into account the current throughput that we see at  
the Primary Care Centre on a daily basis and the paediatric hub, so we have no concerns in that  
respect either.

**Hon. R M Clinton:** Mr Speaker, I would be grateful if the Minister could perhaps clarify one  
2345 point he made, in that he referred to the land as being owned by Europort, i.e. Europort land.  
Can he be more specific when he says Europort land?

**Hon. N F Costa:** No, Mr Speaker, I am afraid that I cannot because I did not come armed with  
either the legal documentation or the planning application, but if he were to give me notice of  
2350 that question I will be happy to answer that question for him.

**Mr Speaker:** Next question.

**Q388/2018**  
**MedDoc –**  
**Value of contract re John Mackintosh Wing**

**Clerk:** Question 388. The Hon. L F Llamas.

2355 **Hon. L F Llamas:** Mr Speaker, can the Government disclose the value of the care contract  
entered into with MedDoc on 6th April 2018 in relation to the John Mackintosh Wing, together  
with factors deliberated in making their decision?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2360 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the value of the contract  
entered into with MedDoc on 6th April 2018 in relation to the John Mackintosh Wing is  
£1,100,000. MedDoc's was the most competitive offer received.

2365 **Hon. R M Clinton:** Mr Speaker, just to follow on from my colleague's question, can I ask for what term? Is that just for one year? And how long is the contract for?

**Hon. N F Costa:** Mr Speaker, yes, it relates to the financial year, of course. He has got me on the length or the term of the contract. I do not know the answer to that, I am sorry.

**Q389/2018**

**Prison new service –  
Provision of new vans**

2370 **Clerk:** Question 389. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Would the Minister for Justice provide information as to when the Prison Service will be provided with new vans?

2375 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

2380 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the procurement process for the purchase of a new prison escort vehicle was commenced in May of last year. An order was placed with a supplier at the end of July of last year. I can confirm that the vehicle for the Prison Service has now arrived in Gibraltar, finally, and is currently being fitted out. The supplier estimates that this will be delivered to the Prison Service in approximately two weeks.

2385 In addition, a new vehicle for the Prison's workshop section is in the process of being procured and funds have been allocated within the 2018-19 Estimates to that effect. The procurement process for this second vehicle has just commenced and there is no delivery date at this moment.

**Hon. Ms M D Hassan Nahon:** Thank you for that answer, Mr Speaker.

2390 Can I just ask the Minister for Justice: he was talking about two vans in total that are coming in, and does he believe that this is enough for the complement of vans that are needed at this present moment, to have three in total?

2395 **Hon. N F Costa:** Mr Speaker, the basis on which we proceeded to procure the Prison escort vehicle was on the basis of the advice of the Prison Superintendent and his deputy. That has been their advice since I have met with them on the issue. So, what I am telling the hon. Lady is unless I am advised to the contrary, there is currently no need for an additional escort vehicle – but I am sure if there were I would be advised.

2400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think that might be a convenient moment to now move that we adjourn – to the next episode of what the hon. Gentleman Mr Feetham called 'Alien Resurrection' – to next Wednesday, 30th May at three in the afternoon.

**Mr Speaker:** The House will now adjourn to Wednesday 30<sup>th</sup> May at 3.00 p.m.

*The House adjourned at 6.37 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.04 p.m. – 4.13 p.m.**

**Gibraltar, Wednesday, 30th May 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.04 p.m.*

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

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

## Questions for Oral Answer

### HOUSING AND EQUALITY

#### Q390/2018 Disability Act – Commencement date

**Clerk:** Meeting of Parliament, Wednesday, 30th May 2018.

We carry on with answers to Oral Questions and we commence with Question 390. The Hon. D A Feetham.

5

**Hon. D A Feetham:** Mr Speaker, when does the Government intend to commence the Disability Act?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

10

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I refer the hon. Gentleman to my answer to Question 49/2018.

15

**Hon. D A Feetham:** Mr Speaker, can the hon. Lady just simply provide a clear answer to a very clear question? I am aware that the service users and others have been told that it would take the Government roughly about eight or nine months from the date on which the Act was passed last year to properly train people up in order to make sure that this Act runs effectively, but the nine months are up and I am asking her for a clear answer. When does she intend to commence this very important piece of legislation?

20

**Hon. Miss S J Sacramento:** Mr Speaker, yes, this is a very important piece of legislation indeed, and that is why we did it. The hon. Gentleman, who was the Minister for Justice for four years, never did it and the party opposite, who were in Government for 16 years, never did it. So let's start on that premise.

25

I refer to the answer to my question from January, a few months ago, where I explained to the Hon. Mr Llamas, who I think understood the exchange that we had on the last occasion, that this is a huge piece of legislation that has tremendous implications for our community, and that is why it is so important that we get it right. As I explained on the last occasion – maybe the hon. Gentleman was not in the Chamber or maybe he was not listening to the answer that was provided – the Government has provided a very robust schedule of training because this Act

30



primarily places responsibilities on the Government and it is absolutely imperative, given the importance of this, that we get it right and we deliver on it properly because that is what is more important. The Act is already there; it is a question of commencing it but commencing it properly.

35 I can allay the hon. Gentleman's fears because he can be assured, as I have said before, as I explained to Mr Llamas on the last occasion, that the Act applies to Government as Government policy as we have done since we came into Government.

In relation to a timeframe – and that way I am sure that we can circumvent further supplementary questions, because I know that he loves making very lengthy supplementary  
40 questions which include statements – there is a precursor to one of the parts of the Disability Act, and that is the implementation of building regulations that we refer to as 'Part R'. I think we are actually ready on those. I know that the relevant Departments have been working incredibly hard on finalising them and ensuring that everybody knows what needs to be delivered on that and everybody is trained. We have also offered the training to the private sector, because this  
45 particular section applies to them as well. I am fairly confident that that part can be commenced, I think, next week – if not next week, the week after – and I know that we have, I think, a final briefing to senior officials within the Government. I have seen exchanges from my office and I have seen a schedule, which is very comprehensive and a lot is being delivered during the course of next month, so it will be very shortly after that.

50 Because this is something that historically has never been given importance, the actual knowledge of the subject matter is not there in the Civil Service, so we have had to spend a tremendous investment in getting people to understand exactly what is required from them. This has meant considerable training at different levels of different people on different things on different parts of the Act to ensure that everybody understands it, to ensure that as soon as it is  
55 in force we hit the ground running in the best possible way. That, as I explained in answer to the last question and as I explained when we read the Bill, has always been the plan in relation to this Act.

Mr Speaker, the hon. Gentleman opposite can rest assured that we are almost there in the process. It will not be much longer. I think we are talking of maybe a month, maximum two, but  
60 that is the timeframe that the hon. Gentleman wanted and that is my answer, Mr Speaker.

**Hon. D A Feetham:** Mr Speaker, may I just drill down a little into that, with respect, very lengthy, rambling answer that the Minister has given – which really takes the biscuit, given that she prefixed her answer by saying 'I know that he likes these very longwinded supplementary  
65 questions.'

She has had six years, seven years, because this is a manifesto commitment from 2011. She introduced this Act with great fanfare last year. It is now nine months. Can she guarantee to this House that within two months – that, I think, is the most important part of her answer – of today's date this very important Act is going to be commenced and that there will be no further  
70 excuses from the Hon. Minister and the Government in relation to this?

**Hon. Miss S J Sacramento:** Mr Speaker, it is not a question of excuses. This is the plan and this is the timeline that was always envisaged in the process because of the complex nature of the legislation, which is not unusual when we are talking about pieces of legislation that are big,  
75 that are complex and especially that will affect people in the way that this will.

I have said two months and I said that that is what I envisage it will take. It may be sooner, but if we think that the two months takes us right into the middle of the summer vacation, it may be that it will be at the end of it. But that is the timeframe that I envisage as a maximum. It will not go beyond, I think, the summer or the end of the summer. I think realistically we need to  
80 think that August may be a difficult time.

I know that we are ready in relation to certain parts of it. In fact, parts of it can be commenced and can be commenced very quickly, and in particular we are aiming for some of it

to be commenced, I think, in the next couple of weeks. I have always said that it was probably very likely that we would stagger the implementation of the legislation.

85 So we are looking at a period of two months, but given where we are in the calendar I might say to this Parliament, Mr Speaker, so as not to be misleading, three as a maximum but we are obviously aiming for two.

90 **Hon. E J Phillips:** Just one supplementary question, Mr Speaker. In the Minister's answer to Question 49 the Minister referred to extensive training and awareness, which the Minister has again repeated today, and that I believe was undertaken just after we passed the legislation in this House. Insofar as her answer is concerned, can the Minister now confirm that all extensive training and awareness programmes have been completed? Because that is what seems to have held back having this legislation come into force.

95 **Hon. Miss S J Sacramento:** Mr Speaker, as I said in the answer to the first supplementary, there have been different kinds of training at different kinds of levels. We have initially had to undertake very basic training because there was such a lack of understanding of the responsibilities, and then we have delivered other training to build on that initial training. There is a final in-depth training briefing session which is scheduled during the course of the next month after that training, which could not have taken place without the previous training that we have undertaken. That is the kind of basic training that we need. And of course after that there will be continuous training, because it is something where things in this kind of field continue to develop and we all need to continue to learn how to deliver these things in a better way, particularly because technology evolves and there are always things to learn. But I think the final briefing that we have in relation to the legislation is scheduled during the course of next month and it is early next month, I believe.

#### Q391/2018

#### Housing (Rent Relief) Rules 2009 – Revision re allowance for children

**Clerk:** Question 391. The Hon. R M Clinton.

110 **Hon. R M Clinton:** Mr Speaker, further to the Public Service Ombudsman's 2017 Report and recommendations, specifically case 13, has the Government considered revising the Housing (Rent Relief) Rules 2009 in respect of the 60 pence allowance for children?

115 **Clerk:** Answer the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, yes.

120 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for her answer. Can she give an indication to the House of when this revision might come in? And at what level is she thinking?

125 **Hon. Miss S J Sacramento:** Mr Speaker, the question was whether we had considered the recommendations and the answer to that is yes. I did not say that I had agreed with the recommendations and that it would be changed. That is a decision that has not been taken, but the recommendations have certainly been considered. We have looked at all the different permutations of the rent relief, because it is quite a complicated calculation, and it is not something where a decision to change it has been made – or certainly not to be changed right away.

130 **Hon. R M Clinton:** Mr Speaker, with your indulgence, the Ombudsman writes quite clearly that it is his view that the allowance for children seems somewhat unrealistic and unfair when compared with the allowances deductible for an adult. Would the Minister not agree that this really does need addressing?

135 **Hon. Miss S J Sacramento:** Mr Speaker, the Department did not agree with the observation made by the Ombudsman, and in fact I know that they met with the Ombudsman recently to discuss this. The reason for that is because the Department found that that decision and that conclusion had been made in isolation without taking other factors into account.

140 **Hon. R M Clinton:** Mr Speaker, if I understand the Minister correctly, she is entirely satisfied that the 60p allowance is in fact fair.

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, because it is a 60p allowance in the context of other allowances that are allowed for rent relief and in the context of the level of rent that is paid on Government rentals.

145 **Chief Minister (Hon. F R Picardo):** They have obviously changed their minds about [inaudible]

150 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and I must say, to add to that, that while the rent to public housing only increased last year by 3% for the first time and rent has always been static, the rent relief continues to be the same as it always has been and as it was when they were in office.

**Mr Speaker:** Next question.

#### Q392-393/2018

#### Laguna and Moorish Castle Estates – Lifts; refurbishments

**Clerk:** Question 392. The Hon. E J Phillips.

155 **Hon. E J Phillips:** Mr Speaker, further to Question 163/2018, can the Government state whether the 37 lift shafts in Laguna Estate have been installed with lifts and are therefore ready for commissioning?

160 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 393.

165 **Clerk:** Question 393. The Hon. E J Phillips.

**Hon. E J Phillips:** Further to Question 164/2018, can the Government state that all refurbishments to Moorish Castle Estate have been completed?

170 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, in answer to Question 392, there are currently 35 lifts that remain to be commissioned at Laguna Estate. Of

175 these 35, it is envisaged that four of them will be commissioned within the next two or three weeks. In relation to the overall works programme, the installation and subsequent commissioning of the lifts are on target to be completed by June 2019.

In answer to Question 393, I am happy to confirm that practically all works in relation to the items described in the original scope of works have been completed. The works that remain to be completed are either extra works or variations in the original scope.

180 **Hon. E J Phillips:** Mr Speaker, in relation to the answer to Question 392, can the Minister confirm that therefore there are only two lifts since January of this year that have been commissioned?

185 **Hon. Miss S J Sacramento:** No, Mr Speaker, that is not the case, because if the hon. Gentleman recalls, we are undertaking major refurbishment works of three of the largest estates in Gibraltar: Glacis, Laguna and Moorish Castle.

**Hon. E J Phillips:** I refer to Laguna.

190 **Hon. Miss S J Sacramento:** The hon. Gentleman may be referring to Laguna, but in the schedule of works by the subcontractor, as we have discussed in relation to previous parliamentary questions, works are scheduled in a particular way and, as the hon. Gentleman will know from my answers in Parliament, all the lifts from Moorish Castle Estate have now been commissioned. That is completed and now the people who install the lifts and commission the lifts – and it is a tremendously complex process because it involves something like, I think, eight entities who need to do things in a staged way – have now moved to Laguna so that we can expedite the completion of Laguna.

195 Mr Speaker, we are on track as per the schedule and we are on track for the dates that we have provided in this Parliament in the past.

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**Hon. E J Phillips:** I am grateful for the extensive answer to the question relating to lift shafts and installations throughout the housing of our community, but the truth of the matter is that since January, when 37 lift shafts remained empty, only two have been dealt with to this day, and now we are being told that June 2019 is the end date for the finalisation of the lifts, which is a bit of a sad state of affairs for the residents of Laguna, wouldn't she agree?

205 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, all this in the context of estates which have never had lifts and had never been envisaged to have lifts. (*Interjections*) This is as a result of an investment by this Government in housing stock which had been neglected for so long. So not only have we refurbished the buildings; we have enhanced them by adding lifts.

210 I know that the hon. Gentleman has not been shadowing me in Housing for a long time, but I have explained this in the past. To install a lift is not a simple matter and it requires a lot of work. The final stage of this work is the commissioning of the lifts, something that is done by an independent contractor who has nothing to do with the subcontractor or the subcontractor's subcontractor who installed the lift; it is someone who carries out extensive checks on the lifts. The process to check just one lift takes approximately two weeks. That is just the commissioning of the lift, and that is before the lifts are installed and all the services are connected, because that in itself, as I just said, takes about eight different Departments to work together to deliver.

215 Mr Speaker, we are on track for the end date that we have said in this Parliament before.

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**Hon. D A Feetham:** Mr Speaker, with respect to the hon. Lady, she may have given a schedule of dates in answer to questions from Members of the House in the past, but of course this is a GSLP manifesto commitment of 2011 and I think it is legitimate for this side of the House to point out that seven years down the line there are an awful lot of lifts that still need to be

225 installed and still need to be commissioned. It is a matter of legitimate concern to the residents  
of Laguna and other places and therefore it is a matter of legitimate questions to ask in this  
House as to when the Government expects to finish it. We would not be doing our job if we did  
not press the Government in relation to this, because of course this is a significant  
inconvenience to people living in the estate.

230 Can I ask the hon. Lady this, so that I can undertake a comparison in my simple mind: how  
many blocks have actually been completed in terms of lifts out of the total number of blocks in  
Laguna?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman wants to talk about  
235 commitments of the GSLP manifesto 2011. Our commitment was to refurbish the forgotten  
estates and to add lifts. They had no similar commitment, so they are chasing our commitment  
to add these lifts and they say that is their obligation because they are asked by people on the  
estate to pursue when we are going to have these lifts commissioned. At Moorish Castle 17 are  
already installed and commissioned, at Laguna 36 out of 71.

240 Mr Speaker, doesn't the hon. Gentleman remember that he was urging us to spend less on  
the refurbishment and slow it down in 2014, in 2015 and in 2016? One is almost tempted to say  
to the hon. Gentleman, 'But Hon. Eminem, we were just following –' (*Interjection*) Eminem. 'We  
were just following your advice. We shall have to tell residents of Laguna that we slowed down  
245 the process of refurbishment because you advised us not to spend so much on those estates  
because you said that we were taking Gibraltar to ruin as a result.' But of course, Mr Speaker,  
that is not the case because if we had followed his advice then the installation and  
commissioning of lifts would be entirely impossible. Even in the timescale that the hon. Lady has  
set out it would take 12, 14, 15 years. Indeed, in Moorish Castle and Laguna – I do not have the  
number for Glacis, but I think in Glacis (**Hon. Miss S J Sacramento:** Not that many.) all have been  
250 completed.

**Hon. Miss S J Sacramento:** No, they are completed.

**Hon. Chief Minister:** All in Glacis have been completed, so let's just, for the purposes of this  
255 discussion, take it where hon. Members want to take it, which is not where things have been  
completed. They do not want to take the debate to where things have been completed; they  
want to take it to where things have not yet been completed, Moorish Castle Estate and Laguna  
Estate. Seventeen out of 17 in Moorish Castle, 36 out of 71 in Laguna – that is 17 more in six  
years in Moorish Castle than they installed in 16, and that is 36 more in six years at Laguna than  
260 they installed in 16.

And so, Mr Speaker, I think the whole House will want to join me in congratulating the hon.  
Lady and her predecessors as Ministers for Housing for the sterling work done to date and  
encourage them to continue apace.

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

**Hon. D A Feetham:** Mr Speaker, I am sure that we can make some kind of a rap song or  
something similar out of my next supplementary question.

270 **Hon. Chief Minister:** I have no doubt.

**Hon. D A Feetham:** What does he have to say to those people living in Laguna, where he  
committed himself in his 2011 manifesto to finish that project within four years and yet he  
completed a project at No.6 Convent Place (**A Member:** Hear, hear.) (*Banging on desks*) which  
275 was not in his 2011 manifesto? No doubt living in plush luxury as Chief Minister of Gibraltar,

what does he have to say about him prioritising his own offices over and above where people live in Laguna?

**A Member:** Hear, hear.

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**Mr Speaker:** Let me warn Hon. Members that they are beginning to deviate from the subject of the questions and that they are in fact beginning to debate – and I will not have it.

**Hon. D A Feetham:** Sorry, it is the symbiotic relationship.

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**Mr Speaker:** I will not have it.

**Hon. Chief Minister:** Well, hardly symbiotic, Mr Speaker, because once he has gone I do not expect to have been gone too.

290

Mr Speaker, the hon. Gentleman makes it too easy because only in his understanding can the refurbishment of a three-storey office block take as long as the refurbishment of a completely abandoned estate like Laguna at the same time as you undertake the refurbishment of Glacis and of Moorish Castle – because we took them all on at the same time.

295

The hon. Gentleman knows, but he wants to do politics – something surprising for somebody who has said that they are leaving politics at the next election. But nothing will surprise me from the author of the *Hansard* about ‘Alien Resurrection’ – that he would be the first one in his own mind to want to be resurrecting himself. But given that he wants to do politics, it ill behoves him to try and compare a small office facility with the largest residential estate in Gibraltar, which has only received tender loving care under the GSLP Liberal administration and which when it is finished – even though we would all have wished it to be finished earlier – will be an example to governments around Europe of what social or government tenancies should look like.

300

It will be an example of how to look after the environment of people who are tenants of the Government and it will show up the way in which they left us Laguna, Glacis, Moorish Castle and indeed the many other blocks and smaller estates which we have refurbished in the time since we have been in office – something to be proud of, to go back to the people and say, ‘This is our record,’ whilst at the same time recognising the very hard work that has had to be done by the troop of people at the Gibraltar Electricity Authority who have had to put in additional cabling, which has delayed the works, as we have said on a number of occasions, but they have done the work as quickly as possible with the resources available to ensure that every single block in Laguna Estate that can take one – and I think there is only one block that cannot take one – will have a lift.

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Mr Speaker, that is a proud record of this Socialist Liberal Government whose symbiosis is *inter se* and not with them.

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**Mr Speaker:** The hon. Member –

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**Hon. E J Phillips:** Mr Speaker, please, one more question.

**Mr Speaker:** – is now in danger, because if he is going to ask a question which in my estimation is leading to a debate, then that will be the last question that he is going to ask.

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**Hon. E J Phillips:** Mr Speaker, it is about the timeframes that the Hon. Chief Minister referred to; I think it is an appropriate question. How does the Chief Minister reconcile what he has just said in this House in relation to small projects when it is quite clear that when the Government wants to do something in terms of pushing through a revolution in education in 18 months whilst people in Laguna are waiting six or seven years for lifts ...?

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**Mr Speaker:** The Chief Minister does not have to answer that question. Education has got nothing to do with the subject matter of the two questions, which are about Moorish Castle Estate and Laguna Estate. Education has got nothing to do with that.

**Hon. D A Feetham:** Mr Speaker, may I –

**Hon. Chief Minister:** Indeed, Mr Speaker, although –

**Mr Speaker:** If he asks a question that is relevant, not something that deviates from Moorish Castle Estate and Laguna Estate.

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

**Hon. Chief Minister:** I am delighted to answer.

**Hon. D A Feetham:** No, because it may have an impact in relation to other questions.

**Mr Speaker:** Ask the question and I will decide whether it is relevant or not.

**Hon. D A Feetham:** May I just invite Mr Speaker to perhaps bear this in mind: that how a Government prioritises its spending, whether it chooses to spend on an office block or whether it chooses to spend and to complete residential units, that is surely and must be relevant because it is a question of priority.

**Mr Speaker:** That is relevant in the course of a debate but not at Question Time. That is introducing a new subject into the question and answer session. Look at the Rules. Check the Rules and you will see that I am right. In a debate by all means, of course that factor, No. 6 Convent Place, is relevant in a debate, but not at Question Time.

**Hon. D A Feetham:** Of course I accept Mr Speaker's ruling in relation to this, but may I also invite Mr Speaker to also bear this in mind: my hon. Friend Mr Clinton passed up to Mr Speaker some weeks ago, several months ago, some material from Erskine May which also says that the Government itself, in answers, should not introduce any irrelevant material and should keep their answers short.

**Mr Speaker:** Of course.

**Hon. D A Feetham:** So therefore, what is good for the goose must also be good for the gander.

**Mr Speaker:** Maybe the hon. Member has not been present in the House when I have repeatedly told Ministers in recent meetings that their answers are far too long and that they should stick to the point. I have been telling them and I have been saying what a pity that there is nothing in the Rules that enables me to control the situation. Maybe he has not been here on those occasions when I have made the point, but I agree with him. I agree that Ministers should not bring in irrelevant matters but I am not aware that this afternoon the Chief Minister brought into the answer his office at No. 6 – which is not just an office; when I go by I seem to see a building at the back which was not there when I was Chief Minister.

**Hon. Chief Minister:** Indeed, Mr Speaker, but I want to deal first with the point of order that the Hon. Mr Feetham raised, which was the Erskine May reference to rules on answers.

380 Those will have to be read, in the respectful submission of this side of the House, in the  
context of the House in which those rules are made – in other words, in a House where hon.  
Members who are in opposition ask short questions and therefore the Government is required  
to give short answers. The Government cannot be required by the geese on the other side to  
give a shorter answer than some of the diatribes that we get as supplementary questions,  
because hon. Members would not be able to get away with questions of the sort that they put  
385 here.

I make no challenge, Mr Speaker, to your rulings in respect of the supplementary questions  
that are put, because the practice of this House is not the practice of the House of Commons of  
Westminster; it is something, if I may say so without incurring the Speaker's wrath, between the  
development of a question in debate style with a question at the end, and then an answer. The  
390 derivation of the rule that we now understand – because no copy has been given to Members  
on this side – that Mr Clinton decided to give a copy to Mr Speaker on, as if calling Mr Speaker's  
attention to something – hardly the way that parliamentarians tend to deal with these issues –  
would have to be read in the context of how the Erskine May rules are interpreted in the UK.

395 Dealing now with the substance of the supplementary, Mr Speaker, it is really quite  
incredible to have an Opposition that tells you that you have to build faster when they think that  
you cannot achieve it, but then turn into advising you that you are going too fast and that you  
need to slow down when they think that you are going to hit the targets that you originally  
committed yourself to. That is what they have done with education, as their record will show.

400 They spend the first two years of this parliament egging us on in respect of education and  
telling us we will not meet the deadline. The minute we demonstrate we are going to hit the  
deadline, they say, 'Slow down, you're going too fast.' (*Interjection*) Then you have to deal with  
an Opposition that says, 'Slow down, you haven't got the cash.' When you demonstrate seven  
years in that you are still not in the bankruptcy that they predicted the first time that they  
landed on the benches opposite, they say, 'Now hurry up,' in respect of Laguna. And when you  
405 come with a price that is better than the price that they ever achieved for any Government  
project, they say, 'You're selling yourself too cheap, pay more for the same thing.'

Mr Speaker, how true it is that nations get the governments they deserve, how true it is that  
this is a nation with a Government that delivers, and how true it is that the hon. Gentleman is  
absolutely right and what they need on that side of the House is an 'Alien Resurrection'.  
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**Mr Speaker:** Question 394.

**Q394-396/2018**  
**Previously vacant flats –**  
**Numbers now occupied; cost of refurbishment**

**Clerk:** Question 394. The Hon. E J Phillips.

415 **Hon. E J Phillips:** Further to Question 167/2018, can the Government state that out of the 58  
vacant flats that the 30 under offer are now occupied by tenants?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

420 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this  
question together with Questions 395 and 396.

**Clerk:** Question 395. The Hon. E J Phillips.



425 **Hon. E J Phillips:** Further to Question 167/2018, of the remaining 28 vacant flats, can the Minister for Housing confirm that they are now occupied by tenants?

**Clerk:** Question 396. The Hon. E J Phillips.

430 **Hon. E J Phillips:** Further to Question 167/2018, can the Government state the total cost of refurbishing all 58 vacant flats?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

435 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, of the 30, 15 are occupied.

Of the 28, 11 are occupied.

The majority of the remainder have been offered and accepted and are being refurbished, except for two which are beyond economical repair, one which has been advertised for expressions of interest as part of the regeneration project and two which are subject to legal proceedings.

440 The cost of the flats that we have refurbished amounts to £61,242.68.

#### Q397/2018

#### Homes for rental – Commencement date for building

**Clerk:** Question 397. The Hon. E J Phillips.

445 **Hon. E J Phillips:** Mr Speaker, further to Questions 168 and 269/2018, is the Government in a position to update this House on when an announcement will be made as to when the Government will build homes for rental?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

450 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, my answer remains as that to Questions 168 and 269/2018 and an announcement will be made in due course.

455 **Hon. E J Phillips:** I am sure, Mr Speaker, that the Minister receives gentle reminders, to say the least, from Action for Housing in relation to this particular issue. It is certainly a matter that they have raised with us on numerous occasions.

This is a question that was asked back in January and I wonder whether the Minister could be more helpful in the answer. I appreciate it is difficult, but something that would help Action for Housing as a timeline, at least a staggered approach perhaps, Mr Speaker.

460 **Hon. Miss S J Sacramento:** Mr Speaker, the answer remains as it did a few moments ago. We do meet with Action for Housing regularly. In fact, very recently the Chief Minister and I met with them.

465 When we consider building homes for rental, it is not just because it is raised by Action for Housing; it is on the basis of my analysis and that of my Department of the figures and the waiting lists that we have.

470 **Hon. E J Phillips:** Of course, Mr Speaker, need is the most important aspect of this. Can the Minister amplify her answer by suggesting, whether in terms of that assessment, how she sees the need in terms of volume?

**Hon. Miss S J Sacramento:** Mr Speaker, I refer to my answer of a few moments ago and an announcement will be made in due course.

475 **Mr Speaker:** Can I inform the Hon. Minister that there was a query from either herself or on her behalf about whether I should allow this question because of the six months rule. Having regard to the answer – an announcement will be made in due course – I consider that the words ‘due course’ are elastic and I cannot accept that a Government Minister can stonewall, giving an answer to a question on the basis of saying ‘in due course’, and then not expect me to allow  
480 another question pressing her for an answer within the six months period.

So, what I am saying is that if the Opposition want to ask a question on this subject at the next meeting, I will allow it –

485 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker –

**Mr Speaker:** – because ‘in due course’ amounts to **(Hon. Chief Minister: Absolutely.)** stonewalling and there is a limit –

490 **Hon. Chief Minister:** No, Mr Speaker, because –

**Mr Speaker:** – to which you can stonewall.

**Hon. Chief Minister:** With the very greatest of respect, stonewalling is when you do not want to give an answer.

495 There are times when an answer that the Hon. Minister has given is absolutely the correct and true answer, and if Mr Speaker thinks it is appropriate for hon. Members opposite to put the question again before six months are up – and I have absolutely no difficulty with that – the Government will have to decide whether we consider that the same answer is appropriate at any time, without stonewalling, simply because nothing could make the Government happier  
500 than to say we are ready to make the announcement, and when we are we shall delight in doing so.

We shall have to face one Member opposite us telling us we have not done it quickly enough, another Member opposite us telling us that we should not be doing it because we have not got the money and that we should be doing it in a slower order, but so be it, Mr Speaker.

**Q398/2018**  
**Rent arrears –**  
**Amount owing**

505 **Clerk:** Question 398. The Hon. E J Phillips.

**Hon. E J Phillips:** Further to Question 171/2018, can the Minister for Housing update this House as to the amount of arrears owing as of 11th May 2018?

510 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the figure of rent arrears owed continues to decrease and the balance as at the end of April 2018 is £4,829,692.28.

515 **Hon. E J Phillips:** Does the Minister have the percentage figure of that reduction from the last time that we asked this question?

**Hon. Miss S J Sacramento:** No, Mr Speaker, unfortunately I do not have it in percentage terms, but if the hon. Member recalls when we commenced the exercise, the figure in relation to arrears was just over £6 million.

520

**Q399-400/2018  
Fire Safety Review –  
Publication of final report**

**Clerk:** Question 399. The Hon. E J Phillips.

**Hon. E J Phillips:** Further to Question 172/2018, can the Government state that the Housing Fire Safety Review Committee has finalised its report?

525

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 400.

530

**Clerk:** Question 400. The Hon. E J Phillips.

**Hon. E J Phillips:** Further to Question 172/2018, can the Government state that it will publish the Fire Safety Review when it is finalised?

535

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Hon. Miss S J Sacramento:** Mr Speaker, the report has been finalised. This is an internal working document which will continue under review. The recommendations of the report will be announced as and when they are implemented.

540

**Q401/2018  
Housing waiting list –  
Number on list since 2011**

**Clerk:** Question 401. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Minister for Housing state how many people on the waiting list as of 8th December 2011 are still on the housing waiting list?

545

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are currently 178 applicants on the waiting list who were there on the list on 8th December 2011.

550

**Hon. E J Phillips:** Mr Speaker, the Hon. Minister may not have this answer, but does the Minister have the breakdown in relation to the numbers of rooms, the breakdown of the requests on the housing list, so RKB1 to RKB4, I think, or RKB5?

555

**Hon. Miss S J Sacramento:** Mr Speaker, I have a breakdown, but glancing at it I do not actually think it is correct. So I am loath to give it to the hon. Gentlemen because I do not think it adds up. Thank you.

560

**Hon. D A Feetham:** Can the Minister explain why, after seven years, there are still 178 people who were on the housing list on 8th December 2011 and are still on the housing waiting list, bearing in mind that of course it was a GSLP manifesto commitment in 2011 that everybody who was on the housing waiting list as at that date would be housed within four years?

565

**Hon. Miss S J Sacramento:** Mr Speaker, there are a combination of factors. There are some people who have received offers of housing and not accepted what they have been offered. There are people who do not return the annual forms that require to be returned and their applications become suspended but for statistical purposes I have them for management purposes.

570

While we want to ensure that we house everybody as soon as possible, particularly those who were on the housing waiting list in 2011, some more urgent cases have arisen and other people who may have been on the waiting list after 2011 have had to be offered housing before them.

575

If I can add to that, Mr Speaker, as the Chief Minister reminds me, that is the procedure that Action for Housing wants us to do. When housing is allocated, we look at the person who is at the top of the list who needs it the most. So just because someone may have been waiting for a tenancy the longest, that may not actually make them the most urgent case requiring housing. And then we have to take into account people who are on the fast-track list, such as the medical lists and the social lists, who usually join the list later on but receive an allocation sooner because of their circumstances, be they their medical needs or their social needs.

580

**Hon. D A Feetham:** Two questions, if I may, so that I do not have to rise again.

585

What she is really saying in that answer is that it is a promise that was made in 2011 that should never have been made, because what she is saying is, 'Well, although we promised that we would house everybody, for a series of factors really it wasn't something that we could deliver on.' That is really, essentially, what she is saying in her answer and I would ask her to comment in relation to that.

590

Does she have as well the statistical information so that we can properly analyse the answer that she has given where she has said some people have been offered flats and they have declined? And she has also said that there were statistical reasons as well why –

**Hon. Miss S J Sacramento:** Not returning the forms.

595

**Hon. D A Feetham:** Not returning the forms – exactly, I beg your pardon – was another reason. Does she have the number of people there? Because of course if you are talking about three or four people who have been offered flats and have declined and three or four people who, because they have not returned the forms, have not been offered anything, that is *de minimis* in terms of the figure of 178. So she really, in my respectful view, needs to be backing up what she says with some concrete statistics in relation to the answer that she has given.

600 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I understand we have not got those detailed  
statistics here at the moment. The hon. Gentleman might wish to write and perhaps he might be  
able to have them. But we do have another statistic to hand, which is that at the end of the  
lifetime of that Parliament, 68% of the voting public disagreed with that interpretation that he  
605 has put, and unless they only disagreed because he was leading the party opposite it is very  
likely that they disagreed because they thought we had completed our manifesto commitment  
and gave us the highest ever return of votes in a General Election in a two-party race since the  
history of democracy in Gibraltar began.

**Hon. E J Phillips:** Mr Speaker, obviously I have been given a warning today in relation to  
610 relevance and I will strictly keep to that.

Just in relation to the 178 people who remain on the list after 9th December 2011, who  
obviously my learned hon. Friend says should have been housed by now given the promises  
made by the Government, how does the Government reconcile what it is saying today in relation  
to 178 people when it said at page 99 of its manifesto:

Everyone on the housing waiting list and on the pre-list on the 9 December has been housed or has received an  
allocation for a home on all lists bar one. This means that the following housing lists have been eliminated in  
respect of ... 6RKB 5RKB 4RKB 3RKB 2RKB

615 How can the Government now come to this House and say 178 people are awaiting housing  
in our community when in their manifesto in 2015 they say something completely the opposite?

**Hon. D A Feetham:** I am tempted to call for a recount on the 2015 decision.

620 **Hon. Chief Minister:** And even with a recount you would find that the result might have not  
changed.

**Hon. Miss S J Sacramento:** Mr Speaker, in that statement that the hon. Gentleman has read,  
he clearly says that it excluded the people from the 1RKB list. I have a figure here – I am not sure  
625 whether it is right, but I will give it to them anyway. The bulk of the 178 people are actually on  
the 1RKB list and it is 125. I need to confirm that just in case that is wrong, but that is the figure  
that I have here on the breakdown of the 1RKB. In the breakdown of the 178 I am told that 125  
make up the 1RKB. The rest, as per the statement that he has left out, all had offers. So,  
Mr Speaker, what I am saying now is perfectly consistent with what the hon. Gentleman has  
630 read out.

**Hon. Chief Minister:** [*Inaudible*] 33 of them.

**Hon. E J Phillips:** Mr Speaker, in other words, 33 people at the time were offered or allocated  
635 homes which they refused shortly after they were allocated. Is that correct?

**Hon. Chief Minister:** That is correct, yes.

**Hon. Miss S J Sacramento:** Subject to the figure of 125 being correct, which I think it is but I  
640 need to double check, and in fact I have here in my notes that a further seven currently have  
earmarks. So when we deduct from the 178 – which is the total figure that I have given – the 125  
people on the 1RKB waiting list, which for these purposes, given what the hon. Gentleman has  
just read, does not count, then it is a minimal figure, which if you simply deduct one from the  
other leaves us with 33.

645 **Mr Speaker:** Thirty three?

650 **Hon. Miss S J Sacramento:** Yes. (*Interjections*) Sorry, 53. When we subtract the number of people who have earmarks ... The people within those 53 people have either had offers and have rejected them, have flats earmarked – that means that they have accepted them but we are waiting for them to come back from the refurbishment process and therefore they have not signed the tenancies yet – or people who are no longer in the system. Realistically, insofar as the commitment we are talking about 53 people.

655 **Hon. E J Phillips:** Mr Speaker, just taking that to its logical conclusion, the 53 families, as it were, because it is 2RKB, have been waiting since November 2015 to move into the homes that have been allocated to them. Is that correct, Mr Speaker?

660 **Hon. Chief Minister:** I do not think the hon. Gentleman knows what he is talking about in the context of this procedure. You get the allocation, you go and see the house, you think the Housing Department is an estate agency and you say, 'No, thanks, I'd like to see another one.' You get three chances to do that. That is what has happened, not that they have been waiting for two years but that they have had the allocations and then they have said they do not want them.

665 **Hon. E J Phillips:** One further question. If the Minister does not have this information I will be happy to write to the Minister to ask for this information, but in relation to the 53 individuals, would the Government be aware of when they rejected those allocations?

670 **Mr Speaker:** I do not think the Minister can possibly be expected to have that kind of detail with her. I think the hon. Member should follow it up. If he wants to, he can write to the Minister. I will even allow him to put a question at the next meeting of Parliament specifically on that. It is clear that the Minister does not have that information from what she has said so far.

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

**Mr Speaker:** Yes.

680 **Hon. D A Feetham:** Mr Speaker, that is absolutely right and my learned Friend no doubt will drill down into these and ask statistical questions in relation to offers made, offers rejected and the other category that the Minister said, in answer earlier, that was part of the reason. But that still leaves 125 individuals that, from the answer the Minister gives, are looking for 1RKB – or the bulk of them are looking for 1RKB – who were on the waiting list in 2011 and are still waiting seven years after the event. That must indicate that there is a systemic reason why these individuals have not been housed.

685 I wonder whether the Hon. Minister can explain to this House why there was a promise in 2011 to house everybody if there were these systemic factors in 2011 – because they cannot have arisen just simply out of the blue in these last seven years. There were not those systemic factors in 2011 but there are suddenly systemic factors. You have a developing situation where these 125 individuals cannot be housed because there is not enough, as I understand it, housing of 1RKB in order to house them. And more importantly, because of course politics is about ... and if you are in Government you find solutions for people. More importantly, what assurances can the Minister give to these 125 individuals or couples that they are going to be housed sooner rather than later? And can she give some kind of a timeframe in relation to this, bearing in mind that they are waiting for seven years?

690  
695

**Hon. Miss S J Sacramento:** And thankfully, Mr Speaker, this is a Government that has built more houses in our first term in office than they ever did in 16 years. Logically, that in itself had

700 a knock-on effect on the waiting lists, particularly the flats that we built for our elderly citizens which gave us back 142 flats – approximately, maybe 140 – back into the stock.

Everybody knows our commitment to build, to continue to build affordable housing, and we have announced the allocations process for those, in that our first priority will be given to people who currently live in Government flats and who will deliver up vacant possession of those flats when they purchase. That, Mr Speaker, will have a tremendous effect on the waiting lists.

705

**Hon. D A Feetham:** With respect to the hon. Lady, she has not provided an answer and perhaps it is my fault – and I apologise; perhaps it was a long question. Let's simplify it and maybe the hon. Lady can provide me with a clear answer. *(Interjections)*

710

What has happened since 2011, when the hon. Gentlemen and Ladies opposite promised to house everyone on the housing waiting list then in 2011, to now make it impossible for the Government to have housed those 125? And how long will it take the Government to house those 125 people?

715

At the end of the day, Mr Speaker, we are talking about statistics yes, but we are talking about the lives of people behind those statistics, and those people deserve a clear answer to what is a clear question.

**A Member:** Hear, hear.

**Hon. Chief Minister:** Mr Speaker, absolutely right. The answer is as soon as possible.

720

And what he has said is absolutely true of the 1,600 people who were on the housing waiting list when we were elected, who were not just statistics although that is how they treated them, and that is why we made sure that all of them got housed and we will continue our commitment to ensure that we provide housing for our community so that those statistics, which is what they were in their time, flourish into Gibraltarian families.

725

**Mr Speaker:** Next question.

#### Q402/2018

#### New affordable homes – Allocation and completion date

**Clerk:** Question 402. The Hon. L F Llamas.

730

**Hon. L F Llamas:** Mr Speaker, can the Government state when it intends to commence the allocation process for the new affordable homes and estimated completion date for these homes?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

735

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the allocation of the new affordable homes will happen as soon as we have final drawings, floor plans and prices. We are working to ensure we get the best prices for the purchasers.

As to the completion dates of these developments, these have already been announced and are available in the public domain. We do not expect these to slip.

740

**Hon. L F Llamas:** Mr Speaker, thank you. On the latter part of the question I just want to confirm whether those completion dates remain the same. And I just wanted confirmation that on the first part of her answer, does the Hon. Minister have an expected approximation of when

745 the process will commence – whether it will be on this side of summer or whether it will be in September or October – just because I get a lot of queries asking when the Government intends to commence the process.

I think it might be useful for our community to get frequent updates from the Government, just simply letting them know what is going on and how they intend to proceed.

750 **Hon. Miss S J Sacramento:** Mr Speaker, I am pushing my officials as much as possible to be able to give me information that I can in turn put out in the public domain, because no one is more eager than those of us on this side of the House to be able to make further announcements on these fantastic developments that we are making available to residents of Gibraltar.

755 As I have said, we have our commitment to the final date. I am not in a position right now to be able to say when we are able to make the next announcement. I am waiting for the information. I am relying on the technical professionals to provide it to me.

760 We cannot lose sight of the fact that this is a tremendous investment in housing. We are talking about three new developments and of course there is a lot of preparatory work that needs to go into that. We already have the preliminary visuals and those are in the public domain. We are at the stage where we need the technical drawings so that then those can be priced. It is a process that has commenced but that has not yet been completed. I am very eager for that process to be completed but I do not have a date as yet.

765 **Mr Speaker:** Next question.

#### Q403/2018

#### Bayview Terraces, Cumberland Terraces, Nelson's View, Beach View Terraces and Mons Calpe Mews – Numbers sold and finance ratios

**Clerk:** Question 403. The Hon. L F Llamas.

770 **Hon. L F Llamas:** Mr Speaker, further to Question 271/2018, can the Government update this House with a schedule detailing since December 2011, with reference to Bayview Terraces, Cumberland Terraces, Nelson's View, Beach View Terraces and Mons Calpe Mews, with a breakdown of sales details for each, as follows: (a) how many flats have been sold with 100% financing from the purchaser; (b) how many have been sold with a 50/50 ratio; and (c) how many have been sold at any other ratio and specify what the ratio is?

775 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, in answer to (a) 106 flats; in answer to (b) 838 flats; and in answer to (c) there are 14 at 60%, one at 65%, four at 70%, two at 75% and one at 80%.

780 Mr Speaker, if I may, in relation to the last question that Mr Phillips asked me I have confirmation from my office that the supplementary information I had was incorrect, so I am glad I did not give out the figures. They looked incorrect to me at a glance but I now have confirmation that they were.

785 I am sorry about that, Mr Speaker. My office did not add them up properly, but Mr Phillips and I can discuss this at a later date.



**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to – Have you got a question?

790 **Mr Speaker:** Do you have a supplementary? Yes, go on. The Hon. Roy Clinton.

**Hon. R M Clinton:** Sorry, Mr Speaker. If I may take the Minister to her last answer, in respect of (c) she gave various flats and different percentages. Can I ask the Minister: are these percentages between 60% and 80% discretionary? My understanding was the general offer was 795 50/50 or 100. These specific cases, are they tailored for individuals? How have these cases arisen?

**Hon. Miss S J Sacramento:** Mr Speaker, put into context that the question asks about Beach View, Cumberland, Nelson's and Mons Calpe, the majority of these estates were estates that 800 were sold by the previous administration.

The only reason I make this distinction is because there were slightly different rules. When co-ownership developments have been offered for sale, the co-ownership element of equity by the Government of up to 50% has always been offered and then it is up to the purchaser to decide how much of that offer they may want to take into account, and obviously that, in the 805 majority of cases, will be based on affordability. If the purchase price of a flat is £100,000 but it is offered to you on a 50% basis at £50,000 and that is all you can afford, then that is what you choose.

The reason I make the distinction between all these estates and the difference between them and Mons Calpe Mews is because the policy of the previous administration was to give priority in 810 allocation to those who bought a greater percentage of the home, so that the Government would have a lower equity. So someone who offered to buy a flat on a 100% basis would have a higher priority of allocation than somebody who could only afford to buy 50%. As a socialist Government, because we thought that was unfair, we did away with that rule and everybody has the same opportunity to buy in these estates. The difference is that you now no longer have 815 an advantage if you can afford to pay more towards the purchase price.

**Hon. L F Llamas:** Sorry, just one final supplementary. Does the Minister have a breakdown by development with these figures, or are they just global figures on the percentages?

820 **Hon. Miss S M Sacramento:** Mr Speaker, I do have a breakdown but it is quite lengthy. I am happy to show the hon. Gentleman later.

**Hon. Chief Minister:** Mr Speaker, I now move that the House should adjourn until tomorrow at 4 p.m. 825

**Mr Speaker:** The House will now adjourn until tomorrow afternoon at 4 p.m.

*The House adjourned at 4.13 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 4.03 p.m. – 7.16 p.m.**

**Gibraltar, Thursday, 31st May 2018**

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# The Gibraltar Parliament

*The Parliament met at 4.03 p.m.*

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

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

## Questions for Oral Answer

### ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

#### Q404-410/2018

**Community Care Balances; Savings Bank Deposits; General Sinking Fund; Consolidated Fund; Improvement & Development Fund; Government – Owned Companies; Liquid Reserves / savings bank accounts.  
Gibtelecom**

**Clerk:** Meeting of Parliament, Thursday, 31st May 2018.

We continue with answers to Oral Questions. We commence with Question 404. The Hon. R M Clinton.

5

**Hon. R M Clinton:** Mr Speaker, further to the supplementary questions and answers to Q542/2017, can the Government advise the balances of Community Care money held with the Savings Bank for the following dates: 30th June 2014, 30th June 2015, 30th June 2016 and 30th June 2017?

10

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

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 405 to 410.

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

15

**Hon. R M Clinton:** Mr Speaker, can the Government advise the monetary value of Government deposits with the Savings Bank for the following dates: 30th April 2017, 31st May 2017, 30th June 2017, 31st July 2017, 31st August 2017, 30th September 2017, 31st October 2017, 30th November 2017, 31st December 2017, 31st January 2018 and 28th February 2018?

20

**Clerk:** Question 406. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following dates: 1st January 2018 and 1st February 2018?

**Clerk:** Question 407. The Hon. R M Clinton.

25

**Hon. R M Clinton:** Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following dates: 1st January 2018 and 1st February 2018?

30

**Clerk:** Question 408. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all bank/savings bank accounts and cash held for the following dates: 1st January 2018 and 1st February 2018?

35

**Clerk:** Question 409. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund as at 1st January 2018 and 1st February 2018?

40

**Clerk:** Question 410. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise what plans it has for Gibtelecom to expand into other countries?

45

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

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, the value of deposits by Community Care with the Savings Bank cannot be provided.

50

The monetary value of the Government deposits with the Savings Bank on the dates requested are as follows: April, £296,828,170; May, £292,117,177; June, £287,255,467; July, £280,674,500; August, £276,139,998; September, £292,230,272; October, £330,181,963; November, £318,107,745; December, £273,615,257; January this year, £267,127,589; February, £260,446,189.

55

The figures requested for 1st January 2018 are: gross debt, £447.7 million; Sinking Fund, £5.2 million; aggregate debt, £442.5 million; cash, £94 million; net debt, £348.5 million.

60

The equivalent for February is: gross debt, £447.7 million, same figure; Sinking Fund, £5.2 million; aggregate debt, £442.5 million; cash, £118.2 million; net debt, £342.3 million.

The position as regards the total liquid assets composition, when, where and how these are invested on a particular date chosen by the Member opposite, continues to be as previously stated.

65

Any plans that Gibtelecom may or may not have to expand into other countries will be made public if and when Gibtelecom considers it commercially desirable to do so.

**Mr Speaker:** Could I ask the Minister to check the last figure that he gave – net debt? He said £322.3 million. Is it £322 million or –?

70

**Hon. Sir J J Bossano:** No, £324 million.

**Mr Speaker:** £324.3 million, right.

75 **Hon. R M Clinton:** Mr Speaker, if you will just bear with me while I digest the answers from the Hon. Minister – *(Interjection)* Sorry? No, I will carry on.

If I can take the Minister's last answer in respect of Gibtelecom, he did make an announcement at the Commonwealth Telecommunications Conference held in Gibraltar that we are looking to 'expand elsewhere into other countries'. Can he give any kind of indication as to what the thought process is or what kind of level of investment he may be thinking of?

80

*A mobile phone rang.*

**Hon. Sir J J Bossano:** This is probably Gibtelecom? *(Laughter)*

**Chief Minister (Hon. F R Picardo):** *[Inaudible]* roaming *(Laughter)*

85 **Hon. Sir J J Bossano:** Mr Speaker, I do not think it is right for me to go beyond what the company wants to make public. These things are commercially sensitive. If they chose to make that comment in the CTO conference and not say any more than that, then it is not for me to advance any additional information, as far as I am concerned, just because we happen to be the shareholders.

90

**Hon. R M Clinton:** But, Mr Speaker, the Minister must acknowledge that the quote was attributed to him and not to the company, unless of course Panorama got the quote wrong.

**Hon. Sir J J Bossano:** Well, I am sure if it was attributed to me it will not have been about Gibtelecom; it would have been about the Government doing something elsewhere – which we are, as you know.

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**Hon. R M Clinton:** Mr Speaker, without labouring the point too much, if I can read what was said here:

'People from anywhere

– and this is attributed to yourself, Minister –

can sell anything to anybody,' he said. 'Gibtel is under great pressure from the competitive environment that they have to operate in and we are looking to expand elsewhere into other countries.'

100 Does he recall any of that?

**Hon. Sir J J Bossano:** I do not recall those exact words, but the hon. Member is aware that we are talking to other people about the ownership of Gibtel – we have been for a very long time – and therefore, to the extent that we are successful in getting someone to invest in Gibtel at a price that is suitable for us, that would involve Gibtel being involved in activities outside Gibraltar as well, as a consequence of a shareholder coming in that is new. That would be the context in which I would have said that.

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

110 If I can just move back to the answer given to Question 404, the Minister said that the information requested cannot be provided. I would be grateful if he could explain why, seeing as he himself said in answer to the previous question, in respect of Community Care's investments:

The historical position has always been that Community Care deposits its surplus funds in the Savings Bank; that is what has always been done.

115 I would just be grateful, Mr Speaker, if the Minister could explain why he cannot give us the balances of Community Care at those points in time, or even perhaps a percentage of the assets that they have with the Savings Bank.

**Hon. Sir J J Bossano:** Mr Speaker, I assume he is asking me as the Minister responsible for the Savings Bank and not because I am the one who set Community Care up in 1989.

120 I was telling him what Community Care has done traditionally, but I have to tell him that the Savings Bank's Ordinance specifically prohibits making public information about the deposits of any one of its depositors. I would have thought that if he comes from a bank ... I do not think the bank would keep many customers when he was in his bank if he went around publishing the accounts of people without their prior consent.

125 The amount that any customer has in the Savings Bank is not something that any official can provide for me so that I make it public. If that happened, in fact, it would be an offence which is punishable by a fine at scale 5. Since I don't ... much as I like the hon Member, I am not prepared to risk being fined at scale 5 in order to give him the information. (Laughter).

**Hon. R M Clinton:** Mr Speaker, I appreciate what the Minister is saying, but can I ask him this: 130 given that historically the money was with the Savings Bank – and perhaps even having mentioned that he may still be liable to a fine at scale 5 since he has disclosed that they have an account with the Savings Bank, but then so has the Principal Auditor in his report of March 2014, who also disclosed that Community Care has money with the Savings Bank – can the Minister advise the House as to the future? He says that in the past it has been in the Savings Bank, but 135 can he confirm to this House that it is his expectation that in the future the money will be in the Savings Bank?

**Hon. Sir J J Bossano:** Mr Speaker, the hon. Member wrote an article recently in which he was saying that he was going to spend a lot of time looking into Community Care. I have already 140 pointed out to him in the answer that I gave him to the question that he is referring to that the question of Community Care has always been accepted in this Parliament as being an independent thing which we do not debate in Parliament. If he has been doing all this research which he mentioned in his article, I am surprised that he missed the research as to why it is that the accounts are not brought to the House: they are not brought to the House because they 145 were stopped by the greatest living Gibraltarian.

When he stopped it and he told me in the House that they were stopping it because it was not in the public interest that it should happen, I accepted it without question. So I suggest that he goes back and looks at that argument because his party in power told me that it was better not to discuss the matter in this House and I accepted it. And I told him the last time the level of 150 information that I used to get and the level of information that I had in Government and in Opposition, and that is the level of information that he is going to get from me or from anybody else.

**Hon. R M Clinton:** Mr Speaker, I will ask just a final supplementary on this. Can the Minister 155 advise the House how it is that he can assert that Community Care has reserves of £100 million in what he describes as a rainy-day fund as at March 2015 and yet the audited accounts, the last ones that are available are June 2014? How can he be so sure that Community Care has £100 million?

160 **Hon. Sir J J Bossano:** Well, Mr Speaker, whereas I am prohibited by law from giving him the information that any customer of the Savings Banks has, I am not prohibited by any law to be 100% accurate in what we put in the manifesto or in the public statements we make. If that was so, the hon. Member would be in court every day of the week.

165 **Hon. D A Feetham:** Well, Mr Speaker, given that the Government makes a song and dance  
about the fact that it has these rainy day funds, this being one of them, can the Hon. Minister at  
the very least tell me this: that that rainy fund remains intact within the Gibraltar Savings Bank  
and has not been used for the purposes of any type of Government projects and Government  
170 expenditure directly or, if I may say so, indirectly for Government projects and Government  
expenditure?

**Hon. Sir J J Bossano:** Mr Speaker, the only issue with a rainy day fund is that it is intact when  
you need to access it. We do not monitor what the charity does with the money that it has and I  
am not here to give explanations or answers about what the charity does with its money – and  
175 he should know that because he was in the Government before when that was the position of  
the Government in which he served as a Minister.

The position is that we gave Community Care, as the GSLP, up to 1995, enough money for  
them to have a surplus, which the GSD inherited and used as a rainy day fund by stopping giving  
them any money, and the money that would have gone to the Community Care charity was  
180 diverted to other uses. For 15 years they did that and it was the reserves provided by the GSLP  
administration that kept the charity going for those 15 years. At the end of it, they revealed  
there had been a deliberate policy to get rid of the charity.

Since, when he became Leader of the Opposition, he said that was no longer the policy. I am  
not sure whether it is a policy under the new Leader of the Opposition and whether it will be the  
185 same policy under the new leader of the party. We will eventually presume that it has to be one  
or the other: either they are going to get rid of it, as they intended to when they were in  
Government, or they are not going to get rid of it, as when he was leading the party.

I am not here to answer questions on Community Care. All I can tell the hon. Member is that  
we provided enough money to him by the last election to enable them to build up their reserves  
190 and I can tell him that traditionally that is where they kept their money. That is the amount of  
information I have provided and I am not willing to provide any more.

**Hon. D A Feetham:** Yes, Mr Speaker, but does – and I am sure that he does, but he must  
accept that the Government is answerable to this House for any use of money in terms of  
195 Government expenditure and for Government projects.

He has criticised the GSD, as he has done now, the GSD Government, for ... On the one hand,  
what he says is, 'You did not invest in Community Care and you diverted the money that you  
should have invested in Community Care into Government projects and Government  
200 expenditure.' That may be right, I do not know; I am asking the question. I am asking for him to  
dispel that. But if what is happening here is that he is putting the money in Community Care but  
then from Community Care it is still being used to fund Government projects and Government  
expenditure, well then he is criticising himself; it is just that he is doing it in a different way, but  
the outcome is exactly the same. I just want to drill down and I want him to assure this House  
that that is not the position; and if he does, then of course I will accept it.

205 **Hon. Sir J J Bossano:** Yes, Mr Speaker, but if I did, not only would he accept it but he would  
have had me accepting that he is entitled to ask me questions about Community Care and what  
it does with its money and establish a precedent that I am here to give answers to those  
questions – and I am not.

210 I can tell him that my criticism is not just because they used the money for something else,  
which they were perfectly entitled to do; it is because they promised to do the opposite. It is  
because they said in this House that they stopped giving it money because the revenue from the  
money that we had left was sufficient to meet the recurrent expenditure of the charity but that  
the moment that there was insufficient investment revenue they would not allow the charity to  
215 have to dip into its reserves, wherever they were invested, in order to meet recurrent spending.  
That is what they said, and having said that here in Parliament as categorically and as clearly as I



am saying it, and having then repeated it in an election campaign – it was all before he joined them – they then revealed in 2010, when he was there, that the running down had been a deliberate policy going on since 1996 so that when the reserves were completely exhausted  
220 Community Care would be closed down and the payment to pensioners would be paid through the Social Security system. In fact, it was said that this would be done because it had been delayed after the 2011 election, so he stood as a candidate on a platform of replacing Community Care, having committed publicly in previous elections and committed in Parliament to the opposite policy.

225 That is why I am entitled to precedence, not because in Government you can decide to do something with your revenue ... than what you thought you were doing because you think there has been a change of policy. Of course they could do it, but what they could not do is deny that they were doing it, and that is what they were doing.

230 **Hon. D A Feetham:** Okay, Mr Speaker, so when we strip that very long answer, essentially what he is telling me is, 'I am not prepared to tell you and therefore I am not prepared to tell this Parliament and I am not prepared to tell the people of Gibraltar whether the £100 million rainy day fund in Community Care is being spent on Government projects and on Government expenditure.' The people of Gibraltar will obviously judge him at election time, together with all  
235 the other answers and all the other information that his Government has failed to provide to this Parliament and the people of Gibraltar.

But can I ask this at least: is this £100 million, or the money in Community Care, is it kept as part of that central pooling of money together with Treasury? You may recall our discussions in terms of Credit Finance and Gibraltar Investment Holdings. Is it all part of one central pool of  
240 money and do Community Care moneys form part of that central pool?

**Hon. Sir J J Bossano:** Mr Speaker, I think that the people of Gibraltar will come to the conclusion that the Members opposite are still intent on getting rid of Community Care because the very reason that was given when they were defending it, which was in 1996 when they  
245 stopped publishing accounts and stopped giving information, was to protect it and it is quite obvious they are not remotely interested in protecting it anymore.

I can tell him that he should know the answer to the question that he is asking me and that by putting the question that he is putting he shows he has not got a clue about the Government finances or anything else in all the questions and all the analysis he makes, because if there was  
250 a possibility that there was some logic to his answer, it would imply that the entire £1 billion of the Savings Bank is part of the pool.

So that is the answer to his question, and if he does not even understand that then I give up.  
(Laughter)

255 **Hon. D A Feetham:** Mr Speaker, Hon. Members opposite laugh. I do not even think that *they* have understood the answer, and they are laughing! I do not think they have understood the answer.

Let me ask a simple question. Perhaps we can get further with this question: can he at least say that the moneys belonging to Community Care are kept segregated by the Gibraltar Savings  
260 Bank?

**Hon. Sir J J Bossano:** Mr Speaker, I have not said Community Care has the money in the Gibraltar Savings Bank. I have told him that it is in breach of the law to do what he is asking me to do, which is either to reveal the identity of a depositor or to reveal the quantity of money he  
265 has got. The law says I cannot give that information. That is the first thing I told him. Do I need to quote the Savings Bank Act, Mr Speaker?

A person who contravenes the provisions of this section

– that says that the name of a depositor or the amount deposited may not be revealed –

is guilty of an offence and is liable on summary conviction to a fine at level 5 on the standard scale.

And he is asking me to reveal that, as I stand here today, Community Care is a depositor in the Savings Bank and that the money of a depositor in the Savings Bank is a quantity of given money or how it is being used or not used.

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The previous question was: is the money of a depositor in the Savings Bank a part of the pool of Government money? Well, look, depositors in the Savings Bank have deposited £1 billion. If the £1 billion was part of the pool, the pool would have to be more than £1 billion because, by the laws of physics and simple arithmetic, you cannot put a bigger thing into a smaller one. The pool is less than £1 billion.

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**Hon. D A Feetham:** Well, Mr Speaker, thank you very much to the Minister for that answer.

If after I read this out he needs a QC to represent him in court lest he be prosecuted for what I am going to be reading out, I will represent him on a pro bono basis (*Interjection by Hon. Sir JJ Bossano and laughter*) because on 20th September 2017, in answer to questions from my hon. Friend Mr Clinton, he says:

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The historical position has always been that Community Care deposits its surplus funds in the Gibraltar Savings Bank; that is what it has always done.

And now he is giving me this speech in answer to my question about how he would be in breach of the law in revealing this and revealing that.

All I want to know, Mr Speaker, is – and I am not going to ask anymore because I know that I am tasking Mr Speaker's patience – is that money that he has said is deposited – him to this House, publicly – in the Gibraltar Savings Bank being kept segregated. That is all I am asking.

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**Hon. Sir J J Bossano:** Mr Speaker, his deficiency is not just in numbers; it is also in language.

I certainly want to make clear that not only would I not pay him and not only would I not have his services free, I would not even have him as my lawyer to defend me if *he* paid *me*.

290

I have not said they have got money now in the Savings Bank. My answer is: the historical position has always been that Community Care deposits its surplus funds in the Savings Bank; that is what it has always done. That is not telling you or anybody else they have an account today and this is the money in the account. This is called past tense and the other is called present tense. That is part of the English language that he did not understand.

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**Hon. D A Feetham:** Mr Speaker, I am sorry but the answer that he has given is important because what he appears to be implying now is, 'Although when I answered questions in the past about where the money from Community Care was deposited and I said, "It's in the Gibraltar Savings Bank," it is no longer in the Gibraltar Savings Bank.' Therefore, that begs the question: if it is not in the Gibraltar Savings Bank, where is Community Care's money?

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**Hon. Sir J J Bossano:** Yes, and the questions that it begs are: am I here to tell him where Gibraltar Community Care keeps its money? No. Is he entitled to ask me? No. Should he be asking me? No. Why? Because when he was in Government, the policy of the party that was then in Government was that in the public interest I should not be asking questions about Community Care. So now the public interest does not matter and the survival of Community Care does not matter, and he is going to ask questions?

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Well, I will not give him the answers for the same reasons that the greatest living Gibraltarian – in his eyes – told me he would not give me an answer in 1996 or 1997, except that I accepted it when I was told that and he does not. That is the difference between us – well, one of them.

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**Mr Speaker:** I think that, given that the Minister is saying that in the public interest he is not prepared to answer questions, we should move on.

315 **Hon. R M Clinton:** Yes, Mr Speaker, I just have one supplementary.

I am grateful to the Minister for his answers, but can he answer me this. He may or may not be aware of the Kids Company case in the United Kingdom, which is the charity which received money from government and then that charity came under heavy criticism for the way that money was used. Parliament still had an obligation to at least follow up on how public money is being expended, and certainly there was a whole select committee hearing on that.

320 Would the Minister not agree that this place, this Parliament, has an interest in how a charity is expending £190 million, certainly since 2011, that has been granted to that charity by this House and that we have a legitimate interest to ask questions about how that money is invested?

325 **Hon. Sir J J Bossano:** Mr Speaker, this is not about any old charity; this is about a charity that was set up to protect Gibraltar pensioners whose livelihood was under threat. Or is it that he does not know anything about his history? That was the reason why the then Chief Minister said we must not do or say anything in this House that would enable people who would be listening in to make use of it in order to undermine the valuable work the charity is doing. That was the reason why he said, 'Although I said I was going to publish the accounts when I was in Opposition, now that I have come in I have decided that I am not going to publish the accounts.'

330 I am astonished that he can write an article about all the research he has done and omit that bit of the research he has not done. It is in *Hansard*.

335 So that is the answer to his question. I do not know of the case he was talking about, but I am sure that there were not thousands of people clamouring to be potential beneficiaries.

**Hon. R M Clinton:** Sorry, Mr Speaker, I had intended to continue with this but given the Minister's response ... The information is public, as he well knows. It is publicly available for anybody who cares to know where to look for it, which I will not disclose now because it is publicly available and he knows exactly where it can be obtained. He also knows, Mr Speaker – or he must know by now – that I have written a letter of complaint to the Charities Commissioner in that Community Care has not filed its accounts with the Charities Commission for the last three years.

345 If he is so concerned about these pensioners, he surely must have a concern as to where the money is.

**Hon. Sir J J Bossano:** Mr Speaker, what I am concerned about is the innuendo of the hon. Member opposite: I should be concerned about the moneys. What is he suggesting – that the trustees have run off with the money? That they have got it in a secret account in Switzerland, or in his former bank?

**Hon. R M Clinton:** How do you know?

355 **Hon. Sir J J Bossano:** How do you know? Well, because in Gibraltar we all know each other and I know who is capable of doing certain things and who is capable of not doing certain things. We happen to be a very close-knit community? He may not be a part of it – I do not know – but I am and have been for 45 years and I would not dream of saying that of anybody unless I really thought that they were capable of doing something that they should not be doing.

360 The reason why we have not discussed it here when the GSD was in Government is not because the accounts should or should not be made public but because the GSD had a responsible Opposition when I was on that side that never tried to take political advantage of

anything that was happening when they had to choose between partisan political benefit and what was good or bad for Gibraltar. That is the difference between him and me.

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**Hon. R M Clinton:** Mr Speaker, my final point on this is that he is the one who politicised this first by calling the money in Community Care a rainy day fund and including it in his manifesto. He is the one who has made this a political point. It is not about the pensioners; it is about his manifesto.

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**Hon. Sir J J Bossano:** Well, Mr Speaker, if it is about my manifesto, then the hon. Member should know that we have won an election on that manifesto and therefore clearly the people support the concept like they supported it when it was done in the past.

I have already demonstrated to him how it can function in a situation when the money that this charity has has to be made use of and relieves a Government of the necessity of giving money to the charity.

So it is a fund that is not available for the Government to use for other things but it is a fund that will enable the charity to continue if we found ourselves in a year's time, as a result of Brexit, in a situation where we were not able to give support to Community Care. The concept of a rainy day fund would be there to continue to support the pensioners, although it would not be there for use for anything else. That is not too difficult to understand, surely.

He may say, 'Well, you shouldn't call it a rainy day fund.' He may say, 'Well, you should use the rainy day fund another day! ...' Well, look, the hon. Member has no right to tell us what to do in something that is our programme and not his. He does not believe in rainy day funds. The first thing that (**Hon. R M Clinton:** I do.) his party did when they got here was to say, 'Today is the rainy day,' and started spending all the money. So, if they do not believe in a rainy day fund when they are in Government, they have said they believe in it now that they are in Opposition, it remains to be seen what happens when and if they ever get back into Government – but they say one thing in Opposition and they do something different in Government; they defend one policy in Government and then they attack it in Opposition and there is no consistency.

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**Mr Speaker:** One last supplementary.

**Hon. D A Feetham:** I am very grateful, Mr Speaker.

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**Mr Speaker:** If it is a supplementary question, I will allow the Minister to reply, and then we will move on to the next question on the agenda.

**Hon. D A Feetham:** Yes, I am very grateful.

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No, Mr Speaker, I am afraid the Minister has mischaracterised what we are trying to do. What we are trying to do is, in pursuance of our public duty, (1) make sure that they are doing what they say they are doing in relation to Community Care, and that is creating a rainy day fund, and that that fund continues to exist, and (2) trying to elicit from him information as to whether the trustees of Community Care are using this money in order to fund Government projects and Government expenditure.

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I have given him several opportunities to basically say to me very simply, 'No, I can tell the Member this money continues to be ... I am not telling him where, but it continues to be there, intact, and it is not being used for Government projects or Government expenditure,' and he has refused to take up that opportunity. The problem with failing to take that opportunity and then hiding behind all the technical legal arguments that he has raised – he sounds like the lawyer, not me, because he is the one who has raised all those technical arguments – is that, of course, then it leads us to a situation where we then start raising inferences which may be improper inferences, but they are improper inferences because he refused to give us the information.

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415 **Hon. Sir J J Bossano:** Mr Speaker, information that he is not entitled to ask me about because  
when he was in Government they refused to answer questions on Community Care because  
they said that answering questions about Community Care was not in the public interest and  
would put the charity at risk, and that the level of information that was available to the  
420 Government was limited and that it was equally limited to the Opposition. That has been what  
has been done by the GSD in power for 15 years and by the GSLP in power for eight years, and it  
is only being changed now that there is this mix-up of philosophies on the other side with the  
hon. Member saying one thing when he was the leader, and somebody has been the leader who  
may or may not agree with the hon. Member, and the leader that may in future replace him  
having a different view.

425 Hopefully we will get back to one of the few things that the greatest Gibraltarian – in the hon.  
Member's mind – and I ever agreed on, which was that it was better not to discuss Community  
Care in this House or their money or where they had it or what it was used for. That is the  
position that I agreed with the former Chief Minister under the GSD Government and that is the  
position that I am adopting – regrettably not by mutual agreement because they do not agree  
430 and they do not care if they put this charity at risk.

**Mr Speaker:** Question 411.

**Q411-416/2018**

**Government workers employed through recruitment agents –  
Minimum wage; areas of employment; term of employment;  
inconsistency with figures previously given**

**Clerk:** Question 411. The Hon. D A Feetham.

435 **Hon. D A Feetham:** Mr Speaker, how many individuals employed by recruitment or labour  
supply agencies and placed within Government Departments, agencies, authorities and  
companies are on the minimum wage?

440 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the  
GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir  
J J Bossano):** I will answer this question with Questions 412 to 416.

445 **Hon. D A Feetham:** In relation to the previous question on the number of individuals within  
the public service employed by recruitment or labour supply agencies, please identify the  
Department, agency, authority and/or Government company where those individuals are  
working.

450 **Clerk:** Question 413. The Hon. D A Feetham.

**Hon. D A Feetham:** In relation to the previous questions on the number of individuals within  
the public service employed by recruitment or labour supply agencies, how long have those  
455 individuals been working within those Departments, agencies, authorities and/or Government  
companies?

**Clerk:** Question 414. The Hon. D A Feetham.

460 **Hon. D A Feetham:** Further to answers to Questions 252 and 186/2018 in relation to the number of individuals working within Government Departments, companies, agencies or authorities through services provided by recruitment consultants and agencies, how does the Government explain the marked inconsistency in the answers provided?

465 **Clerk:** Question 415. The Hon. D A Feetham.

**Hon. D A Feetham:** Further to the answers to Question 306/2018 and Written Question 21/2018, how does the Government justify the marked inconsistency in the answers provided?

470 **Clerk:** Question 416. The Hon. D A Feetham.

**Hon. D A Feetham:** How many individuals are currently being trained under Government-sponsored training schemes, identifying the scheme and the number of individuals per scheme?

475 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, the number of individuals provided by labour supply agencies known to be on the National Minimum Wage is 188, deployed as follows.

CSRO: December 2014, 1.

Tourism: May 2017, 2; July 2017, 3.

Law Offices: May 2017, 1; April 2018, 1.

RGP: June 2017, 1; August 2017, 1.

485 GHA: November 2014, 1; January 2015, 1; June 2015, 2; December 2015, 1; May 2016, 1; July 2016, 1; June 2017, 1; July 2017, 1; August 2017, 4; November 2017, 2; December 2017, 2; February 2018, 2; March 2018, 4; April 2018, 4; May 2018, 5.

Borders and Coastguard: February 2018, 1.

Procurement: January 2018, 1.

490 Gibelec: August 2017, 1; November 2017, 1; January 2018, 1; February 2018, 1.

Tax Office: January 2015, 1; August 2015, 1; September 2015, 1; March 2017, 1; June 2017, 1; July 2017, 1; August 2017, 1; September 2017, 2.

EDEC: August 2014, 1; May 2016, 1; August 2016, 1; November 2016, 1; March 2017, 3; July 2017, 1; November 2017, 1; January 2018, 2; February 2018, 1.

495 DSS: October 2016, 1; December 2016, 1; December 2017, 2.

MOT Centre: January 2017, 2; September 2017, 1; April 2018, 1; May 2018, 1.

Housing Department: September 2015, 1; May 2017, 2; January 2018, 1; February 2018, 1.

500 Treasury: September 2014, 1; October 2014, 2; April 2015, 1; May 2015, 1; August 2015, 1; September 2015, 1; May 2016, 2; July 2016, 1; June 2017, 1; July 2017, 2; August 2017, 3; September 2017, 1; October 2017, 3; December 2017, 1; February 2018, 2; March 2018, 5; April 2018, 1.

Care Agency: October 2013, 1; October 2014, 2; December 2014, 2; May 2014, 1; July 2014, 2; July 2015, 4; September 2015, 1; November 2015, 1; December 2015, 1; February 2016, 1; February 2017, 1; July 2017, 1; November 2017, 1; January 2018, 1; 505 February 2018, 2; March 2018, 2.

ETB: August 2014, 2; February 2015, 1; May 2015, 1; February 2017, 1; April 2017, 1; October 2017, 2.

Human Resources: September 2015, 1; July 2017, 1.

Court Service: August 2017, 1; March 2018, 1; April 2018, 1.

510 Post Office: February 2015, 1; November 2016, 1; March 2018, 1; April 2018, 9.

Education Department: September 2014, 1; July 2017, 1; September 2017, 1; January 2018, 1; April 2018, 1.

Statistics Office: October 2017, 1; February 2018, 1; March 2018, 1.

Airport: January 2015, 1; May, 2016, 1; April 2018, 1.

515 Fire Brigade: May 2018, 1.

GSLA: February 2018, 1.

Housing and Equality: August 2015, 1; December 2017, 1; March 2018, 2.

IT: February 2015, 1.

Sports, Culture and Heritage: February 2015, 1; May 2017, 1.

520 Office of Criminal Prosecution: February 2017, 1.

World War II Tunnels: July 2017, 1; February 2018, 1; March 2018, 1; April 2018, 3.

The answer to Question 186 was drafted on the basis of persons actually working in December 2017.

525 The answer to Question 252 was drafted on the basis of persons who had been supplied to work in those Departments up to December 2017.

There is no inconsistency, marked or otherwise, with the answers provided to Questions 306 and W21/2018.

530 The number of individuals training in Government-sponsored schemes is as follows: carpentry, 11; painting, 9; plumbing, 13; wet trades, 31; bus driver, 8; lorry driver, 7; forklift operator, 4; nursing assistants, 12; administration, 6; security, 7; domestic, 2; scaffolders, 4; healthcare, 1; site controller, 1; electrical, 1; cook, 1; messenger, 1; hairdressing, 1; IT, 2; procurement, 1, crew member, 1; sales manager, 1; kitchen porter, 1.

535 **Hon. D A Feetham:** Mr Speaker, in relation to the inconsistency, when I asked Minister Costa about people who are working within recruitment consultants within the GHA and the Care Agency and elsewhere, he said that there were 62 within the GHA; he then said there were 382 within the Care Agency and he also said that there were 127 within the Elderly Residential Services.

540 If you look at the answer that the Hon. the Minister has provided me, it was markedly less. He accepts therefore that the answer that the Hon. Minister Costa has provided me was an up-to-date accurate answer in relation to those areas, and therefore if I need to comment publicly or otherwise about the amount of people who are working through recruitment consultants in those areas – Care Agency, GHA, Elderly Residential Services – I should be relying on Minister Costa's figures, not the figures that he provided in answer to me?

545 **Hon. Sir J J Bossano:** Well, that depends on what he intended to ask with the question, because he did say on 31st December. If I had prepared the answer, I would have given him the number of people working on that day, but in fact the figures that I got were for the people working in that month and the figure that Mr Costa was provided with was the people who had worked in the financial year – that is from 1st April to December. It does not mean they worked throughout the period, because particularly in an area like care and the Health Service people work different rosters and different times, so it does not mean that there can be 100 people working but they are not 100 all there on one day if you ask for the figure for one day.

555 The reason, quite apart from the fact that some parts of the questions that were put to my colleague were not in the question that he put to me, they are not identical – in fact, if they had been identical they would not have been accepted ... So there was a slightly different focus because mine was about all areas of the Government and his was about the areas for which he was responsible.

560 But in any event the figures are, as far as we are concerned, accurate in the context that I have told him – that it is not just for the month of December. The figure he got was not just for the month of December, so there will have been some people who had worked earlier in the year but were not working in that month.

**Hon. D A Feetham:** I just want to get an accurate picture. I asked two separate questions from two separate angles. The first question was: as at 31st December 2017, how many individuals were working within the GHA, Care Agency and the Elderly Residential Services through recruitment consultants and how many were employed directly by those organisations? So I wanted it as at that date – not a year earlier, as at that date. I wanted to get a picture of how many people were in these Government agencies or Departments as at that date through recruitment consultants. That is what I wanted to get at. I asked the same question in terms of the public service generally, which I knew was going to be answered by the Hon. Minister, to see what answer he gave me, and then I had two separate answers.

Look, I am not going to, across the floor of this House, engage in criticisms of the answers, even though they are susceptible to criticism. What I want to know is the accuracy. Are we then saying that even the answer that was provided to me by Minister Costa is not accurate because I asked as at 31st December and the figures that he has provided are not as at 31st December, they are for the entire year? So somebody who might have been working in February, for example, who no longer works as at 31st December within those Government agencies, is still included within those figures? And of course if that is the position, can I have a proper statistical information as to what is the position on 31st December?

**Hon. Sir J J Bossano:** Mr Speaker, the answer to that is that the people who prepared the answer did not interpret it the way he has done it and the way I would have done it, which is to say you want it for that particular date – that is why you said 31st December. I think they took the question on the basis of who had been on the books of the agency or the Hospital in a period which included 31st December. So he did not get the figure for that particular date, that is clear.

**Hon. D A Feetham:** I understand what the hon. Gentleman is getting at. Of course, because we are dealing with labour from recruitment consultants and the nature of that labour, in certain circumstances – not in all circumstances, but in some circumstances – there are people who have been working for three years. For example, I know somebody who came to see me recently, through a recruitment consultant in a Government Department – various Government Departments, I should say, for three years solid, continuously ... But of course the nature of this type of labour is that somebody may, for example, be working on the 28th for five hours and may not be doing any hours on the 31st, but may do five hours on 1st January, so the figures that the hon. Gentleman has provided at least are accurate in the sense that those are the people on the books, so those are the people who are basically covering for the hours as and when they are needed.

**Hon. Sir J J Bossano:** Yes, Mr Speaker, the information that he got is accurate because it has been prepared by the staff in those Departments; it is just that they did not interpret literally the question as I would have done. If I had drafted that question I would have simply said who was on duty that night and given him that number, but obviously the people thought he wanted more than that and gave him more than he asked for. I always try and make sure that we do not upset him by giving him more than he asks for!

**Hon. D A Feetham:** Yes, so the answer to my original question – why the inconsistency – is because the civil servants were being helpful and the Hon. Minister, in answer to the other question, was being unhelpful! Now I understand why there is a difference between the two answers. I have to say I could not work it out myself.

He knows that I have a lot of affection for him, even though he gets jealous with me every time because of that statement that escaped my lips about the greatest Gibraltarian of all time – I know that did not go down very well – but I have to say I prefer the Hon. Minister Costa's answers every single day of the year to the Hon. Member's answers.



615 In relation to the answer to Question 415 – I asked how many vacancies are there in the  
public service – he said none. Then Mr Llamas asked how many vacancies are there in the Civil  
Service and somebody else gave him a long list of vacancies within the Civil Service. Can he just  
explain the thought process in relation to the answer that I got, that in the public service there  
620 are none but there is a huge schedule that goes to Mr Llamas, other than the fact that obviously  
at the time Mr Llamas was more likeable than I was when I was asking those questions?

**Hon. Sir J J Bossano:** Well, I like him quite a lot, actually, Mr Speaker – he does not have to  
get worried about that; he knows that. I do not like some of the things he has done, but I like  
him.

625 The position is that notwithstanding his great admiration for the greatest ever living  
Gibraltarian, he did not pay a lot of attention to him because the greatest ever living Gibraltarian  
came up with this concept, which we have continued to adopt, and he created the concept to  
make the restructuring that he was doing in the public service ... that is to say the public service  
and the Civil Service were the same thing when everybody was a civil servant. When he created  
630 agencies, authorities, the GEA and the Borders and Coastguard and all of these things, he said,  
'Well, there is a thing called the public sector which is composed of two things, the public service  
and the Civil Service.'

He has had all this explanation before from the Hon. Chief Minister in a previous debate  
about a previous question about vacancies. In the public service there are no vacancies because  
635 there is no fixed complement. That is the answer he has been given before. That was one of the  
advantages of persuading people to move out of the Civil Service, where there is a fixed  
complement, which in the view of the GSD administration justified giving people a 12% premium  
over what civil servants get. So the people in the agencies get 12% more than the people in the  
Civil Service, and the agencies form the public service. The total public sector, which is around  
640 5,000, is split into two halves: 2,500 civil servants, more or less; and 2,500 public servants, more  
or less. The public servants get more money but do not have fixed quotas of jobs.

He asked me about the place where there are no fixed quotas for jobs and the answer is that  
there are no vacancies there by definition – by the definition of the previous administration.  
Mr Llamas asked me about the Civil Service and accurately I gave him the figures for the Civil  
645 Service. That is why there is no inconsistency.

**Hon. D A Feetham:** Just for my benefit in future ... I have to say I disagree with him in terms  
of this distinction between the public service and the Civil Service, to the extent that it seeks to  
attribute that distinction to something that the GSD Government did. I have always interpreted  
650 the public service as including the Civil Service, but the Civil Service is not the same. The Civil  
Service is not the extent of the public service, but the public service includes the Civil Service  
plus also the GDC and other areas.

So, in his view – I can see that Mr Speaker wants to intervene, but may I ...? I can see that  
Mr Speaker wants to impart his own knowledge of the issue.

655

**Mr Speaker:** No, I am not going to involve myself in the politics.

**Hon. D A Feetham:** Right. But as far as he is concerned, the public service therefore is what?  
The GDC? Public authorities and agencies? What exactly does the public service include – for my  
660 benefit in the future when I ask these questions? I have always assumed public service includes  
the Civil Service, although the Civil Service does not equate entirely with the public service,  
obviously.

**Hon. Sir J J Bossano:** No, Mr Speaker, the terminology is the public sector are paid by the  
665 public and they are composed of two elements: the Civil Service, who are servants of the Crown;  
and people who are servants of publicly owned entities, and that is the public service.

670 The public service is GJBS and the public service is the Health Authority and the public service is the Electricity Authority, and they are not employees of the Crown; they are employees of an entity which can be a statutory body which is created by a law or it can be a limited liability company like GJBS is.

675 So, when we answer questions about the public service, the public service is the non-Civil Service part of the public sector. The difference between the two in terms of their status is that in fact the civil servants are the servants of the Crown and the person who works in the GHA is not a servant of the Crown; he is a servant of the GHA.

**Mr Speaker:** Right. With that having been made abundantly clear, we move on to Question 417.

**Q417-418/2018**

**Public service pensions; Government offices at Europort –  
Introduction of administrative charge; monthly rental costs**

**Clerk:** Question 417. The Hon. Ms M D Hassan Nahon.

680 **Hon. Ms M D Hassan Nahon:** Can Government explain why it has implemented an administrative charge to public servants for their contributory pensions?

685 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Question 418.

690 **Clerk:** Question 418. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** How much rent per month does the Government pay for its offices in Europort in respect of: (1) the Finance Centre; (2) the offices of the Financial Services Ministry; and (3) the Ministry for Traffic and Transport?

695 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

700 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, there has always been an administrative charge in respect of public sector contributory occupational pensions. It was recently noticed that the charge in respect of one of the funds which was announced in January 2012 had not been implemented and this omission is now being corrected.

705 The Finance Centre offices which have been rented since 1998 currently pay £7,600, and the offices of the Financial Services Ministry, which are shared with the office of the Ministry for Tourism and the Port, also pay £7,600. The third office mentioned is the Ministry for Transport and the monthly rent there is £3,455.

710 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I take the answer from the hon. Gentleman about the charge that may or may not have been paid, but what would he say to the public servants who have made it quite clear that this is a new charge that they did not know about?

**Hon. Sir J J Bossano:** Well, Mr Speaker, I do not think they should be, frankly, quibbling about the charge, given the fact that when we introduced the new scheme in 2012, the Guaranteed Superannuation Fund, which we had committed ourselves to ... We actually have a fund where  
715 people pay 8% and the employer pays 17%. With the fund that was there before, which had an administrative charge which was very small, they were paying a charge and the employer was only paying 10%. That is to say in the pension fund that existed where the charge was being paid for the administration, the contribution of the employer was 10% of the pay. In the new one,  
720 where it was announced in January 2012 that there was going to be a charge but it has been overlooked and it has not been implemented, they are actually getting a much better deal than the people who were paying the charge in the previous one because they put in 8%, so if they put in £8 the Government puts in £17 and that means their fund has now got £25. Administering that £25 carries a charge, which is a few pennies. I do not think they should quibble about a few pennies, given the deal that they are getting. Other people in the same job prior to January 2012  
725 put in a fiver, got £10 and had a charge for a pot of money that was fifteen quid.

Therefore, what she can tell the people is that they are not being asked to pay something that other people have not been paying before, really they are being asked to pay something that they should have been paying since January 2012 and it has been an omission by the civil servants administering the scheme that they were not being charged, and that all the people  
730 before January 2012 have been paying in, even though their pension pot was less valuable than the one that we brought in when we came in in 2011. So, even after paying a few pennies charge for their contribution, they are still getting a very good deal. And in any event, they are lucky that it has been overlooked for six years – they should have been paying it since January 2012.

**Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker, for that answer.

The question is that now, unlike before, when the fund was private, the civil servants or the public service is paying a fee for a service run by civil servants. So who is actually profiting by something that looks like a stealth tax?

**Hon. Sir J J Bossano:** Well, the service charge, I am told, is a very small amount compared to what it is. It is not like what private companies charge when they administer investments. But the Provident Funds that were introduced 10 or 15 years ago have all carried a charge from the beginning and the charge is because the duties of the civil servants that administer these things ... There is a charge made, if you like, by the Government to the Provident Fund for the  
740 time that the Civil Service are spending not on Civil Service work but on the work of the fund, even though the civil servant himself may be a beneficiary of that particular fund.

All I am saying is that since this is an issue that has been there now for 20 years, nobody has ever questioned it and nobody has complained about it and it was there from day one. The people who are questioning it now are the people who, by mistake, were not being charged for  
745 six years until somebody has woken up to the fact. We did not introduce the concept of the charge because there was no contributory scheme in the public sector in the past, and therefore when the public service – which is the non-Civil Service element – was created, people who were working in entities which were not civil servants by definition were not servants of the Crown and they were not entitled to the statutory Civil Service Pension Fund. So you had, in the system  
750 that developed post 1996, people who were civil servants who were in the Civil Service Pension Fund, and you had people who were not civil servants, who were public servants in the public service, who then had a Provident Fund created for them. That Provident Fund had a charge. The people could pay 5% of their pay – it is still in existence, there are still people in that system – and the employer pays 10% of the pay. There is a small administrative charge for the time that  
755 is taken, which is not time for work on Civil Service duties but time for work on the administering of that, but it is frankly insignificant in the context of the value of those funds.

When we came in in 2011, the decision of the previous administration was triggered at the time that we came in, which was that all new entrants into the Civil Service would no longer

765 enter into the Civil Service final salary scheme; they would enter into the Provident Fund. We  
actually thought at the time when this was done that the gap between the Provident Fund and  
the Civil Service final salary scheme was too big, that the alternative that had been put,  
770 compared very badly with what was being ended. We could understand the argument – the  
previous Government thought that this was a ticking time bomb, and in fact it does grow. The  
cost of administering the payments and making the payments to the Civil Service grows by about  
£2 million or £3 million every year, even though there are no new members coming in. This is  
just from the people who were there before. So the last Government took the decision, it was  
accepted by the Civil Service and it was agreed with the unions and it was implemented.

775 We actually felt that the new scheme, the Provident Fund, was significantly less valuable than  
what had been ended and we decided to create something that would be better to bridge that  
gap, and that is the Superannuation Fund, and the gap obviously is closer to the original because  
we actually came up with the figure of 25%. The figure of 25% is not an accident. The figure of  
25% was a figure that we thought of – I thought of – because the people in the Civil Service who  
were not on the Civil Service Pension Scheme used to get 25% in lieu, so the Civil Service Pension  
Scheme was valued for contract officers at 25%. So we thought, ‘Well, we will try and put  
780 something that is closer to the Civil Service Pension Scheme and we will make the total value  
25%. One third of the 25% is paid by the employee and two thirds by the employer. That is how  
it has all come about, so that explains how the system is what it is.

785 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I understand what the hon. Gentleman is trying to  
explain and I appreciate it, but when talking about the admin fee we are talking about public  
servants paying a fee to public servants to administer what is a new pension scheme, and it just  
seems a bit circular and unnecessary, given that it is no longer going to a private fund. It is now  
being administered by the same people, so I do not understand why the admin fee itself has to  
be implemented.

790

**Hon. Sir J J Bossano:** I will try to make it easier to understand.

The first thing is that it is not something that is being done that is new; it has been there  
since the first Provident Fund was created. Okay?

795 The second thing is that the people who think that they are being asked to pay something  
new now actually should count themselves lucky because if they had been told in 2012, ‘You are  
going to pay a fee,’ they would not have queried it because everybody who was on a less  
valuable scheme was already paying the fee, so they were not being treated any worse. It is just  
that these things happen. It happens in the public sector and it happens, I suppose, in the  
private sector that things get overlooked and they do not get implemented.

800 Why do they need the fee? Well, there are costs involved in managing these things and  
therefore the cost can only be paid either by the beneficiary or from the fund. If the thing was  
not charged, presumably we would have to have some mechanism to deduct the money,  
otherwise what we are saying is the costs that are involved in the administration of this fund  
should be paid by the employer, who frankly is already paying £17 for every £8 that the  
805 employee puts in. I do not think anybody in the private sector has got as good a deal as this, so I  
really do not see what more I can do to explain it.

810 There are things that are done which are not part of the duties of the civil servant, fees that  
have to be paid or whatever, and those things cannot be charged to any head of expenditure in  
the Estimates. Either the Government would have to pay the fee for the employee or the  
employee has to pay the fee to cover those costs. If the employee was not doing it, it would  
simply mean that we would have to put in more than £17 and the contribution would be more  
than £25.

815 Look, I think we have actually given people a good deal and most of the people who had the  
opportunity of switching from the scheme that existed in 2011 switched in 2012 because they  
appreciated that if you put into a fund £5 and I put £10, you have got £15; if I am telling you,

'You put in £8 and I will put in £17 and you have got £25,' it is quite obviously much better. It is not that you are paying a fee in the second one that you would not pay in the first one. You were paying it in the first one anyway.

820 I cannot tell her anymore because all I know is the explanation that was given to me, and to me it makes sense. I have tried to convey that to her, but I think the important thing is that, in terms of the approach to her that people might have felt that it was unfair, I hope they now understand that in fact they are not being treated unfairly in comparison with others because there are people who had been paying in for many years before the new scheme came in.

825 **Mr Speaker:** Question 419.

**Hon. E J Reyes:** May I, Mr Speaker? Just one small thing for clarification?

830 **Mr Speaker:** Yes.

**Hon. E J Reyes:** I am very grateful.

835 I understand the explanations. In a nutshell, because there was an oversight, they were not charged that and they are now being charged ... I think it is £20 or something. Are they going to ask them to make up for the contributions that were not made during the period 2012-18, or is that being written off? It is just to have an answer on the record.

**Hon. Sir J J Bossano:** As far as I am aware, nobody is going to be asked to make backdated payments. As far as I am aware.

#### Q419/2018

#### Unemployment due to disability or mental health problems – Government assistance

840 **Clerk:** Question 419. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain how it is supporting adult members of this community who are unable to work due to disabilities or mental health in order to obtain employment?

845 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

850 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, it is difficult to provide assistance to obtain employment to persons who are unable to work.

855 If they are able to work, the assistance is provided by giving more financial support to employers than is the case with persons who are unemployed but are not at a disadvantage for medical or other reasons. So we negotiate with employers to encourage them to take on somebody and we recognise that the employer may require to spend more time or be more understanding because of the problems the person may have. We try to make it more attractive, to compensate for that.

860 **Hon. L F Llamas:** Mr Speaker, I have brought this question to the House because there is a huge lack of support in the community for members, especially those who suffer with mental health issues, in being able to seek employment. They might not be in a position at this point in

time to get employment; however, they are in a bit of a Catch-22 because until they do get employment and they do actually go into the community and integrate and form part of an inclusive society they do not actually start reaping the benefits of the social aspects of what it is to be in employment.

865 I believe that there is a huge lack, especially in light of ... There is a company called Gibraltar  
General Construction Company, I believe – what is known as Community Projects – which used  
to employ many people who suffered with mental health issues, with offenders and people who  
would find it tremendously hard to find employment in the private sector. This company is now  
shrinking to the extent where people have been offered early-exit packages and those  
870 employees who took the early-exit package, for example, are now in a position where they are  
unable to seek any unemployment benefits or even be re-employed by any Government  
Department or agency, as well as losing out on being able to contribute to a pension, which is  
also creating a further problem by the person not being able to get a pension when that person  
becomes pensionable.

875 I think obviously there is a huge lack of support not only for those employees but potential  
employees who suffer with mental health issues, and they are at a loss as to where they need to  
go in order to seek that help and to seek that support in getting employment.

Does the Hon. Minister acknowledge that there is a lack of support; and will he commit to  
doing something about it?

880

**Hon. Sir J J Bossano:** Well, I do not think he is accurate in saying that the company existed for  
people with mental health problems. That is not the case, because in fact I remember distinctly  
one particular case that I defended of unfair dismissal where the person was dismissed, because  
he had a mental health problem, by that particular company that he has mentioned and I  
885 eventually won the unfair dismissal case.

Most of the people who went into that company, frankly, were people who had not mental  
problems or health problems but really social problems, or else there had been offences that  
made it difficult for them to find employment.

890 The reality is that the company that was set up for that purpose, in our view, was not  
achieving the kind of reintegration into society because you have a company where everybody  
with the same background was put together, which was not a very clever thing to do, in my  
view.

895 What we do now is we invest the money in persuading people – and in fact we have been  
successful. I mentioned that to the hon. Member when he asked me in the past specifically  
about the offenders who were being helped and I told him what we were doing and how it was  
working.

900 I think in the introduction to his question, if somebody is unable to work, then by definition  
we cannot help him into a job because unable to work means that somebody is certified as  
medically not able to work. If somebody, because of a mental illness ... For example, in this  
particular case that I have mentioned, the company argued when they terminated the  
employment that because of their mental illness the individual was a risk to the other  
employees. So it depends on the nature of the mental illness to what extent he can be  
accommodated.

905 Certainly from the perspective of the funding that I control, which is to help the unemployed  
into employment, what we do, is that we are more generous with our funding in order to make  
it more attractive to compensate for that, and anything more than can be done in that direction  
I am willing to look at, and if the hon. Member has got any particular ideas – other than the one  
that he suggested, which I do not think is a good idea – I am happy to have a look at it if he gets  
in touch with me and he wants to make suggestions to me and look at it.

910

**Hon. L F Llamas:** Mr Speaker, I am very grateful to the Hon. Minister for his answer.

915 Will the Hon. Minister then commit that employees – especially those who are from the company we have been discussing, who are at a loss in terms of being able to seek re-employment out there due to the nature of their history and past in the community – that they will be able to hopefully seek employment in the private sector, whether with assistance from the Government or not, but that the Government will be there to support them in seeking employment?

920 **Hon. Sir J J Bossano:** What happens is that when people are referred to the training programme – because they are registered as seeking employment – the Department helps them with their CV and helps them to get in touch with employers and submits their names to employers, and then the council that we employ, that deals with people who have certain custodial sentences is also involved in talking to these people to assess how we can provide help.

925 The reality of it is that in these particular cases it is difficult in terms of continuity. Even when you get an employer and we help and they are taken on, because of the nature of their illness, sometimes many patients in this category tend to be persons who, when they feel better, tend to stop taking medication which they should be taking all the time, and then some days either they just do not turn up for work, or ... So they finish up again needing help. So it is a continuing thing. It is quite often the case that the same customer has to be helped several times because it is inevitable that that will be the case, and what we do is ... We have got people who are more understanding and more willing to help and we tend to look to those employers to accommodate it.

930 Any other thing that can be done, if it is reasonable and within our means, we are willing to try.

935 **The Speaker:** Next question.

**CHIEF MINISTER**

**Q421-422/2018**

**Bruce's Farm –**

**Number of patients; number of staff**

**Clerk:** We now move to Question 421. The Hon. E J Phillips.

940 **Hon. E J Phillips:** Mr Speaker, can the Government state the numbers of individuals currently being treated at Bruce's Farm?

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

945 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 422.

**Clerk:** Question 422. The Hon. E J Phillips.

950 **Hon. E J Phillips:** Mr Speaker, can the Government state, as of the date of this question, the staffing complement, broken down into roles, at Bruce's Farm?

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

955 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there are currently eight persons undergoing the residential rehabilitation programme at Bruce's Farm.

The current staffing at Bruce's Farm consists of the following roles: three counsellors, 10 care workers, one administrator, one administrative officer, one cook and one part-time nurse.

960 Yesterday, Mr Speaker, the GHA made an announcement which will also positively impact on care at Bruce's Farm by the provision of an additional service by the GHA of a GP specialising in alcohol and substance abuse who will attend Bruce's Farm once a week.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the answer from the Chief Minister and we, certainly from this side of the House, welcome the announcement yesterday. It is a matter  
965 which we have been raising for a number of years, particularly since I have been in this House, in relation to the problem with addiction in our community, and we certainly welcome that development announced by the Hon. the Minister for Health yesterday.

Insofar as the counsellors who currently work at Bruce's Farm, can the Chief Minister confirm that they are addiction qualified in respect of the counselling service they provide? It may sound  
970 obvious, but I did not glean from his answer to that question that they were.

**Hon. Chief Minister:** Mr Speaker, it sounds obvious, but I do not have that exact information here.

975 **Mr Speaker:** Next question.

#### Q423/2018

#### Public contracts –

#### Ministers' and family members' direct and indirect financial interests

**Clerk:** Question 423. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list and value of all public contracts in which the spouses or partners and close family members of Ministers may  
980 have a direct or indirect financial interest as at 31st December 2017?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, of all the contracts in question only one  
985 involves family members of Ministers, as follows: namely, a contract with Sapphire to provide bandwidth to 12 schools and some internet connections to other Government Departments, totalling £7,800 per month. Minister Isola has an interest in Sapphire through his family. The contract was awarded after competitive bids between Gibtel and Sapphire. This award was not decided by Minister Isola. It was decided by the Chief Minister, who happens to be the Chairman  
990 of Gibtelecom, based on value for money, speed of connection and bandwidth.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Is he satisfied his answer is complete?

995 **Hon. Chief Minister:** I am, sir.

**Hon. R M Clinton:** Has he taken soundings from his Ministers that his answer is complete, in the sense that my question was quite wide? I should put him on notice that there is at least one contract that he has not mentioned.



1000 **Hon. Chief Minister:** I have checked with each Minister, Mr Speaker, and I am satisfied the answer I have given him is correct. The contract that he is going to refer me to I will give him the explanation for. When he hears that explanation he might reconsider whether he thinks that the answer I have given him is incorrect.

1005 **Hon R M Clinton:** I am grateful to the Chief Minister.

No disrespect intended to the Minister for Environment – he obviously knows that he has an interest through a family member in Wildlife Ltd, which has, as listed in the Estimates books, certainly at least two contracts of a value of £1.3 million. My question was worded quite widely in the sense of having a direct or indirect financial interest. I would be interested in why the  
1010 Chief Minister has not included this contract, although I have read the Minister's Register of Interests and he indicates that there is a 40% interest although he receives no director's fees or remuneration, but nevertheless a 40% interest in an entity that has a contract is still a financial interest.

1015 **Hon. Chief Minister:** I do not agree, Mr Speaker, if the entity has a contract with the Government and uses all of the money that is received from the Government for the purposes of investing it in the maintenance and upkeep of the Alameda Gardens, which is what that company was created to do. In other words, there is no remuneration taken and therefore there is no interest in the finances of that company because all of the finances of the company are  
1020 invested in the Alameda Gardens.

So moneys are paid as salaries to people who are employees of the company and the hon. gentleman has been told and knows that in the case of the Minister and now his wife, they do not receive any salary or remuneration but they provide a service to the company and the company, if it has any accumulated profit etc., puts that money back into the Gardens. It does  
1025 not allow – indeed, it is not that it does not allow, it is that the hon. the Member and his wife do not take money out of the company; they put it into the Gardens.

So I do not see how the hon. Member can say that that is a financial interest when all of the money is used for further investment and therefore for further ensuring of maintenance etc. in the Alameda Gardens, something which I think he will want to commend the Minister for. In  
1030 many instances people might say, 'Well, I am a director; I am entitled to a dividend.'  
John Cortes –

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Is no longer a director.  
1035

**Hon. Chief Minister:** No. John Cortes was a director of this company. When he became a Minister his wife became a director of this company and what they do is they leave any surplus after payment of the salaries of others – they do not take a salary – into the Gardens. Very well done too. Not a direct or indirect financial interest for themselves in any material regard,  
1040 Mr Speaker.

**Mr Speaker:** Next question.

**Q424-425/2018**  
**Gibraltar Capital Assets Ltd –**  
**Audited financial statements; balance sheet figures**

**Clerk:** Question 424. The Hon. R M Clinton.

1045 **Hon. R M Clinton:** Mr Speaker, can the Government provide a full copy of the 19-page audited financial statements for Gibraltar Capital Assets Ltd for 31st March 2017?

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

1050 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 425.

**Clerk:** Question 425. The Hon. R M Clinton.

1055 **Hon. R M Clinton:** Mr Speaker, can the Government advise why in its balance sheet, as at 31st March 2017, Gibraltar Capital Assets Ltd reports, 'Creditors: amounts falling due after more than one year' as £295,258,857 instead of £300 million?

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

1060 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman has been able to obtain the publicly available balance sheet which is filed at Companies House. This complies with the filing requirement and therefore this is the information that will be available to him, which is the information available to all members of the public.

1065 I am advised that the reason why 'Creditors: amounts falling due after more than one year' is £295,259,857 instead of £300 million is to do with accounting standards. The advice provided to the Government is that accounting standards require that transaction costs be deducted and be amortised over the useful life of those loans using the effective interest rate.

1070 **Hon R M Clinton:** Mr Speaker, I beg your indulgence on my supplementaries to these questions – they are quite important questions.

If I may start, Mr Speaker, with just a question on a ruling of a point of order as to whether Members of this Parliament are entitled to ask for information that is in the Government's possession in the formal full sets of accounts for a company in which there is a real public interest, in which is only filed the balance sheet – whether we are entitled in Parliament to ask for this information of Government, or is it that the Members on this side of the House are only entitled to see what the public are entitled to see?

1080 **Hon. Chief Minister:** Mr Speaker, the Government's view in that respect is that hon. Members are entitled to ask for whatever they like and the Government is entitled to rationalise what information it provides and why it does so.

1085 Hon. Members would know, or should know – in particular, those who have been supporters of the party that they now, all except the hon. Lady, sit with – that the position established by them when they were in office was that hon. Members of this House were entitled to the public filings in respect of Government companies, except that at the time that they were in office they made no public filings in respect of Government companies. And so, Mr Speaker, the position of the Government –

**Mr Speaker:** [*Inaudible*]

1090 **Hon. Chief Minister:** Mr Speaker, he might have asked for a ruling from yourself, not from me, but when somebody asks for a ruling they have to allow both views to be expressed in relation to that ruling.

1095 The position of the Government, Mr Speaker, is therefore that there is an established procedure in this House that Hon. Members can ask for things but that the Government will

follow the procedure that they established in respect of the answer that we give in relation to this particular thing, which is the accounts of companies.

1100 **Mr Speaker:** I am not in a position, obviously, to give a ruling just now, so I ask the hon. Member to write to me explaining exactly what it is that he wants a ruling on. I will then consider the exchanges – *Hansard* – and if necessary, before I give that ruling, I shall take advice.

1105 **Hon. R M Clinton:** Mr Speaker, I thank you for that.  
If I may again beg your indulgence, I have quite a few supplementaries on this particular issue.

1110 Can I ask the Chief Minister to confirm to this House whether he signed a document purported to be a special resolution of Gibraltar Capital Assets Ltd on the 16th day of March 2016, basically substituting the Articles of Association of Gibraltar Capital Assets Ltd with new Articles of Association? Does the Chief Minister recall signing such a document?

**Hon. Chief Minister:** Mr Speaker, I would need specific notice of that question in order to enable me to consider whether it is an appropriate question for me to reply.

1115 **Hon. R M Clinton:** Mr Speaker, I am happy to give the Chief Minister a copy of such document and he could say to the House whether this is indeed his signature on this document and whether it is a valid document.

1120 **Hon. Chief Minister:** Mr Speaker, I have absolutely no intention of being asked to identify documents that rely on the veracity of a document put to me by a Member of the Opposition. If he wants me to consider a document, he can write to me and I can reply to him on it, but I am not going to entertain him by considering whether a document he puts to me is a genuine document or not.

1125 I put it to you, Mr Speaker, that if all of the questions that the hon. Member is going to ask now relate to the question on which he has asked for a ruling, he should write to you and seek a ruling, as you have indicated, before he continues.

1130 I would refer you, Mr Speaker, in fact, and him, to the Gibraltar House of Assembly Speakers' Rulings and Statements, which John E Alcantara very helpfully collated when he was Speaker in August 1996, and to the ruling by Mr Speaker on 24th January 1989 and the other ruling of Mr Speaker of 25th March 1980 in respect of the obligations of Members of this House to answer questions in respect of companies in which Governments have a share.

1135 **Mr Speaker:** In any case, I do not think it is the practice in any Parliament that I am aware of – certainly not in the Westminster Parliament – whereby a Member of the Opposition passes over to a Member of the Government a document and asks them to give such an opinion. I do not think that that is the practice. Governments and Oppositions do not hand over documents across the floor of the House.

**Hon. R M Clinton:** That is fine, Mr Speaker. I was just trying to be helpful. *(Laughter)*

1140 **A Member:** That's your opinion!

**Hon. R M Clinton:** I beg your pardon?

Mr Speaker, the reason why I asked the Chief Minister to identify this particular document is it is one where he authorises the change in articles to Gibraltar Capital Assets Ltd.

1145 Mr Speaker, I have to refer the Chief Minister to article 22(6) of those articles, which he did sign off on on behalf of Gibraltar Development Corporation, and it says:

The directors shall, in respect of each financial year, deliver to the Registrar of Companies a copy of the accounts.

And then, Mr Speaker, the definition of accounts in the mem and arts which he signed off on, states:

‘Accounts’ means the audited financial accounts of the company for each financial year and comprising a profit and loss account, balance sheet, cash flow, all the accompanying notes and including those reports mentioned in article 38(1) save for the most recent property valuation referred to in article 31D, and the executive director’s report included in the management accounts.

1150 And so, Mr Speaker, would the Chief Minister not agree with me that Gibraltar Capital Assets Ltd is in breach of its own articles?

1155 **Hon. Chief Minister:** Mr Speaker, I have told the hon. Gentleman that if he wants to ask me a question in relation to something like this, which does not arise from the supplementary or something which is that specific, he should write to me. And if he wants a ruling on whether or not we are obliged to reply in this House, he should write to you.

1160 If all he needs is more reading material for his night-time entertainment, I am quite happy to send him a copy – or buy him a copy, because I have not got one to share – of *Fifty Shades of Beige*, if he likes, but this line of questioning is simply going to elicit the same answer. If the hon. Gentleman simply wants to waste time or create drama by asking questions to which I will refer him to the same answer I have given, he is wasting Parliament’s time, in my submission.

1165 **Hon. R M Clinton:** Mr Speaker, the only person here who is wasting Parliament’s time is the Chief Minister. This is a matter of public interest. This is a company that mortgaged eight housing estates for £300 million, which for him is obviously chicken feed.

Mr Speaker, I think we are entitled on this side of the House to straight answers to straight questions.

1170 Is the Chief Minister not aware that under the same articles the bond note holders actually receive a copy of the accounts? And yet he is denying this Parliament that same privilege. The people who lend money to this company have more rights than Members of this House: does not the Chief Minister agree that that is frankly unacceptable?

**Hon. Chief Minister:** Well, Mr Speaker, I do fear he is becoming a little bit vituperative. He should be careful, it might affect his blood pressure.

1175 Mr Speaker, there are, of course, rights as a result of the bondholders’ relationship with the company, which will be different to the rights of the general public. That, of course, is absolutely entirely normal. It is nothing to splutter about, as the hon. Gentleman has been left to do.

1180 The hon. Gentleman seems to have the view that from the moment he was elected to this Parliament he has more rights than any member of the general public. Well, Mr Speaker, since he was elected into this Parliament he will have seen that we are in the process of filing accounts for all Government companies, something which requires a catch-up exercise since – wait for it, Mr Speaker – 1996. The hon. Gentleman knows that we are in the process of achieving that and he will have plenty to fill his long evenings when he has those accounts filed. He will be able to look at what they did with Government companies in the time that they were in office, which incidentally elicited the same answers that he is getting from me when we asked questions about those companies – although I think we were a little more circumspect because we understood the rulings of Mr Speaker from 1980 and from 1989.

1185 He will know that a Member of a Parliament is not entitled to more information than a member of the public. If he thinks that that is the case, Mr Speaker, then he is really in a situation of utter delusion. He believes he has been elected to privilege. He has not been elected to privilege; he has been elected to serve and to serve within the confines of the laws of the nation, which we must all abide by. We are not going to treat him more favourably than others

1195 and we are not going to give him copies of things which are publicly available – he should go and obtain his own copies – and if things are not publicly available, well then we are not going to make them available to him, in keeping with the established rulings of a number of Speakers of this House and in keeping with the practice established by a Government that had the political ideology that they represent and was led by a man who – as has escaped once again from the lips of the Hon. former former Leader of the Opposition – they describe as the greatest Gibraltarian of all time.

1200 **Hon. D A Feetham:** Mr Speaker, the Hon. the Chief Minister is pegging his answer on one simple misconceived premise, and that is that this information is not public information and therefore the hon. Gentleman is not entitled to the information because it is not public. But actually the reality is that this is a public company. It is a Government-owned company that is being used in order to facilitate the mortgaging of public estates, and the constitution of that  
1205 company states that the company has to file publicly all the accounts, profit and loss account, and the balance sheet. So the only reason why the information is not public is because the Government has chosen to act in breach of the constitution of this very important company.

1210 Now, does the Hon. Chief Minister, as head of a Government that is supposed to be a responsible Government, think that it is right for a company of this nature to act in breach of its own constitution?

**Hon. Chief Minister:** The hon. Gentleman has not understood the questions from the person who sits to his right – the former Leader of the Opposition, the one who was ready to take over but was not quite able to find the support, to find that the current Leader of the Opposition  
1215 enjoyed the support of no one and did not even stand in that election.

But anyway, first of all, ‘a public company’, the hon. Gentleman has said. A public company is a company that has, from my recollection, more than 50 shareholders. I do not know whether the rule has changed since I last looked at it. That is what a public company is. (*Interjection by Hon. D A Feetham*) A public company is a company which has more than 50 shareholders. If  
1220 what the hon. Gentleman meant was a company the shares of which are owned by the Government, I refer him to the rulings of various Speakers, which I have done already.

The hon. Gentleman introduced the possibility that the Memorandum and Articles of the company had been amended in order to require it to file more than any other company has to file. I have not said that that is not the case; I have said I am not going to accept it across the  
1225 floor of the House and that he should write to me in that respect. If he is right – and I am not going to look at it now across the floor of the House – then the hon. Gentleman would be completely wrong because then what the Hon. Mr Clinton is saying is that the Government required the company to file more than the law requires it to file and he would be left with a question that is based on an error because he has not understood the question asked earlier by  
1230 his hon. Friend. And if Mr Clinton is right – and when he sends me the documents I will consider that – then the directors of the company may have failed to file the required balance sheet, not the Government which I am the head of the executive of.

I do not know whether he has understood it or whether he is going to get up in a vituperative fit like a jack-in-the-box and with his blood pressure all over the place, but I commend to him  
1235 that he should have a quiet word with Mr Clinton before he springs up again and makes a fool of himself once more.

**Hon. D A Feetham:** Mr Speaker, I have to say he is on borrowed time, he really is. And the way that he answers questions, diverting, calling people fools and nobody is as intelligent as he  
1240 is because he went to Oxford University, (**A Member:** Exactly.) that may have been acceptable to the people of Gibraltar four years ago but it is increasingly obvious that is not acceptable any longer and it is going to catch up with him.

1245 Can he at the very least guarantee this to this House: that if the hon. Member Mr Clinton writes to him and proves to him – and I have seen those documents and I have discussed it with him, and he should know because it was he who effectively substituted one set of articles for another; it is he who approved these articles, the Chief Minister ... if he establishes to the hon. Gentleman, as undoubtedly he will, that this company is in breach of its constitution in not filing a profit and loss account and a balance sheet, that the hon. Gentleman, as effectively the head of the Government and therefore the main shareholder in this company, that he will do what  
1250 needs to be done to make sure that those documents are filed? Because it would be no answer, Mr Speaker, if what he then does – the hon. Member having proved to him that he is right – is substitute those articles for another set of articles to provide less transparency. Even he can see, surely, that that would really take the biscuit as far as lack of transparency is concerned.

1255 **Hon. Chief Minister:** Well, Mr Speaker, he wags his finger at me in a way that I suppose is reminiscent of the way that he would wag his finger –

**Mr Speaker:** May I intervene? I am wagging my finger at Hon. Members because they are now beginning to get out of hand. Let us stick to the merits of the matter. Let us not bring in  
1260 anything that is extraneous, and do not debate. Let's get on with it.

**Hon. Chief Minister:** Thank you, Mr Speaker.

The hon. Gentleman wags his finger at me as he must have wagged it, when he was the leader of the party opposite, at those who abandoned the party. Some of them have come back; others, as he indicated, have had the courage of their convictions and are standing alone (**A**  
1265 **Member:** Yes.) and thereby led him not to be on borrowed time but to run out of time.

That is the reality, Mr Speaker. If the hon. Gentleman wants to get up and talk about borrowed time, he has got to expect a response that deals with that. It appears to me, Mr Speaker, that he might imagine himself in a different parliament today, as if he is addressing  
1270 the head of an executive on the Iberian Peninsula who is on borrowed time, but it is not the head of this executive.

Mr Speaker, if what Hon. Members are saying in respect of the Memorandum and Articles of Association of this company is correct, then what they have caught me doing is seeking that further transparency and what they may have found is that the directors have failed to act in  
1275 keeping with what I required them to do.

What I am not going to do is accept today from them that the documents they put to me are authentic or current, but if the hon. Gentleman writes to me he will get a response from me that will deal with the issues that he raises. Mr Speaker, it is very clear to me that if I have signed a document after a company has been incorporated to require it to do more than the law  
1280 requires, I am not going to go back on that as long as the document the hon. Member shows me is a genuine one that I filed and that I genuinely signed.

And I will ensure that I have access to originals and not copies sent across the floor of the House as if this were a courtroom, which it is not. I have to remind Hon. Members that there are three branches of Government and this is the legislature, not the judicature.  
1285

**Mr Speaker:** Next question.

**Q426-428/2018**

**Gibraltar Development Corporation –  
Borrowings; guarantees; purchase of shares in Gibraltar International Bank**

**Clerk:** Question 426. The Hon. R M Clinton.

1290 **Hon. R M Clinton:** Mr Speaker, can the Government please advise if it has given any consent for the Gibraltar Development Corporation to borrow money under section 20(2)(b) of the Gibraltar Development Corporation Act, being from a person other than the Consolidated Fund; and if so, from whom and for what period and terms?

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

1295 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 427 and 428.

**Clerk:** Question 427. The Hon. R M Clinton.

1300 **Hon. R M Clinton:** Mr Speaker, can the Government please advise if it has given any guarantees under section 21 of the Gibraltar Development Corporation Act?

**Clerk:** Question 428. The Hon. R M Clinton.

1305 **Hon. R M Clinton:** Mr Speaker, can the Government please advise why the Gibraltar Development Corporation purchased a further £20 million of ordinary B shares in the Gibraltar International Bank in December 2017?

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

1310 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I responded to Question 462/2017, the Government has decided that the best way to invest in GIB is via the GDC.

1315 As hon. Members know, the GIB has been incredibly successful and part of that success requires the bank to have sufficient capital. It has now grown to a stage where, in order to take the next step in its growth, it would require an extra £20 million of capital and this was met by issuing further class B shares purchased by the GDC.

1320 The Government did grant consent to the GDC to borrow under section 20(2)(b) of the Gibraltar Development Corporation Act and to our knowledge there have been no guarantees granted under section 21 of the same Act.

**Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for his answer.

Can he advise why it was that there were in fact two investments in the same year: one of £10 million in April 2017 and then a further £20 million in December 2017?

1325 **Hon. Chief Minister:** Because capital increases were required at different times, Mr Speaker.

**Mr Speaker:** Next question.

**Q429/2018**  
**Barclays and NatWest Banks –**  
**Assignment or novation of loans or facility agreements**

**Clerk:** Question 429. The Hon. R M Clinton.

1330 **Hon. R M Clinton:** Mr Speaker, has the Government agreed to the assignment or novation of any loans or facility agreements due to Barclays Bank or NatWest; and if so, in what amount and to whom?

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

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there has been no assignment or novation of any loans or facility agreements due to Barclays Bank or NatWest.

The only change of any loan has been the loan with GCP Investments Ltd. In this case, GCP Investments Ltd repaid in full an existing loan it had obtained when the GSD were in power – and as a Government company it was doing borrowing when the GSD were in power. Barclays provided this opportunity in loan documentation to repay the amount outstanding. This was incurring an extremely high interest rate negotiated by the Hon. Mr Clinton's party when they were in Government. GCP therefore sought a new finance option at a much cheaper cost. GCP Investments was also therefore able to release security in the process.

1345 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his comprehensive answer.

If I am to understand the Chief Minister correctly, the loan is repaid but the money for the repayments of that loan presumably came from another provider. How was it that he was able to release security on the loan? Is it that the property value went up, or the new lender required a lower loan-to-value ratio (LTV) on the loan?

**Hon. Chief Minister:** Mr Speaker, I believe that property values have gone up quite considerably in the period since 2010 and that is what enabled us to ... I am sure that the LTVs required were maintained despite the portfolio being not as generous as the one that was initially required.

I can tell him that there were 13 properties mortgaged and now there are only six properties mortgaged. So they were required to mortgage 13 properties. We were only required to provide security over ... Sorry, there were 13 under them; now there are only six.

1360 **Hon. R M Clinton:** Well, I must confess, Mr Speaker, I must congratulate the Chief Minister.

**Hon. Chief Minister:** On the interest rate?

**Hon. R M Clinton:** Well, that belongs to a different question!

1365 Can I ask the Chief Minister if he is willing to disclose to this House the name of the new lender?

**Hon. Chief Minister:** Mr Speaker, of course I am. The new lender is the Gibraltar International Bank and I am also very pleased to tell the House –

1370 I do not know whether the hon. Members are guffawing because they think that the Gibraltar International Bank deals with the Government other than on entirely commercial terms. If I may say so, Mr Speaker, the Gibraltar International Bank has been a huge success because of the professionalism of the people who are running it, and of its board and of the way that they deal at arm's length with every transaction that they deal with, whether it involves the Government or not – and their guffaws are hugely disrespectful to those people, Mr Speaker.

The interest rate that they obtained at the time that they negotiated this loan for GCP was 6.82%, whilst the rate now enjoyed by the taxpayer is 2.5% for the first three years and an option to commit to another fixed rate or a variable rate of 2.25% over base.

1375 I should also say, Mr Speaker – and it was churlish of me not to start this way – I must thank the hon. Gentleman for his kind congratulations.

**Hon. R M Clinton:** Mr Speaker, credit is always given where it is due.

Can I ask the Chief Minister what is the amount of the loan? I am trying to recall whether it was £20 million or some other amount. If he could advise the House, I would be grateful.



1385 **Hon. Chief Minister:** Mr Speaker, this is one of the loans that I referred him to in the  
response to the Budget speech, I think last year or the year before, when he said that we were  
borrowing through Government companies. I showed him the example of the fact that  
1390 borrowing through Government companies was something that they had introduced and at eye-  
watering rates. That is no criticism, because if those were the rates applicable at the time that  
you took a loan then it is difficult to do otherwise. But the loan amount was £16 million and it is  
still £16 million.

**Mr Speaker:** Please, are there any other supplementaries on this?  
Next question.

**Q430-432/2018**

**Legal threats for defamation against Chief Minister –  
Administrative process; number of letters issued; cost**

1395 **Clerk:** Question 430. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the administrative process for the  
issuing of legal letters claiming defamation against the Chief Minister on Facebook by residents  
of Gibraltar?

1400 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 431 and 432.

1405 **Clerk:** Question 431. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the number of legal letters issued  
claiming defamation against the Chief Minister to residents of Gibraltar for comments on  
Facebook in the period December 2011 to April 2018, together with total cost and details of law  
1410 firms instructed to issue such letters?

**Clerk:** Question 432. The Hon. D A Feetham.

1415 **Hon. D A Feetham:** Mr Speaker, since the Chief Minister was elected in December 2011, how  
many legal threats for defamation has he issued against citizens in Gibraltar?

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

1420 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is in the public interest of Gibraltar that its  
Ministers should defend their professional reputations when confronted with defamatory and  
untrue allegations.

Too often on social media individuals express themselves without a filter of truth, probity or  
any understanding of the need to ensure that the things they say are not in any way libellous of  
others.

1425 Indeed, the Hon. Mr Feetham has himself on a number of occasions issued letters before  
action and even started proceedings and obtained orders of the Supreme Court in respect of  
libel proceedings. Indeed, I recall that in one case Mr Feetham actually obtained a restraining  
order preventing a newspaper from mentioning him as a result of a libel action that he took at a  
time when he was Minister for Justice. That may be the reason behind his questioning in 2013

1430 about how funding could be made available for him, other Opposition Members or indeed retired Government Ministers.

In the almost seven years that I have been in office I have had cause to have six matters taken up by solicitors against residents of Gibraltar. Additionally, on four occasions I have had cause to take action against individuals who are not resident in Gibraltar. In some of the instances the matter included threats of violence also against my person and members of my immediate family.

The costs involved were as follows: in financial year 2013-14, £5,602; in financial year 2014-15, £7,196; in financial year 2015-16, £3,036; in financial year 2016-17, £6,056; in financial year 2017-18, £2,031; and in financial year 2018-19, which is the year we are in at the moment, £6,057.

The law firm involved on each occasion was Hassans, the same law firm Mr Feetham used for the libel action I referred to above.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer but I did not hear anything about the administrative process for the issuing of legal letters. If he could enlighten the House on that, please?

**Hon. Chief Minister:** Mr Speaker, I think something has fallen out of the answer I have read. The first sentence was, when I last checked it before printing, that the position remains as set out in Question 430/2013.

**Hon. R M Clinton:** Mr Speaker, can the Chief Minister confirm then that the Attorney General's advice was sought in each case? And if I can ask who is it that instructs Hassans: is it the Attorney General or himself directly?

**Hon. Chief Minister:** Mr Speaker, I think those answers are contained in the answer to Question 430/2013.

**Mr Speaker:** Any other supplementaries?

**Hon. D A Feetham:** Yes, Mr Speaker. Yes, I have taken proceedings in the past. I cannot recall taking the proceedings that the hon. Gentleman mentions, but I will take his word for it. The difference between him and me is that when I have defended my reputation I have put my hand in my pocket and I have paid for it myself. What I want to know is on what basis does he justify that the taxpayer should pay for his defamation cases, which at the end of the day is a personal claim – that is what it is, a personal claim – that his reputation has been damaged as a consequence of a falsehood, because of course you cannot defame a government and he knows that, and you cannot defame an office holder. The claim is a personal claim, and therefore why should the taxpayer fund his personal claims against Gibraltar residents?

**Hon. Chief Minister:** Well, Mr Speaker, I do not accept that he paid his legal fees when he decided to take legal action. He took legal action when he was Minister for Justice. He was represented inter alia by his brother at Hassans. He got an injunction against the *Vox* newspaper that they would never mention him again – not that they would not libel him again. He pushed and turned the screw to stop himself being mentioned again in the newspaper.

This is really quite remarkable, Mr Speaker. If he says he put his hand in his pocket, I will tell him I do not believe that he did. He would be completely wrong if he had and the Government will reimburse him if he is able to show that he paid a penny, because if he was defamed – and I cannot remember what the defamation was – in the context of the discharge of his office, he is entirely entitled to be represented on the taxpayer's billet for a simple reason: because the defamation is not of the individual.

1485 If the defamation were that the Hon. the Chief Minister was a terrible lawyer, that is not something that the taxpayer should be responsible for defending me on. But if the defamation is in respect of the discharge of the office, then there is a very good reason why historically all of those fees have been paid by the taxpayer, not just in Gibraltar but elsewhere, Mr Speaker.

1490 But what he wants to do is to set up this idea that somehow people have been subjected to legal letters from the Chief Minister's solicitors. Well, Mr Speaker, I suppose there are people who are close to them who have suffered this because their defamation of the Chief Minister has resulted in them having to apologise because they have received legal letters and they have realised that they have defamed people, and some of them are even now on their executive. So I fully understand why it is that they are pursuing this now. This is now a personal matter relating to members of their executive.

1495 When he was in government, Mr Speaker, he took legal action and he understood the importance of that. We are defending the reputation of the office of Chief Minister or the ministerial office of any other, and when people make allegations which are defamatory and untrue it is absolutely right that they be challenged about that. They would not be making allegations about me in respect of the discharge of my office if I did not hold my office, and that is why successive Governments of Gibraltar have seen successive Ministers – and I will not mention any others, Mr Speaker, because I do not want to mention anybody's father. I am not talking about the hon. Lady, but successive Ministers – I am *not* talking about the hon. Lady – have had their claims for libel funded by the Gibraltar taxpayer.

1500 And so, Mr Speaker, he can get up and try and become a champion as much as he likes, which is what he is trying to do. This is not about the issue, because the last time he asked me the question he was not saying, 'It's terrible that your fees were paid'; the last time he asked me the question he was saying, 'Can my fees be paid as a Member of the Opposition, or can a retired Minister's fees be paid?' He was trying to expand the franchise of payment, not reduce it. But, look, I have got used to the fact that he says one thing one day and another thing another.

1510 The one thing left to determine in respect of his career in this place is simply whether he is going to try and come back after the next election. Is he going to stay or is he going to go? Is he on borrowed time? Is he trying to buy more time? Those are the issues for him, Mr Speaker.

**Mr Speaker:** Out of order. That last comment was out of order.

1515 **Hon. D A Feetham:** Well, thank you very much, Mr Speaker. I have to say he seems obsessed by what decisions I might take in the future.

Mr Speaker, just from the answer, really ... I always know when the hon. Member is rattled –

**Mr Speaker:** Could we have a question? Instead of debating, ask a question.

1520 **Hon. D A Feetham:** Yes, I am going to ask a question, Mr Speaker. I always know when the hon. Member is rattled, when he gives these rambling answers, trying to find ways in which he can avoid answering the questions.

I must make two points, Mr Speaker. First of all –

1525 **Mr Speaker:** You are going to ask a supplementary question –

**Hon. D A Feetham:** Yes, I am. I will phrase it –

1530 **Mr Speaker:** – without a lengthy preamble. Without a lengthy preamble you are going to ask two supplementary questions. Go on.

**Hon. D A Feetham:** Mr Speaker, the people of Gibraltar will be able to see, just from this exchange, the difficulties that the Opposition faces when the hon. Gentleman is allowed long

1535 rambling answers, making points that are inaccurate. And when I, or somebody on this side, rises – *(Interjection by Mr Speaker)* Okay, Mr Speaker.

**Mr Speaker:** Finish your point. Finish your point.

1540 **Hon. D A Feetham:** When somebody on this side rises in order to correct the record by way of a question, we are cut short.

Mr Speaker, does he not accept –?

1545 **Mr Speaker:** No, I must answer that. You are inferring by what you are saying that I am biased against Opposition Members.

**Hon. D A Feetham:** No, I am not saying that, Mr Speaker.

**Hon. Chief Minister:** Yes, you were.

1550 **Mr Speaker:** Are you or are you not saying that? That I do not treat Opposition Members in the same way as I treat Government Ministers? Are you saying that?

1555 **Hon. D A Feetham:** Mr Speaker, I am saying that on this occasion and on others we have not been treated in the same way. That does not imply – *(Interjection by Mr Speaker)* May I finish? No, Mr Speaker has imputed on me an allegation that I am saying that he is biased, and I am entitled to defend myself. I am trying to keep the tone as cordial as possible.

1560 I am not saying that, because there may be a number of reasons, one of which is the way that Mr Speaker interprets the Rules – bona fide, even though I may not agree with it; the bona fide interpretation of the Rules that says ‘he is allowed to give a long rambling answer referring to irrelevancies left, right and centre, but you, Mr Feetham, or somebody on this side of the House, you have got to keep your answers short and sharp’.

1565 That is what I am referring to, and I believe that anybody listening to this exchange and considering that in its proper context, without imputing bias on Mr Speaker, is likely to say, ‘Well, actually, he’s right.’

1570 **Mr Speaker:** But would the hon. Member accept that invariably at Question Time I have to allow a Government Minister to answer a supplementary that has been put by the Opposition, and therefore by the nature of things it is likely that the Government Minister is going to have the last say? Otherwise, the process continues indefinitely. And when a Member of the Opposition asks a supplementary I should stop and move on to the next question and not allow a Minister to answer that point?

1575 Now, the other thing that I am going to say is about the length of ... When did we meet, yesterday? I mentioned it yesterday that on a number of occasions I have asked Ministers to make their answers shorter. Sometimes it is not very easy for me to control them – there is a very lengthy answer coming up, maybe it has to be very lengthy – but I wish I had the power to control the length of answers. Invariably, the moment a Minister introduces extraneous matters, I hold the Minister to account. I ask him to get on with the business at hand and I am anxious to do that. I do not want to be here listening to exchanges longer than I have to.

1580 It is just as well that we have the system here in the Gibraltar Parliament that hon. Members address me, the Speaker. If they addressed each other, some of them I think would finish up crossing the floor with perhaps an exchange of fisticuffs. It is just as well that we do not have the system which I was observing earlier this afternoon in the Cortes in Madrid, where they address each other and they insult each other. That does not happen here. Thank God it does not, because I do not know who could keep control otherwise.

1585 So let's see if we can tone the whole thing down. Let's see if we can make progress, because we cannot be here this evening beyond 7.15.

**Hon. D A Feetham:** Mr Speaker, I will ask three supplementaries in a go and then I will sit down, and that is it.

1590 First of all, does he not accept that in fact he has been inaccurate in the information he has given the House, because the libel case that he refers to is not a libel case that I took; in fact, it is a libel case that my brother, a social worker, took against the *Vox* newspaper? That is the first.

1595 Secondly, that I have never asked for funding for me in relation to a defamation case; that my questions have always been about, 'Well, hang on a minute, if you say that the taxpayer should fund the Chief Minister of Gibraltar because somebody has libelled him in his capacity as Chief Minister of Gibraltar, if somebody as Leader of the Opposition is libelled in his capacity as the Leader of the Opposition, what is the difference?' That was the point that was made in 2013.

1600 And the real supplementary question that I wished to ask in relation to this – because, as always, he always manages to side-track me, and that is something that to his tactical credit he always does very well – is doesn't he agree with me that he has obtained, acquired I should say, a reputation over the last seven years of being Chief Minister of being the most trigger-happy Chief Minister who has ever served in Gibraltar, in terms of issuing these legal letters, and that it is not right to have the Chief Minister of Gibraltar, backed by the taxpayer, issuing so many legal letters for defamation? Does he not agree with me in relation to that?

1605

**Hon. Chief Minister:** Mr Speaker, let me start with the first of those questions. I do not agree that the case was about his brother. The case I am referring him to is the case in which *he* obtained an injunction to prevent *himself* from being mentioned ever again in the *Vox* newspaper. So that was not his brother, Mr Speaker. Why would, in a libel case about his brother, *Vox* be ordered not to mention *him* ever again?

1610

Second, Mr Speaker –

**Hon. D A Feetham:** Will you give way?

1615 **Hon. Chief Minister:** No, I don't want to give way.

Second, Mr Speaker, the question of funding is very clearly one that he took in 2013 from a different perspective. In 2013 he wanted the blanket of financial cover for himself also. He wanted the Leader of the Opposition, as he has now said – because he was then the Leader of the Opposition – to also be covered and he wanted to extend it backwards even further to instances when he might have been allegedly libelled in respect of his position as a Minister. *Then* he thought it was in his interests to try and obtain financial support for that position; *now*, because he thinks it is popular – although he has told us he is a man with no axe to grind and is not going to stand for election again – he is going to try and criticise me for having taken action to protect my reputation when I am challenged with defamatory allegations as Chief Minister.

1620

1625 Look, you can be challenged, you can be made fun of, people can take a contrary view to you, but if they say some other things which are defamatory it is absolutely right and proper that people should be subject to legal action. That is what the law is there for.

Mr Speaker, the final question. I am the first Chief Minister of Gibraltar in something called 'the social media age'. So, before, people would libel one in a letter to a newspaper or in a newspaper. There are responsible newspapers and irresponsible newspapers. He was very closely associated with a newspaper called the *Seven Days*, which was an irresponsible newspaper, Mr Speaker, funded entirely by the Gibraltar taxpayer for the purposes of doing GSD propaganda. They would publish anything.

1630

1635 Normal media outlets have a filter of truth and probity and of checking. When people on social media say something, they do not realise sometimes what they are doing, and that is why there have been no damages actions. There have been no attempts to get people to pay in any

1640 way. It is to remove comments which are seriously untrue, libellous and defamatory, and it is absolutely right that a person, whoever they may be, should take action in those circumstances, and if that person happens to be an office holder of the Government of Gibraltar it is absolutely right that they should be defended in the discharge of their functions by the taxpayer. I said it in 2013 and I am not going to change my mind. Mr Speaker, I think it is absolutely right that that should be the case.

1645 They can rabble rouse and get people to think that somehow this is an abuse, but when they rabble rouse I will be there with the answer to Question 514/2013 to remind the general public that they were seeking the financial cover for themselves to do exactly the same thing. That is the typical hypocrisy of double standards, the hypocrisy that Mr Llamas told us was endemic in the GSD – until he went back to them.

1650 **Hon. D A Feetham:** Mr Speaker, I do not accept again how he has characterised it *at all*. In fact, the questions were all directed as on what basis ... how is the decision being taken that a Chief Minister or a Government Minister is being funded by the taxpayer, and if it's qua, in his capacity as an office holder? What is the difference between an office holder there and an office holder somewhere else on this side? That was the issue; it was an issue about process.

1655 **Mr Speaker:** What about this side?

**Hon. D A Feetham:** Or Mr Speaker, absolutely.

1660 Does he not accept that it is demeaning to his office to be trawling the internet and social media finding who next he is going to be sending a legal letter backed by an international firm of solicitors – my firm, I accept – funded by the taxpayer, in order to send these threatening legal letters?

1665 Quite frankly, if that were happening in the United Kingdom there would be an absolute outcry and I just cannot imagine a leader of another democratic country using public funds in this way in order to sue or threaten to sue members of the public. I just cannot see it. And I have to say that it demeans his office, it demeans him, and I ask him: does he agree with that?

1670 **Hon. Chief Minister:** Well, Mr Speaker, I obviously do not agree with that, for all the reasons I have given him, but I see the evidence of what he is trying to do. He is trying to rabble rouse on the issue and I am sure that those in his executive who have been subject to these legal letters from *his* firm for having said things which are libellous and defamatory, will be delighted to see him now as their champion.

1675 But you see, Mr Speaker, there is a big difference between Members sitting on that side of the House and us on this side of the House. It is an obvious difference, it is a legal difference – he understands it but he does not care to reflect on it today in order to be able to pose the questions that he has posed to try and achieve what he is trying to achieve. We are members of the executive, Mr Speaker; they are not members of the executive. They are Members of the Parliament and we are all Members of the Parliament, but we are members of the executive. We are charged with the obligation of discharging the functions of Government, something that from the minute he started leading the party opposite people were never going to entrust them to do ever again.

1680 But, Mr Speaker, he has an idea of what it is that we do which is entirely wrong. I do not trawl social media; in fact, I have very little time for social media. I saw that somebody asked me to do something last week on social media, which I would have done to support a charity, but I did not see that because I do not have time to see social media.

1685 What happens is that things are brought to the attention of Government when they are as outrageous, and indeed potentially violent and dangerous, as the instances that I have referred hon. Members to. In some instances they are referred to us by other authorities. In those instances, when it is brought to our attention and if it is definitely defamatory and libellous, then

1690 people are asked simply to take down what they have said. That is absolutely right and proper and it demeans an office not to defend it.

1695 I will tell him something that he will perhaps never understand. Having held the office of Chief Minister now for almost seven years because the people of Gibraltar have allowed me the privilege to do so, I will defend this office even when I do not hold it and even if a member of another party does not hold it, because it is the executive office of political leadership of this nation. And whether it is in respect of Joe Bossano, Peter Caruana, Adolfo Canepa, Bob Peliza or Sir Joshua Hassan, it is absolutely right that we should all understand how important it is that the office of Chief Minister and what it does be defended, in particular given the external threats that Gibraltar faces. The same is true for the office of each one of the members of the Cabinet and each one of the Ministries that they lead, because we do so responsibly and to accept a  
1700 defamation, a libel of the way that those offices are being discharged is in fact to accept a defamation of the way that we do government in this community.

1705 We are seeing on the Iberian Peninsula today how actions that are absolutely inappropriate and improper, and improperly dealt with in courts, affect people's ability to respect their government, and we will defend the right to have the Government of Gibraltar respected, the office holders of Gibraltar and its Government respected, whether we are the ones in office or not. Allowing defamatory remarks to go unchallenged when they are untrue is to allow the office to be demeaned by those who seek to do partisan damage without regard to the political damage that they do to the Gibraltarian nation.

1710 **Hon. R M Clinton:** Mr Speaker, I have now had the opportunity to go back and look at a question from 2013 the Chief Minister referred to, Question 430/2013, which is by pure and utter coincidence obviously an identical reference to my Question 430/2018. The question asked at the time was: 'Can the Chief Minister state whether it is Government's policy' –

1715 **Mr Speaker:** Just a moment. This is a supplementary you are asking from ...?

**Hon. R M Clinton:** Yes, from the answer, from Question 430.

**Mr Speaker:** To which question?

1720 **Hon. R M Clinton:** Question 430/2013. The Chief Minister referred to a question which happened to be Question 430/2013.

**Mr Speaker:** Very well.

1725 **Hon. R M Clinton:** Thank you very much, Mr Speaker.

1730 I was just reading the question that was asked at the time and it read: 'Can the Chief Minister state whether it is Government's policy to fund all libel claims brought by a serving Government Minister against a media publication?' Mr Speaker, this is a question asked specifically about Government policy; my Question 430/2018 is about the administrative process. I was wondering if the Chief Minister could answer the question that I set. I have read the supplementaries in *Hansard* and I do not see the answer.

1735 **Hon. Chief Minister:** Well, I think that the answer is there, Mr Speaker. The policy and the administrative process are all described there and in Question 514/2013. It is a serendipitous coincidence that both are Question 430 in 2018 and 2013.

**Hon. R M Clinton:** Mr Speaker, would the Chief Minister agree with me that in answer to Question 430/2013 there is not a single reference to the involvement of the Attorney General?

1740 **Hon. Chief Minister:** Mr Speaker, I agree with that, and the policy and the administrative procedure is what is described in Question 430. He asked me does it involve the Attorney General. I referred him to that.

1745 **Hon. R M Clinton:** Would you not think it would make sense for the Attorney General to be involved in the process and giving advice?

**Hon. Chief Minister:** Well, Mr Speaker, if I thought that was the case I would have answered differently.

1750 **Hon. R M Clinton:** Mr Speaker, can the Government then explain what legal advice they take prior to issuing instructions if the Attorney General, i.e. the lawyer for the Government, is not present?

1755 **Hon. Chief Minister:** Mr Speaker, the Attorney General does not have to be present when the Government takes legal advice in all respects. The Government takes legal advice from the Attorney General, from the Gibraltar Law Officers and from private chambers.

**Mr Speaker:** Next question.

**Q433/2018**  
**Varyl Begg Social Club –**  
**Plans for relocation**

**Clerk:** Question 433. The Hon. D A Feetham.

1760

**Hon. D A Feetham:** Mr Speaker, what are the Government's plans for the relocation of the Varyl Begg Social Club?

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

1765

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have met with the Varyl Begg Social Club committee and assured them of Her Majesty's Government's commitment to relocate the Varyl Begg Social Club to a suitable permanent premises as soon as these become available. A temporary facility is being provided in the interim in the south west area of Varyl Begg on a site identified in conjunction with the committee.

1770

Despite the best attempts of the former, former Leader of the Opposition to agitate the members of the committee of the social club, they very sensibly continue to work with the Government to resolve the issue of their relocation.

1775

**Hon. D A Feetham:** Mr Speaker, I will ignore the barbed comment. Can he at least give a commitment to this House and also to the people who live in Varyl Begg that the Varyl Begg Social Club will be relocated within the Varyl Begg estate?

1780 **Hon. Chief Minister:** Mr Speaker, I have given a commitment in terms of the first answer, which the hon. Gentleman does not seem to have accepted.

**Hon. D A Feetham:** Mr Speaker, I will be corrected if I am wrong. Perhaps I did not hear the answer properly – and I apologise if I did not – but he did not give a commitment that he was going to relocate ... He gave a commitment that he was going to relocate but not that he was



1785 going to relocate within the Varyl Begg Estate, and I will tell you why: because the information  
that has come to the Opposition is that the plan of the Government is to relocate the Varyl Begg  
Social Club to Chilton Court. Of course, the Chilton Court Varyl Begg Social Club does not have  
the same ring to it as the Varyl Begg Social Club. It is the Varyl Begg Social Club; it should be  
located within Varyl Begg. That is important to the residents of Varyl Begg and I am asking the  
1790 Chief Minister to provide that commitment.

**Hon. Chief Minister:** Well, Mr Speaker, I do not know which of the residents of Varyl Begg he  
spoke to, because I met with the ones that signed this petition asking for it not to be in a  
particular area of Varyl Begg and those who represented these ... By the way, I'll fan it for him  
1795 again, Mr Speaker. These representatives also were very keen not to have it on other sites in  
which it would fit in Varyl Begg, Mr Speaker.

So I do not know who he is holding a brief for, because the members of the committee are  
discussing with us various different locations, some in and some out of Varyl Begg. The people  
who signed the petition did not want it in one particular place, and the people who came  
1800 representing the people who signed the petition did not want it in any other place.

Unless he is going to pretend that he has the ability to expand Varyl Begg now, it may be very  
difficult to give the commitment in the terms that he seeks. Nonetheless, we are working  
towards actually achieving the commitment in that way, but I cannot say that it will definitely be  
achieved in that way.

1805 Mr Speaker, finally, I am surprised that he has taken the position he has taken on the basis of  
the information reaching him as a member of the Opposition. When he turned up at Varyl Begg  
he said he was there as a friend, not as a Member of Opposition, not to do politics but to offer  
free legal advice if they wanted it. Unfortunately for him, they told him they did not want it.

1810 **Hon. D A Feetham:** Well, Mr Speaker, I have to say he continues to, with impunity almost, in  
the answers – very little that I can do, I have to say, but with impunity – distort and  
misrepresent.

Yes, of course I was there. I was there because I was asked, by people who actually work  
there and also residents of Varyl Begg, for me to be there in order to advise them about the  
1815 process and to try and help them out. That is what I did, that is my role, and indeed if I am asked  
to help anywhere else that is what I will do because I am paid by the people of Gibraltar to do  
that. And even if I was not paid, the reality of the situation is that Varyl Begg is very close to my  
heart because I grew up there and my mother lives there, and I have probably been to the Varyl  
Begg Social Club far more times than the Hon. the Chief Minister has or ever will be going to the  
1820 Varyl Begg Social Club.

Can I ask him this: outside the Varyl Begg Social Club, what are the locations that the  
Government is looking at? And am I right that the Government is looking at Chilton Court?

1825 **Hon. Chief Minister:** Mr Speaker, the Government is considering a number of locations. None  
of them are receiving any consideration which is yet fixed and therefore I am not going to get  
drawn on the subject, but I have already said that some may be in Varyl Begg and some may be  
outside.

Mr Speaker, I would be surprised if he has been to Varyl Begg Social Club very often since  
they started flying the GSLP flag; I thought he found that now entirely anathema.

1830 But it is true he grew up there, Mr Speaker. I did not, but I have attended very many fantastic  
GSLP bingos and other events there, and indeed a number of birthday parties, and therefore I  
sincerely hope we will be able to provide a fantastic facility for the residents of Varyl Begg of the  
order of that provided for them before by the GSLP when Pepito Baldachino was then Minister  
and they provided the excellent facility that they had, which fell to a great extent into less use  
1835 than it had before.

1840 We remain entirely committed to providing the Varyl Begg Social Club with brilliant facilities, and maybe here or from elsewhere – given that he has no axe to grind and he will not be offering himself for election next time round – he might actually be able to bring himself one day to utter the words that Roy Clinton uttered at the beginning of his questioning of me in respect of an earlier question when he said, ‘I congratulate the Chief Minister’, once we have provided a fantastic new site for the Varyl Begg Social Club.

1845 **Hon. D A Feetham:** Mr Speaker, actually it was GSLP members who invited me, so I have to say they must have been pretty discontented to ask me. Indeed, what they said to me is, ‘Fabian doesn’t really understand us, but Joe Bossano does because he’s the president of the social club.’

Can I ask the Father of the House whether at least he could, as President of the Varyl Begg Social Club, take a personal interest in relation to this?’

1850 **Mr Speaker:** You cannot ask him.

1855 **Hon. Chief Minister:** No, Mr Speaker, he cannot ask that question because the Hon. Minister is not here in his capacity as President of the Varyl Begg Social Club, and he knows that but he is just making mischief.

**Mr Speaker:** And the Speaker is getting a little bit tired, he tells me, because some of the ... This afternoon I think hon. Members are letting themselves down. Some hon. Members are behaving as if they have not left primary school.

Next question.

**Q434-441/2018**  
**Rifaat al-Assad –**  
**Europort Trust transaction**

1860 **Clerk:** Question 434. The Hon. D A Feetham.

1865 **Hon. D A Feetham:** I am not sure this is the appropriate question to try and calm things down, but prior to the sale of blocks 6-9 Europort to Glenthorne Holdings Ltd did the appropriate authorities in Gibraltar consider freezing the assets of Mr al-Assad and his family?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 435 to 441.

1870 **Clerk:** Question 435. The Hon. E J Phillips.

1875 **Hon. E J Phillips:** Mr Speaker, can the Government confirm that the Chief Minister was informed by the Minister for Financial Services that his family trust, from which he is excluded as a beneficiary, was intending to be involved as one of the ultimate beneficiaries of the company that is purchasing the Europort blocks 6-9?

**Clerk:** Question 436. The Hon. E J Phillips.

1880 **Hon. E J Phillips:** Mr Speaker, in light of the approval of the sale of Europort by the Supreme Court and the recent international allegations and proceedings that have surfaced in relation to

Rifaat al-Assad, can the Government state whether the Attorney General is intending to take steps to freeze distributions of the sale proceeds to the al-Assad family?

1885 **Clerk:** Question 437. The Hon. E J Phillips.

**Hon. E J Phillips:** Does the Government or the Attorney General have information in relation to the Assad family's wealth that goes beyond that put to the Supreme Court in the recent Europort Trust case?

1890 **Clerk:** Question 438. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Was the Government aware of the Rifaat al-Assad Europort transaction prior to it going before the courts?

1895 **Clerk:** Question 439. The Hon. Ms M D Hassan Nahon.

1900 **Hon. Ms M D Hassan Nahon:** Is the Government satisfied that the Rifaat al-Assad transaction has not damaged or does not have the potential to damage Gibraltar's reputation as a finance centre, whether as a result of Assad or the fact that the family of a Minister is involved in this deal?

**Clerk:** Question 440. The Hon. Ms M D Hassan Nahon.

1905 **Hon. Ms M D Hassan Nahon:** Does the Government not agree that any business done in Gibraltar with Rifaat al-Assad could have reputational consequences for the jurisdiction, especially in light of the existing investigations and freezing orders which affect Rifaat al-Assad?

**Clerk:** Question 441. The Hon. Ms M D Hassan Nahon.

1910 **Hon. Ms M D Hassan Nahon:** Is the Government satisfied that there is no conflict of interest insofar as a company owned by a trust held for the benefit of the family of a Government Minister acquiring property with substantial Government tenants and who will have the ability to negotiate these renewals and rents in the future?

1915 **Clerk:** Answer, the Hon. the Chief Minister.

1920 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as Government stated in its Press Release 280/2018, the Government can clarify that the acquisition of the Europort property by Mr Rifaat al-Assad was notified to the GSD Government in 1999-2000. I can confirm that the GSD made no attempt to stop the purchase. They let him in. It is as a result of that acquisition at the time that the GSD were in Government that the Assad family has been able to hold the Europort property asset.

1925 The acquisition of 6-9 Europort by Mr Assad took place on 14th June 2000, therefore 16 years following his exile from Syria. The allegations against him in France were made in 2013 and relate to alleged acquisitions of property by Mr Assad between 1984 and 1992. The case is still ongoing. There is also a similar investigation ongoing in Spain.

1930 The Gibraltar authorities have, for a number of years now, been co-operating with the French authorities who are investigating Mr Assad. That close co-operation has included providing information and data as required by international transparency and disclosure rules and, as Gibraltarians would expect, given the gravity of the unsavoury allegations against Mr al-Assad.

Indeed, since August 2015 Gibraltar has been aware of the investigation by the French authorities into Mr Assad and has been co-operating to the fullest degree with the French

1935 authorities not only by the provision of information and data, but also by a face-to-face meeting with the Senior Vice-President of the High Instance Court of Paris who is charged with the investigation in France, and also with the chief investigator in France. I personally met this gentleman to pledge Gibraltar's support for the investigation.

1940 Active consideration was given as soon as Gibraltar became aware of the investigation in France as to the possibility of seeking freezing orders, and such consideration was constantly under review. No application was made, as the Government is advised that legal requirements could not be and still cannot be met. The French and Spanish authorities have frozen properties and bank accounts in Spain, France and England.

The French and Spanish authorities have been aware for a considerable period of time of the existence of Mr Assad's financial interest in 6-9 Europort.

1945 An Overseas Territory would be entitled to register an overseas freezing order if it was suspected that the property had been purchased using property obtained through unlawful conduct, that is to say the proceeds of crime. The registration of the order would be pursuant to the European Freezing and Confiscation Orders Regulations 2014. At no stage has there been a request by France, Spain or any other jurisdiction to register in Gibraltar an overseas freezing order in respect of Mr Assad's assets.

1950 The French authorities have registered in England a freezing order in respect of one property in Mayfair, London – although I understand Mr Assad has more than one property in the United Kingdom. The English authorities, like the Gibraltar authorities, are not undertaking any form of investigation for their own benefit, but are providing information.

1955 The Office of Criminal Prosecutions did not have advance notice of the proceedings in the Supreme Court, and nor were they served with any papers in connection with the proceedings. The proceedings were in private. The handing down of the judgment was in public and Office of Criminal Prosecutions were made aware of the proposed handing down. Neither the Attorney General nor the Office of Criminal Prosecutions took part in any of the proceedings to which reference has been made, nor were they served with any papers.

1960 The proceedings in the Supreme Court have been brought by the trustees to seek the court's approval in respect of the sale of 6-9 Europort and also the sale of a property in Sotogrande and the companies through which they are owned.

1965 Mr Speaker, the Government understands that an investigation by the RGP commenced in 2017 in order to see whether there was any evidence of any criminality that had occurred locally. No arrests or charges have resulted from this investigation and none are at present anticipated. Information and intelligence has been gathered from various sources both within Gibraltar and from overseas in respect of all aspects of the matter. All of this information and intelligence is of a confidential nature and it would be possible to identify sources or the nature or extent of such material if we disclosed more.

1970 Mr Speaker, I am confident that the Attorney General and the Office of Criminal Prosecutions are fully cognisant of their responsibilities with regard to the protection of assets in cases of money laundering or any other criminality. In order for restraint proceedings to succeed, the issue, as confirmed by the Chief Justice, is whether when the assets were settled they were or represented the proceeds of crime. This is specifically set out in paragraph 20 of the Chief Justice's ruling. The learned Chief Justice also ruled that he was satisfied that the trustees' belief as to the provenance of the funds was a considered and reasonable belief and one which could properly be held notwithstanding the ongoing proceedings in France and Spain.

1980 The Government has no doubt that if the RGP or the Office of Criminal Prosecutions had been aware of cogent provable evidence that could potentially demonstrate that any property within Gibraltar had been obtained with the proceeds of crime or in any way represented the proceeds of crime, then steps would have been taken pursuant to the Proceeds of Crime Act 2014.

1985 In the circumstances, there can be no basis upon which it could be suggested that the reputation of Gibraltar as a finance centre has been or could be damaged as a result of the ruling of the Supreme Court.

1990 The Government is at present not aware of the terms upon which the properties in question at Europort will be managed in future if the transaction proposed to the court by the trustees goes ahead, but we are confident that, given the professional reputation of the trustees and the high esteem in which they are held, that all matters concerning the management of the properties will continue to be undertaken transparently and at arm's length.

In fact, given all the above, hon. Members and right-thinking people in the wider community will see that the relationship with the French authorities leading on this matter has been excellent, as Gibraltar has provided fulsome assistance to their investigation.

1995 In yet a further example of Gibraltar's internationally compliant and co-operative approach to this matter, the Supreme Court of Gibraltar has rightly ensured that no money that can reasonably be suspected of representing the proceeds of criminal conduct by any person can be paid out of Gibraltar. Gibraltar's prosecuting authorities could and would apply to the court to prevent this from happening. The Chief Justice, who heard all the relevant evidence and saw all the relevant documents, has nonetheless found that it is reasonable for the Gibraltar trustees to believe that Europort was not purchased by Mr Assad using the proceeds of any criminal conduct. Hon. Members and members of the public should be loath to replace his informed views with their own impressions, given that they have not seen the documents nor heard the evidence, and that is true as much for this case as for any other.

2000 The Supreme Court was involved by the trustees, only one of which is linked to the Isola family, as a matter of good trust administration practice and to ensure that any sale was therefore dealt with in a manner that was transparent to the courts and Gibraltar and international law enforcement agencies. Mr Speaker, it is a matter of public record that the trustees were represented by Sir Peter Caruana QC.

2010 Further, Mr Speaker, if anything, Gibraltar's reputation has therefore been safeguarded as our law enforcement agencies, professionals and indeed the Supreme Court and the counsel before it have all worked to ensure that the rule of law has prevailed, and further that should any international law enforcement agency have a claim on the proceeds of sale, time for such a claim to be made has been afforded.

2015 Finally, Mr Speaker, Albert Isola is a full-time servant of the people of Gibraltar doing an excellent job in enhancing our international reputation at all times and he has not been involved in any matter relating to this issue. He has acted entirely properly throughout, as is entirely characteristic of him. He is a man who is investing more energy than most people have in ensuring he carves out for Gibraltar not just more business and more clients – he is carving out new industries and new markets, and he is achieving that and more. He enjoys my full and unadulterated confidence and that of all his Cabinet colleagues. (*Banging on desks*)

2020 Government also has and expresses full confidence in the actions of the Office of Criminal Prosecutions in Gibraltar and the Attorney General in respect of this matter, as they have been dealing with it for some years and are fully appraised of all the facts and issues relating to the Assad investigation and their interests, and all options have been considered during that time.

2025 This is a matter entirely in the hands of our law enforcement agencies. The Government must also express its confidence in the decisions of the Gibraltar courts and the application of the rule of law in Gibraltar.

2030 **Hon. E J Phillips:** Mr Speaker, just one question, if the Chief Minister can help me with this. I am grateful for the very full answer the Chief Minister has given this matter, given the public interest in relation to the issues that arise here.

Mr Speaker, my question relates to the French and Spanish authorities. It is well known that both the French and Spanish authorities have rejected the argument put forward by Mr al-Assad

2035 in relation to the provenance of the funds. He says that the funds come from the Saudi royal family and in fact they were a gift from the king himself.

It naturally follows, therefore, that the Gibraltar authorities, that were co-operating quite clearly for some time now with the French and Spanish authorities, have concluded clearly that – and I would like the Chief Minister to help me with this particular question ... that the Gibraltar authorities have accepted the argument by Mr Rifaat al-Assad that the funds were a gift from the king rather than anywhere else.

**Hon. Chief Minister:** Mr Speaker, I am not able to tell the hon. Gentleman what the Gibraltar authorities have accepted or not accepted, because it is a law enforcement matter, it is not a Government matter. But I can tell him what the court decided. The court decided, in respect of the asset in question, that the trustees had provided evidence, as the court set out in paragraph 23 of its ruling, that this asset had not been acquired other than with funds which the court believed had come in respect of Saudi Arabia.

I have no knowledge of this case and the information that the law enforcement agencies have in Gibraltar about assets in Gibraltar, or that the French law enforcement agencies have or the Spanish law enforcement agencies have. But there are different moneys, obviously; some may come from one source which is untainted, and some may come from a source that is tainted. The finding in respect of the matter in respect of which hon. Members have asked is the Chief Justice's finding, which I think should give us all huge confidence because he has looked at the documents, he has heard the evidence and his finding – not the law enforcement agencies' – is that in Gibraltar the assets in question were not acquired with funds other than funds the provenance of which could be ascribed to Saudi Arabia.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the answer to the question that the Chief Minister has given. And just as a matter of record, the reason why I referenced the Gibraltar authorities was not in relation to the court case. Clearly all of us in this House should respect the decision of the Chief Justice, who made a decision based on the evidence before him on the day. So my question was entirely directed at the law enforcement agency as opposed to the judicial process that was underway.

**Hon. Chief Minister:** Mr Speaker, in that case it would not have been a question which I think is in order now that the hon. Gentleman has clarified, because we cannot here answer questions about the investigations that law enforcement agents are carrying out or what evidence they have or do not have.

**Mr Speaker:** The hon. Lady.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have two supplementaries to this very exhaustive, sensitive and intricate answer provided, which I am grateful for.

Regarding Moneyval, Gibraltar has been waiting for 13 years for the Moneyval evaluation. The evaluation, as I understand it, is due in the first quarter of 2019, so is the Government, in light of this, not worried, given how Assad's assets have been frozen in Spain, France and the UK, the latter under a European order, that this sort of thing is exactly what the Moneyval assessment will be looking for in terms of perhaps considering that Gibraltar's standards are seemingly lower on the compliance side of things?

**Hon. Chief Minister:** Mr Speaker, with warmth and affection, 'utter nonsense' I must say to the hon. Lady, because the Moneyval assessment has nothing to do with that.

This is the acquisition of an asset in Gibraltar which even the French authorities have not sought to freeze. They are the lead authority in respect of the investigation and they are not seeking to freeze. They would have been able to seek through us to freeze, and in the answer

that I gave I said to her they would have been able even to seek to register their freezing order here.

2090 They have come here and they have looked at everything our law enforcement agents have. They have looked at all the evidence. They have looked at it exhaustively and for a number of years and they have made the decision not to ask us to freeze, and the decision which I am relating to her – which is not our decision; I am just relating what we have been informed of in order to deal with this issue in this House – has been that there is not evidence to take proceedings to freeze. If the French had thought that there was a reason why the money here was tainted, they would have frozen here by registration. It is an automatic thing.

2095 I think we would be dealt with very harshly by Moneyval if we went around freezing assets which there is no evidence to freeze, even when a legal authority that has all of the information necessary to freeze other assets has come here, has co-operated with us, we continue in co-operation with them and they are not asking us to freeze and they are not even registering their freezing order here, which would be automatic.

2100 Moneyval issues are completely separate. We are working very hard to ensure that when we finally have a Moneyval assessment we pass it with flying colours, and that is about the probity of the people in the Gibraltar financial services industry, the probity of the people in industry generally in Gibraltar who make reports about alleged money laundering.

2105 In this case, Mr Speaker, there is a disclosure to the Government in 1999 and the Government makes the decision to allow the purchase, and when the issue of whether the money is tainted arises and the asset is disclosed to the authorities that are pursuing those tainted assets, those authorities do not pursue the freezing. So I do not think the hon. Lady is barking up the right tree.

2110 **Hon. D A Feetham:** Just a number of questions and I will just mix them up because I do not intend to ask any further, other than this.

2115 He has mentioned 1999 and 2000. My understanding is the Government in 1999-2000 could not have blocked the sale of this particular property to Mr al-Assad because in fact that was a transaction as between two private entities. What the Government then could do, which it did do, was refuse Mr al-Assad an application for Cat 2 status. In other words, Mr al-Assad wants to come to Gibraltar to be resident in Gibraltar and that was refused in 1999-2000.

2120 Does he accept that there is a fundamental distinction indeed between the situation in 1999-2000 and the situation now, the situation since 2013, and it is this: that in 1999-2000 Mr al-Assad was being accepted, his investments were being accepted all over Europe? He had investments in France, he had investments in Spain, he had investments I think in Switzerland, in England. Indeed, the *Daily Telegraph* records that right up to 2011 he was resident in a – £13 million, I think – mansion in Mayfair. It is in 2012-13 that you have proceedings in Switzerland that do relate historically to some of Mr al-Assad's conduct when he was in Syria and the source of his wealth as to whether it is to do with the plundering of the Syrian people. 2125 You then have proceedings in France, you then have parasitic proceedings in Spain in aid of the French proceedings, and you then have proceedings in the United Kingdom in aid of the French proceedings.

2130 And one additional reason why it is different: looking at this transaction, when we stand back and we look at the price that has been paid for this particular asset, there appears to be a haste on the part of Mr al-Assad in the sale at a cut price to sell and obviously exit the jurisdiction. I wonder whether there has been any indication by any of those jurisdictions that I have mentioned about the possibility ... well, enquiries in relation to that transaction, sale, from Mr al-Assad and any indication that any type of action might possibly be envisaged in the future.

2135 **Hon. Chief Minister:** Well, Mr Speaker, I must say he would not expect me to answer that question, would he? And he would not expect me to answer a question about what law enforcement agents may be thinking of doing. And if I did not know better, I would think he was

2140 trying to raise a spectre of a sort that is not logical, because for leading counsel to interpret the Rules of Parliament to pretend to allow him to ask a supplementary question about what law enforcement agencies may be about to do in respect of alleged potential proceeds of crime is frankly not something that would merit serious consideration.

2145 Second, Mr Speaker, dealing with what he started with, he said that consent could not be denied to the transaction, it could not be prevented from coming in. Well, the information I have is that Mr Assad sought consent even if consent was not required, and consent was not not granted – he was told that he needed no consent. If somebody comes and tells you, ‘Can I do this?’ he is opening himself up for you to say, ‘Well, I at least would not like you to, even if you can.’ Mr al-Assad might have taken a different decision in that case. But he was not told that and he invested. It is true that at that time there were no issues of the sort that there are now, but the issues were there. The reputation was not gained in 2012. The issue as to proceeds of crime  
2150 legislation and the ability to freeze arose in 2012. The history was well known by then. The UN report was well known by then. So, Mr Speaker, I do not think that he could wriggle off the 1999 hook so easily.

I am very pleased Mr Assad did not obtain Cat 2 status in Gibraltar and I commend the Chief Minister who made that decision.

2155 Mr Speaker, the hon. Gentleman has mischaracterised the reality of the price being paid as set out in the judgment. I think the judgment actually sets out quite explicitly what the valuation is and how the sale is entirely in keeping with the valuation. If he is just referring to the cash, he has missed the bit in the valuation that says that there is an assumption of an outstanding debt of £10½ million to Casanove, which means that the total price is well within – indeed, I think  
2160 above – what the valuation suggests it should be. So there does not appear to be a fire sale aspect to this.

Mr Speaker, all I am going to defend in this House is the judgment of the Chief Justice, who saw all the documents and who made all the decisions which you could ask a court to make in the context of the application made, and the relationship between the Gibraltar authorities and the French authorities and the deep co-operation there has been between them, and reiterate  
2165 my views as to the probity of the Hon. Mr Isola. I set out our position in respect of the work that he does and the support that he enjoys from hon. Members on this side of the House. I dare say if hon. Members stopped and thought, they would wish to clarify they are not in any way seeking to impute his reputation or his actions in respect of the discharge of his functions as a  
2170 Minister of the Crown.

**Mr Speaker:** Any other supplementary?

2175 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have one more supplementary, but may I just say that I do not think any of us on this side are seeking to impute any ... I have never spoken for anybody, but I think we are talking about processes being followed accordingly and correctly, so I do not think anybody is out to impute anybody’s reputation, personally.

If I can just ask: despite the Chief Minister correctly noting that this client came in through the GSD in the GSD years, shall we say, the issue of ongoing monitoring ... Section 12 of the Proceeds of Crime Act shows that there is a process for ongoing monitoring. So this is something  
2180 that has to be legally abided by. Does the Chief Minister then accept that ongoing monitoring is as significant and pertinent as letting the individual in, despite who let him in?

**Hon. Chief Minister:** Of course I do, Mr Speaker. That is why, if she considers what I have said, I have referred her to the fact that the Gibraltar Police and the Gibraltar Office of Criminal  
2185 Prosecutions have been in contact with the French authorities for some time – I think now for a number of years. That is what the ongoing monitoring produces, Mr Speaker, and that is why it is not that this issue springs up when the hon. Lady, who was the one leading on the subject, first issues a press release and then puts some questions, or it appears in a newspaper; that is



2190 the result of many years of work already done in respect of the Office of Criminal Prosecutions. My meeting with the French authorities was either a year or two years before then.

2195 We amended the Proceeds of Crime Act with a certificate of urgency some time last year with the support of Members opposite in great measure to assist further in respect of this matter. So the ongoing monitoring is what is going on. That is the result of the ongoing monitoring: the work which is unseen but which is excellent work of the Office of Criminal Prosecutions, of the office of the Attorney General, in establishing those strong links with other prosecuting authorities, which went on for years before they thought that it was worth asking 12 questions about this week.

2200 **Mr Speaker:** Any other supplementary?

**Hon. D A Feetham:** Yes, just one and I ask this question in good faith because the Hon. the Chief Minister may have said something that I am not sure he intended.

2205 He said that the statute was amended last year in large measure because of this case. Does he mean because of inquiries that were made in relation to this case, or does he mean in order to assist generally in cases of this nature and other cases, but that it was not brought to Parliament specifically because of this case? Because that would then open up another avenue in terms of questions.

2210 **Hon. Chief Minister:** And does he think that that would assist the jurisdiction somehow?

What I said I said very advisedly. I said that we brought an amendment to the Proceeds of Crime Act, which they supported, in great measure in relation to this case, and I think that is explicit.

2215 **Mr Speaker:** Any other supplementary?

#### ADJOURNMENT

**Mr Speaker:** Right, we then go on to Question 442, but I do not know about Hon. Members – I have a commitment to attend the Corpus Christi mass which starts at 7.30 p.m.

2220 **Chief Minister (Hon. F R Picardo):** I will deal with that in a moment, Mr Speaker, if you will let me. Mr Speaker, I move that the House should adjourn to tomorrow at 4 p.m.

**Mr Speaker:** The House will now adjourn to tomorrow at four in the afternoon.

*The House adjourned at 7.16 p.m*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 4.04 p.m. – 4.33 p.m.**

**Gibraltar, Friday, 1st June 2018**

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# The Gibraltar Parliament

*The Parliament met at 4.04 p.m.*

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

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

## Order of the Day

### SUSPENSION OF STANDING ORDERS

#### Standing Order 7(1) suspended to proceed with a Government Statement

**Clerk:** Meeting of Parliament, Friday, 1st June 2018.  
Suspension of Standing Orders. The Hon. the Chief Minister.

- 5 **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 a Government Statement.

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

### GOVERNMENT STATEMENT

#### Change of Prime Minister in Spain – Statement by the Chief Minister

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this afternoon, the Speaker or President of the Spanish lower house of Parliament, the *Congreso de los Diputados*, has announced that at 3.30 p.m. she was communicating to the King of Spain, that the until now Prime Minister of Spain, Mr Mariano Rajoy, has lost a Motion of Confidence and Censure in the Spanish Parliament.

- 15 As a result of that same Motion, a majority of the Members of the Congreso have voted that the Leader of the PSOE Socialist Party, Pedro Sanchez Perez-Castejon, should be appointed Prime Minister, leading a minority Socialist government.

Mr Speaker, the importance of that political change in Spain at this time in our history, cannot be underestimated.

- 20 As the leader of the Gibraltar Socialist Labour Party and as Chief Minister of Gibraltar and Leader of this House, I have written a few moments ago, before coming back to this House, to Snr Sanchez, to congratulate him on the result of that motion seeking his appointment as Prime Minister.

25 In these circumstances, aside from offering my congratulations, I have also tendered to Mr Sanchez our desire to bring dialogue, understanding and co-operation to the issues that arise between our people.

Mr Speaker, the next 10 months will be decisive in many ways for Gibraltar, as we move towards 29th March 2019 and our departure from the European Union with the United Kingdom.

30 The result of the events in the Spanish Parliament today will mean that the ideology of those with whom we engage in Spain, and the manner in which we engage with them, *may* change.

As I have already said in writing to the new President of the Spanish Government, we will not be found wanting when it comes to demonstrating the willingness of the People of Gibraltar to engage constructively in dialogue in pursuit of policies designed to deliver co-operation and good neighbourly relations between our people.

I sincerely wish that we will see that sentiment reciprocated so that we can advance matters in the common interest of the citizens we each represent.

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

**Hon. E J Phillips:** Mr Speaker, we welcome the Statement by the Chief Minister, particularly what he says in relation to the manner in which we may engage in the change.

45 But coming back to that point later, Mr Speaker, this is clearly an interesting democratic development which we must continue to monitor. In our view, Mr Speaker, it is too soon to reach firm conclusions on particularly the impact in Spain, but also the impact in Gibraltar. It is true, Mr Speaker, that traditionally it has been easier to deal with a socialist government in Spain. However, Mr Speaker, the Spanish government, as the Chief Minister rightly pointed out, is a minority socialist government and therefore is in a fragile position.

50 We identify clearly that there is possibly an opportunity here to re-engage in talks that otherwise face obstacles. Mr Speaker, we also identify possibly an opportunity to restore the trilateral process.

It is true of course that regionally the socialist government has had a greater deal of support in Andalucia, insofar as the support it has had for the rights and demands of Spanish workers, but on a more micro-point, on this side of the House, we are quite prepared to be privately briefed by the Chief Minister and his Government on the wider impact once it becomes clearer to the Government.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

60 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to align myself with the comments made by the Chief Minister today. The developments in Spain were driven specifically by the corruption cases against key members of the ruling party. I congratulate those in the Spanish Parliament who stood up for accountability and transparency. In the Motion of No Confidence, they have sent a clear message to anyone who wants to use political systems to their personal advantage.

65 Nothing is certain in today's politics. Decisions can be reversed, governments overturned, but despite this uncertainty, Mr Speaker, democracies must continue to regenerate. Leaders who use their power arbitrarily to exploit a lack of accountability must be challenged, not celebrated. While we can cautiously celebrate the current disrepair of the right-wing government in Spain and what it might mean for politics here locally, including Brexit negotiations, we must work in the spirit that is opposite to the instability that has haunted Rajoy's government recently.

75 Earlier today, Mr Speaker, I met with the Cross-Frontier Working Group and it is quite clear that there is scope for an attitude that contrasts with the Margallo or PP style of doing this. If communities on both sides of the border can co-operate with goodwill and co-operation, while respecting the red lines of sovereignty, we can fight the narrative of the Spanish right wing. In

seeking dialogue we fight reactionary statements; in seeking collaboration, we escape the siege mentality; and in seeking respect, we can be an example of stability in an unstable world.

80 What has happened in Spain proves that *el que la hace la paga*, Mr Speaker, and we in this House are accountable to the people of this community. At the end of the day, anybody who thinks they can get away with abusing the system for their own interests or others around them will be proved wrong.

85 **Hon. Chief Minister:** Well, Mr Speaker, I do not know what part of ‘seeking clarification’ any of that was, but I am very pleased to have the opportunity to re-state to the Leader of the Opposition that I used the term *may* advisedly in the Statement that I made to the House. I note his proposal that we should privately brief them when we see how this change may manifest itself in the context of Brexit negotiations, etc. and what we will do is *continue* to brief them – because I do not want anyone to think that he has invited us to brief them as if we were not doing that. I think it would be acknowledged by them that they have been briefed on a number of occasions in respect of confidential aspects of what we have been trying to achieve in the context of discussions that are being held. So nobody should go away thinking that there is an absence of briefings of Members of the other side.

95 I am interested of course to hear hon. Members’ analysis of the political situation in Spain. I do not think that is what this moment is for. I am very happy to chew the fat with them over coffee and what has happened in the past 48 hours in Spain, but I do not think that a Government Statement in respect of the position of the people of Gibraltar tendered to a new Spanish President is the moment to start having discussions about *el que la hace la paga* and referring to the immediate past president of our neighbouring nation just by his last name, if I may say so to the Hon. Lady.

100 Mr Speaker, it is clear to us on this side of the House that there is a desire for dialogue and co-operation, which the people of Gibraltar have been making manifest for *many, many* years under successive Governments of Gibraltar. There are some instances when Spanish governments have been able to have the maturity to approach the people of Gibraltar and pick up the opportunities for dialogue and co-operation. I sincerely hope that we will see such an opportunity again in the future. When that opportunity manifests itself, I am sure that the people of Gibraltar will not be found wanting, as I said in my Statement a few moments ago.

110 **Mr Speaker:** Before we proceed with the remaining Questions, I understand the Hon. Samantha Sacramento –

**Hon. Chief Minister:** Mr Speaker, I think we are going to proceed with the Questions and she will be saying something at the end.

## Questions for Oral Answer

CHIEF MINISTER

Q442/2018

Opening Gibraltar to a Syrian refugee family –  
Action taken

**Clerk:** We now return to answers to Questions for Oral Answer.  
We commence with Question 442. The Hon. Ms M D Hassan Nahon.

115 **Hon. Ms M D Hassan Nahon:** Has any action been taken by Government regarding the Chief  
Minister's willingness in September 2015 to open Gibraltar to a family of Syrian refugees fleeing  
the horrific attacks and state of desperation? Has any action been taken on this intention?

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

120

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has been pursuing the  
initiative to accommodate a family of Syrian refugees, despite this turning out to be much more  
complicated than at first thought. We have been advised by the United Kingdom that the  
process should be followed via the UN High Commissioner for Refugees.

125

The Gibraltar Government committed itself to housing one Syrian refugee family when the  
crisis broke out, but we have no alternative but to do so through the UK and the UN because we  
are not able to engage directly in identifying a family.

130

In fact, we understand that all other UK Overseas Territories have abandoned their attempts  
to pursue similar situations. However Gibraltar remains patiently engaged. Once a family is  
identified, we will then make a decision on how to accommodate them.

**Mr Speaker:** Next question.

#### Q443-444/2018

#### Ending use of agency staff in the Civil Service – Government intentions for employment

**Clerk:** Question 443, the Hon. D A Feetham.

135

**Hon. D A Feetham:** Mr Speaker, in relation to the recent commitment by the Chief Minister  
during the May Day Rally to 'bring an end to the use of agency staff in the Civil Service', is it the  
intention of the Government to employ agency staff currently working within the Civil Service  
directly?

140

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with  
Question 444.

145

**Clerk:** Question 444, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, will the Government commit to employing supply labour  
workers in the Civil Service, authorities and agencies through short-term contracts?

150

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is in the process of  
considering with the relevant unions how best to implement our decision to end the use of  
agency staff in the Civil Service.

155

**Hon. L F Llamas:** Mr Speaker, does the Chief Minister have a timeline of when he expects to  
have a policy decision made, based on the discussions being had?

**Hon. Chief Minister:** Not at the moment, sir.

160 **Mr Speaker:** The Hon. Mr Danny Feetham.

**Hon. D A Feetham:** Has the Chief Minister conducted an analysis in terms of how many people are currently affected by this promise?

165 Indeed, of course, if you talk about ending the practice, one way which you can end the practice is to stop using contracted labour in the Civil Service. Another way is by employing people that are, through recruitment agencies, placed within the Civil Service.

How many people does he think this is likely to affect and how many people does he, does the Government envisage are going to be employed at the end of the process?

170 **Hon. Chief Minister:** Mr Speaker, we have conducted such an analysis, which was the first supplementary that he asked me; and I do not have the data with me to give him the answers that he has subsequently sought.

**Mr Speaker:** Any other supplementary?

175

**Hon. D A Feetham:** Just so I get it right, the Government does envisage increasing the quota within the Civil Service by actually employing some of these people that are currently placed within the Civil Service for recruitment agencies?

180 **Hon. Chief Minister:** Mr Speaker, the Government is in the process of considering with the relevant unions how best to implement our decision to end the use of agency staff in the Civil Service.

**Mr Speaker:** Any other supplementary? The Hon. Roy Clinton?

185

Next question.

**Q445/2018**  
**Midtown car park–**  
**Required modifications**

**Clerk:** Question 445, the Hon. L F Llamas.

**Hon. L F Llamas:** Further to Question 90/2018, is the Government now able to provide details in relation to the modifications required at Midtown parking?

190

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the doors for use by members of the public have been fitted with electro-magnetic catches which hold the doors open at all times.

In the event of a fire the fire detection system is triggered and it automatically releases the doors and allows the in-built door closers to close the doors.

195

**Hon. L F Llamas:** Mr Speaker, I do not believe ... That is hardly a long-term measure which is going to provide the accessibility that is required to the building. In fact, I went yesterday and the doors were shut and I do not believe there had been any fire.

200 Does the Government intend to actually look at this in a more mature and long-term manner in order to ensure that there is accessibility to that building for disabled users?

**Hon. Chief Minister:** Mr Speaker, I shall speak to the magnets and understand what it was that they were doing when the hon. gentleman was there and that they were not gainfully employed in keeping the door open.

205 I shall seek information on what the hon. gentleman has told me.

**Hon. L F Llamas:** But, Mr Speaker, surely this is something which is which should have been planned from the onset when the building was designed. Yesterday we heard the Minister for Equality saying how the Government had actually implemented all its policies, as if the Disability Act were already in force and therefore that does not reconcile with how we are seeing that this building is presenting itself to users who have disabilities, such as mobility.

**Hon. Chief Minister:** Well, Mr Speaker, I do not agree. The information I have is different from the information that he has brought to this House. I do not accept the information that he has brought to this House at face value and if the doors do what I am told they do, then they would provide the accessibility which the hon. Lady would expect to see provided.

**Hon. D A Feetham:** Mr Speaker, as the resident parking boffin within Parliament who spends about half an hour every single day driving around Gibraltar looking for parking – of course it does not afflict the Hon. the Chief Minister because he has got his parking at No. 6 Convent Place (*Interjection*) but disabled ... There is a serious point here.

I can tell the Hon. Chief Minister from my own experiences, those doors – you need to be training three times a week in a gym in order to open those doors. Those doors are *really heavy* doors and somebody with mobility difficulties ... Indeed, I have seen pensioners with difficulties trying to open those doors. So it is a point that to somebody that needs to access Mid-Town, it is an important point, and I think it is rather churlish of the Chief Minister to dismiss it in the way that he has.

I hope and I ask the Chief Minister – rhetorically, but by way of supplementary question – whether he is going to be dealing with it.

230

**Hon. Chief Minister:** Well, Mr Speaker, in that case, if he asked that question, he has not heard the answer I gave the hon. gentleman a few moments ago, which was that I would look into the information that he has provided.

But I am surprised that he has got to his feet to tell us that he spends time at the Midtown car park, because he has frequently told us that he does not enter the Midtown car park because it is full. One of the reasons that he has now turned the full attention of his incisive parliamentary style to parking is because he cannot find parking and he did not buy at the Midtown.

So I do not know which of the two to take for granted, but given that he is the advocate of anything that he thinks might somehow give rise to the public being less than entirely satisfied with the magnificent projects that the Government of Gibraltar has undertaken in the time that we have been in office, no doubt he will want to continue to pursue this matter in the short time that he told us he had left in this Parliament, given his commitment not to stand for election again, when the Parliament is dissolved – unless of course, Mr Speaker, he is no longer standing by that commitment, although I understand it was the requirement of some for their return to the executive.

**Hon. D A Feetham:** I do not know ... I have to say that I get rather worried by the hon. Gentleman! This hidden sort of love affair that he has with me of wanting me to stand and then not wanting me to stand – it is almost like one of these sorts of marriages ... Anyway, perish the thought, Mr Speaker.

At least, can the Hon. Chief Minister give a commitment to this House that he is going to get out of his G1 and out of his plush offices, Venetian palace, at No. 6 Convent Place and that he will personally go to the Midtown car park and that he will personally open those doors and ascertain for himself how difficult or otherwise it is to open those doors? Because if he does

255



that, I am absolutely certain – absolutely certain – that he will give immediate instructions for those doors to be dealt with.

260 **Hon. Chief Minister:** Mr Speaker, I do not think he has kept in his mind the thread of the discussions that we have had about this car park.

First of all, I am afraid I have not got a palace to leave to the next Chief Minister of Gibraltar I have got offices which are now fit for purpose and I think that that is something which most people understand. In fact, No. 6 Convent Place, like LNG, was one of the things he kept going on about at the last election – and look where it got him, Mr Speaker. So I advise him, and I am  
265 pleased to say he never takes my advice, to leave that to one side. Leave that to one side.

But he might also remember, Mr Speaker, that I have told him I have *used* the Midtown car park frequently – not during the week, when unless there are good reasons otherwise I *walk* from my home to the office. I commend to him that he should consider that, using the shortcut to town which takes him through sites as important as the part of Gibraltar where the Hon. the  
270 Father of the House was brought up and leads him straight into town. Given he spends half an hour looking for parking, he might find it quicker to get to his office if he were to do that and it might do something for his fitness.

But because I have used the Midtown I know that the Midtown is fitted with the doors necessary for a car park like that to be able to have all of the necessary fire, etc. permissions that  
275 it requires and that those are heavy doors, and that is why they have been dealt with.

And that is why, Mr Speaker, as the first sentence of my prepared answer, when he might have been too busy posting on some social media which happens to be his wont these days, now that he has got less responsibility as a parliamentary leader, given that he is on borrowed time – the first sentence of my prepared answer was: the doors for use by members of the public have  
280 been fitted with electromagnetic catches which hold the doors open at all times.

That, Mr Speaker, would suggest that nobody needs to go to the gym three times a week or five times a week or as many times as *he* might appear to want to go to the gym each week to open the doors, because given what I said, Mr Speaker, they should be open all the time. What the hon. Gentleman has said this afternoon – I do not know whether he just does not like to  
285 hear him because he does not want him back in the executive or whether every time that the hon. Gentleman speaks, he hears rap in the background – is that the magnets do not appear to be working because when he was there, the doors were closed. What I said to the Gentleman was: I cannot take at face value what you say, but I shall look into it.

Therefore, Mr Speaker, I will slowly explain to him that what was happening before he got up  
290 was that we were trying to agree between ourselves whether or not the doors were permanently open, therefore obviating any attendance at the gym as a requirement to be able to open them.

295 **Hon. D A Feetham:** Just one more, Mr Speaker.

I have no doubt that he would like me to take a short cut into town through Green Lane so that one of those rocks falls on my head! That would solve the problem of whether I am going to be standing at the next election or not, because I know that he would rather see the back of me.

But, Mr Speaker, I have actually this week been able to find parking at Midtown carpark twice and I can tell the hon. Gentleman that those doors have been closed. Indeed, I have never seen  
300 those doors open with magnets or otherwise; they have always been closed and every time I exit those doors, there is somebody with me they always say, 'God Almighty, these doors ... !' or words to that effect – 'These doors are so heavy you have got to be ...' People comment on the heaviness of those doors. It is genuinely an important point for people with disability and mobility problems.  
305

**Hon. Chief Minister:** Mr Speaker, we recognise that if the doors are not open, there is an issue to be dealt with. That is why we have dealt with it.

310 Now, whether or not the doors are actually open is the issue that the Hon. Mr Llamas has brought in his first supplementary. I will certainly be looking into how his statements today dovetail with his previous statements as to his ability to find parking.

315 But I must disabuse him of his geographical misunderstanding of the route into town from his eyrie up the Rock. He should be making his way down through Devil's Gap steps – also known as *la Escalera del Monte* – not Green Lane, Mr Speaker. It would be the most direct route to his plush offices in the area of Line Wall Road.

**Hon. D A Feetham:** *Our* plush offices.

**Hon. Chief Minister:** Well, no, Mr Speaker, not 'our', because –

320 **Mr Speaker:** Soon to be more plush offices!

**Hon. Chief Minister:** Indeed. Mr Speaker, not 'our', because I am presently charged with the functions of the office of Chief Minister of Gibraltar on behalf of the people of Gibraltar, but I make no bones about the fact that one day when they no longer want me to do this job, I will go  
325 back to do that job. I have no doubt, Mr Speaker, he will be there when I go back.

#### Commencement date for Disability Act 2017 – Statement by the Minister for Housing and Equality

**Mr Speaker:** Okay, on that note, the Hon. Samantha Sacramento has asked to have the opportunity to clarify the matter of the commencement of the Disability Act, which was the subject of exchanges a couple of days ago.  
330

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Yes, Mr Speaker, thank you.

I would like to update the House that a notice has been issued in the Gazette with a commencement date, given the progress that has recently been made, and a date for the commencement of the Act has been set in a couple of weeks' time.

## Questions for Written Answer

335

**Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W23/2018 to W26/2018 inclusive.

### ADJOURNMENT

340

**Chief Minister (Hon. F R Picardo):** I have the honour to move that the House should now adjourn to Friday, 15th June at three in the afternoon.

I have indicated some of the Hon. Members opposite that given the dates for the European Council meeting which will be held at the end of June, between 28th and 29th June this year, I  
345 anticipate that we shall be taking the debate on the Appropriation Bill in July – probably in late

July. It will not be possible for the Government to attend to further parliamentary business with any regularity between now and then. But I expect to be able to return to the House to deal with motions first on that date and then to come back to deal with legislation on later dates culminating or starting with the date on which we deal with the appropriation debate.

350

**Mr Speaker:** So the House will now adjourn to Friday, 15th June at 3 p.m.

*The House adjourned at 4.33 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.12 p.m. – 7.26 p.m.**

**Gibraltar, Friday, 15th June 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.12 p.m.*

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

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

**Clerk:** Meeting of Parliament, Friday, 15th June 2018.  
Government motions. The Hon. the Chief Minister.

## Silence in memory of Grenfell Tower victims

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before we start on the business of today, I am conscious of the fact that yesterday was one year since Grenfell Tower burned in London and that we should observe, as a Parliament, a minute's silence in recognition of the loss of life that that occasioned.

*A minute's silence was observed.*

## Congratulations to Mr Speaker on appointment as Companion of the Order of St Michael and St George

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, from a tragic event to a happy event, this is the first time that the Parliament meets since you have been bestowed by Her Majesty with the Order of Companion of Honour of St Michael and St George.

I think I speak for the whole House in saying that you enjoy our sincere congratulations. I think everyone in this community believes that the bestowing of that Order upon you is very, very richly deserved indeed. You have held just about every office going in this land and you now, with a high degree of patience, sit and preside over our proceedings.

15 I think the whole House will want to join me in adding our congratulations for the many you will no doubt already have received. (**A Member:** Hear, hear.) (*Banging on desks*)

20 **Mr Speaker:** Thank you very much. I am very grateful for those kind sentiments from the Government benches.

Given that it is the Order of St Michael and St George, I can guarantee Members that I am not going to make a bid to be Bishop of Gibraltar! (*Laughter*)

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

**Hon. E J Phillips:** Mr Speaker, we would echo the comments by the Chief Minister and offer our congratulations to you, your wife Julie and your wider family.

Also, just touching upon what the Chief Minister has said in respect of high office, Mr Speaker, you also, I recall, in December 2014 held the position of Acting Governor, so you must be one of the only people to have done all of the high offices in Gibraltar, and we offer our most sincere congratulations to you. *(Banging on desks)*

**Mr Speaker:** I am very grateful. Thanks for those kind sentiments.  
The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I rise to echo the words of the Chief Minister and the Leader of the Opposition and to congratulate you and your wife Julie and family on a very well-deserved honour for a lifetime of service to Gibraltar. You have been Minister, Chief Minister, Mayor, Acting Governor and Speaker and we hope that this service continues for a long time to come.

I also take this opportunity to thank you for all the years that you have dedicated yourself to serving our community and wish you much health and happiness to enjoy this accolade in the years coming. *(Banging on desks)*

**Mr Speaker:** Again, thank you very much. I am very much touched by your kind words. Thank you.

## Order of the Day

### GOVERNMENT MOTIONS

**Hon. Sir Joe Bossano KCMG MP –  
Conferral of Freedom of the City of Gibraltar –  
Motion carried**

**Clerk:** We now proceed to Government motions. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this afternoon is going to be, at least for some time, an afternoon of kind words.

If I may have the honour to move the motion standing in my name, which reads as follows.

*This House:*

*NOTES that Sir Joe Bossano was first elected to Gibraltar House of Assembly in 1972 and that this year, in 2018, he has served as an elected representative of the people of Gibraltar for 46 years;*

– a lifetime, Mr Speaker, in my sense –

*RECALLS that Sir Joe Bossano is now the longest-serving elected representative of the people of Gibraltar in the history of Gibraltar, as well as one of the longest-serving Parliamentarians in the Commonwealth;*

*RECALLS THAT Sir Joe served as Chief Minister following elections in Gibraltar in 1988 and in 1992;*

*FURTHER RECALLS that Sir Joe served as Leader of the Opposition following elections in Gibraltar in 1976, 1984, 1996, 2000, 2003 and in 2007;*

*FURTHER RECALLS that Sir Joe has continued to serve as a Minister following elections in Gibraltar in 2011 and in 2015;*

*COMMENDS his lifetime involvement with the trade-union movement during the struggle for parity and subsequently;*

*FURTHER COMMENDS the transformation of the economy of Gibraltar during his time in Government;*

*WELCOMES his visionary domestic policies of encouraging home ownership through a 50/50 scheme and the abolition of the points system to attend UK universities which opened the floodgates for many students to further their education abroad;*

*WELCOMES his trademark defence of the right of the people of Gibraltar to self-determination and to a democratic decolonisation and his rejection of the claim from Spain to the sovereignty of our country;*

*CONSIDERS that his appointment as a Knight Commander of the Most Distinguished Order of St Michael and St George ('KCMG') by Her Majesty the Queen in the New Year's Honours List for 2018 is richly deserved and was as such joyously welcomed in Gibraltar;*

*DECLARES that the award of a KCMG should be matched by the award of the highest honour that the Parliament of this country can bestow in the name of the people of Gibraltar;*

*HEREBY RESOLVES that the Freedom of the City of Gibraltar be conferred on the Hon. Sir Joe Bossano KCMG MP.*

55 Mr Speaker, Sir Joe's political trajectory is well known to everyone in this community – and I think there is absolutely no risk whatsoever that he will ever be asked to be Acting Governor by the Foreign Office! Yet for the sake of the record of *Hansard*, Mr Speaker, it is right that I should record some of what we all know, so that it is known in perpetuity in the record of the proceedings of this House and in the record therefore of the democratic proceedings of this nation of ours.

60 Joseph, Joe John Bossano stands out as the longest-serving parliamentarian in Gibraltar's political history. I said 'a lifetime', Mr Speaker, at 46 years, because of course, as I always remember, this nation entered the European Community in 1972 and Joe Bossano was elected to this Parliament with you in that year – and I was born, so I can never forget the tally of years that we were in the European Union for and that Joe Bossano has been in this Parliament.

65 He continues to serve in what is said to be one of the longest-serving parliamentary records across the Commonwealth for that unbroken period of 46 years. That longevity marks a continuous period of eight years, from 1988 to 1996 as Chief Minister; almost 20 years, between 1984 and 1988 and from 1996 to 2011, as Leader of the Opposition – which many think is the worst job in a parliamentary democracy; and since 2011 as Minister responsible primarily for economic development in the Government that I have the honour to lead.

70 His contribution to the political emancipation and economic and social development of Gibraltar is as extensive as it is impressive and this record of public service extends far beyond the political, of course.

75 Mr Speaker, he coupled entry into Parliament in 1972 with his role as leader in the Transport and General Workers' Union. He was instrumental in organising and leading the campaign for parity of wages and conditions between the local workforce and UK-based workers in a Gibraltar economy that was then dominated by the UK Ministry of Defence presence, which then employed over 50% of the labour force, notably in the former Royal Naval Dockyard, times that many of the young people in Gibraltar cannot even imagine, let alone remember. That campaign started in 1972 and was finally settled in 1978, despite constant and sometimes hostile opposition from the then UK government, resulting in an end to the long-established wage discrimination at last.

80 I always find of great interest declassified material that sometimes emerges of the 1970s and early 1980s which reflects how the United Kingdom saw this firebrand of a politician who



85 refused to be covered and refused to take no for an answer. As chairman of the Cabinet in  
which he sits I can tell you that 46 years later nothing has changed!

This contribution to trade unionism in particular in Gibraltar between 1972 and 1988 is itself  
unequalled in terms of improving the well-being of the working and middle classes of Gibraltar  
and extends beyond the parity issue, as Sir Joe's work also secured better conditions of  
90 employment in both the public and private sectors for employees both in negotiated  
settlements and in the resolution of countless claims from aggrieved individuals in surgeries  
which required constant daily attention. He never turned people down, attending to their  
problems at all times – and that continues to be the case today, with Sir Joe holding clinics every  
weekend, even now, in his usual selfless style.

95 Joe Bossano managed the trade union role parallel to his early introduction to political life as  
a Member of Parliament and he quickly established for himself a reputation in his interventions  
in the Parliament Chamber on economic and public finance issues. Indeed, in 1973, as a Minister  
in the AACR Government you welcomed that, although from the opposite benches, and in  
respect of someone opposite you, a Gibraltarian was actually able to deliver an in-depth  
100 economic analysis for the first time in the Appropriation Bill debate in that year.

That reputation was enhanced and proven later when, after forming and leading his own  
political party, the Gibraltar Socialist Labour Party, in 1976, he won the General Election in 1988,  
becoming Chief Minister. Straightaway he introduced the formation of a Government  
comprising full-time Ministers dedicated exclusively to the running of Gibraltar's affairs. Before  
105 that, Mr Speaker, only you had been a full-time Minister. Until then, Gibraltar's administration  
had largely been governed on the basis of part-timers. This change in the composition and style  
of Government was significant and it endures to this day.

Aside from elevating the role and commitment of Gibraltarian politicians in the running of  
their country's affairs, it was ushered in at a time of massive change and challenge for Gibraltar.  
110 The Frontier with Spain had been fully opened a few years earlier in 1985, coinciding with the  
closure of the Royal Naval Dockyard, then followed by its failing commercialisation. This resulted  
in high unemployment with all the social consequences that that brings and a pressing need for  
economic diversification.

Gibraltar's resources were extremely limited, given its small land size, negligible lack of  
115 primary industry and limited scope for inward investment, yet as Chief Minister from 1988 to  
1996 Joe Bossano transformed the economy. That alone is a manifestly remarkable  
achievement. Indeed, there are those who used to jest that Joe Bossano had a secret economic  
plan. Well, Mr Speaker, not only did he have an economic plan; it was an economic plan that  
worked.

120 With carefully managed land reclamation, a large infrastructure base was created, resulting  
in new economic activity attracting new commercial businesses. The public utilities were  
commercialised, bringing in United States and UK partnerships, introducing higher technology  
and efficiency, and this in turn brought in new banking and insurance entities, attracted by  
effective marketing of Gibraltar's EU position. This was followed by the entry of major  
125 international gaming companies under strict licensing conditions, the first while Joe Bossano was  
Chief Minister and as a result of his agreement with the chairman of the first of the companies  
that moved to Gibraltar.

At the same time, part of the land reclaimed, funded by the profit of the other part sold for  
commercial use, was allocated for public housing development sold on a co-ownership basis.  
130 That scheme virtually resolved the chronic housing problem which Gibraltar had suffered for  
decades. This was boosted by the negotiation of a lands agreement with the Ministry of Defence  
in 1995, which resulted in the transfer of MoD land and properties, all of which were exploited  
for further commercial and housing development. The home ownership ratio of Gibraltar surged  
from 8% to over 50% during Joe Bossano's tenure in office as Chief Minister, with all the social  
135 and economic benefits which flowed from it. It is often said that, as a result, Joe Bossano created  
Gibraltar's middle class.

Having successfully diversified and strengthened the economy of Gibraltar, Joe Bossano turned his attention to the political and constitutional development of Gibraltar. He revived Gibraltar's cause internationally. He took Gibraltar's case for decolonisation and self-determination to the UN in 1993, a process which continues to date but which had been dormant for times before then. This was supplemented with a prolonged lobbying campaign in the EU and the Commonwealth, notably through the CPA.

Progressively, he achieved constitutional change with a de facto transfer of powers and responsibilities from Her Majesty's Government of the United Kingdom to the Gibraltar Government, and this was later enshrined in the new 2006 Gibraltar Constitution. In doing so and in opposing any form of discussion or negotiation with Spain, he became single-handedly the driver for Gibraltar remaining staunchly British to this day.

In terms of social and welfare development, Joe Bossano introduced a system of universal pension provision through the creation of Gibraltar Community Care, employing the long-term unemployed, who were sometimes considered unemployable by others, in a Government-subsidised community project scheme and introduced free scholarships for all students securing places in the UK and other universities. Of course, the creation of the independent charity, Community Care, was subject to challenge but it was shown to be an entirely independent charity. In his current role as Minister for Economic Development – including Employment until recently – he has introduced employment schemes which have virtually eliminated unemployment in Gibraltar and separately attracted significant inward investment into Gibraltar.

Joe Bossano is a selfless man, totally dedicated to Gibraltar. This involvement in the political life of Gibraltar is not a career; it is a full-time vocation in life, working seven days a week all year. And not seven days a week from nine to five, Mr Speaker. Those of us who know him and work with him know that that work can span the 24 hours of the day and that if you unsuspectingly leave your ringer on on your mobile phone, you might find it is not your alarm that wakes you in the early hours of the morning. And he has never sought any financial gain beyond his salary. Indeed, in his tenure as Chief Minister he also insisted on freezing the salaries of Ministers throughout the eight years that he was in office.

He has an unrivalled record in this Parliament, but more importantly his record in promoting and securing the economic and social development and well-being of the people of Gibraltar stands on its own. In particular, he has stood against difficult change and when the change required was challenging. No other Chief Minister or politician who has previously served Gibraltar in the modern era can be credited with such achievements.

This, Mr Speaker, is not a citation for the Freedom of the City written in preparation or in anticipation of Joe Bossano's retirement from public life, believe me. Joe Bossano repeatedly claims that he will be standing for election until the age of 90 – and he is presently seventy eight. **(Hon. Sir J J Bossano: Seventy nine.)** Seventy nine. I do not think that he will expect us to think that 90 was anything other than a moving feast, Mr Speaker, *(Laughter)*, a moving target. All of those who know him well have no doubt that, nature willing, he will continue to stand for election not just until he is 90 but until he can continue to do so physically. It may seem an obsession in life, but it underscores the unconditional dedication of this man to his people.

The best recommendation for this honour may come actually not from me but from Joe Bossano's principal political opponent of the last 30 years, Sir Peter Caruana QC, from his last Budget speech in this House, where he said, and I quote from *Hansard* for 24th June 2015:

Mr Speaker, during these 25 years – most of them spent as Chief Minister, but eight or nine of them in the no less worthy role of Opposition Member of this great institution – I have of course seen much change and my principal political rival, except in the latter years, the current Chief Minister was of course Joe Bossano. Joe was, I have to say, a formidable political opponent. Formidable but always engaging and I am glad that he is not in this House yet today to hear that, because I suspect he is not one taken for being eulogised and probably would enjoy eulogies even less coming from me.

But nonetheless I think it is appropriate to mark at the end of my parliamentary career

– a day you were, no doubt, keen to see –

that for many of those years I have had opposite me not just a formidable partisan political rival, but also a rival who himself contributed much to the Gibraltar that we all enjoy today and whose own political career will, when it concludes, I think, stand amongst the great ones in Gibraltar's politics.

**A Member:** Hear, hear.

185 **Hon. Chief Minister:** I have no doubt, Mr Speaker, that I will have said some things in presenting this motion which will not be agreeable to Members opposite, but the statement I have quoted from Sir Peter I also have no doubt will be one with which Members opposite in the GSD and even the most diehard anti-Bossano voters will agree with.

190 So Joe Bossano is a giant of our political life and therefore of the life of this Parliament and its predecessor House of Assembly. He is in no mood to retire and the party that he led from 1977 to 2011 is in no mood to see him retire. The fact that he is still as able and as agile in mind as he was in 1973 when he first made that speech on the Appropriation Bill that was a substantive contribution on economics from a Gibraltarian in this House demonstrates that.

195 Indeed, if ever there was, in my view, a man who will die with his boots on and has no desire to retire or give way, it is Sir Joe Bossano. This is a man to whom any award to be bestowed on his retirement is surely an award to be bestowed posthumously. Those of us who know him know that what matters most to him in life is his family and Gibraltar and we will no doubt all agree that he should have the recognition of his people, the recognition of Gibraltar, in life and not just in death.

200 In that way he will have an acknowledgment from friend and foe of the work that he has done, acknowledgment of the effect on the lives of all of us of that dedication he has demonstrated: from the students who have degrees and careers due to his change of the scholarship rules – many of us sitting in this House today as a result; from the elderly who receive the Community Care cheque; from the families that have been built by Gibraltarians in the affordable 50-50 homes he built from 1988; from those members of the trade union movement whom he has tirelessly represented; from all of those who have ever relied on Calpe House as a home away from home in London when they have been ill and needed a place to stay; and from every worker in our economy since the late 1970s when the battle for parity was won. Every single person, Gibraltarian or otherwise, who has worked in our economy has owed the size of their wage packet to the architect of the victory of the battle for parity. And finally, also acknowledgement and recognition from those of us who are proud to call Gibraltar British and who history will show owe a great and huge debt of gratitude to the man who saw the Foreign Office coming. Whether in Strasbourg in 1977, in Lisbon in 1980, in Brussels in 1984 or on the airport in 1987, they were never able to get one past Sir Joe.

215 Finally, Mr Speaker, I think all of us probably also have a story of friendship or other relationship with Sir Joe. I have not wanted to dwell on my personal relationship with him in presenting this motion, which will for posterity reflect the reasons why this House should bestow on him our highest civic honour, but it would be remiss of me not to say this for the record. From the Leader of the House to the Father of the House, from one Chief Minister to a predecessor, from one leader of the GSLP to its founder and the custodian of its ideological core: without his help, his guidance and his support, I would not have had the honour of holding the office I hold today.

225 For all of those reasons, Mr Speaker – the last of which might not find much favour with Members opposite, but something I am sure they will forgive him – I commend the motion in the terms I have earlier set out to the House. (**A Member:** Hear, hear.) (*Banging on desks*)

**The Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

230 **Hon. E J Phillips:** Mr Speaker, there is an amendment on the motion that was filed on 3rd May.

Mr Speaker, I propose the following amendment to the terms of the motion standing in the name of the Hon. the Chief Minister, dated 23rd May 2018.

*At paragraph 12, page 2 of the motion insert 'at an appropriate juncture after he ceases to be a Minister and a Member of Parliament' after the words 'the Hon. Sir Joe Bossano KCMG MP'.*

Mr Speaker, I am speaking to the amendment on this point.

235 The conferring of the Freedom of the City on one of our citizens is the highest honour that this House can bestow. It is therefore rightly reserved for persons of distinction who have rendered eminent service to our city as provided for in section 2 of the Act.

240 The Government's motion seeks to bestow the Freedom of the City on the Father of the House, Sir Joe Bossano KCMG MP. As much as Sir Joe dislikes eulogies, as put by the Chief Minister, platitudes, badges and anyone singing Sir Joe's praises, he has reluctantly been persuaded, as he said in his contribution to his knighthood, to accept in the New Year's Honours List to become a Knight of the Realm. Mr Speaker, I suspect that he will feel equally reluctant today and probably uncomfortable in his chair when he hears today's contributions.

245 The knighthood bestowed on Sir Joe by Her Majesty is different in substance and form to what this motion is seeking to achieve. By operation of this motion we are, as parliamentarians, creating Sir Joe as a Freeman of our City on behalf of the people of Gibraltar and therefore it is important that when we reflect on the very full political life of Sir Joe we are cognisant of parliamentary custom, tradition, practice and procedure.

250 Mr Speaker, Her Majesty's Opposition accepts and agrees that 46 years of service to our community in his contribution to trade unionism, as a Member of Parliament, as Leader of the Opposition, as Chief Minister and latterly as a Government Minister is deserving of our community's highest accolade in principle. We on this side of the House have considered the Government's motion in Shadow Cabinet and none of us disagreed with the language that was proposed by the Hon. Chief Minister in his motion. However, it is our view – and a view we hope  
255 the Government, after careful and fulsome reflection, would share – that the Freedom of the City should be bestowed on Sir Joe once he ceases to be an MP or a Minister. We believe as a matter of principle that this House should not confer the Freedom of the City on its own serving Members. We know of no parliamentary precedent in Gibraltar for conferring the Freedom of the City on one of its own serving Members and we do not understand at this stage the  
260 Government's rationale for doing so in this instance.

We have heard it has been said that whilst we confer the Freedom of the City on serving Members of Parliament of the British Parliament or other parliaments, why cannot we bestow the Freedom on our own serving Members? In our view, that argument does not stack up to scrutiny. What we are doing here is bestowing our community's highest honour on one of our own whilst they are still serving our community. We believe that for our small Parliament to bestow awards for one of its own who is a serving Member at the time is inelegant and wrong as a matter of principle. It can also be seen to undermine the very award we are bestowing.

270 Mr Speaker, the issue of timing in respect of accolades of this nature was debated by this House on 5th July 1996 within which the House debated the question of the Freedom of the City for Sir Joshua Hassan and Sir Bob Peliza, where both Sir Peter and Sir Joe – as far as I can understand and navigate through *Hansard* – enjoyed a rather tense debate, which appeared to be more about form than substance. Importantly in that debate, at page 147 of *Hansard*, Joe Bossano, as he was then, said this:

This has nothing to do with timing, the timing is there because it is a timing that as far as we are concerned we consider to be appropriate, for both of them,

– and a reference is given to Sir Joshua and Sir Bob –

and because we were ready to support the previous motion when it had originally been proposed and therefore at the time when Bob Peliza was still Speaker of the House we would not have ourselves suggested that it should happen, because of course, we thought then that it would

275 – and these are the critical words, Mr Speaker –

not be appropriate to move a motion granting the Freedom of the City to somebody that was still sitting in that Chair, Mr Speaker.

Mr Speaker, it is in our view clear on this side of the House that the beneficiary of the Freedom which the Chief Minister is advocating be granted himself accepts that it would be inappropriate for a serving Member of this House to be granted our city's highest honour.

I repeat: we do not on this side of this House seek to question the motion presented by the Government; we form the view that it is right that once Sir Joe leaves this House the Freedom should absolutely be bestowed, but not now.

I do appreciate that as a consequence of our amendment and conscious of the many public statements about Sir Joe's political longevity – and in fact the Chief Minister referred to that – in Opposition and Government, and also Sir Joe's infamous words, which are still ringing in my head, when I saw Sir Joe on the top of the ICC, 'Feet front into North Front' – a catchy phrase, Mr Speaker – Sir Joe will receive his high honour when he leaves this House, which we firmly believe is a matter of principle and the appropriate approach.

On that basis, Mr Speaker, we would respectfully suggest to the Government that they revisit the position on our amendment and accept the small amendment that we have made in respect of the motion presented by the Chief Minister.

**The Speaker:** I now propose the amendment moved by the Hon. Elliott Phillips, which reads as follows: that at the end of paragraph 12 – which effectively is the end of the Chief Minister's motion – the following words should be added, 'at an appropriate juncture after he ceases to be a Minister and a Member of Parliament'. This is the question which is now before the House.  
The Chief Minister.

**Hon. Chief Minister:** Thank you.

Dealing with the amendment on its own, Mr Speaker, although I do not know whether the Hon. the Leader of the Opposition is indicating Opposition support for the motion with the amendment only, or whether he is indicating Opposition support for the motion whether or not it is amended as he has suggested, because he has not told us that. He has got up to tell us what he wants to amend the motion to say without giving us any indication of what his position on the motion would be.

I am going to give way, Mr Speaker, because he tells me now that he is happy to clarify.

**Hon. E J Phillips:** Mr Speaker if the position is that the Government accept the amendment, then of course we will support the substantive motion as amended. If the Government reject the amendment that we are seeking to place before this House, then we will be abstaining.

**Hon. Chief Minister:** Well, that is where he should have started, Mr Speaker, but of course I will forgive him another rooky error in his no doubt to be short-lived role as Leader of the Opposition while he does not hold the leadership of his party.

Mr Speaker, most of the motions on Freedoms of the City bestowed by this House are obviously not controversial, but I am sure that Sir Joe will be delighted by the controversy that his Freedom of the City is apparently going to create, in particular given that it is a controversy brought by the GSD that GSLP Members of this House and no doubt Liberal Party Members of

this House will be very pleased to defeat and therefore might add an additional gusto to the honour that might be bestowed by the end of this debate.

320 The Hon. Member first of all did not tell us what his position was going to be in relation to the motion; and second, has at the end asked me to revisit my view as to the amendment – except of course I have not given any view as to the amendment that I should therefore revisit. He has presented the amendment and I am now going to speak to it, but I have no mind to change because he has not sought our view in respect of the amendment. The Hon. Mr Phillips did not  
325 write to me to say, ‘I am going to be proposing this,’ so that I replied to him saying, ‘We’re not going to accept it,’ so that he might now say, ‘Will you revisit your position?’ The Hon. Mr Phillips wrote to *you* to put the amendment, we have not had a conversation as a result of it and therefore he cannot ask me to revisit. He can ask me to set out my position, which I think he already has an indication of.

330 But look, Mr Speaker, I am very pleased indeed that the Hon. Member has set out in such inelegant, ungracious and badly researched form his party’s position in respect of this motion, because I think nothing could give us all greater pleasure than to be able to deal with a motion bestowing the Freedom of the City on Joe Bossano than in dealing also with an amendment that will be defeated. It will be defeated not just because they have not sought to concert with us on  
335 the amendment, it will be defeated not just because we have put a motion which therefore clearly signifies our intent and the amendment goes contrary to the intent of the majority in this Parliament; it will be defeated because things have changed a lot in 20 years, first, and second because the things that he has said do not relate to a serving Member of this House other than as a Speaker.

340 First of all, what was the position in the 1990s and the 2000s in the UK in relation to honours? Honours were not bestowed on Ministers in that period. There was a convention that honours would not be bestowed; a convention that arose, in shorthand, as a result of some who had received honours then acting in a manner that was contrary to how those who had such honours should behave. One of those was the former President of Zimbabwe, Mr Mugabe, who  
345 had received a knighthood and he was one of the catalysts for the decision that people should not receive honours and awards whilst they were still serving as Ministers. Hon. Members opposite may not have researched the fact that that changed. It changed indeed in 2016 when Mr Cameron, as he left, in his resignation honours bestowed honours on many front-bench Members of the British Parliament, and there are now many who enjoy honours as a result of  
350 that bestowment and still hold front-bench ministerial office. So that is the first change.

If hon. Members had not been able to research that and understand it, then all they needed to do was look up from their pettiness and see that one of them is sitting in this House opposite them, the very same person who is going to be the subject of the bestowing of the Freedom of the City by the end of this debate, because Sir Joe was bestowed KCMG despite being a Minister.

355 The hon. Member set up the concept that that is different, but he does not explain why it is different. It was not different between 2016 and 1996 or earlier when the convention had arisen that honours were not bestowed whilst somebody was in front-bench ministerial office, but now all they say is it is different. Well, Mr Speaker, there is no reason why we should accept that it is different and that that should be determinative of a position, and clearly hon. Members know,  
360 because of the motion we have put, that we do not think that it is different. We think it is analogous, Mr Speaker.

In particular, the hon. Gentleman took the best argument that I am going to put to the House and failed to distinguish it, but just said it is different, and that is that this Parliament bestows the Freedom of the City on sitting Members of the British Parliament. And so the hon. Member  
365 thinks it is absolutely perfectly okay to bestow the Freedom of the City on somebody who has done great things for Gibraltar but is not a Member of this Parliament but it is not okay to bestow on a sitting Member of this Parliament the Freedom of the City, even though they may have done leagues more work for Gibraltar. It is just ‘different’, Mr Speaker. Well, look, we are

different. We believe it is absolutely right to recognise in life 46 years of service to Gibraltar – probably one of the longest-serving parliamentarians in the Commonwealth.

Mr Speaker, I do not want to be morose – Joe Bossano is not given to squeamishness – but the man says that he will die with his boots on. The hon. Gentleman opposite remembers from his PDP days being at Casemates and hearing him saying that memorable phrase about boots first. Is the hon. Gentleman genuinely saying that we must wait for utter physical fragility to visit Joe Bossano so that he is unable to sign his name on the nomination paper for a General Election before we are able to see the Freedom of the City bestowed, or worse still that he passes away before he can be bestowed the honour of being a Freeman of the City of Gibraltar? Is that really what the GSD has come to do today, Mr Speaker? Is that really what the GSD thinks is right to a man who their former leader – their successful former leader; they have had many leaders since, none of them successful, but their successful former leader – said is a legend in his own lifetime?

Mr Speaker, it is very difficult for me to see any logic other than spite behind what is happening here today. It is not as if because Joe Bossano is a Freeman of the City of Gibraltar that he is entitled not to comply with the Standing Orders and Rules. I think one of the things is he can march with his goats down Main Street, but that does not affect the debates in this House. He is not entitled to put motions later than the rest of us, he is not entitled to have his vote counted twice; there would be no advantage to Joe Bossano as a Freeman of the City of Gibraltar in this Parliament. There would be no advantage outside it either, Mr Speaker, because it is not as if I need to say the things I have said about Joe Bossano, to put them on the record in *Hansard* in Parliament for everybody outside of this place to know all of those things, because they have *lived* them. The people he sees on Saturday and Sunday do not need me to read out a speech saying that he sees people on Saturday and Sunday, so they are not going to decide to vote for him or not vote for him because he is a Freeman of the City of Gibraltar. It is absolutely without consequence in political terms but it is of huge consequence in civic terms to recognise in life the value of the contribution that the man has made.

Mr Speaker, the issue of the timing that the hon. Gentleman refers to in the context of the quote from *Hansard* is all to do with the timing of who put first the motion to bestow on Sir Joshua Hassan the Freedom of the City. That was the issue in controversy in 1996 and 1997. There were two motions to bestow the Freedom of the City on Joshua Hassan: one was put by the Government and one had been put earlier by Joe Bossano, and that was the motion that was heard first and therefore the motion that prospered. That is what the timing debate was about.

Of course, if one side of the House was trying to curry favour with the arbiter of proceedings in the House, that would be quite different, but Joe Bossano is not the arbiter of proceedings in the House – good luck to them if he were, whether or not we bestow on him the Freedom of the City and they object. The Speaker is the arbiter of proceedings in this House and it would have been, I agree with Joe Bossano, entirely inappropriate for one side to seek to bestow on the arbiter, on the referee, a civic honour and in that way seek to sway and curry favour.

If they do not see the difference between themselves as Members of this House and Mr Speaker as the arbiter of the House's rules and regulations, and why it would be inappropriate to move, whilst an individual is Speaker of the House, the Freedom of the City, then they do not understand their own role in this place. Maybe that is why they think sometimes that they are a law unto themselves and they can make rulings and do what they like, Mr Speaker. That is what would be inappropriate.

In effect, Mr Speaker, all the hon. Gentleman has done by quoting the *Hansard* of 1996 or 1997 is do you out of the opportunity for me to move the Freedom for you, because I think it is absolutely right that one side or the other should not be moving the Freedom for the guy who is the referee of the proceedings. So they have reminded us of that, but of little else. And the lack of understanding of the issue that was put at the time, absolutely rightly, I think is demonstrated in what we have heard.

But anyway, 20 years have passed, conventions have changed, and in any event, as they sometimes like to remind us when we tell them that we are doing the same thing that they were

doing, we are the New Dawn Government: we do things in a different way. And in a 24/7 social media world one no longer waits until somebody dies to be able to bestow on them an honour or wait for them to retire, which this particular person has equated with no longer being able to lift a finger and sign a nomination paper.

425 Mr Speaker, of all the things that he will do in his short tenure as Leader of the Opposition – as I have no doubt it will be, not because of elevation to come but for other reasons which are obvious to all of those watching – this must be his lowest and his most inelegant moment in the short time that he will hold this office, but it gives me great pleasure to confirm to the House that Members on the Government bench will be voting against the amendment. I have had  
430 indicated to me by Sir Joe that he thinks it is appropriate that he should abstain during the course of this debate, but I am afraid to tell the hon. Gentleman that, much as the future holds politically today, he is going to be defeated.

**Mr Speaker:** Does any other hon. Member wish to speak on the amendment moved by the  
435 Leader of the Opposition? The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, when we rise here to discuss a motion to bestow the Freedom of the City to the Hon. Father of the House, Sir Joe Bossano, from my corner over here I am looking at a man who was my father's political enemy. He will know that we have not  
440 often seen eye to eye and he will expect me to not share his ideologies and his affiliations. However, regardless of political allegiances, when someone has given his life to serve Gibraltar in all the capacities that have been reflected today, that person does indeed deserve to be recognised. Nevertheless, Mr Speaker, I believe that the GSD amendment calling for this accolade to be postponed until the hon. Gentleman is no longer in office and no longer a  
445 Member of Parliament is entirely correct and appropriate.

Let me remind this House that the Freedom of the City which was bestowed upon Sir Joshua Hassan, a man who had served Gibraltar for 44 years, came eight years after he had left public office and Parliament, something which the Father of the House himself must be thanked for as the Leader of the Opposition at the time because he was the Member of Parliament who first  
450 moved this motion, but eight years after Sir Joshua had left this House. The Freedom of the City given to Sir Joshua was therefore clean of political interest. Party affiliations and allegiances were not in question at the time of that appointment and I therefore believe that that was a decent example that was set as a precedent by politicians and this House, no matter what has happened in the UK, no matter what has happened before, no matter what has happened later.  
455 It was a moral and conscious decision which everybody agreed with at the time.

Mr Speaker, the Chief Minister asks us to express the difference between knighthood and Freedom of the City. The Freedom of the City is symbolic of somebody having all and every trust and privilege over a city. It is a completely different type of accolade to knighthood and it is one which should be saved because that freedom, symbolic or otherwise, should not be given to  
460 somebody in office. The proof is that just now the Chief Minister has mentioned that the Minister himself is going to abstain from voting, which is very decent and moral of him to do but it just shows the power that somebody sitting can have over his own accolade, and that in itself is dangerous. Saying that it is okay as well that this Minister deserves it right now because he is going to possibly die in office – may he enjoy 120 years of health and happiness – I believe is a shallow reason for bestowing it while in office as well.  
465

I therefore fully support the GSD amendment, given that I firmly believe that this most highest honour should be bestowed on retirement. Otherwise, Mr Speaker, what we are doing is setting the dangerous precedent of the politicisation of Freedom of the City to Members of Parliament while in office and, while dangerous, in my view it actually even effectively devalues  
470 the accolade for the hon. Gentleman himself. (*Banging on desks*)

**Mr Speaker:** Does anybody else wish to speak on the amendment? The Hon. Daniel Feetham.



**Hon. D A Feetham:** Mr Speaker, I rise as one of those fallen angels that fell from GSLP heaven 18 years ago. Indeed, Mr Speaker, some would call me, on that side of the House, the Angel of Darkness himself, according to GSLP dogma.

Mr Speaker, I rise to say this: I think it is a real shame, it really is. In all my years that I have been in Parliament, and observing politics but certainly since I have been in this House, it is probably one of those moments that I think really shame us all because everybody in this House agrees that if we were to pick somebody from this House as deserving of the Freedom of the City it is undoubtedly the Hon. the Father of the House. There is no doubt about that for the Hon. the Leader of the Opposition, the hon. Lady and everybody else in this House, and it is a matter of great regret and, I have to say, an indictment of our political system and the way as well that sometimes we conduct politics – and I include myself in that, because I would like to think that the way that I conduct politics is to pull my sleeves up and to pull no punches – but it is an indictment that we have not been able to get together and to agree by consensus a way forward that would cut across some of the recriminations and the counter-recriminations that we have seen today.

The reality of the situation is that the only difference here between both sides is everyone agrees that he deserves it, everyone agrees that he should have it; it is a question of postponement – in other words, when does that take effect – and quite frankly, if you were to ask the Hon. the Father of the House privately what is important, what is important here is not the receipt of that honour at this present moment in time; what is important is that the House in general believes unequivocally, (**A Member:** Hear, hear.) without any doubt and without any hesitation, that the hon. Gentleman deserves that accolade.

My party has taken a position and I will vote in accordance with that position, even though I have to say that within my own family certainly I am going to be reprimanded violently over this weekend for taking the position. But I do think that, on the principle of it, it is the right position to take and I hope that the Hon. the Father of the House can look at this and he understands that he can just simply ignore the vote and understand that everybody in this House believes him to be deserving of this honour – and indeed I cannot think of anybody else in this House who would be more deserving.

I wish to just simply say this and then I will not make any further contribution later on, Mr Speaker. The Hon. the Chief Minister, moving the motion, spoke of the Hon. the Father of the House's considerable achievements – I associate myself entirely with what he has said and I also associate myself with the kind words that the Hon. the Leader of the Opposition has also expressed in relation to the Father of the House. But the reality is that you have many politicians, some of them also serving communities for decades. What distinguishes the hon. Gentleman and people like the hon. Gentleman from others is that there are very few people who in their political journeys through the political life of their community leave genuine footprints. That is what the hon. Gentleman has done in the 46 years that he has been in politics. He stands for something and everybody knows what he stands for. He has been an indefatigable defender of the rights of the people of Gibraltar and of this community, and I cannot think of anybody else who is more deserving of this accolade than the hon. Gentleman. (*Banging on desks*)

**Mr Speaker:** Is there any other contributor on the amendment?

I call upon the Leader of the Opposition to exercise his right to reply.

**Hon. E J Phillips:** Mr Speaker, I am not going to be dealing with the insults that have been thrown about by the Chief Minister insofar as the methodology, the research or otherwise given by the Chief Minister in respect of the contribution. The Hon. Mr Feetham has elegantly set out the position of the GSD and its utmost respect for Sir Joe.

I remind the Chief Minister, and as echoed by the hon. Lady, that a knighthood is materially different to what we are doing in this House. Only we in this House can bestow the Freedom of

525 the City on Sir Joe, and that is why we referred to *Hansard* from 1996, as it demonstrates the parliamentary tradition of *this* Parliament, not somewhere else – not somewhere in Westminster or somewhere foreign to us, but *this* House – and we have the right to vote in respect of bestowing this honour on Sir Joe.

530 Therefore, it is of great regret that the Chief Minister could not simply have got his PA to pick up a phone, from the amendment that was circulated very shortly after 3rd May, to say to me, ‘Mr Phillips, I agree with this amendment,’ and that is the end of it, and we could have enjoyed a positive debate about the political life of Sir Joe Bossano.

535 Mr Speaker, we are disappointed by the Chief Minister’s rather childish reaction to this particular Freedom of the City motion that has been advanced and the amendment. In a long political life it is true that any politician will have in equal measure detractors and supporters, and therefore on reflection I am sure that there are many decisions that Sir Joe may have taken differently with the benefit of hindsight, and although we do not take objection to the substance of the Government’s motion and what it attempts to achieve, it would be remiss of me not to make the point that the Hon. Father of the House has divided public opinion in respect of certain  
540 decisions that Sir Joe has made whilst conducting Gibraltar’s affairs. As we have said on the occasion that Sir Joe was knighted, there is no doubt that Sir Joe has made a substantial contribution to our way of life, from repositioning Gibraltar away from an MoD-reliant economy through to parity as described by the Chief Minister, through to education reforms and home ownership, and indeed, as the Hon. Mr Feetham put it quite rightly, the defence of our  
545 homeland. These contributions are absolutely deserving of the Freedom of the City of Gibraltar, but we must not forget that we on this side of the House have in the past fundamentally disagreed with some of Sir Joe’s policy and other decisions, especially during the time that he was Chief Minister.

550 It is on that basis, Mr Speaker, that our formal position is that unless the Government accepts the amendment we will be abstaining from the substantive motion put by the Government.

**Mr Speaker:** I now put the amendment, as moved by the Hon. Leader of the Opposition, to the vote. Those in favour –

555 **Hon. Chief Minister:** Mr Speaker, I will call a division on the amendment.

**Mr Speaker:** We have a division.

*A division was called for and voting resulted as follows:*

FOR	AGAINST	ABSTAIN
Hon. R M Clinton	Hon. P J Balban	Hon. J J Bossano
Hon. D A Feetham	Hon. Dr J E Cortes	
Hon. T N Hammond	Hon. N F Costa	
Hon. Ms M D Hassan Nahon	Hon. Dr J J Garcia	
Hon. L F Llamas	Hon. A J Isola	
Hon. E J Phillips	Hon. G H Licudi	
Hon. E J Reyes	Hon. S E Linares	
	Hon. F R Picardo	
	Hon. Miss S J Sacramento	

560 **Mr Speaker:** There are 7 votes in favour of the amendment, there is 1 abstention and 9 votes against. The amendment is defeated (*Banging on desks*) and therefore what once again is on the table is the motion moved by the Chief Minister.

The Chief Minister has already spoken and the Hon. Elliott Phillips. I understand the Hon. Danny Feetham wished to cover both cases. Does anybody else wish to contribute?

The Hon. Dr Joseph Garcia.

565 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker. I will be speaking on the motion now, not on the amendment, but I do feel that it needs to be said that they continue to dig their own holes even deeper.

Mr Speaker, I welcome the opportunity to say a few words on the motion before the House today which seeks to confer the Freedom of the City of Gibraltar on Sir Joe Bossano. Let me say  
570 first that I fully endorse the text of the motion and the words of my hon. Friend the Chief Minister.

Sir Joe is already one of Gibraltar's historic personalities. He started in politics before I was born. He has laid the foundations for the future of our country both politically and economically. His record of service to this community is second to none. The motion correctly points out that  
575 from 1972 until 2018 he has been an elected Member for 46 years, first in the House of Assembly and then in the Gibraltar Parliament, but his involvement in politics predates even that. In May 1965, 53 years ago, Sir Joe became the founding secretary of the Pro-Integration Movement. The movement, which was led by Sir Robert Peliza, came about as a reaction to the ongoing crisis with Spain, both locally at the border and also at the United Nations.

In July 1965, in response to the circumstances of the time, Sir Joe wrote to the then Chief Minister Sir Joshua Hassan. His letter called on the then Government of Gibraltar first of all to investigate the possibility of integrating the Rock with Britain; secondly, for executive power to be transferred from the Governor in Council to the legislature; thirdly, to reduce the status of the Governor's Council to that of a consultative forum between the Gibraltar Government and  
585 the three service Departments – the Army, the Navy and the Royal Air Force; that the payment of Income Tax should be made to Westminster and that Gibraltarians should enjoy the benefits that would follow from that; self-government for Gibraltar in all internal matters, with the UK responsible only for foreign affairs and for defence; and equality of status for Gibraltarians and British citizens. A day after that letter, on 8th July 1965, the eleven elected Members of the  
590 Legislative Council decided to bury their differences and unite in a coalition Government. There was to be no opposition. The Pro-Integration Movement could move and did move into that space. That letter, in my view, marked the entry into the political fray of Gibraltar of the person upon whom we seek to bestow this honour today.

Sir Joe did not contest the 1969 General Election. However, on Saturday, 23rd June 1972 he  
595 stood for election for the very first time. He did so under the banner of the Integration with Britain Party, which had evolved from the Pro-Integration Movement, and at that first opportunity was successfully elected with 4,383 votes.

As the House knows, the Integration with Britain Party collapsed in the summer of 1976 following a visit from the then Minister of State, Roy Hattersley. Sir Joe formed then the  
600 Gibraltar Democratic Movement in order to contest the elections that took place on 28th September of that year. He came fifth in that election and polled 5,021 votes, but more importantly became the Leader of the Opposition for the first time as four GDM Members were elected in total.

In October 1977 the GSLP was formed with the collapse of the GDM, and in the 1980 General  
605 Election Sir Joe came second, only 64 votes behind the then Chief Minister, Sir Joshua Hassan. This was a remarkable achievement.

Mr Speaker, as the motion says, Sir Joe was Leader of the Opposition after elections in 1976, 1984, 1996, 2000, 2003 and 2007. He also served as Chief Minister after the 1988 and 1992  
610 elections. Indeed, in 1992 he came first with a record of 9,228 votes and also with 73.1% of the total vote. The latter is still a record.

I think despite all that and despite all of those achievements it is important to note that Joe has not lost his sense of humanity, and if anybody is in a hurry I recommend to them that they do not walk with him from one end of Main Street to the other, because it will take them all day as Joe is stopped by different constituents and makes notes in one of his notebooks.

615 I would also want to draw attention to two themes that have run through Joe's political trajectory. The first is his promotion of the rights of workers, which my hon. Friend the Chief

Minister has already touched upon, both in politics and through the trade union movement. This includes a struggle for parity in wages and conditions with the UK, a struggle that he led and he won.

620 The second is his promotion of our right to self-determination. This is the very principle that the future of Gibraltar can and must only be determined by the people of Gibraltar. One of his enduring legacies will be National Day and everything that it represents in the context of our decolonisation.

625 Coupled with all of this is the unwavering and determined resistance that he has always shown towards the anachronistic Spanish claim to our country, and in this resistance he has also always led from the front. He was one of the few who saw the dangers in the process initiated at Brussels that led to the Lisbon Agreement in 1980 and the Brussels Agreement in 1984, a process under which the former placed our sovereignty on the table implicitly and the latter did so explicitly for the first time in history. And, Mr Speaker, he was proved right.

630 Sir Joe has shown, particularly during his time in Government, that sticking to your principles and sticking to your guns actually works. I still have the pleasure of meeting different Foreign Office officials in different parts of the world who bear the scars of close encounters at that time. Curiously, they also remember him with affection, almost with admiration – I should say that in the first meeting that my hon. Friend the Chief Minister and I had with David Davies, now  
635 the Brexit Minister, who was Minister for Europe at the time when Joe was Chief Minister, the first thing he did was to ask after Joe and to send him his warmest wishes – an important recognition that he was defending his own people and their interests, even when those have clashed with the wider interests of London.

640 He has always defended the concept of creating the building blocks of nationhood through economic self-sufficiency. In his time as Chief Minister he dragged Gibraltar into the modern age.

I started to work closely with Sir Joe more than 20 years ago. Through thick and thin this has been and continues to be a privilege. We have contested five General Elections and two by-elections together. Time flies. It is therefore a genuine pleasure to support this motion.

645 Granting the Freedom of the City at this time is all the more relevant, given the knighthood bestowed upon him by Her Majesty the Queen recently. (**Hon. Chief Minister:** Hear, hear.) This House must follow that by granting the highest honour that it can bestow.

Mr Speaker, Sir Joe will go down in history as one of Gibraltar's political greats, especially if I write it. Thank you. (*Laughter and banging on desks*)

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**Minister for Health, Care and Justice (Hon. N F Costa):** Brilliant!

**Mr Speaker:** Is anybody else speaking on the motion?

The Hon. Albert Isola.

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**Minister for Commerce (Hon. A J Isola):** Yes, Mr Speaker, nothing gives me more pleasure than to be able to rise and speak in support of the motion before the House this afternoon, especially in the presence of the great man himself, who is sitting with us in this House, and on this side of the House.

660

I think it is an absolute terrible shame that on a day when we celebrate the life's work of a man whose commitment to Gibraltar every single Member of this House is in agreement on – or so it appears – that we should fall into the silly temptation, in my view, of playing party politics, or should I call it patio politics?

665 Mr Speaker, what better way to bestow the Freedom of the City on a life-serving Member of our Parliament than for him to be here with us? Times move on, times change: are we going to remain in the way that they keep criticising us for doing, in not moving with the times and changing?

The award of the KCMG to a man who is sitting with us today was absolutely right and appropriate and so is this Freedom of the City, and I see absolutely no reason to talk about 'shame on us', to talk about 'clean of politics' as if the bestowing of this honour on Sir Joe is going to give him some kind of ulterior power which he will be able to use for political ends. Absolutely not. Every single member of our community knows that and understands that, and they are all, without exception – even the hardest fans of the Members opposite will be – saying that he deserves it. We all know that, so why engage in the disruption of what is, after all, a celebration for the entire community irrespective of political background or allegiance – in having this disruption to what is, in my view, an absolute celebration?

Mr Speaker, like yourself, lifetime service to our community is hard to find, and to the extent of what Sir Joe has done I think will never, ever be found again. There is not a single sector of our community that has not changed, benefited or enjoyed the fruits of the labours of that 1988-96 Government.

In my responsibility today as Minister for Commerce there is not a single area with which I work – whether it is financial services, whether it is gaming or whether it is the business community – that even today does not recognise the incredible work that was carried out in that eight-year period. Who would have thought that a socialist Chief Minister in 1997 would invite a leading accounting firm to review our financial services products to see how we can make them better, to work better to create new opportunities, new products and new business lines for our community? Sir Joe did that many years ago, and today those very same products continue to attract new business as to Gibraltar. It is not just that – and I simply do not have the time to take you through; the Chief Minister and the Deputy Chief Minister have already taken us through many of the different things that were done – but there is not a single millimetre of this community that has not been touched by the work of Sir Joe in those years.

But of course the measure of a good man is not just when he is in power, and that is where Sir Joe, for me, the work that he has done, has been most noticeable, because in those dark years of Opposition, in that thankless work in Opposition, Sir Joe carried on seven days a week always being available to anyone and everyone who needed his help or support. And that continues today. So if there is one thing that differentiates him from most other people involved in politics it is his absolute utter devotion to the people of the community that he serves. I do not think we will ever see anyone again who will work in that way and deliver what he has been able to deliver for the benefit of this community.

Of course, it all stems from one very simple word: principle. In politics, principles are often sacrificed for convenience. Not with Sir Joe. The principles he stood by in 1996, 2000 and every single election, including the last one – and I am sure it will be the same in the next one – are based on a core principle that he will *not* compromise, no matter what the political cost of doing that may be. That is what differentiates him again from many of those of us who have political work and political blood running through our veins.

The economy: the Chief Minister referred to the secret economic plan. I call it the secret economic miracle, because what Sir Joe did in that eight-year term to our economy was an absolute miracle. When you look at the numbers and you analyse the numbers of what it was before – MoD contribution/private sector contribution – and then you flip it over eight years later and you look at what it had done then, it is a miracle; it is absolutely staggering. And the one thing about Sir Joe when it comes to the economy, as the Members opposite will now be very familiar with, is he knows what he is talking about. His thinking, his vision and his ability to read numbers and predict their movements are something that we will continue, I hope, for many years to enjoy the fruits of his labour.

Mr Speaker, bestowing the Freedom of the City is in effect giving the hon. Member freedom from serfdom. It is not an irony that precisely what Sir Joe has done for 46 years is serve the people in whatever possible way he can.

I know that the controversy of the Opposition's position today will bring a smile to Sir Joe's face. Indeed, I have no doubt that he will actually thoroughly enjoy the proposition that he is

720 going to have the Freedom of the City bestowed on him by this side of the House and that that side of the House is not going to be supporting him. There is a little quirk of irony in that.

For me, Mr Speaker, honestly and truly it has been an absolute pleasure to have worked with Sir Joe for these 25 years or more in my life with the GSLP and to have the ability to continue to serve with him and learn from him, as I do every single day of the week. It is a pleasure and there is nothing really I can do more. Words are insufficient to describe what I feel about Sir Joe's contribution to our community, our economy and our people, and I will be absolutely delighted to support this motion today.

Thank you, Mr Speaker. *(Banging on desks)*

730 **Mr Speaker:** If there is no other Member who wishes to speak on the motion, I will call on the – Yes, the Hon. Dr John Cortes.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, much has been said already during the course of this debate with which I obviously associate myself and I am not going to repeat, but I think that as the third-oldest Member of this House after yourself and Sir Joe himself, having been aware of Sir Joe's existence probably for as long and longer than some of the Members of this House have been alive, I think I have to say something about the old days.

I first remember Sir Joe when he came back as an active member of the trade union movement. I was a youngster in my teens and the first time I ever met him – he has probably forgotten this – was at a meeting in the John Mackintosh Hall called by my late father, Pepe Cortes, who was then a commissioner of scouts, as the scouts were preparing a nature conservation campaign, and he actually came to that meeting. I was overawed at the fact that he had walked in there and the contribution that he made, and as a young 16- or 17-year-old I sensed that he would rise to great heights. I am sure that neither he nor I imagined that one day we would be sitting in this House together, but I do go back a long way.

Mr Speaker, things that are done that fundamentally change society have one disadvantage in that they often come to get taken for granted and the person behind it is forgotten and things that are day to day one does not realise that were not day to day in the past. In my own time, and I was, I think, again the only Member of this House who actually served with Sir Joe when he was Chief Minister, both as a civil servant as the General Manager of the Health Authority, and later as a contractor I worked closely with him and his Government on a number of issues which I am going to raise because they are relevant to me. One is Calpe House, which I was very happy and proud to have worked with within the Health Service to support this and make this happen. The other was in education, which I was not involved in at the time but I am now, and the difference that the scholarship system has made not just to the students who have taken advantage of it but to the whole community of Gibraltar in having so many people who have benefited from it. It cannot be overstated. And of course in the environment, in which it was the Government that introduced the Nature Protection Act, the Nature Reserve, the first Ministry for the Environment. So the Hon. Sir Joe has touched many people's lives, has changed many things which we have become accustomed to but would not have happened had he not been the person that he is.

Mr Speaker, Gibraltar owes a great deal to Sir Joe Bossano and the Freedom of the City is one way in which the community can say thank you.

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

**Mr Speaker:** The Hon. Samantha Sacramento.

770 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, what an unexpected turn of events this afternoon. I must say that I am surprised that those opposite

have chosen to take this course and I am indeed saddened. Sir Joe's knighthood is of course totally deserved, as is conferring upon him the Freedom of the City of Gibraltar, because this is a man who has selflessly dedicated his life to the city of Gibraltar and its people.

775 There is no need to refer to Sir Joe's achievements; the most significant ones have been listed by the Chief Minister and the Deputy Chief Minister. But we must all be thankful for Sir Joe's visionary policies in the economy, for the elderly through Community Care, for families in affordable housing and for the youth. And I personally have to be grateful to Sir Joe for his change of policy on scholarships, as I have achieved my professional qualifications as a result.

780 Mr Speaker, I come from a family with a very strong trade union background and we, in my family, are lifelong members of the GSLP. I was born in the same year that Joe set up the GSLP and I am a third-generation member of the party. It is therefore no surprise that Joe's socialist values have been instilled in me always, and I have to say that Joe has been an influence to me my whole life because I have known Joe all my life, as have my family.

785 Sir Joe continues to be as dynamic and as visionary as he has always been and it is a real honour and a real pleasure to work alongside him in Government. Personally, for me, Sir Joe is a legend and I fully support the motion.

Thank you, Mr Speaker.

790 **Hon N F Costa:** Hear, hear. (*Banging on desks*)

**Mr Speaker:** The Hon. Paul Balban.

795 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I can think of no one better and no one else who deserves this recognition more – that is to have the Freedom of the City of Gibraltar conferred upon – than Sir Joe, a truly dedicated man who does not know the difference between a Monday and a Sunday when it comes to his work.

800 Joe Bossano has only had one thing at heart since he returned to Gibraltar many years ago, and that was Gibraltar and its people. Nothing could be more important to him than to ensure that our future is safe and that its people are able to rightly decide their own future: *our* future. No adversary is ever too large, no threats ever too great for this unassuming man who has defended and has done so much for Gibraltar and its people.

805 Joe Bossano was in fact a large part of the reason why I became interested in politics long before I had even met him for the first time. His passion for Gibraltar and all things Gibraltarian shines through in every way, in each word, each breath and each of the steps he takes.

810 There are far too many things that are directly attributed to this man to be able to give him credit for here, but I cannot go without at least mentioning the giant strides taken to provide access to further education for all through the abolition of the points system, the creation of affordable homes and the realisation of the largest land bank created through reclamation in Gibraltar; a man respected by his peers, by our elders and in the world of politics; a man with a magnetic charisma when it comes to young people.

815 Regardless of political persuasion, surely no one can deny the fact that Sir Joe has dedicated his life to Gibraltar and its people. Today I warmly congratulate him for his 46 years of parliamentary service. I wish him many more fruitful years at the service of our community, ensuring that our wishes and rights as a people are respected.

I cannot end without also congratulating his family who have stood beside him, and especially his wife Rose, who without doubt has been a crucial part of his success and his great achievements.

820 It is right that this House confers the Freedom of the City of Gibraltar. Congratulations, Sir Joe, on behalf of myself and my family and, no doubt, all the people of Gibraltar. I am proud to support this motion.

Thank you. (*Banging on desks*)

**Mr Speaker:** The Hon. Neil Costa.

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**Hon. N F Costa:** Mr Speaker, whereas I was not going to rise this afternoon, given the speeches given by the Hon. the Chief Minister and the Hon. the Deputy Chief Minister having set out all of the extraordinary achievements of Sir Joe, given the contributions of Members opposite I feel strongly that I must stand to support this award on Sir Joe lest there should be any doubt whatsoever in my mind that Sir Joe must rank as one of the most deserving Gibraltarians to be bestowed this award – if for no other reason than Sir Joe will not retire from politics and he will work until his last breath, if I know him well. He would rather be working for the benefit of his community than be engaged in any other matter. I do not think that Sir Joe has ever taken a holiday willingly. I do not think that Sir Joe is willing to entertain the sort of rest that other people would consider natural and only deserving.

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I think we can all agree he is a man of utter and absolute conviction. He will not remember, I do not think, that I was 10 when I asked for the Chief Minister at the time to give me an interview as a student of St Anne's who had started a magazine. He did not only accept my invitation but spent an entire afternoon explaining to me the politics that he had chosen in his life and the reasons why. Forward that to where we are today, so many years later – in fact, almost 30 years later – and his political discourse today is exactly the same as it was 30 years before, which is to say that the hon. Gentleman's philosophy, politics and convictions have not changed one whit in those 30 years, which shows, as the Hon. Mr Isola said before, that he is a man of single-pointed devotion to the members of our community.

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The Hon. the Chief Minister and the Hon. the Deputy Chief Minister have listed in detail the Hon. Sir Joe's achievements in education, in the economy, in foreign affairs, in achieving the change to mandatory degrees for all those who want to attend university, and of course when one looks at those policies that were started by Sir Joe and you look at Gibraltar today, it is indisputable – there can be no doubt, it is incontrovertible – that the prosperity, the modernity and the sophistication of this community and the number of degrees per capita in a small area such as Gibraltar must rank as a testament, one of the better testaments, to the policies which the Hon. the Minister for Equality has called visionary, and they have been visionary.

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Mr Speaker, I think, as the Hon. Mr Balban said, we have to thank, of course, Sir Joe's family, who no doubt have been with him through thick and through thin, and notwithstanding the many years that Sir Joe stood as Leader of the Opposition in this House they were there for him to support him.

It is the measure of a great person that he is not only in Parliament when he is in Government but also when he is in Opposition and he meets and takes the meetings of all those who want to meet with him and will always give the people who meet him his honest advice.

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His question of integrity is beyond dispute. He has served this community, I think, with unswerving selfless devotion. I think that it will be very hard to find in this community a man or woman in the future who will serve his or her community with such passion and unswerving dedication.

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Therefore, there is no doubt in my mind that Sir Joe should – whilst he is a Member of the Government, whilst he is serving the people of Gibraltar, whilst he is still representing our interests abroad and nationally, while he still has the capacity to rationalise, outdebate us, outmanoeuvre us and is in every single way able to win every argument – be awarded the Freedom of the City, and I have no hesitation to recommend the motion to the House. (*Banging on desks*)

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

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I was not going to speak on this motion because, as has been said, the Chief Minister and the Deputy Chief Minister have given a perfect synopsis of the life and work of Sir Joe Bossano.

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I rise, first of all, in disgust. I am not a very diplomatic person but I am of heart and I have principles, and I accept people with principles but I cannot accept the disgusting way in which this Opposition has behaved today. (**A Member:** Hear, hear.)

880 I have been in this Parliament probably, from the whole of you lot here (*Laughter*) and myself, the third person to be in Parliament – I have been 11 years. I think it is Joe Bossano who has been here the longest; second must be the Deputy Chief Minister, who has been here for 12 years; and I have been here 11 years. All the rest have been less.

885 **Hon. D A Feetham:** More than 11 years, actually. In fairness to you.

**A Member:** I have been here 11.

**Hon. S E Linares:** Thank you, even more – putting my argument into position.

890 I say that I do this in disgust because there has been – (*Interjection by Hon. D A Feetham*) No, from the year 2000, actually. (**A Member:** Eighteen?) So 18 years, yes; 11 in the Opposition – that is why the 11.

895 Anyway, what I was saying is I am disgusted, Mr Speaker, for the simple reason ... And this is the second time that I have seen this attitude and this politics of the GSD, because being on that side, like the Chief Minister said, is a very difficult position to be in and I have had the brunt of the previous administration for 11 years, being called everything except *guapo* for 11 years, and I have accepted it. I have sat down there and I have accepted every single word and every single thing that has been thrown at me, but every time, for example ... And this is why I think this is the second time that I am disgusted, because the first time that I was disgusted by the politics of the GSD was when they voted against the Budget. (**Several Members:** Hear, hear.) Yes, it is  
900 incredible that anybody –

**Mr Speaker:** The Honourable... May I... Keep to the motion.

905 **Hon. S E Linares:** Yes, sir. I will tell you why –

**Mr Speaker:** It is not relevant.

**Hon. S E Linares:** No, I will tell you why it is relevant, Mr Speaker –

910 **Mr Speaker:** I do not think it is.

**Hon. S E Linares:** I have not –

915 **Mr Speaker:** I am warning you that I do not think it is, and if I am right ... I do not want to follow Mr Speaker Bercow in asking the hon. Member to sit down. Please, not today. Be very careful, because I do not think that you are being relevant, but I will give you a chance.

920 **Hon. S E Linares:** Mr Speaker, the relevance is that I learnt from Joe Bossano the fact that you never, even in Opposition, vote against a Budget.

**Mr Speaker:** That has nothing to do with this motion. Whether you vote for a Budget –

**Hon. S E Linares:** Yes, it goes to saying things about Mr Bossano.

925 **Mr Speaker:** Listen to me. Whether you vote for a Budget or whether you do not vote for a Budget has got nothing to do with any of the paragraphs of this motion, so move on to something else which is relevant and leave the Budget aside.

**Hon. S E Linares:** Okay, Mr Speaker, I will move on then.

930 The second part that I have hated today is that they seemed to be accolading and praising  
Sir Joe but at the same time they had the audacity to say that they would abstain from giving  
him the Freedom of the City.

935 It is nonsense that he is in Government now. It is nonsense that he is a Member of  
Parliament. Or is it that the Opposition is actually insinuating that he is going to use his position  
as a Freeman of Gibraltar and abuse it? Is that what you are saying? Because that is the way that  
it seems in all of the argument that you are putting: he is going to abuse his position because he  
is a Freeman of the City. So therefore, that argument for me... and that is why I say I am quite  
disgusted at that.

940 But despite that, I have learnt a lot about Mr Bossano that I am not going to go on about  
because everybody has spoken – even you yourselves have spoken highly of Mr Bossano and  
why he is deserving of the Freedom of the City.

So despite that, I am honoured to be a Member of this Government and I am honoured to be  
voting in favour of the motion, and I hope all the rest of you will as well.

Thank you very much.

945 **Several Members:** Hear, hear. (*Banging on desks*)

**Mr Speaker:** The Hon. Gilbert Licudi.

950 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr  
Speaker, we have this afternoon heard a long list of reasons why this motion is so deserving of  
support and why this motion deserves to succeed. It can all be summed up in one word, and that  
is 'legacy'.

955 Unfortunately, legacy is something we often speak about in terms of a person who may have  
passed away and we talk of the legacy that that person has left behind. In this particular case,  
we are very lucky to be in the rare position of being able to enjoy with a person here with us in  
this Parliament the legacy that he has left behind for all Gibraltarians – not just to enjoy, but as  
we see and walk around Gibraltar it is there and it is palpable. Few people in the world, in fact,  
whether sitting parliamentarians or people who have moved on, can have as an accolade the  
sort of legacy for the whole of their country ... Whether it is economic legacy, whether it is social  
960 legacy, whether it is political legacy, few people can enjoy the sort of recognition that we can  
see in Gibraltar in terms of the benefit to the community and the benefit to the whole of the  
nation that Joe leaves us. And he does not leave us and that is the beauty of what it is that we  
are doing today, because it is not that we are talking of legacy in the past tense. I am sure that  
the legacy of Joe Bossano tomorrow and in five years' time will be very different to what it is  
965 today, although everything that we enjoy today will still be there, and it will be different because  
we still have that benefit of being able to enjoy Joe's contribution to Government policy, to the  
resolute defence of Gibraltar, whether it is in the United Nations or elsewhere, and that will  
continue, hopefully, for many years to come. That legacy will simply be enlarged.

970 That legacy is evident everywhere we go around Gibraltar, whether we walk or we drive, and  
it is so palpable and so much has changed in the many years that Joe has been in office which  
actually improved the lives of so many Gibraltarians. All we have to do is walk or drive around  
the Westside area – a piece of water before Joe came to office in 1988 and in four years that  
area was transformed, and not just transformed into a piece of land which brought with it the  
sort of benefits that we have heard from the Chief Minister and others in terms of being able to  
975 build offices, being able to create the gaming industry and the financial services industry. All of  
that was brought about as a result of decisions that Joe made at the time. When we look at  
Montague Gardens, we look at Harbour Views and we look at Gib5, we see how the social matrix  
of Gibraltar improved, how so many hundreds of families actually benefited from that vision of

980 the creation of land for social benefit and the co-ownership scheme that was devised by Joe, as we have heard.

I joined the GSLP in 1984, 34 years ago. It was the year, as the Hon. Dr Joseph Garcia has said, that the Brussels Agreement was signed, and I remember one day – and I was not involved in politics at all – after the signature of the agreement, listening to Joe in one of his speeches condemning in particular the danger of bilateralism that was included in Brussels: the thin edge of the wedge, where would it all lead, us not being responsible for our own destiny, and the need to object and to fight in whichever means we could against what the Brussels Agreement stood for. That touched me and that made me feel that there was something in this man that was worth listening to. It moved me to follow him into politics by joining the GSLP and very shortly thereafter I was asked to join the executive committee of the GSLP. That was in 1984. Still very proud to be associated with Joe and with the GSLP.

990 From a personal perspective also, following on from what the Hon. Samantha Sacramento has said, 1988 saw the GSLP come into Government, and as the GSLP had promised, that same year the scholarship system was changed. And again, so many hundreds of Gibraltarians have benefited from that fundamental change in how we saw higher education in Gibraltar and the opportunities that needed to be given to our children, to our brothers, to our sons, so that they could have the opportunity of going off to study, staying away if they wanted to but being able to come back and be able to benefit Gibraltar with the wealth of that information and those qualifications and being able to put those to good use.

1000 And it was in 1988, as a mature student at 28, and only with the benefit of that change of policy by Joe Bossano, that I was able to go off to study law, become a lawyer and enjoy a very ... I would not say successful; a very enjoyable ... As an aside I would remark that, the very first year, somebody else who was also benefiting from a scholarship from the GSLP Government was the Hon. Daniel Feetham –

1005 **Hon. D A Feetham:** I still remember the arguments!

**Hon. G H Licudi:** – and although it is digressing, we shared accommodation for a year. We lived together for a year. **(Several Members: Ooh!)** We had endless – *(Interjections and laughter)* Yes, we shared accommodation – in separate rooms – and I remember my room at the time being plastered, literally wall to wall, with the posters of the election in 1988, which included Joe and included Danny's father, and our *endless* discussions, sometimes even arguments, although at that time we often agreed on politics, well into the hours of the night, and that was a direct result of the change that Joe brought.

1015 I do not want to say any more, Mr Speaker, other than apart from what we have seen Joe contribute to Gibraltar in the past – whether it is in bricks and mortar, whether it is in social policy, whether it is in education or all the other areas that we have spoken about – there is one particular thing that I admire and value about Joe, and that is his judgement. Even today I have occasion, whilst we are in Government, to occasionally call Joe whenever I have to take particular decisions as a Government Minister, in order to have the benefit of his experience and importantly his judgement, his views and opinions. He is a fountain of knowledge and he is also, in my view, one of the people that I value most in terms of his opinions and his judgement, and I hope to be able to count on that support from Joe, as of course he does from me.

1025 **Hon. Chief Minister:** Hear, hear. *(Banging on desks)*

**Mr Speaker:** I understand the man himself wishes to say a few words. The Hon. Sir Joe Bossano.

1030 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, this is not an easy motion for me to be speaking to: this is about me.

It is probably a unique result in the context of the occasions where we have previously approved motions conferring the Freedom of the City of Gibraltar on somebody. In all cases that I can remember where I have participated, it has been by unanimity. The Opposition are perfectly entitled to take whatever view they think is correct.

1035 The honest thing about motions like this is that there are people who vote in favour because they really believe that the person concerned deserves it and because they have love, affection and admiration for the person and they want to express it in their vote; and there are people who vote in favour because they feel it is politically suicidal not to – it always happens.

1040 Obviously there are a couple of things that result from the way this has developed that create a problem for me. I had no doubt that I had to abstain because I was not going to vote to confer anything on myself.

1045 In any case, everybody in this Chamber and indeed outside in the rest of our tribe knows how I feel about honours. But over 46 years, the one thing that I have learned is that there is no greater reward and no greater honour than the warmth, affection and love that people show you, and, as Samantha says, when it transcends generations. I am privileged that having been as long as I have, doing what gives me most satisfaction in life and being paid for it at the same time, we've just had all that happen, that, I can be with the grandchildren of the people who started with me.

1050 I am going to abstain on this motion because it is wrong for me to vote in favour, which puts me in an extremely difficult position of having to vote with the Opposition against my own Government. *(Laughter)* That may well explain why they are doing it: they cannot think of anything worse to do to me than that!

1055 Why should they be so scared of me getting it now in the knowledge that the one thing that this motion has already secured for me is not the Freedom of the City to be able to do what the Freedom of the City allows you to do – which I will explain shortly, which may explain their fear – but it has secured for me, I think, the votes of all the Members on this side for the selection process for next year's General Election when I intend to stand as a candidate.

1060 I have already publicly proclaimed support for my candidature for the 2019 election if I manage to keep on going in my present state of health and my present state of mind. I think 80 is a good age to start on a thing, and of course as the Chief Minister mentioned, 90 really well... Look, every day we read in the newspapers how the lifespan is growing and getting longer, and so what looked like a very far day ... Ninety does not look so far away after all now, *(Laughter)* so I am sure I can persuade my colleagues that the 90 was a symbolic date, really.

1065 Nothing is going to be added to what I can or cannot do in Parliament, but what is being added is what I can do outside Parliament, and that is that I can go down Main Street with bayonets fixed. They may not like the idea of meeting me in Main Street with bayonets fixed and they want it to happen when I am not here. And given the intentions that I have of being here for a very long time, that means that they want it to happen when they are not here, because they are likely to stop being here well before I do. *(Laughter)*

1070 So, on that basis, Mr Speaker, I cannot commend people to vote for the motion because I am actually going to abstain, and it will be the first time – and the only time, I hope – in my life that I vote with the GSD. *(Banging on desks)*

**Mr Speaker:** The Hon. the Chief Minister.

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**Hon. Chief Minister:** Mr Speaker, I have to start, in dealing with the contributions we have heard, with the contribution from the hon. Lady who said that it was dangerous to bestow on Sir Joe the Freedom of the City whilst he was a Member of this House – well, I think he has done a better job than me of speculating on why there might be any potential danger of somebody having this honour despite the fact it has absolutely no parliamentary effect – and that it devalues the honour in some way. I really cannot understand that, other than that she wanted to make a speech on the subject which somehow enabled her to not support the motion. I must

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say to her, with the greatest of respect, I think it is sophistry to try and go down that road because it is very clear that there will be absolutely no material change to the rights and privileges as a Member of this Parliament that Joe Bossano will enjoy as a Knight of the Realm and Member of Parliament or as a Knight of the Realm, Member of Parliament and Freeman of the City of Gibraltar.

In fact, she said of course he has the power to vote on his own honour. Well, he has already indicated that he is going to disappoint us all by voting with the Opposition on this one, aka not voting by abstaining. The hon. Lady there has, I think, reflected a deep misunderstanding of what it is that happens when we vote on legislation in this House. There is legislation before the House today, as there will have been on many occasions in the times that all of us have been here, where Ministers will present Bills that will give them power to do things. They will present the Bill, they will vote in favour of the Bill and ask everybody else to support them, and they will take from this Parliament real power to do things as Ministers empowered under legislation to do things. In this vote all we are doing is showing our affection and our thanks for the work done by the hon. Member.

Indeed, very often in the history of this House when there was a different practice, mayors would be appointed from within the rank of the House and therefore a Member of the House was bestowed the rank, privilege and honour of the mayoralty and sat in this House and voted on the honour, because in the days when that was the case under the old Constitution, the majority was one and therefore if it was not going to go by unanimity the mayor nominee had to vote himself as mayor – if he was not the Speaker, for example – in order to ensure that the vote was won. We had a number of instances where mayors were members of the political party that was in Government.

So the hon. Lady's argument I think has absolutely no truck with reality, but if she will allow me this reflection, if there is anything that could make Joe Bossano's receipt of this honour even sweeter it is perhaps that with one vote of the GSLP Liberal Government we are going to defeat the GSD and Hassan to get him the Freedom of the City which he rightly deserves. I think if she will allow me that affectionate reflection it will be even sweeter.

Mr Speaker, how can the people of Gibraltar not follow Her Majesty the Queen in recognising the efforts and the work of Joe Bossano? We, in a representative democracy in this Parliament, are the representatives of the people of Gibraltar and with our votes today those of us who raise our hands will recognise that work, that devotion of Joe Bossano in the same way that Her Majesty, in the bestowment of the KCMG, recognised it also.

I think it is very clear to hon. Members opposite that by taking the attitude they have taken they have not ruined Joe Bossano's day – they have probably made it, to an extent. If I know somebody of whom saying that he is mired in controversy is more of an accolade than it is a concern, it is Joe Bossano.

The Hon. Mr Feetham rose to say that a day like today shames us all and that it was with great regret that he saw the way that the debate was going. Well, Mr Speaker, it shames us all only because there is a motion before the House which could have passed by unanimity and they have chosen, without consultation with the Government, to present an amendment which has caused the controversy in the terms that we have debated.

So, if there is regret, why do it, Mr Speaker? They are still in time – their amendment has been defeated. All they need to do is raise their hands or intone a 'yea' rather than silence when the vote is called.

I will tell him something, Mr Speaker – honestly and genuinely I will tell him this: I do not think this would have happened if he was Leader of the Opposition. I genuinely do not believe that. I think that what we are seeing here today is something designed outside of this House, not within it, and I genuinely believe that this motion should have gone by unanimity and that if he were Leader of the Opposition ... Indeed, I will go further, Mr Speaker: if chance had dealt us different cards and if he were Leader of this House, this motion would have gone by unanimity. I am utterly sure of that. We know each other very well and he knows that in all the time that he

1135 has been a Member of this House he has at different times intoned it in a different way, but he  
has never hidden his affection for Joe Bossano and his contribution to this community.  
Mr Speaker, it is clear, I think, almost beyond peradventure, given that he said, 'My party has  
taken a position and I will support it,' so I think it is very clear to me that what he was saying to  
1140 us was intoned as support for the amendment but actually by way of apology to Joe Bossano,  
and on this side of the House I for one will interpret it in that way because I think that is  
genuinely what he intended to do, for all the right reasons. He could not have been clearer in  
the way that he described the 'legacy', as Gilbert Licudi put it, of Joe Bossano: what distinguishes  
Sir Joe is that he leaves genuine footprints in our community, in our nation. Well, as those of us  
1145 who have had occasion to step into them know, Joe Bossano has giant shoes. He leaves giant  
footprints in this community and the hon. Gentleman knows that and rightly expressed his views  
as to the legacy of Joe Bossano in that way for that reason, because despite the cut and thrust of  
politics, and on one occasion the invitation to go downstairs and take politics one step further,  
despite that, the genuine affection –

1150 **Hon. D A Feetham:** That is why I am abstaining.

**Hon. Chief Minister:** Because of the bayonet? (**Hon. D A Feetham:** Yes!) The genuine  
affection has always been there at a human level and I am sorry that he has been put in this  
position, which is absolutely clear given his own words in *Hansard* that his party has taken a  
1155 position and he is therefore going to support it.

Mr Speaker, the Hon. Mr Phillips then said that Mr Feetham had set out elegantly the  
position of the GSD. Well, perhaps more elegantly than he did, that is for sure, because he  
expressed that reluctance at the step that they were taking ... a reluctance that was not  
evidenced in the gusto with which he presented the notion that the application of the motion  
1160 should be suspended until Joe Bossano retired.

And then Mr Phillips said it was a shame that the Chief Minister had not got his PA to pick up  
the phone and that then I had told him that I had accepted his amendment and there would be  
therefore no need for this debate. Well, given that I moved the motion, which did not  
countenance the suspension, I think it is pretty nonsensical to think that I would have actually  
1165 acquiesced to an amendment which blunts the effect of what I proposed to the House we  
should do. I will say to him that I think it is a shame he did not get his PA to pick up the phone  
and tell me that he agreed with the motion that we had put and that he was not going to move  
his amendment. Then, as he said, we could have had a much more convivial debate, because the  
conviviality is taken out of the debate only by the actions that they have sought to implement  
1170 today.

You see, Mr Speaker, the fact is that all we are asking them to do in exchange for the  
lifetime's commitment that this man has given to Gibraltar – for National Day; for the homes; for  
the scholarships, and he may have been one of the beneficiaries of those scholarships; for the  
hours spent seeing people, sorting out their problems – all we are asking them to do is to raise  
1175 their hands or say yes when that question is called. That is all, and they cannot even bring  
themselves to do that.

The Hon. the Deputy Chief Minister, in characteristic style, reminded us of things that many  
of us might have forgotten – that is the role of the historian – and I want to deal with something  
that he said. He told the House that Joe Bossano started in politics before he was born, and lest  
1180 anybody think that he is younger than me I was very happy to see that he clarified that Joe  
Bossano's contribution to politics and public life in Gibraltar started even when Joe Bossano was  
not in Gibraltar. I think that is an important reminder to us that the trajectory of the Hon. Sir Joe  
Bossano does not start in 1972; it starts way before, in the mid-1960s. And the letter that he  
remitted to Sir Joshua at that time, the second limb of which was amongst those that the Deputy  
1185 Chief Minister set out, was absolutely prescient, and achieved now, as a result of the steps taken  
from the moment that Joe Bossano was elected in 1988 as Chief Minister, which was that letter

that he commended Sir Joshua should have sent to the Governor demanding self-government for Gibraltar in every respect and the withdrawal of the Governor from the Council of Ministers and internal self-government, therefore, in every respect.

1190 I am reminded, Mr Speaker, by note that in fact at the time that Joe Bossano was elected in 1988 and made all his Ministers full-time Ministers and froze their salaries, the salaries frozen were those of part-time Ministers, namely the part-time salaries of Ministers. Those who have been on the political journey with Joe Bossano certainly have the wounds to show for it, Mr Speaker! Certainly!

1195 Dr Garcia reminded us that Joe Bossano's influence in this community is constant as he walks down Main Street and people stop him and seek his intervention and he takes out one of those notebooks and writes down the problem in order to ensure that he gets back to the individual.

1200 Mr Speaker, Dr Garcia should try walking with Sir Joe down Main Street on National Day. It is absolutely impossible to get yourself to the stage in time – if you do – and you have soon got to leave him behind and hope that he will catch up, and en route he will no doubt lose one or more of the notebooks and his passport. The minute he then meets up with you again he will tell you that he is sure you have got it and that it is absolute sabotage that you are trying to perpetuate on him.

1205 It is particularly amusing when he loses the passport on arrival at US immigration – and I can confirm to hon. Gentlemen that it is possible to get back on an aeroplane once you get off, when it is empty, if you have the right argument – namely, 'We're getting back on this plane to go back to London or we're finding the passport that the hon. Gentleman has lost.'

1210 But National Day, Mr Speaker, is Gibraltar's day and it is Gibraltar's day because Joe Bossano made it Gibraltar's day. It should also be his day and one of the things that we are certainly going to do if this motion enjoys the support of the House – as I am sure it will do, given the things that hon. Members have said – is that we will seek to liaise with the Self-Determination for Gibraltar group so that the Freedom of the City which this House votes today should be bestowed on Sir Joe Bossano on 10th September this year. That is the most fitting date for Joe Bossano to be made a Freeman of the City.

1215 Mr Speaker, it is also absolutely true that all of the officials that I have met in the time that I have been Chief Minister who had occasion to do 10 rounds with Joe Bossano when he was Chief Minister remember him as entirely uncompromising and, as they have subsequently said to us on condition of anonymity, absolutely right when he was making the arguments and fantastically affectionate and a good friend once the argument was over. That, I think, is a characteristic that Joe Bossano has brought to politics in every respect, and every one of his political opponents, however bitter they may have been at any time, whenever they have needed his support have found it. That, I think, sets him apart from so many.

1220 Mr Speaker, what Joe Bossano deserves is the unanimity of this House on the bestowment of the Freedom of the City. Hon. Members have said that they believe that he deserves it. In a representative democracy we represent the people, and they represent just barely ... in fact, just under a third of the people of Gibraltar. But even that one third of the people or less that they represent, they have said they believe Joe Bossano should have the Freedom of the City; it is just a question of when.

1230 But when the time comes to vote, the history of this place will show that only one side of the House actually voted in support of his deserving entitlement to the Freedom of the City. It matters little. In fact the Freedom will pass, and I think to an extent the fact it will be the first Freedom not to pass with unanimity ... but I seem to detect with no votes against might actually be another badge of honour that Joe Bossano can wear with pride.

1235 When you look at how combative he has been in his career and you ask yourself is this man just controversial for the sake of it ... I asked him a question once when I was flying with him to New York – occasions on which he educated me on the human genome, on the basics of economics and the detail of politics. I said to him once, 'Joe, you lost the election in 1996 because you did certain things which people didn't like. Why did you do them? Would you do

1240 them again if you had the chance?’ and he said to me, ‘Every single one of the things I did was  
 the right thing to do for Gibraltar and I would do them again, even if I knew it would lead me to  
 losing the election.’ That demonstrates not a desire to seek controversy but a desire to do the  
 best for Gibraltar even if it is controversial, and that is hugely valuable, and that no doubt will  
 have come out in the magazine that Neil Costa was responsible for editing when he was a boy. I  
 commend him to go from this place to his home and find a copy and bring it on Monday to the  
 1245 Cabinet session so that we can all understand what it was that Joe told him then.

Mr Speaker, this is a man who has never sought comfort or elevation, and the best way to  
 recognise his ‘legacy’, as Gilbert Licudi put it, is to enshrine that legacy in the award of the  
 Freedom of the City which this House can bestow, because if there is one thing that Minister  
 Licudi said with which I disagree it is that he said that hundreds had benefited from scholarships.

1250 **Hon. G H Licudi:** Hundreds of families.

**Hon. Chief Minister:** Hundreds of families. Now it is probably thousands, if not indeed tens of  
 thousands. Given the numbers that he used to remind me, when he was Minister for Education,  
 1255 we had already outside of Gibraltar, just now I think it is probably thousands, if not tens of  
 thousands of Gibraltarian families who have had the benefit of scholarships.

So, Mr Speaker, as I come to the end of my contribution and I commend this motion to the  
 House and I reflect on the position that hon. Members opposite have taken, I am reminded of  
 the words of Michelle Obama in the context of an election in the United States when her  
 1260 husband was being insulted and the insults were spilling on to her and she said, ‘When they go  
 low, we go high.’ Mr Speaker, hon. Members are going low today: we will go high.

This motion is about Joe Bossano and his love for Gibraltar, and what we are saying back to  
 him is that Gibraltar loves him back. That is why I commend this motion to the House. *(Banging  
 on desks)*

1265 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the  
 Chief Minister. Is there a division required?

**Hon. Chief Minister:** Absolutely, Mr Speaker.

1270 *A division was called for and voting resulted as follows:*

**FOR**

Hon. P J Balban  
 Hon. Dr J E Cortes  
 Hon. N F Costa  
 Hon. Dr J J Garcia  
 Hon. A J Isola  
 Hon. G H Licudi  
 Hon. S E Linares  
 Hon. F R Picardo  
 Hon. Miss S J Sacramento

**AGAINST**

None

**ABSTAIN**

Hon. J J Bossano  
 Hon. R M Clinton  
 Hon. D A Feetham  
 Hon. T N Hammond  
 Hon. Ms M D Hassan Nahon  
 Hon. L F Llamas  
 Hon. E J Phillips  
 Hon. E J Reyes

**Mr Speaker:** There are 9 votes in favour of the motion, with 8 abstentions. The motion is  
 carried. *(Banging on desks)*

We will now have a recess of 20 minutes.

*The House recessed at 5.25 p.m. and resumed it sitting at 5.50 p.m.*



**Pensions Act –  
Pensions (Amendment) Regulations 2018 –  
Motion carried**

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

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

*That the Gibraltar Parliament approve by resolution, the making of the Pensions (Amendment) Regulations 2018 as set out in the enclosed draft for circulation, pursuant to section 3(3) of the Pensions Act.*

Mr Speaker, this resolution is required as a result of section 3(3) of the Pensions Act, which allows Government to give retrospective effect to a regulation made under the Act in order to confer benefit upon a person, provided the approval of the Parliament is received by resolution.

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These Regulations amend Regulation 5(2) to allow non-pensionable officers – industrials, that is to say – to retire, in special cases approved by Government, at the age of 50 rather than 55.

This particular amendment does not require retrospective effect. The two provisions which do require retrospective effect are Regulation 3(2)(b) and Regulation 4, and I will deal with each of these in turn.

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The amendment in Regulation 3(2)(b) allows for HMGOG, in special certain cases approved by the Government in writing, to waive the requirements set out in Regulation 5(5) of the Pensions Regulations that non-pensionable officers – that is to say, again, industrials – may not receive a pension, gratuity or other allowance until attaining the age of 60, even if they retired earlier. Therefore, under this provision, non-pensionable officers may decide to take a commutation before reaching the age of 60 as long as there is an agreement in writing with the Government, which can be by way of an early exit scheme agreement.

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The retrospective date applying to this provision is 4th February 2011, which was the date when the Government then, the former administration, and the Building and Works Department Early Exit Scheme Agreement was entered into. Therefore, non-pensionable officers – industrials – who have left under any early exit scheme since this date but who are currently waiting until the age of 50 to receive their pensions award may reach an agreement with the Government to receive their pension and gratuity or allowance before attaining the age of 60.

1295

Regulation 4 is also given retrospective effect to 4th February 2011. This provision amends Regulation 2 of the Pensions (Amendment) Regulations 2011 so that an industrial can, in special cases approved by the Government, at the time of retirement, as from the age of 50, be treated as if he were an officer in a pensionable office and receive the same pension and gratuity as an officer in a pensionable office with the same amount of pensionable service.

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Mr Speaker, for all those reasons I commend the motion to the House.

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

The Hon. Roy Clinton.

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**Hon. R M Clinton:** Thank you, Mr Speaker.

I am grateful to the Chief Minister for having set out the various amendments and the effects of those amendments, and indeed the legislation under which the amendments are coming to this House – and indeed the Pensions Act itself under section 3 requires this House to give approval by resolution for anything that is to have retrospective effect, as the Chief Minister has correctly said.

1315

The section that is being sought to be amended under 3(2)(b), where it says:

(b) for subregulation (5A) substitute –

‘(5A) Subregulation (5) shall not apply in special cases approved by the Government in writing, such approval being set out in the terms of an early exit scheme agreement or otherwise, specifying that such officer may be granted a pension, gratuity or other allowance before attaining the age of sixty.’.

And then (c) says:

delete subregulation (5B).

The original sections 5A and 5B – Mr Speaker, with your indulgence I shall read them to the House – say:

1320

5A Subregulation (5) shall not apply to those officers who are subject to the Housing Works Agency Early Exit Scheme and commute their pension in accordance with paragraph (3) or take a pension in accordance with paragraph (6) of the side letter of agreement which came into effect on 14th November 2017.

And then (5B) reads:

Regulation 2 of the Pensions (Amendment) Regulations 2001 shall apply to those officers referred to in subregulation 5C as if the age stipulated in that regulation were fifty instead of sixty.

Mr Speaker, I am not aware, and maybe the Chief Minister can enlighten me, that the side letter of agreement has been presented to this House. Maybe it has in the past – I cannot say. I have not seen such a letter.

1325

My concern is whether the wording that now is being sought to be put in substitution seems now to be rather generic in that it could apply to any early exit scheme agreement, and not this one in particular. Is it that the Chief Minister is asking this House to approve as it were – I use the words carefully – a ‘blank cheque’ in respect of exit schemes, in terms that it could apply to any exit scheme the Government so chooses to design? I would be grateful for the Chief Minister’s explanation for that.

1330

Also, I must admit I am curious as to why 50 is now being substituted in place of 55. It does seem somewhat generous to people to retire at the age of 50 and commute their pensions. Again, Mr Speaker, I am not aware of the contents of the side letter agreement with the Housing Works Agency.

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My concern – and it very much depends on what the Chief Minister or others may be able to contribute to this motion – is what is likely to be the future effect of this motion in terms of the future early exit schemes, and certainly in respect of the application retrospectively. Can the Chief Minister give us some indication of what the cost of this scheme will be, although I recognise that in terms of any future liability a liability, if already exists, but how much would he expect would be able to be commuted immediately by this motion coming into effect today?

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Mr Speaker, in terms of the Chief Minister’s response, then we will be able to take a view as to our position on the motion.

Thank you, Mr Speaker.

1345

**Mr Speaker:** Does anybody else wish to speak on this motion? The Hon. Sir Joseph Bossano.

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, the reason for the amendment initially came about because of an agreement that was done with the relevant union then reaching the Principal Auditor, who thought that in fact what had been agreed and accepted required an amendment to the existing regulations. Therefore, the regulation has been changed in order to be able to honour an agreement that was entered into on the basis that both sides entering into that agreement thought that the provisions that already existed covered that situation.

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The position of going to 50 years, which is a new element that is being introduced at the same time, is on the basis that it will be cost neutral. There will be no cost involved because

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1360 people who choose to take their pension at so have to commute 100%. Therefore, if they did not commute 100% it would mean that the cost would be five more years of pension, but if they commute 100% the amount that they get at the age of 50 as a lump sum will be the same amount as they would get at the age of 55 as a lump sum. There is a small element of the fact that the money would be worth more five years earlier in terms of inflation, but in terms of the cost, the cost would have been prohibitive, and when people make representations about being able to go at 50 – and there are already categories in the public service that can go at 50; for example, firemen can go at 50 – it was considered on the basis that it would not cost a significant amount of money.

1365 I think, in terms of numbers, we are probably talking about less than a dozen people being involved, and in terms of the cost, if they choose to go at 50 it will mean that it would be the cost of getting a lump sum payment five years earlier than they would have got it, and therefore the benefit to them will be that the money, in theory, would be worth more because five years later it would be the same amount of money reduced by inflation. There is no other cost over and above what existed before.

**Mr Speaker:** Any other Member wish to speak on this motion?

I call on the mover to reply.

1375 **Hon. Chief Minister:** Well, Mr Speaker, I think the Hon. Sir Joe Bossano has set out the intention of the Government and the reasoning behind why the amendment is required.

The Pensions Act is a sacrosanct Act, in the sense that we have to be very careful with what we allow under it or we do not allow under it, and therefore it is when we are convinced that an amendment is required that we would bring it to ensure that we are able to cover all of the eventualities that the Government envisages, as Sir Joe has set out, and for that reason, Mr Speaker, I commend the motion to the House.

**Mr Speaker:** I now put the question in the terms of the motion moved by the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

**Select Committees on Parliamentary Reform and on Constitutional Reform –  
Membership –  
Debate commenced**

1385 **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:*

*Recalls the establishment of Select Committees on Parliamentary Reform and on Constitutional Reform:*

*AND NOW HEREBY RESOLVES:*

*to add the Hon. L Llamas to both these Select Committees;*

*to add the Hon. Dr J Cortes to the Select Committee on Constitutional Reform;*

*to add the Hon. S Linares to the Select Committee on Parliamentary Reform.*

1390 Mr Speaker, the history of this motion is well known to all Members of the House. We have seen Mr Llamas depart the GSD after the Budget session last year and, as a result of that, given

that he became a new independent Member of the House, the Hon. the Deputy Chief Minister moved a motion that he should be added to the Brexit Select Committee.

1395 Subsequently, well indeed, that debate engendered a rather lively contribution by hon. Members opposite. As I have said before, it will go down as the Hon. Mr Feetham's best speech in this House, as far as we are concerned on this side of the House, and indeed Mr Llamas had something to say about the attitude that hon. Members had taken. I will put it no further than that.

1400 Subsequently, and despite all of that and all the things that were said, the Hon. Mr Llamas has now told us that he has returned to the GSD. He gave an indication to the House, therefore, of what his position would be in respect of select committees and it is therefore necessary for us to make an amendment to the motion, of which I have given written notice. I think some changes are required.

1405 The notice in writing I think is with hon. Members and in effect what we will do now is we will remove Mr Llamas from the Select Committees, including the Brexit Select Committee, and not add any other Member of the Government, so that the motion therefore serves to remove Mr Llamas from the Committee on which we have put him, rather than add him to any others.

I apologise to the House, Mr Speaker, for the confusion, but I assure you it is not of our making.

1410 **Mr Speaker:** What I propose to do first of all is to put the amendment to the motion to Members beforehand, which has been circulated. Do the Opposition have the amendment?

**A Member:** Where is the motion?

1415 **Hon. Chief Minister:** The motion is on the Order Paper.

**Mr Speaker:** Do they need the motion as well? (**A Member:** Yes.) Yes?

For the record, let me read out the motion – it is not very long. The Chief Minister's motion reads as follows – the original motion:

THIS HOUSE:

Recalls the establishment of Select Committees on Parliamentary Reform and on Constitutional Reform:

AND NOW HEREBY RESOLVES:

to add the Hon. L Llamas to both these Select Committees;

to add the Hon. Dr J Cortes to the Select Committee on Constitutional Reform;

to add the Hon. S Linares to the Select Committee on Parliamentary Reform.

1420 That is the motion and now you have the amendment before you, and it is the amendment –

**Hon. Chief Minister:** If I could be of assistance, I think it may be that there is another –

**Mr Speaker:** The amendment has to be moved.

1425

**Hon. Chief Minister:** Yes, indeed, but I think it needs to be tweaked to add the deletion of the words 'Select Committees on Parliamentary Reform and on Constitutional Reform', so that it should read instead:

Recalls the establishment of the Select Committee on Brexit:

1430 I think that has to be the first amendment, and then the amendments I have put. So I will have to give written notice of that as well, in writing – as written notice inevitably is. And so I will just write it on here, Mr Speaker.

Hon. Members really do make our lives interesting with their toing and froing.

1435 So if that could be moved as one amendment, Mr Speaker, the one of which notice has been given in the letter, and the one which I move now is one amendment. Then I think we deal with it.

**Mr Speaker:** I wonder whether hon. Members would like to move on to the next motion and then come back to this one. No?

1440 **Hon. E J Phillips:** We need a discussion.

**Mr Speaker:** I cannot hear you.

1445 **Hon. E J Phillips:** Consult.

**A Member:** Okay, he wants to discuss (inaudible)

1450 **Hon. Chief Minister:** Well, Mr Speaker, if they want to consult, that is fine. It is a motion to do what Mr Llamas asked us to do, which is to take him out of the Brexit Select Committee and not put him on any other, but no difficulty with moving on to the other motion if hon. Members want to do it that way. I have no difficulty with that and we can come back to –

**Mr Speaker:** Would you like to move on to the next motion?

1455 **Hon. Chief Minister:** Or recess? Do they prefer that?

1460 **Hon. E J Phillips:** I am happy to move to the next motion but what I am suggesting is that the Chief Minister and I have a short discussion outside, behind the Speaker's Chair, on this particular point.

**Hon. Chief Minister:** Mr Speaker, the Clerk is inviting me to recess for five minutes – probably the most sensible thing to do.

1465 **Mr Speaker:** Yes, let's have a short recess.

*The House recessed at 6.13 p.m. and resumed its sitting at 6.25 p.m.*

**Select Committees on Parliamentary Reform and on Constitutional Reform –  
Membership –  
Debate concluded; amended motion carried**

**Mr Speaker:** Hon. Members all have now the amendment as proposed by the Chief Minister, and therefore I am going to put that to the vote.

1470 Do you want to speak on it? If you do, by all means go ahead. The Hon. the Leader of the Opposition.

**Hon. E J Phillips:** Mr Speaker, we appreciate the short break which has enabled the opportunity for the Chief Minister and I to speak about this particular issue.

1475 Our view is that we have no objections to the amendments being sought in relation to this motion. We do, however, lay down a marker generally in respect of the composition argument that we deployed the last time this matter came before the House insofar as the Select Committee in respect of Constitutional Reform and Parliamentary Reform.

**Mr Speaker:** Does the Chief Minister wish to reply to the Leader of the Opposition in respect of the amendment?

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, only to note the marker that they purport to lay down and to indicate that our marker is the one that is set out by the effect of this motion.

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**Mr Speaker:** I now put the amendment to the vote. All in favour? (**Members:** Aye.) And against? Carried.

So we now have the motion as amended before Parliament. Does anybody wish to speak on the motion as amended?

I will put that to the vote as well. All in favour? (**Members:** Aye.) All against? Carried.

**RAF Gibraltar –  
Conferral of Freedom of the City of Gibraltar –  
Motion carried unanimously**

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

1490

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

*‘THIS HOUSE:*

*WELCOMES the long and historic relationship between RAF Gibraltar and Gibraltar;  
RECALLS that two RAF camps were constructed in Gibraltar at the beginning of the Second World War. The first was RAF North Front on the site of the old racecourse which was to become the main camp. The second was RAF New Camp which was built on reclaimed land next to Montague Bastion. Although these were the first permanent RAF camps in Gibraltar, the history of aviation and the RAF’s involvement starts somewhat earlier. The first record of aviation in Gibraltar was in 1903 when two officers and 16 Non-Commissioned Officers installed a captive balloon and equipment to Gibraltar for reconnaissance at the southern end of the Rock;*

*NOTES that works on an airfield in Gibraltar began on a grass strip on 3rd September 1934 and was completed 18 months later on 10th March 1936. It was during this construction period that the RAF first dispatched military aircraft to Gibraltar. Construction of a solid surface runway began in late 1939 and land reclamation commenced towards the end of 1941 along with the construction of the RAF camp at North Front. Following the declaration of war with Germany in September 1939, the War Office realised that there was a strong possibility of German submarines concentrating in the Straits of Gibraltar and using Spanish port facilities;*

*RECALLS that on the 9th September 1939, No 202 Squadron was ordered to Gibraltar, heavily loaded with equipment. Shortly after the Squadron’s arrival, No 200 Coastal Group was formed with its headquarters in the Bristol Hotel. It operated as part of RAF Mediterranean Area and later a combined HQ was formed with the Royal Navy at the Tower in the dockyard. This began antisubmarine patrols in early 1942. It took the fall of France in 1940 to concentrate minds on the building of a proper runway;*

*TAKES NOTE that at the end of November 1941 it was decided that the runway should be extended seaward to give a total length of 1550 yards. Construction teams were brought from the UK and they used stone blasted from the north face of the Rock and dumped into the sea along with stone taken from tunnel construction. The extended runway was ready for use in*

*July 1943 but towards the end of that year operations in Gibraltar began to dwindle in number. However, there was no reduction in transit aircraft;*

*RECALLS that the RAF North Front's biggest moment came on the night of 7/8 November 1942 when no fewer than 650 aircraft of many types were parked along both sides of the runway in readiness for operation TORCH, the Anglo-American invasion of North Africa. In October 1944 RAF New Camp became a satellite of North Front;*

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

*HEREBY DECLARES that the Freedom of the City of Gibraltar be conferred on RAF Gibraltar in view of its historic and close connection with Gibraltar and its people.'*

Mr Speaker, the motion to a very great extent speaks for itself, but it is of course true that RAF Gibraltar and the RAF generally are as much a part of the defence of the sovereignty of the Rock as they are of the sovereignty of the United Kingdom and of Western parliamentary democracy, as part of the NATO alliance.

1495 Mr Speaker, it is also apposite to note that the runway that today we take for granted and that was so important in the 1960s and 1970s, when Gibraltar was once again laid siege by Spain, was constructed by the RAF for the RAF during the Second World War in the circumstances set out here. And so we see in the Royal Airforce as important a part of our life in Gibraltar as any other one of the armed forces and one, Mr Speaker, that has been a feature of

1500 life for all of us in the time that we remember Gibraltar.

I remember happy days, Mr Speaker, as a boy seeing the Red Arrows fly around the Rock during RAF open days. Today the RAF is perhaps less visible. They have a lot of personnel in Gibraltar but they are not as visible on our streets as they might have been years before. But the relationship between Gibraltar and the Royal Air Force is as strong if not stronger than it ever has been and this motion should reflect that. I sincerely hope it will be a motion that all hon. Members will find possible to support so that the whole of Gibraltar is seen, through this representative democracy of ours, to be bestowing on the Royal Air Force the Freedom of the City on this their first centenary.

1510 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

1515 **Hon. E J Phillips:** Mr Speaker, a very special and enduring relationship exists between Gibraltar and the Royal Air Force. Many of us, as the Chief Minister himself has said, have fond memories of the Red Arrows. In fact, I think Minister Isola will remember our interactions with the Royal Air Force in a different life now, but also with the Red Arrows as well, Mr Speaker.

1520 We would also remember the screaming tornadoes across our waters when many of us of course were studying in Bayside and those lessons were often disrupted, but for good reason, I am sure.

I am also sure that we will also recall the impressive vertical short take-off landings of the Harriers and of course, one of our many famous air days which are sadly something of the past and something which I am sure all of us miss.

1525 There have been many tributes over the last few months celebrating the centenary of the Royal Air Force and it is of course right that we join those celebrations and mark it by conferring the Freedom of the City on the Royal Air Force. The Hon. Chief Minister has properly placed the Royal Air Force in its historic context and set out the important links given our airfield's position at the western end of the Mediterranean and as a staging point for aircraft and operations and as a supporting base for major NATO exercises.

1530 There is, of course, the RAF's involvement and reach into the wider community. On receiving this notice, Mr Speaker, I have to say that it has stirred the emotions somewhat, in that I was correctly reminded, when we received the motion, by my Hon. Friend, Mr Reyes, that both he

and I had served and wore RAF uniforms whilst we were members of Royal Air Force Air Training Corps No. 2 Overseas Squadron, which, as Members will know, is an organisation under the command of the Royal Air Force.

1535

The hon. Member was a commissioned officer in the Royal Air Force Volunteer Reserves and a founding member of the squadron. Although I have resisted the temptation to keep saluting the Hon. Mr Reyes, the Hon. Member is right to reflect on the very positive influence the Royal Air Force has had on the lives of many young Gibraltarians teaching discipline, hard work, teamwork and above all, respect.

1540

Mr Speaker, the RAF through the Air Training Corps gave young Gibraltarians a unique insight into the Royal Air Force and service, with numerous visits to RAF camps and bases in the United Kingdom, to briefings with pilots and ground crew through to opportunities to fly fixed and rotary wing aircraft.

1545

Mr Speaker, last month – just over a month ago now – Her Majesty issued a statement on the centenary of the Royal Air Force and Her Majesty said:

Through its enduring focus on professionalism, excellence and innovation, the Royal Airforce stands as a shining example of inspiration around the world today and for the next generation.

Critically, Her Majesty said ‘next generation’.

Mr Speaker, the RAF was born in the greatest battle ever fought. Its inspiring motto, *Per Ardua ad Astra* – ‘Through Adversity to the Stars’ – is a clear message to those that serve and for future generations. Mr Speaker, since the Hon. the Chief Minister published the motion proposing that this House do confer the Freedom of the City on the RAF, I have attempted to reach out to many of my contacts to assess the career destinations of young Gibraltarians who have served. Notably, three of our number are currently pilots; one is serving in a senior position in Afghanistan; one is currently the Commanding Officer of the Royal Gibraltar Regiment; another is a Lieutenant Commander in the Royal Navy Reserves; and many others are working in important areas of public administration. It is clear, Mr Speaker, to me that the Royal Air Force has had a constructive and positive influence over the lives of our young people, and long may that continue.

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1555

Mr Speaker, as Her Majesty correctly articulated in Her Majesty’s speech, the Royal Air Force has an important and valuable role for inspiring the next generation. The RAF, through its association with No. 2 Overseas Squadron, provides training, useful in service and civilian life. It fosters the spirit of adventure and develops qualities of citizenship and leadership.

1560

Mr Speaker, as Parliamentary Leader of the Opposition and on behalf of my colleagues, it is a privilege and honour to support this motion, not only because of the role that the RAF does in maintaining British sovereignty over our Rock, but also the important role it plays within our community and in inspiring the next generation. (*Banging on desks*)

1565

**Mr Speaker:** Does any Hon. Member wish to speak on this?

The Hon. Trevor Hammond.

1570

**Hon. T N Hammond:** Mr Speaker, I must admit, I was not intending to speak on this motion, so I do not have a prepared speech, but I feel that, as somebody who has worked with the Royal Air Force for 20 years now, very closely, and therefore somebody who has worked with the Royal Air Force for a full one fifth of their entire existence, I felt I could not miss the opportunity to say something, having the privileged position of being in this House at a time when this motion is being presented to the House.

1575

As I say, I do have a great deal of experience and a great deal of respect for the Royal Air Force in the time I have worked with them and it is particularly appropriate, as has already been pointed out, that in this year that that arm or branch of the armed forces is celebrating its centenary, its one hundredth year of existence, this motion should be brought to this House.

1580



The motion itself does set out some of the history obviously and necessarily in brief, but it is it is a very important history and the connection of the Royal Air Force to Gibraltar, in time of war and in time of peace, has been very important. Of course, in time of war, most prominently in the Second World War, as the motion states, we had a squadron based here – 202 Squadron –  
1585 whose primary function was maritime patrol, anti-submarine patrols of these straits and of course RAF Gibraltar’s motto now is ‘Guard the gateway’. That was obviously associated with the fact that RAF Gibraltar played a very important role in guarding that gateway, that entrance of the Mediterranean, and in doing so played a very important role in restricting the access to the Mediterranean of Axis forces which may be coming from outside. So a critical role in that respect.

1590 Of course also interestingly, it is the colours of 202 Squadron that we see every year at the Queen’s birthday parade. They are specifically flown out to Gibraltar for that parade and that is done because we do not have a squadron based in Gibraltar. But it is also, I think, a very important link to the past and the past role that RAF Gibraltar and indeed Gibraltar itself have played.

1595 Of course after the Second World War, RAF Gibraltar in Gibraltar continued to guard that gateway, during the Cold War where maritime patrol was a key element to the whole of the United Kingdom’s strategy towards the Soviet bloc and the Warsaw Pact.

I can say, although I never worked here during the Cold War time – I am not quite that old – I certainly did see aircraft operating from RAF Gibraltar, which were to some extent a throwback to that period. The Nimrod in particular which served many, many years out of Gibraltar. There were many nights where we had to stay at RAF Gibraltar, keep the place open 24 hours, in order to allow these aircraft to operate for their full range and have somewhere to return to if necessary in an emergency. So Gibraltar played a crucial role there in supporting the activity of the RAF. It was very much a symbiotic relationship in that respect.

1600 And of course Gibraltar continues and RAF Gibraltar continues to provide a very important function as a forward-mounting base, which we saw only last year in support of the activity to help out those in the Caribbean who suffered the effects of a very severe hurricane. Indeed, Gibraltar played a very important role as a base that was recognised indeed by the Chief Minister subsequently when he held a reception at No. 6 to thank all those agencies who played a part in that, and we must not lose sight of that ability.

1610 Although, as has been said, we probably do not see as much of the RAF as we used to, we still maintain a very important capability and the RAF maintain and provide a very important capability – a long arm, if you like, in support of the other forces, which can then provide support in other parts of the world, so very important in that respect.

1615 I think it is also important that we do not lose sight of the role the RAF and RAF Gibraltar play in our community. My Hon. Friend, Elliot Phillips has already spoken about the RAF cadets and how successful many who go through the cadets system have been subsequently. I think there are lots of other activities that go on at RAF Gibraltar in support of the community. Not least and happening later this month is the lunar walk, which I think is now celebrating 10 or 11 years. I was there for the very first lunar walk. I have supported it throughout and I think is a great charity event which the RAF wholly back year after year after year, and I think it is a very unique event that many in our community do enjoy, and of course which raises money.

1620 Of course there are other events , the way the RAF has offered the use of the hangers, the use of aprons and occasionally, the use of the runway.

1625 Now, of course that always needs to be tied with the safety of aviation and I think it is important to point out that the RAF play a very important role in ensuring that aviation operates in and out of Gibraltar safely. It does so in conjunction with all the other organisations at the airfield but that safety activity is always and inevitably underpinned by the RAF. So for those of us who fly in and out of Gibraltar, which I think is probably everybody here and our families, we must recognise that the RAF play a very important part in ensuring the safety of those flights.

So I will end my contribution there, but I will say this: I feel very privileged that this motion should have arrived in this Parliament at a time when I am serving in this Parliament.

Thank you. (*Banging on desks*)

1635

**Mr Speaker:** Any other contribution to this motion? The Hon. Marlene Hassan Nahon:

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I wish to align myself with the words of the Chief Minister and the Opposition Members on this very deserved appointment of the Freedom of the City to the RAF.

1640

I take this opportunity to wish the RAF a very hearty congratulations for this accolade, as well as to thank and to pay tribute to the Air Force, its survivors and its fallen servicemen and women for their fierce defence of Gibraltar in the last 100 years, Mr Speaker, because without them we may not be here today.

1645

Thank you. (*Banging on desks*)

**Mr Speaker:** Any other contribution? The Hon. Edwin Reyes.

**Hon. E J Reyes:** May I, Mr Speaker, make a short minor contribution for the record? I am sure that Dr Garcia as a historian will be interested.

1650

There are in fact records of Gibraltarians who were evacuated during the evacuation period of the Second World War, who having reached the teenage years volunteered to join the Air Cadets or the Air Training Corps and indeed served mainly as assistants to the ARP wardens and so on.

1655

A prominent Gibraltarian, the late Commissioner of Police, Joe Canepa, became one of those young teenagers and he in fact was instrumental in setting up in Gibraltar the Gibraltar No. 2 Overseas Squadron or the Air Training Corps. So to those like Joe Canepa and others whom I know served in the Cadets and Gibraltarians who actually served in active service, in all ranks as senior and commissioned officers and as officers and so on, our spirit of gratitude is to be recorded as being embedded in this thing.

1660

Lastly, I must say on behalf of my wife we both personally thank the RAF because there used to be a chapel down at the Royal Air Force, called St Michael and All Angels, and that was the happy place where my wife and I got married, close to 30 years ago. (*Banging on desks*)

1665

**Mr Speaker:** Any other contribution? Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I am very grateful indeed to all Members who have spoken, especially Members opposite for their indication that they will be supporting this motion. I had thought that they were going to try and pass an amendment to this to not bestow the Freedom on the RAF until they stopped flying! (*Laughter*) So I am very pleased indeed, Mr Speaker, that we shall be able to enjoy the benefit of conviviality and unanimity, at least for something as inanimate as the institution of the Air Force, although we are not able to enjoy it for something as animated as the Hon. Sir Joe Bossano.

1670

**Mr Speaker:** I will now put the motion to the House in the terms moved by the Chief Minister. Those in favour; those against? (**Members:** Aye.) Carried unanimously.

1675

**BILLS**

**FIRST AND SECOND READING**

**Police (Amendment) Bill 2018 –  
First Reading approved**

**Clerk:** Bills – First and Second Reading.

1680 A Bill for an Act to amend the Police Act 2006. The Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Police Act 2006 be read a first time.

1685 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Police Act 2006 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Police (Amendment) Act 2018.

**Police (Amendment) Bill 2018 –  
Second Reading approved**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time. (*Banging on desks*)

1690 The Gibraltar Police Association was established in 1961 under section 52 of the Police Act. Policing Gibraltar and its demands have considerably changed since the 1960s. The Association's Council has nevertheless continued to work during this time on a voluntary basis whilst fully operational and with limited facility time afforded to conduct their role effectively.

1695 In 2009 the Royal Gibraltar Police Council started to lobby Government so that the Association should become a Federation enacted in law and for the Federation to have full-time representatives for its officers in order to address officer needs promptly and effectively.

1700 In June 2015 representatives of the Association approached the Chief Minister with the Association's proposals. The Government were supportive of the Association's request and in 2016 increased the RGP's complement by two extra police officers, thereby releasing two officers so that the Federation could have two full-time conveners, Federation representatives, to work completely independently in this role from the Police. Government has also provided the Association with a fully furnished and equipped office where officers' confidential meetings take place, together with a budget to maintain and provide accredited training by the Police Federation of England and Wales for its conveners and board members.

1705 The Bill before the House has been drafted in full consultation with the Association and in line with our manifesto commitment on this issue to establish the Gibraltar Police Federation.

The Bill amends the Police Act 2006 for the purposes of establishing the Police Federation, which comprises members of the RGP, and is set to formally replace the Police Association.

1710 The Bill provides a legal framework to establish and regulate the Police Federation. The Federation will become a completely independent body providing its members with a forum to raise matters, with the Commissioner, the Police Authority and Government, which are deemed to potentially affect the welfare and efficiency of the RGP.

Clause 3(3) replaces all of Part 4 of the Act. Within the new Part 4, which is entitled 'Membership of Federation etc.', there are provisions relating to the formation of the Police Federation, the membership of the Police Federation, the objects of the Federation and

1715 provision as to the independence of the Federation. The new sections that follow deal with prohibited associations and offences in connection with prohibited associations as well as the prohibition against membership of trade unions.

1720 Clause 3(4) amends section 79 of the Act, setting out the power Government has in consultation with His Excellency the Governor to make regulations for the constitution, procedure and functions of the Federation and generally for the better functioning of the Federation. Indeed, such regulations have now been agreed and shall be published as soon as the Bill is commenced as an Act.

I commend, Mr Speaker, the Bill to the House.

1725 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Daniel Feetham.

**Hon. D A Feetham:** Mr Speaker, just a very short contribution.

1730 I start by congratulating the Hon. Minister for bringing this Bill to the House. It was something that I had in my sights when I was Minister for Justice from 2007 to 2011 and I regret that I was not able to steer this even past the drafting stage.

1735 It was not something, in fact, that was completely uncontroversial during those days. There was not support for the very top of the RGP for the concept, or at least there was some scepticism, and I was not able to do this during the time that I served in his role when we were in Government. It is something that, in my respectful view, I always thought was ... The case for it that was put to me by the Association was, as far as I was concerned, unanswerable and therefore we certainly, this side of the House, are going to be supporting it.

1740 May I also congratulate as well the Chairman of the Association, Henry Bautista, because it is really his work, his energy and his constant advocating for the introduction of the legislation that really we are here today considering this piece of legislation, and certainly on behalf of the Opposition – I know the hon. Gentleman as well will associate himself with my comments – we certainly congratulate the work that Henry Bautista has done.

Mr Speaker, we will be supporting this Bill.

1745 **Mr Speaker:** Does the hon. mover wish to reply?

**Hon. N F Costa:** Mr Speaker, obviously in the first place to thank the Hon. Mr Feetham for relaying the fact that the Opposition will be supporting the Government Bill.

1750 I agree entirely with the comments that he has made in respect of Mr Bautista in his indefatigable advocacy for the need of a Federation, and he is right in saying that he has been dogged in his approach in that respect and therefore it is right that his work should be recognised. I also wish as well to pay tribute to Anna Jones, who has also been as dogged as Mr Bautista in bringing about this particular change.

1755 And therefore, I wish to conclude simply by saying that, as he alluded to at the beginning of his contribution, this is a step that we all clearly agree is overdue and therefore it is right that the Bill should have been brought and thankfully passed unanimously by this House. (*Banging on desks*)

1760 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Police Act 2006 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Police (Amendment) Act 2018.

**Police (Amendment) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1765

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

**Mutual Legal Assistance (Miscellaneous Amendments) Act 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Mutual Legal Assistance (International) Act 2005, Mutual Legal Assistance (European Union) Act 2005 and Drug Trafficking Offences Act 1995.

1770

The Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Mutual Legal Assistance (International) Act 2005, the Mutual Legal Assistance (European Union) Act 2005 and the Drug Trafficking Offences Act 1995 be read a first time.

1775

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Mutual Legal Assistance (International) Act 2005, the Mutual Legal Assistance (European Union) Act 2005 and Drug Trafficking Offences Act 1995 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1780

**Clerk:** The Mutual Legal Assistance (Miscellaneous Amendments) Act 2018.

**Mutual Legal Assistance (Miscellaneous Amendments) Act 2018 –  
Second Reading approved**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

1785

The Bill amends the Mutual Legal Assistance (International) Act, the Mutual Legal Assistance (European Union) Act and the Drug Trafficking Offences Act 1995 in order to enhance mutual legal assistance that may be provided in criminal matters.

Mr Speaker, the amendments contained in the Bill can be split into two sets. The first set is that contained in clause 3(3) and (4), clause 4 and clause 5. These are similar amendments to the three main Acts under which mutual legal assistance is obtained in Gibraltar.

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These amendments ensure that in each case the central authority under the Act may direct that an order under the relevant provisions of the Criminal Procedure and Evidence Act be applied for when an appropriate request for assistance is received. These are orders for the production of special procedure material. This material includes documents which a person has acquired or created in the course of any trade or business and which is held in confidence – such as, for example, bank records.

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There are safeguards, of course, set out in Schedule 1 of the Criminal Procedure and Evidence Act that need to be followed and met before any such order will be granted by a judge or magistrate.

1800 The reason for the need for these amendments arises from advice from the Gibraltar Law  
Officers that it is arguable that the current provisions, in the light of UK case law dealing with our  
equivalent provisions, may limit the type of evidence that can be sought in Gibraltar under  
mutual legal assistance requests. The amendments are proposed so as to remedy this potential  
issue and continue to provide all the necessary safeguards on a par with the use of such orders  
1805 domestically.

The amendment to section 15 and the equivalent in the Mutual Legal Assistance (European  
Union) Act update the references contained therein to the now repealed sections 25, 26 and 27  
of the Criminal Procedure Act and replaces them with the equivalent sections in the Criminal  
Procedure and Evidence Act 2011.

1810 The other amendment contained in the Bill is set out in clause 2(2). This is an amendment to  
the Mutual Legal Assistance (International) Act 2005 and in particular to its definition of 'state'.

Currently under the Act assistance can only be given to a state or territory outside Gibraltar if  
it was a party to an agreement with the Government of Gibraltar on mutual legal assistance in  
criminal matters and the state or territory was included in Schedule 2 to the Act. To date only  
1815 the United States of America is included in the said schedule. This means that other countries  
which fall outside the European Investigation Order and the Republic of Ireland and Denmark,  
which remain under the Mutual Legal Assistance (European Union) Act, continue to have limited  
recourse to legal assistance in Gibraltar if the offence being investigated is not one which falls  
under the Transnational Organised Crimes Act in the case of a state that has ratified the UN  
1820 Convention on Transnational Organised Crime or is not a drugs trafficking offence and from state  
party to the Vienna Convention.

In practice, most cases where assistance is required do fall within the definition of a  
transnational organised crime. However, it is not too difficult to come up with examples of cases  
where the need for an offence to be transnational may and has resulted in Gibraltar being  
1825 unable to provide mutual legal assistance at the investigation stage unless witnesses have been  
willing to provide evidence on a voluntary basis.

As an example, without going into too much detail for operational reasons, Gibraltar was  
asked to assist in a suspected case of child abduction where details of a Gibraltar mobile  
telephone subscriber were requested to eliminate the person and the number from the list of  
1830 possible suspects. There was no supported evidence included in the request that pointed to a  
transnational crime and the state requesting it did not fall within Gibraltar's EU arrangements.  
Fortunately, on that occasion the evidence was provided on a voluntary basis.

To overcome this issue, the definition of 'state' is to be amended to allow Gibraltar to  
provide assistance to overseas authorities without the need of an agreement if none exists. This  
1835 may be provided on a case by case basis provided the state undertakes that under their  
procedures it would be able to reciprocate in respect of similar requests issued by Gibraltar and  
received by them.

In summary, Mr Speaker, all of these amendments improve Gibraltar's ability to provide  
mutual legal assistance.

1840 Mr Speaker, I commend the Bill to the House.

**Mr Speaker:** Before I invite hon. Members to speak on the general principles and merits of  
this Bill, I want to place on record that, pursuant to section 35(3) of the Constitution of Gibraltar,  
I have received certification from the Chief Minister that consideration of this, the Mutual Legal  
1845 Assistance (Miscellaneous Amendments) Bill 2018, is too urgent to permit the expiry of six  
weeks from the date on which the Bill was published, and that is why we are proceeding with it  
today.

Does hon. Member wish to speak on the general principles of the Bill?

**Hon. D A Feetham:** Mr Speaker, just on that and then the general principles.

1850 The Opposition has been consulted on the issue of urgency and it would be a matter of great regret if there was a request for assistance that arrived urgently to Gibraltar within the six-week period for publication of the Bill before it could be taken and Gibraltar could not assist simply because the Bill had not been enacted. Therefore, because we are dealing with potentially the type of example that the hon. Gentleman has provided to this House in terms of assistance in  
1855 child abduction cases or involving children, it is only right that the certification be provided.

Mr Speaker, this Bill has been the subject matter of exchanges of e-mails between myself and the Hon. Minister Costa, and indeed between myself and Parliamentary Counsel as well, Mr Warwick, where I asked several questions in relation to this, and it has also been the subject of a telephone conference between myself, Minister Costa and Parliamentary Counsel Kevin  
1860 Warwick, and I have absolutely no hesitation, on behalf of the Opposition, to indicate that we will be supporting this Bill.

Mr Speaker, may I say this as well: that as I understand it, the assistance in relation to this – and indeed I think that the hon. Gentleman said that during his own contribution – is also predicated on the basis that a state will do likewise for Gibraltar, and that is very important  
1865 because what we cannot have is a situation where we effectively ... And I know that we are dealing sometimes with crimes where one would say, ‘Well, you would expect that Gibraltar would assist,’ but you would also expect the other state to assist Gibraltar as well and part of the problem here has been that there has been a question mark in relation to not only the possibility of Gibraltar assisting a jurisdiction but that jurisdiction assisting Gibraltar as well.  
1870 Therefore, in my respectful view, this is a Bill that is of benefit to Gibraltar and of benefit to the worldwide and international fight against crime and the solving of crime. So we have absolutely no hesitation in supporting this Bill.

**Mr Speaker:** Does the Hon. the Minister for Health wish to reply?

1875

**Hon. N F Costa:** Yes, Mr Speaker, only very briefly to thank the Hon. Mr Feetham across the floor of the House for making himself available at such short notice to be able to discuss the intricacies of the Bill – I can confirm that we did enjoy some fruitful discussions on the clauses that are present in the Bill – and to agree with him that of course it is important that Gibraltar  
1880 should be seen internationally to assist other jurisdictions in the fight against crime; that therefore we all agree that for the reputation of Gibraltar it is important that this Parliament is able to act swiftly when required so that no jurisdiction finds us wanting in the fight of any kind of crime; and also, of course, to echo his remarks that it is also equally important that where Gibraltar does provide that that assistance to any state, that state should also reciprocate in the  
1885 assistance that we may require in future – God forbid – if there is any crime that is being investigated.

So I wish to thank the Opposition once again, Mr Speaker, consecutively, for their support on this Bill.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Mutual Legal Assistance (International) Act 2005, the Mutual Legal Assistance (European Union) Act 2005 and Drug Trafficking Offences Act 1995 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1895 **Clerk:** The Mutual Legal Assistance (Miscellaneous Amendments) Act 2018.

**Mutual Legal Assistance (Miscellaneous Amendments) Act 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Mr Speaker:** Committee stage.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Equal Opportunities (Amendment) Bill 2017 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Equal Opportunities Act 2006. The Hon. the Minister for Housing and Equality.

1900 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Equal Opportunities Act 2006 be read a first time.

1905 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Equal Opportunities Act 2006 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Equal Opportunities (Amendment) Act 2017.

**Equal Opportunities (Amendment) Bill 2017 –  
Second Reading approved**

1910 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Equal Opportunities Act 2006 be read a second time.

Before I proceed, Mr Speaker, I will be making an amendment at Committee stage to the date of the Bill.

This Bill intends to support and protect mothers who choose to breastfeed their children in public establishments without discrimination.

1915 Breastfeeding in public places is a very emotive subject with strong views for and against. While it is perfectly natural to breastfeed, I know that there will be people who will raise their eyebrows and question the necessity for this change. So, in the midst of that debate, it is vitally important to acknowledge that we as a society are continuously evolving, especially when it comes to equality issues. In that process we are continuously being forced to evaluate and  
1920 recycle outdated views that can no longer be tolerated.

1925 Mr Speaker, breastfeeding is globally accepted as the most natural, healthy, best start that a mother can provide a child, and in short there is no better answer than the health benefits to both mother and child as to why we can support mothers to breastfeed their child whenever they need to. This law is for those women who choose to breastfeed, so that they are not discouraged from doing so.



We wish to remove the stigma and negative attitudes towards breastfeeding in public places. Women need to be made to feel comfortable to breastfeed and it is absolutely vital that there is legislation to protect against discrimination on this ground, and it is important to protect them in order to promote this.

1930 I am grateful to the Gibraltar Breastfeeding Association, who are actively promoting the rights of women to breastfeed anywhere and anytime without embarrassment or anxiety. Indeed, they are running a very successful campaign, meeting with establishments and giving the establishments accreditation where were these establishments go the extra mile to make mothers breastfeeding feel that more comfortable. But now they will be able to do so because  
1935 this amendment will enshrine such protection in law and it will make it clear that it will be discriminatory to treat women less favourably because they are breastfeeding.

I also wish to thank all GHA professionals who provide the clinical support and advice.

Now turning to the formalities of the Bill, Mr Speaker section 6 is amended by the introduction of a new subsection (4)(a). The effect of this amendment is to widen the ambit of  
1940 discrimination on the grounds of sex so as to include breastfeeding. It is therefore not new ground but an extension of the interpretation of that term.

This Bill will benefit women and children in Gibraltar. I commend this Bill to the House.

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

1945 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Leader of the Opposition.

1950 **Hon E J Phillips:** Mr Speaker, just to pick up on one of the remarks by the Hon. Minister in relation to the differing views that she may have received. I must say I have not received a different view on this particular question and therefore I was quite surprised to learn that there was an issue in our wider community about this. I certainly have not received any different opinions about it.

1955 Needless to say, Mr Speaker, Her Majesty's Opposition will support the Bill that seeks to amend the Equal Opportunities Act to ensure the widening of the scope of the prohibition against less favourable treatment afforded to women who are breastfeeding.

The proposed Bill closes a lacuna, in our view, in the law, which provides protection for women not to be treated less favourably in the context of work and non-working cases. Our laws  
1960 already contain certain provisions to protect mothers in the workplace under the commonly referred to 'six pack health and safety provisions' contained in the Protection of Pregnant Workers Regulations 1999. However, the amendment being promoted closes the gap to less favourable treatment in the context of equal opportunities. The amendment importantly sends, as I think was alluded to by the Minister, a strong message to business and the public at large  
1965 that it is a woman's right to breastfeed her baby in public without interference.

Whether a mother is sitting in Commonwealth Park, the beach, the library, having a coffee or having lunch at our many restaurants, every mother should feel safe, confident and comfortable when doing the most natural thing in the world: feeding her child in the best way that she can. It is therefore right that the Government lead by example on this important issue and ensure that  
1970 all public buildings in our community provide an environment for women to feel safe, secure and comfortable.

We must, of course, extend our thanks to the wonderful work being done by the Breastfeeding Association, who kept this issue high on the domestic agenda through its support of World Breastfeeding Week and campaigning at the Big Latch-on, on 5th August last year. The  
1975 Association must, in our view, continue to be supported in promoting breastfeeding, which will maximise very early child development.

1980 We also commend the Bill to the house, but one item I just wanted to raise – and this is something that has just come up in research – is that currently the Seaside Rules, as far as I understand, may cause a difficulty with a woman choosing to exercise her right to breastfeed, so I was wondering if the Government could in fact review the current Seaside Rules that may provide for a restriction on that type of activity. I just mention it now. It has come out as research. They may be comforted by their review of the Seaside Rules, but I would invite the Minister to take a look at that. (*Banging on desks*)

1985 **Mr Speaker:** Does any other hon. Member wish to speak? The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, it is with great pleasure and satisfaction that I welcome this measure by Government aimed at making the lives of mothers in particular and women in general fairer and more comfortable.

1990 As a mother of four children myself, I distinctly recall the days when I used to breastfeed and would have to hide away in some corner to nurture my child while the group of people I was with would continue their social gathering without me. It always felt like some sort of punishment. Each and every time I was called by my screaming baby to feed, I was expected to extricate myself from the world and it felt completely wrong.

1995 Because this is an issue that connects with broader societal and moral issues, I suggest this legal measure be accompanied by a media campaign aimed at changing public perception with regard to breastfeeding in public, so that we may start to understand child rearing as a social phenomenon and one that requires an honest commitment and contribution from all members of society.

2000 So, back to the issue of the Bill, I receive this measure with some satisfaction but I cannot say that I am fully satisfied at how women are treated in our community. We still have a long way to go in the pursuit of gender equality and there is a remarkable lack of awareness in this House of how much Gibraltar is still lagging behind the developed world on this front.

2005 I therefore I urge this House to take on the challenge of making Gibraltar a jurisdiction free from gender equality, while thanking the Minister for Equality for passing this Bill today.

Thank you.

**Mr Speaker:** Does the hon. mover wish to reply?

2010 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I?

**Mr Speaker:** The Hon. the Chief Minister.

2015 **Hon. Chief Minister:** Mr Speaker, I heard what the hon. Lady has said and I assume in that context she will be very supportive of the Government that appointed the first Minister for Equality in the history of this Parliament and is taking measures of the sort of that we have seen the hon. Lady move today, which are the tip of the iceberg – I will not use any other phrase that might come to mind – of the great work that she has done, in the context of the almost seven years already that we are in Government, to bring real equality to the way that this society is governed; not just – if I may say so, because I think this is a lesson I have learnt from her – in respect of the way that we treat men and women, but in the way that we treat all the sexual orientations, not just the genders.

**Mr Speaker:** Does the hon. mover wish to reply?

2025 **Hon. Miss S J Sacramento:** Mr Speaker, yes.

In reply to the hon. Gentleman, in his mention of his surprise that this was an issue, it is not, as I understand it, a great issue – and a lot of it is thanks to a lot of the work that has been done in the last few years – but if it is an issue for one person, then it is an issue. So, what this legislation does is cure the loophole that existed with the intention to give full protection so that people feel encouraged and comfortable should they choose to breastfeed. So that protection is there, and because of the work undertaken by the GHA, by the Association, and a lot of it in partnership and in consultation with the Ministry of Equality, then I am proud that this initiative has been a success.

2030  
2035 The hon. Gentleman mentions the particular regulations. I was not advised at the time that we drafted this that it was incompatible with any other legislation, so it may not be legally incompatible, but I will certainly check it out to ensure that nothing is undermining the intention of this legislation.

2040 And in reply to the hon. Lady, as the Chief Minister said, Gibraltar has for the first time a Ministry for Equality, which has an incredibly busy agenda, getting busier by the day on all the protected strands, not just gender.

2045 I can assure the hon. Lady that a lot of work and a lot of progress on gender equality has already been achieved during our terms in office and we have very exciting times ahead and a lot will be done. So, if the hon. Lady set to me a challenge to have a Gibraltar that is free from gender equality, that is already a challenge that we set for ourselves in December 2011 and have been working very hard on it since.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Equal Opportunities Act 2006 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2050 **Clerk:** The Equal Opportunities (Amendment) Act 2017.

**Equal Opportunities (Amendment) Act 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**COMMITTEE STAGE AND THIRD READING**

2055 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Police (Amendment) Bill 2018, the Mutual Legal Assistance (Miscellaneous Amendments) Bill 2018 and the Equal Opportunities (Amendment) Bill 2017.

*In Committee of the whole House*

**Police (Amendment) Bill 2018 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Police Act 2006.  
Clauses 1 to 4.

2060

**Mr Speaker:** Stand part of the Bill.

**Clerk:** The long title.

2065

**Mr Speaker:** Stands part of the Bill.

**Mutual Legal Assistance (Miscellaneous Amendments) Act 2018 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Mutual Legal Assistance (International) Act 2005, Mutual Legal Assistance (European Union) Act 2005 and Drug Trafficking Offences Act 1995.  
Clauses 1 to 5.

2070

**Mr Speaker:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Speaker:** Stands part of the Bill.

**Mutual Legal Assistance (Miscellaneous Amendments) Act 2018 –  
Clauses considered and approved**

2075

**Clerk:** A Bill for an Act to amend the Equal Opportunities Act 2006.  
Clause 1.

2080

**Mr Speaker:** All we need to do to clause 1 is to amend 2017 and replace it with 2018. Is that agreed, that small amendment? (**Members:** Agreed.)  
So, clause 1, as amended, stands part of the Bill.

**Clerk:** Clause 2.

2085

**Mr Speaker:** Stands part of the Bill.

**Clerk:** The long title.

**Mr Speaker:** Stands part of the Bill.

**Police (Amendment) Bill 2018,  
Mutual Legal Assistance (Miscellaneous Amendments) Bill 2018  
and Equal Opportunities (Amendment) Bill 2017 –  
Third Readings approved: Bills passed**

**Mr Speaker:** Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Police (Amendment) Bill 2018, the Mutual Legal Assistance (Miscellaneous Amendments) Bill 2018 and the Equal Opportunities (Amendment) Bill 2017 have been considered in Committee and agreed to with one amendment, and I now move that they be read a third time and passed.

**Mr Speaker:** I now put the question, which is that a Bill to amend the Police (Amendment) Bill 2018, that a Bill to amend the Mutual Legal Assistance (Miscellaneous Amendments) Bill 2018 and that the Equal Opportunities (Amendment) Bill 2017 be read a third time and carried. Those in favour? (**Members:** Aye.) Those against? Carried.

**ADJOURNMENT**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now adjourn.

I should inform hon. Members I am going to adjourn the House to 2nd July. I had expected to take the Appropriation Bill much later in the month, but for circumstances outside of my control we are going to have to take the Appropriation Bill on that day – on Monday, 2nd July at 10 a.m.

**Mr Speaker:** At 10 in the morning?

**Chief Minister:** At 10 a.m.

**Mr Speaker:** I now put the question that this House do now adjourn to Monday, 2nd July at 10 in the morning. Those in favour? (**Members:** Aye.) Against? Carried.

The House will now adjourn to Monday, 2nd July at 10 a.m.

*The House adjourned at 7.26 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.03 a.m. – 12.41 p.m.

Gibraltar, Monday, 2nd July 2018

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# The Gibraltar Parliament

*The Parliament met at 10.03 a.m.*

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

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

## **Suspension of Standing Order 7(1) to permit papers to be laid**

**Clerk:** Meeting of Parliament, Monday, 2nd July 2018.  
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **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**

10 **Clerk:** (vi) Papers to be laid – the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2018.

15 **Mr Speaker:** Ordered to lie.

**Clerk:** The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

20 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I have the honour to lay on the table the Tourist Survey Report 2017, the Hotel Occupancy Survey 2017, the Air Traffic Survey Report 2017 and the Employment Survey Report 2017.

**Mr Speaker:** Ordered to lie.

## Order of the Day

### GOVERNMENT BILLS

#### FIRST AND SECOND READING

##### Appropriation Bill 2018 – First Reading approved

25 **Clerk:** Bills – First and Second Reading.

A Bill for an Act to appropriate sums of money to the service of the year ending on 31st March 2019. The Hon. the Chief Minister.

30 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to appropriate sums of money to the service of the year ending on 31st March 2019 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2019 be read a first time.  
35 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Appropriation Act 2018.

##### Appropriation Bill 2018 – For Second Reading – Debate commenced

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

40 This is my 15th Budget address as a Member of this Parliament, it is my seventh Budget address as Chief Minister and in delivering it I am already facing my fourth Leader of the Opposition.

As part of my address on this Second Reading of the Appropriation Bill, I have the honour to present the estimates of the Government's revenue and expenditure for the year ending 31st  
45 March 2018.

I also have the honour to present the out-turn for Government's revenue and expenditure for the year ended 31st March 2018, which was the sixth full financial year of a Socialist-Liberal Government since we took office in December 2011.

50 This address comes 24 months after the decision of the British people in their referendum to leave the European Union. In that respect, and given that it is now increasingly likely that the United Kingdom will leave the European Union on 29th March next year, this is, sadly, the last Budget address that will ever be delivered in this House by a Chief Minister whilst we are members of the European Union. In the context of that international political backdrop, as is now traditional, my Budget address to this House will be very much a State of the Nation  
55 address and I will also report to the House on the state of our public finances as well as on our nation's economic outlook.



Indeed, Mr Speaker, it is now 30 years since Sir Joe Bossano delivered his first Budget address as Chief Minister to this House. To quote exactly and verbatim what the then Financial and Development Secretary said in his address on the Second Reading of the Appropriation Bill in 1988, it is, in fact, 30 years since *el giri*, as he referred to himself, gave way to *el Jefe*, as he very wisely referred to the then new incumbent of No. 6 Convent Place. Seen now through the prism of history, those words were perhaps more prescient than he might have ever appreciated.

That was the beginning of an economic revolution in Gibraltar's political development that ushered in a period of economic self-sufficiency that was inextricably linked to the right of self-determination that is the foundational core of the GSLP.

Additionally, and as a direct and specifically intended consequence, a process of political emancipation commenced also as we took full control and responsibility for our finances into the hands of a Chief Minister who was better able to understand our aspirations and trajectory as a people than any person appointed by London might ever have been or would ever be.

Moreover, it is certainly true that the real reins of colonialism run through the control of economic levers and therefore, by wresting control of the economics of our nation from the hands of a United Kingdom appointee in 1988, Sir Joe Bossano advanced giant steps in the cause of self-determination, decolonisation and the cause of the maturing of the Gibraltarians in one deft move. And that is why, since 1988, when we look at the economics of our nation we know that we are looking through time also at the development of our nation and the growth of our identity as a people, not just at the year-on-year statistics of our finances.

This year, as in every other year, I will of course also be outlining the Budget measures that this Government will introduce in pursuance of its manifesto commitments, in pursuance of the approaching departure from the European Union and in pursuance of the important twin tracks of the social and business needs of our community.

Mr Speaker, as has been the case with all my Government's previous Budgets, this Budget is designed to support our hardworking families, to strengthen our future – that is to say to support our youth and our students – and to provide well-deserved support for those in our community who are disabled as well as to provide well-earned support for those who have made the sacrifices that make our prosperity a reality: our senior citizens. All of that is factored into what I will tell the House today.

At the same time, and as we face together as a community the challenge of leaving the European Union, this is a Budget designed to encourage established businesses to grow and to encourage new businesses to establish themselves.

Hon. Members have heard me say before that we consider the private sector to be the essential engines of our economy. Hon. Members will hear me say that again today throughout this address. Working with the organisations that represent businesses in Gibraltar, we have delivered a pro-business environment that will continue to be fostered. We mean business in our support for our businesses large and small and this Budget will once again demonstrate that.

But to deliver a great environment in which to do business, to deliver what our private sector needs, we need to continue to improve our public services. That means investing in our public sector and investing in our public servants in order to deliver the public services that our community needs and deserves today. That combination of support to our private sector business community and investment in our public sector will be what delivers the continued and sustainable growth in our economy. And so, Mr Speaker, this Budget reflects my Government's ongoing commitment to use the resources of the State to continue to improve the quality of life and standard of living of all our citizens.

For seven straight years now, my Government has been able to report GDP average growth over 10% per year. I will report on GDP later in this address, but I want to reflect on the fact that this unprecedented run of growth has demonstrated in an objective manner our success in these past seven years in the management of our economy – whatever anyone else may say. We have also demonstrated that we have known how to spread that wealth. We have known how to

manage also the redistribution of that wealth in our community, and in doing so we have provided an unprecedented level of prosperity to all sectors of our community.

110 Indeed, it would be churlish and unconvincing of anyone to suggest that Gibraltar is not today experiencing a prosperity which our forefathers might not have imagined possible, despite the many difficulties and challenges that we have faced. How could those who sailed from Gibraltar in the ships of the evacuation, and the men who saw them sail into the horizon, imagine this Gibraltar which they have bequeathed us with their hard work? How could those who voted in  
115 the referendum of 1967 – knowing that their choices led to sacrifice, not plenty – imagine the turnaround in our fortunes that has led to this Gibraltar in which no real sacrifice is asked of any of us? And what of the generation which almost 50 years ago saw the Frontier gates shut in their faces, cut off from families, from businesses and from access to the European continent? How could they imagine this Gibraltar where economic growth reaches an average of 10% per annum  
120 with the Ministry of Defence now contributing a minor fraction of the economic activity?

None of the Evacuation Generation, the Referendum Generation or the Closed Frontier Generation could have imagined that by our own hand, our people's entrepreneurial spirit, our workers' hard graft and the economic guile of one man, Sir Joe Bossano, we could see a turnaround in our political and economic fortunes which could lead us on to the path of  
125 prosperity that we enjoy and continue to develop and grow today.

And so, Mr Speaker, on this side of the House we will seek to adhere to some of the founding principles which Sir Joe Bossano set out 30 years ago in his address in 1988 and his fuller address in 1989. I want to enumerate those principles today Mr Speaker as follows.

The first principle is that the two most important pillars of our economy in Gibraltar are the  
130 land that we own and the people that we have. Those are the pillars, those are the resources, and our whole wealth and standard of living depends on using those two natural resources efficiently. We have nothing else. Perhaps nations with larger populations and greater land masses do not recognise this as acutely as we do, but it is likely as true of Gibraltar as it is for the whole of the world; we are just more acutely aware.

The second principle is that we do not borrow to repay recurrent expenditure. In sticking to  
135 that principle we must also understand the need to control recurrent expenditure so that it does not rise beyond what can reasonably be met from what the conservatively estimated level of recurrent income will be. You see, if recurrent expenditure were ever to exceed recurrent income and we were to stick to the principle that we do not borrow to repay recurrent  
140 expenditure, then the only way to repay that recurrent expenditure would be to increase recurrent income using the levers immediately available to Government – that is to say, taxation – and we do not want to see taxation increased, as we consider that the best business environment is a low tax business environment both for corporations and individuals. That is why hon. Members will see in these Estimates – and I will come to this later in my speech – how  
145 we have controlled and are controlling recurrent expenditure, because that is the fundamental, inescapable logic of our situation and the situation of all economies, which is that we cannot consume collectively more than we produce collectively and that if we have one section consuming more than they produce, that can only happen at the expense of another section consuming less, because at the end of the day the equation has to balance. There is no way out  
150 of that dilemma. It is a dilemma that is faced by everybody in the world; it is not unique to Gibraltar. And that is exactly how Sir Joe expressed it in 1989.

The third principle relates to borrowing generally and the need to ensure it is properly financed and invested in capital projects which are self-sustaining or required for the social needs of our community. Again, the position of the GSLP has always been that borrowing is not  
155 an evil or a problem if it is designed to result in investment which produces more income in the future and is repayable from that income or other reliable source.

The fourth principle is that we should accumulate funds in pots where they will be accessible to Government to discharge liabilities of the Government in the event that there might be

160 periods of lower recurrent income. These are the 'rainy day funds' that other parties have at  
different times eschewed and at other times eulogised. The negative consequence of the times  
when the others have eschewed the rainy day funds is that we found all of the funds depleted to  
zero when we were elected in 2011. In the GSLP, and now with our colleagues in the Liberal  
Party, we have been constant and consistent in our view of the importance of these funds. This  
applies equally in respect of entities whose liabilities the Government considers as important as  
165 its own. The best example of these is Community Care, an independent charity which was  
created to provide additional support for resident pensioners in our community.

And so, Mr Speaker, sticking closely to these principles we have not just delivered economic  
growth, we have made growth sustainable. In this term we have predicted 7.5% of annual  
economic growth in GDP terms. I will report later on how we have exceeded that to date and  
170 expect to continue to exceed that in coming months as the lifetime of this Parliament is  
extinguished. Additionally, we have delivered record levels of annual recurrent budget  
surpluses. We have delivered and continue to deliver a significant increase in our employment  
levels. We have delivered and continue to deliver record low unemployment. And we have  
delivered and we continue to deliver an overall reduction in the cost of doing business in  
175 Gibraltar. And, again, this year will be no different, despite the Brexit process on which we  
unfortunately and seemingly irretrievably are embarked.

And in the time that we have been in office the Government which I lead has provided  
support for our working families with Income Tax already abolished for those on income levels  
below £11,150. There has been a significant reduction in Income Tax across the board for all  
180 taxpayers and many of our working families have benefitted from an increase in the National  
Minimum Wage to date of over 19.4% – that is to say, almost 20% – since we were first re-  
elected. Our public servants have also benefited with public sector pay increasing since first  
elected by a total of 17.5%, which averages 2.9% over the six years when inflation in the same  
period has averaged 1.8% per annum. These are above average inflation pay rises every year  
185 since we were elected afforded to every single public servant.

And, rightly, Mr Speaker, our senior citizens have shared in our nation's economic success.  
Each year there have been annual increases in old age pensions and the minimum income  
guarantee: investment in the comfort, care and security of the generations to whom we owe  
this magnificent Gibraltar. I will explain later the potentially negative consequences of not  
190 funding the Statutory Benefits Fund that supports these payments.

Additionally, despite rates offered by the Savings Bank having been revised to reflect the  
reality of continuing low interest rates, those who are pensioners continue to have available  
products offering above market interest rates on their savings with the Gibraltar Savings Bank.  
And for those that need it, we have invested in the capital and recurrent expenditure required to  
195 open the new dementia residential and day facilities and homes for our elderly. This costs  
money – it costs millions – and that is why recurrent expenditure is up, despite our very prudent  
management of our public finances, because it is right and proper that we should be spending  
on these new services.

I should just point out that departmental expenditure has increased in the past six years that  
200 we have been responsible for it – an average of 7.6% per annum – but that it grew by an average  
of 17.8% per annum in the five years before we took over and the party of hon. Members  
opposite was in power.

But it is right for a socialist Government to have a view across the horizon of the generations:  
from the cradle to the grave; from birth through schooling and education to our working lives;  
205 when and how we buy our homes and build and nurture our families to our retirements and into  
our dotage. And we should not just provide for each one of our existing generations. We plan for  
future generations also. We build today in a manner that will endure for generations. That is  
how we lay the strongest foundations for our future, for our nation and for our people.

210 That is why one of the limbs of those founding principles which Sir Joe set out 30 years ago  
manifests itself in the privilege that our young people enjoy with university education available  
to them and paid for by this small country, because when we talk about maximising our human  
resources as a people, these are resources we must invest in as much as we invest in other  
material things. If you trace the decisions that make us a socialist Government, now in happy  
215 coalition with our Liberal partners, back to the first opportunity we had to govern, Members will  
also be able to see how that investment has borne fruit. In the Gibraltar of 1988 there were not  
remotely the numbers of home-grown graduates that we have now. There are now over 1,000  
Gibraltarian students on Government scholarships studying away from Gibraltar at any one time.

I would be tempted to say that this policy, implemented by the first GSLP administration in  
1988, is what has most transformed Gibraltar, but as a policy it has, of course, to compete for  
220 that prize with the land reclamation programme, the affordable 50/50 schemes, the creation of  
Community Care and the joint ventures on telecommunications, each so relevant to the  
prosperity of Gibraltar today – although I do want to hasten to add that this transformational  
policy in relation to students was, at the time, attacked as a move that would potentially  
bankrupt Gibraltar.

225 Well, Mr Speaker, there is a deep political satisfaction in hearing one's opponents play the  
same scratched record decade after decade, even when they have been proved wrong. The fact  
is that our children represent our future, which is why we have invested record numbers year on  
year in higher education: investment truly in future generations. And since our re-election in  
2011 our spend on scholarships has increased fourfold from £4.4 million to a projected spend  
230 next year of £18.7 million. That is the best possible investment we make. We reinvest our  
recurrent income in our people and in those who in the main will return to produce more for our  
economy in the future. We have extended the scheme to postgraduate studies now also. We  
have weathered the storm of increased fees in the UK, and in the face of Brexit we have  
successfully also agreed with the British government to retain the tuition fees structure offered  
235 to our students as if they were home students. Our agreement also extends already to Welsh  
institutions of higher education and discussions continue with Scotland and Northern Ireland on  
a similar reciprocal arrangement to the ones we have completed with England and Wales.

But our investment must not just be in relation to tertiary education. That is why already we  
have invested in two new schools at St Bernard's in the also refurbished areas of the Upper  
240 Town. We had opened the last two new schools in Gibraltar at St Joseph's between 1988 and  
1996. Now we are doing more, and some cannot decide if we are doing too much too quickly or  
too little too slowly and so they accuse us interchangeably of both. I do wonder of which of the  
two we will be allegedly guilty of this week.

Anyway, we are now investing in the fabric of our schools with new schools being built. The  
245 first of the new schools expected in the lifetime of this Parliament, Notre Dame, is set to be  
open in time for this September, and for September 2019 completion is expected of a new St  
Martin's, a new St Anne's and two new comprehensive schools – on the site of which there has  
not been an unexpected leak or anything as a result of any rushing, incidentally.

It is clear that this investment is long overdue, and we will be announcing in coming months  
250 how we intend to tackle the other schools that require investment that is also long overdue.  
Investing in our wealth in our children's generation is investment in our nation's future wealth.  
We are doing everything we can in this space. We are working to deliver as many of the new  
schools as quickly as possible because this is an investment that is required.

Hon. Members opposite too often say we are doing too much. They say we are spending too  
255 much. They would not commit themselves to this programme to build new schools at the last  
election. Well, their failure to commit to this programme would also have had consequences.  
The negative consequences would have been for our young people in the new comprehensives  
to come, who would not have had their new schools. The negative consequences would have  
been for our children who would not have had their new first and middle schools. The negative

260 consequences for the children of St Martin's, who would not have a new school in the planning to be delivered in time for next September. The negative consequences of not spending are real and have real people at the end of the decisions who will suffer those negative consequences.

And yes, there is a lot going on at the same time, but the Island Games are next July, the schools need to be ready for the start of each relevant term and this is not just construction  
265 required in those areas. This is also the economic activity that delivers the prosperity on which all families in our economy rely, and so if there is dust arising from construction, it is the dust which delivers the benefits some unfortunately take for granted. And as we take the opposite route to Members opposite and we make the decision to carefully calibrate our investments that will last for generations – not least in the generation of electricity, if hon. Members allow me  
270 that indulgence – I will talk a little now about the power station.

This weekend, Gibraltar's new power station at North Mole has already started testing and commissioning. Testing and commissioning of the new LNG facility is also about to get underway. That is the consequence of our positive decision to progress an ambitious plan to invest in a new fuel and in a location for power generation in Gibraltar that would not  
275 compromise the Upper Rock Nature Reserve and does not require us to put up the cost of electricity to each business and household in Gibraltar by 5% per annum for 20 years to pay for it, as Members opposite were going to do if re-elected in 2011. No 100% increase in utilities from us, Mr Speaker.

The new power station will transform Gibraltar's power generating capability from both a  
280 stability and an emissions perspective. We will provide a surer source of power in a better location and in a manner which will improve our air quality dramatically. Not only will the new plant not emit dangerous nox particulates, it will also enable us to shut down four other generating facilities, the generating technology of which is now far from optimum. Indeed, the new facility provides the best available technology, which is what the Government committed  
285 itself to do. The investment has also included the distribution system as well as the fuel facility developed with Shell and which will provide a future LNG bunkering facility also, and with the value of bringing back to Gibraltar a world player like Shell – positive consequences of our careful and considered decision to invest our nation's money wisely and create a new aspect for our bunkering industry as we invest in safe and secure power generation also.

I am reminded, Mr Speaker, of how unnecessarily acrimonious this subject matter was made  
290 in the run up to the last election and the manner in which this debate was pursued by some even during the course of this debate on the Appropriation Bill in recent years. It is, once again, another example of Members opposite not appreciating the potential negative consequences of their actions. But that is now the past. Commissioning and testing is commencing and we are  
295 progressing as a community as a consequence of our focus on delivering this much needed project for our nation.

Plans are also moving apace on the new waste water treatment plant, another much needed project we have been pursuing since we were elected. I am very pleased that the work on this is now sufficiently advanced and we can expect to see ground broken during the course of this  
300 calendar year. Progress indeed, at last, on a project which I know all Members on this side of the House are very keen to see completed. The hon. Member for the Utilities and the Environment, Dr Cortes, will say a lot more in respect of the new power station and the waste water treatment plant.

Another important area of investment is that represented by the works for the tunnel under  
305 the runway. These works are progressing with the necessary care and attention to detail. Progress with the contractor is good, despite past difficulties, but we remain vigilant and cannot realistically expect to be tied to any deadline given the problems we have seen previously experienced on this project, which makes commitment to any date to open the tunnel a hostage to fortune, something which we will not countenance. But work is progressing and what is  
310 important to us is that the tunnel should be completed to the highest quality, so that the

taxpayer is not short-changed again, and that it is built to last. On this, as in every other area, we must deliver a project that lasts and endures for generations. Unlike our other capital projects that have an inescapable deadline, such as the schools and the sports facilities, we will not accept pressure on this project to complete by a particular date, as that might allow the contractor unnecessary leverage for us not to get the best deal for the taxpayer.

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The same Minister for the Environment will also be able to report to this House on the massive increase in investment we are making in the Upper Rock Nature Reserve. It is not unfair to here point out that in the time between 1996 and 2011 there was almost zero investment in the Upper Rock. That lack of investment was quite dramatic and was showing. John Cortes has reversed that with the support of the whole Cabinet. Now hon. Members can see the investment bearing fruit. Look at the new tourist facilities, like the Windsor Suspension Bridge and the Skywalker Skywalk, all of which are beautifully and properly signposted. Look even at the new railings and defences, which in the case of one particular vehicle appear to have been installed just in time to prevent a tragedy.

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So we spend money but we spend it wisely and we spend it on things that matter to all generations of our people, on our environment, and which make sense for our economy and our public finances. And that means, of course, spending on our Health Services too: a new and independent Paediatric Centre for our children which will be ready next year; a new bespoke Primary Care Centre; continued investment in new hospital services provided in Gibraltar – what better way to celebrate the 70th anniversary of the NHS in the United Kingdom than with more and better investment in our own Health Service, the Gibraltar Health Authority, everyone's Florence Nightingale; and investment also in the support of the new Calpe House in London, which we have supported and which will be inaugurated tomorrow. All of that is investment in the health of our nation. How can we not pursue such an investment?

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If I may, Mr Speaker, I would like to simply pause there to wish the trustees of Calpe House all the best for the future as they prepare to open their magnificent new facility. I will, unfortunately, not be able to attend the opening as I need to remain here to listen to all hon. Members' contributions. The Hon. the Father of the House, Sir Joe Bossano, will rightly be the one to attend to represent the Government. I am sure I speak for the whole House when I wish the new Calpe House all the very best and I express the hope that it will be as much of a haven in London for those who need it in time of illness as the existing Calpe House has been. (*Banging on desks*)

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Mr Speaker, part of living longer is also about living healthier, and that is why it is such a pleasure to see more and more of our young people involved in sport. That is why we must also invest in sport as an investment in community and an investment in the overall health of our community. Nonetheless, there are mornings when I rue the day that I allowed Steven Linares to persuade the Cabinet that we should host the 2019 Island Games in Gibraltar! But it was the right thing to do. That is also now a target that is almost upon us, and one which has required the acceleration of projects like student accommodation, which will be used as accommodation for athletes. The sporting facilities will all have to be ready by then, which is an ambitious timetable that we are sure we will be able to meet. And we are developing facilities here, as we are developing homes for the MoD, where our financial outlay is in a number of financial years but the return will come in the following financial years. That means we see the cost in this financial year but the benefit and income is not seen until later.

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It is right that in this respect I should also reflect here the gratitude of the whole community to the Gibraltar Football Association. It is in great measure thanks to them that we will be able to develop the new sporting facilities that will provide for all sports. They unlocked with UEFA the funding for a new national football stadium at Victoria, which is providing £16.5 million to Her Majesty's Government of Gibraltar and which is in turn allowing us to invest that amount and more in other facilities. That is why it would not have made sense, as Members opposite were prepared to do, for the Government to have invested itself in Victoria, which is principally a

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365 football facility today. We would then have invested taxpayers' money predominantly for one sport, ironically the richest of all sports. Yet that was the plan of Members opposite. Again, their policies, their statements and their decisions would have had the negative consequence of delivering a worse deal for the taxpayer and a worse deal for sportsmen and women. Our nation would have suffered from the negative consequences of these policy errors for generations, and the negative consequences would have affected all generations, from spectators to participants.

370 Instead, we are now able to see the use of Victoria Stadium being fully dedicated to football and with the investment coming exclusively from football, and the spread around all the other sports of funding for new facilities which will also include football. That was the right thing to do and we are doing it in partnership with the GFA and all the other sporting associations, because working together, pulling together and seeking partnership is what delivers great results.

375 And that is how we have approached our work with the United Kingdom in the negotiations to leave the European Union. If hon. Members care to think back 24 months, the mood music was not positive. Before 9 a.m. on the morning of the result of the referendum, the then Foreign Minister of the Kingdom of Spain said that he hoped, and I quote, 'that the formula of co-sovereignty, to be clear, the Spanish flag on the Rock, is much closer than before'. The ink was not dry on the returning officer's return on the result of the referendum and already these matters were leading the Spanish news in these terms. And yet today no one is talking about  
380 flags or sovereignties and it is Snr Margallo who is the past. We held our nerve, we held our red lines, we held to our reasonable positions and we worked and we are working with the United Kingdom in partnership to deliver a Brexit that works for Gibraltar without compromise of any of our fundamentals.

385 The Hon. the Deputy Chief Minister will report more fully to the House in the course of his address in this debate, on the work we have done with the United Kingdom and on our contact with other European partners, given his portfolio responsibilities for Europe and for leaving the European Union.

390 Mr Speaker, our work with Her Majesty's Government in securing post-Brexit access for our financial services has been critical in first stabilising our traditional business lines and then enabling our sustainable growth to continue. Of course there will be some loss of existing business – there will be some new businesses also – but the sector today is buoyant and confident of the future. We are already seeing new firms coming in and new sectors being developed. This is also testament to the non-stop work and travel of Albert Isola, who has become the champion of Gibraltar as the jurisdiction from which to do international business.  
395 He, in his field, deserves deep recognition for the work he is doing in this sector, as all Ministers genuinely deserve in the sectors to which they are all indefatigably dedicated.

400 Of course, my Government is working hard to deliver a successful new line of business for Gibraltar, that is in particular in the DLT/Blockchain space where, as world leaders, we continue to welcome new businesses to Gibraltar on an almost weekly basis. In just the first wave we have some 35 new DLT businesses coming to Gibraltar: quality firms that will have office space and people employed here in Gibraltar, and coming here because they want to be regulated within the pioneering framework that we have created for them. Indeed, I understand that some of our law firms are receiving literally hundreds of enquiries a week in this innovative area. We have led in this space and it shows. We are creating a Crypto Rock with an excellent reputation  
405 around the world and the impact of this ripples across our entire community. It affects professionals and service providers and we look forward to welcoming more businesses like these who are choosing Gibraltar for their businesses to serve the future.

410 In gaming, despite the challenges of Brexit, our numbers are holding strong. Every indicator is up. Whether it is in employment, PAYE or Corporation Tax in this sector, we are up on last year, and this despite the huge consolidation there has been in the sector and, of course, Brexit. We are working with all operators to ensure that their Brexit contingency plans can work for them as well as for us and we are pleased with the progress we are making. With over 3,500 jobs in this

industry we are alert and alive to its needs and consistently working to improve the Gibraltar experience for them. As we speak, our regulators are processing a number of new licence applications both in the B2B and B2C spaces and also working in considering the impact of Blockchain on our gaming community. We have also completed an exercise on gaming licensing and duty reform, which my colleague the Minister for Commence will explain in more detail.

If I may say so, Mr Speaker, that is a million miles away from the place where our detractors and our competitors expected or wanted us to be. We were expected to be floundering by now, we were expected to be losing business by now, we were expected to be on our knees, but I never for one moment believed that we would fail. Never. And I was right to trust the Gibraltarians' instinct to rally, to fight, to never surrender in the face of a challenge; and instead we are growing, tapping new areas of business and working with the United Kingdom to preserve and enhance our access to the UK market after our departure from the EU and in that way guarantee the key factors that make us attractive to so many of the businesses that are established here and that want to establish themselves here.

That is the direct consequence of the hard work of the team I have had the privilege to lead on Brexit with the Deputy Chief Minister, involving every Minister in their own field and including the Attorney General and the Financial Secretary in the fashioning of the agreements we have been able to finalise with the United Kingdom in all relevant sectors that require continued access to the UK market on single market terms after we have left the European Union. It has not been easy, but it has been the fruit of hard Gibraltarian resolve, grit, graft and genuine British friendship, partnership and support.

All of this preserves our economic activity, which goes to the calculation of economic activity in our gross domestic product calculations, as does economic activity in the Port and Airport, in tourism generally, in employment as a whole, and all of that against the relevant measure of inflation.

And so, Mr Speaker, I move on to analyse the key economic indicators of the performance of our economy. In doing so, I want to point out that these are the metrics that have been applied to our economy by successive Governments and that they are provided to the Government by the Treasury and the Statistics Office. They are based on the figures which are audited by the Principal Auditor. Again, I should point out, to ensure no one is confused, that the Principal Auditor of Her Majesty's Government of Gibraltar is the only auditor under our laws who enjoys constitutional independence in the exercise of his functions.

I turn first to a sector that will only grow in importance as we leave the European Union, namely the Port. Activity at the Port increased by 7.6% in 2017 compared with 2016. In gross tonnage terms, activity increased by 15.5% over the year. The number of ships calling at Gibraltar for bunkers increased by 10.1% in 2017 compared to 2016. Growth, growth, growth, Mr Speaker, in all key areas of Port activity.

In tourism a similar picture emerges. The number of visitor arrivals, excluding non-Gibraltarian Frontier workers, increased year on year by 3%. The figure for total arrivals, including non-Gibraltarian Frontier workers, increased by 4.2% over the year.

Visitor arrivals by air hit a record high for the second year in a row last year, increasing by 5.3% despite the demise of Monarch Airlines in October 2017.

The strongest growth, however, came from visitors staying in Gibraltar, that grew to a record high by 12.8% year on year. The percentage of total visitors arriving by air staying in Gibraltar continues to rise where it stood at 43% compared to 40% in 2016 and 39% in 2011.

The Air Traffic Survey Report shows a record number of seats used for both arrivals and departures in 2017. Despite the demise of Monarch Airlines in October 2017, the number of seats actually used for scheduled arrivals increased – that is to say the numbers of actual bums on seats grew, even though the number of seats available dropped.

Passenger load factors also, therefore, increased. The number of seats used for scheduled departures in 2017 increased. Passenger load factors increased from 80.2% in 2016 to 86.9%, up



465 just shy of 7%. Mr Speaker, I think all hon. Members will recognise the work that the Hon. Gilbert Licudi and his team have done in the face of the collapse of Monarch Airlines to very quickly ensure that the other existing airlines were persuaded to step into the breach and add capacity on the Gibraltar route. I know it is work that continues and which I am sure will bear even more fruit.

470 The number of cruise calls and passengers also hit a record high in 2017 and the number of cruise calls increased by 5% in 2017.

Hotel arrivals also hit a record high for the second year in a row last year. The overall number of arrivals increased year on year by almost 1%. The largest gain came from tourist arrivals, that grew by almost 3%. Room nights sold grew. Room occupancy increased. Guest nights sold grew. Sleeper occupancy increased. Average length of stay increased. The length of stay of tourist arrivals also increased.

475 As a result, tourist expenditure for 2017 has been estimated at over £¼ billion, namely £252 million, a very creditable year on year increase of 19% – that is to say almost a 20% increase in tourist expenditure, again despite the challenges of Brexit and of the Monarch Airlines collapse. Despite that, growth, growth, growth in all key areas; but growth which is a clear consequence also of our decisions to invest in Gibraltar’s tourist product and promote investment in our hotels. As ever in life, you reap what you sow. Sow nothing and reap nothing.

480 And this growth that we are reaping as a consequence of our investment is delivering jobs to our people and beyond our frontiers. As is reflected in the last Employment Survey, the number of employee jobs in our economy in October 2017 has gone up to 28,029. That represents an increase of 3.5%, or 956 jobs in our economy. That is almost 1,000 extra jobs when compared with October 2016, the date of the previous Employment Survey. The majority of the job gains came from the private sector, where jobs grew by 1,052 or almost 5% over the period. Public sector jobs decreased by 54 or 1% over the same period. The engine of our economy is the private sector and this growth in jobs demonstrates that, and the engine continues to fire on all cylinders. Employee jobs in respect of Gibraltarians increased to a record 11,130 over the year, representing just short of 40% of all employee jobs. The growth in full-time Gibraltarians was mainly in the private sector with a net increase of 71 employee jobs, up about 1.5%. In these circumstances the House will be pleased to hear that the number of Gibraltarians unemployed for the quarter that ended on Friday is a record low of 45. In fact, for the month of June the number of Gibraltarians unemployed has hit a monthly low of 31, although the only figure that we report and rely on is the quarterly figure.

490 Mr Speaker, when we were first elected, the number of unemployed reported by the Department was 522 for the first quarter. Given the calculations done by the Hon. Mr Feetham of the cost of our Future Job Strategy, the numbers would probably have been even higher, but using just the figure which the Department was reporting, we had a situation where over 500 Gibraltarians were actively looking for jobs. At that time Mr Feetham also suggested that a figure of 300 would represent full employment in our economy. With the numbers reported by the Department now reduced to 45 and the monthly figure as low as 31, we are reporting, on the quarterly figures, a reduction 91.4% in unemployment. All credit to the successive Ministers for Employment of the Government that I have led: the Hon. Sir Joe Bossano, the Hon. Neil Costa and the Hon. Gilbert Licudi. All of them have been responsible jointly for these magnificent results. And all credit to the men and women of the Employment and Training Board, so ably led these days by Debbie Garcia. These are incredible results that we will work hard to maintain but are unlikely to be repeated. But today, for these purposes, I think Gibraltar is entitled to look at these results and say unemployment has been tamed in Gibraltar through the policies of a Socialist and Liberal administration that has considered no one unemployable and has worked to ensure that our people come first in our labour market.

510 But the Gibraltar economy is not an engine of benefit just for Gibraltar. There is capacity here for others. Our economy also creates jobs, as all Members are aware, far beyond its frontiers.

515 That is why we have people working in Gibraltar from each member state of the European Union and indeed from even further afield.

Importantly, in particular for the education of those who might think that we are anything other than a force for good in our whole region, it is important also to record the following in respect of the period from October 2016 to 2017: the number of Frontier workers increased by 868, or almost 8%, from October 2016 to a record high in October 2017.

And what are all those jobs producing for employees? Average gross annual earnings in respect of all employee jobs increased by 2.9% from October 2016 to October 2017. Average gross annual earnings for monthly paid full-time male employees increased by 2.3% in the same period.

525 To set those wage increases in context, in the relevant period for which I am reporting to this House, inflation in Gibraltar averaged at 2.6% in 2017 compared to 0.6% in 2016. Rates from 2015 to 2016 were unusually low following the low inflation trend in Europe, largely as a consequence of cheaper energy and import prices. The average rate of inflation for the previous 10 years to 2014 was 2.8%, which is slightly higher than the current average rate for 2018 that stands at 2.6%. Inflation in the euro area ran below the European Central Bank's target rate of 2% during 2017, averaging at an annual rate of 1.5%. The UK CPI inflation averaged at 2.7% in 530 2017, marginally higher than Gibraltar's IRP that averaged at 2.6%.

Since the Brexit vote the value of the pound has fallen in comparison with most other currencies, dropping by 10% from June 2016 to 2018. The continuing uncertainty surrounding Brexit continues to apply pressure on sterling and some UK analysts are predicting that it could fall below €1 against the pound once the UK officially leaves the European Union in 2019. The effect of sterling's depreciation on import prices and the recent increase in fuel prices will continue to pass through to customer prices. These external pressures are likely to keep inflation above the 2% target through 2018.

540 Mr Speaker, this year I report on the second full year's results following the decision of the United Kingdom to leave the EU. The year I am reporting on is probably also the year of maximum uncertainty, as it is the year in which we have been engaged in discrete discussions with European counterparts, but it is a year in which we were not able to see a final agreed position as to the status or nature of the United Kingdom's future relationship with the EU. The year has therefore given rise to more than the usual sets of challenges surrounding those issues. 545 It is against this challenging and less than settled backdrop that our economic performance must be measured.

The latest figures available from the Government Statistics Office show that the final Gibraltar gross domestic product estimate for the financial year 2015-16 was £1.79 billion, representing a growth of £180.64 million, namely 11.2%. The GDP figure for 2016-17 is now estimated at £2.01 billion, increasing by £212.69 million, or 11.9%. And the important new figure that I today report to this House is that the GDP forecast from the Government Statistics Office for the financial year we have just ended, namely 2017-18, is £2.18 billion. That shows our GDP increasing by £173.44 million, or an increase of 8.6% compared to 2016-17. These figures reflect 550 the continued strong growth of our economy despite the many challenges that we have faced in the year, for which I have the honour to report to this House.

The Government's manifesto target of reaching an increased GDP of at least £2.4 billion by the end of March 2020 is therefore likely to be achieved a year ahead of schedule. That is to say we now expect to reach very close to the target that we had set for March 2020 by March 2019.

560 Mr Speaker, if I may say so, this proves a point that hon. Members opposite have, on some occasions, had cause to make. Indeed, I think it was the Hon. Mr Hammond or the Hon. Mr Clinton who made the point during one or other of the last two election campaigns that at election time we – that is to say the GSLP-Liberals, or more precisely Sir Joe Bossano – predict the likely outcome of the growth of the Gibraltar economy and in particular of the GDP and that

565 we risk getting it wrong. Hon. Members have therefore been heard to muse that if our plans were all based on those predictions there was an inherent risk in that.

Well, they were right and I do not mind admitting it to them. They were right and we were wrong about GDP growth. You see, in 2011 we predicted we would reach a GDP of £1.65 billion by 2015-16. We got it wrong. We reached that target under a GSLP-Liberal stewardship of our economy by 2014-15 – that is to say a whole year earlier than anticipated. In this election cycle we once again appear to have got it wrong. We are likely to reach the target or near it, once again, a year early: £2.4 billion or very close to that by 2018-19, one whole year ahead of March 2020.

575 The one thing they would not wish me to remind the public of, of course, is that the gist of what Members opposite were telling the electorate was that we could not make those targets at all. Their position was that we were being overambitious. They were certainly wrong about that: we were conservative and prudent in our predictions and they were achieved. Indeed, based on the latest estimate of GDP, our £2.4 billion target would now be met into 2020 with a growth of just 5% a year, when our manifesto estimated a continued average growth rate of around 7.5% to reach the target over the period to March 2020. The growth over the last three financial years has exceeded that, averaging 10.5%, a remarkable rate of GDP growth, in particular given the political circumstances with which we have been required to deal.

585 As a result, Gibraltar continues to rank amongst the fastest growing economies in the world, and economic growth is often seen as indicating an increase in the average standard of living. As a result, I have therefore continued the tradition, started by my predecessor Sir Peter Caruana, of reporting to the House on the GDP per capita in our economy, as this was used by Members opposite when they were in Government as an indicator of the average standard of living of individuals in Gibraltar. It is used in this way in analysis around the world. It is not a strictly scientific measure, but it has been referred to every year since before we took over as the Government. It is therefore an established metric, of however doubtful value, which I shall once again provide to the House.

595 In this respect, as I have told the House, the latest forecast for 2017-18 estimates a GDP per capita capital growth of 8.6% from the previous year to £2.18 billion. On the IMF GDP per capita rankings the UK features in 34th position with a GDP per capita of \$45,566 and Spain in 40th position with a GDP per capita of \$40,290. Gibraltar's GDP per capita for 2017-18 is forecast at \$111,051, placing Gibraltar in third position, closely ahead of Luxembourg, which enjoys a GDP per capita of \$110,870 and behind Macao SAR with a GDP per capita of \$122,490. Qatar heads the list with a GDP per capita of \$128,703.

600 I have said before and must I ensure the record of the House reflects my own view that these measures are not scientific because of the differing methodologies and fluctuating exchange rates on which they are based. In our case, with such a large part of our working population not being relevant in the per capita aspect of the calculation, the numbers are, in my view, distorted. Nonetheless, they are the measures that the rest of the world relies on.

605 The important aspect of this exercise, however, is really only to appreciate that the Gibraltar economy is estimated to have grown by 8.6% in the 2016-17/2017-18 period, with average earnings going up by 3%, and this growth continues to place us ahead of other small countries in the world except Macao, but including Malta, Luxembourg, Singapore and Hong Kong.

610 Mr Speaker, I turn now to an analysis of the public finances of Gibraltar. The level of Aggregate Public Debt as at 31st March 2018 was marginally lower than last year at £439 million. This represents an Aggregate Debt to GDP ratio of 20% in 2017-18, down 2% from 22.1% in 2016-17. The level of Cash Reserves ended the financial year at around £115 million. As a result, this reflects Net Public Debt at £324 million or 14.86% of GDP in 2017-18. This is a decrease of just shy of 1% from the 15.7% at which it stood the year before in 2016-17. These ratios continued at lower rates than that of the UK and most other European nations.

615 Gross Public Debt remained unchanged at £447 million and the reduced level of Aggregate Public Debt reflects the balance held in the General Sinking Fund.

Liquid Reserves held by the Government ended the year marginally higher than the Cash Reserves. As is the established practice, a full breakdown of these Liquid Reserves and details of where these reserves are invested will be provided as part of the Annual Accounts of the Government, once these have audited by the Principal Auditor.

620 It is important for hon. Members and the general public to note that our nation's Public Debt continues to be low in relation to the growing size of our economy. As a percentage of GDP, our Net Public Debt is currently among the lowest of any country in the European Union. Indeed, overall borrowing is relatively low even if we were to include the borrowing by Government-owned companies, a practice which was commenced and established by the former administration, and which has never been, as hon. Members know, deemed to be part of the Public Debt by any reckoning.

625 It is important also to remind ourselves that the former administration established company borrowing in this way because borrowing by Government-owned companies is serviced directly from the income accruing to those companies and is secured against income-generating assets held by those companies and not against the Consolidated Fund or the general revenues of Government.

630 The Government continues, however, to be committed to reducing debt servicing costs and it is fully engaged in restructuring its borrowing in order to take advantage of the historically low levels of market interest rates. In this respect, as part of ongoing management of the Public Debt, opportunities to extend the maturity profile of the Public Debt are also being actively looked into. Indeed, just at the most recent Question Time in this House I was able to advise hon. Members that a Barclays facility via the Government company structure in the sum of £16 million – entered into by the party of Members opposite, the previous administration, at 6.8% – has been refinanced by us at 2.5%. And yes, Mr Speaker, they heard right: that was a loan via the Government company structure that they had entered into and which mortgaged some 17 properties, a large majority of which were released as a result of our refinancing.

635 Incidentally, I expect soon to be filing the accounts of all the Government companies, starting shortly after the summer – accounts that you will recall the former administration stopped filing.

640 Mr Speaker, for all the reasons that I have set out before, the past year has been politically challenging. Despite that, I am delighted to announce to this Parliament that during the last financial year 2017-18, we have once again achieved a recurrent Budget surplus which stands at £36.1 million. This is just about double the originally estimated surplus for the year – a demonstration once again that our estimates are conservative and can be relied upon by hon. Members. This also marks the prudent stewardship of our economy and shows that we continue to build on the good fortunes of our first term in office.

645 For those who have spent seven financial years criticising everything that we do and predicting that our actions would not be successful, this further surplus demonstrates once again that we can be trusted with the safe and successful administration of our public finances. Once again this year we are able to point to results to show that the naysayers are the ones who should not be believed, that those who have been crying wolf each year since December 2011 are the ones who are not credible.

650 Indeed, if we compare our economic performance by reference to the surplus, our average surplus for the six years after 2011 is larger than their average surpluses for the six years before our election. Indeed, our surplus this year is as large as their largest surplus ever. But we do not want to compare averages, because we do not want to discredit that period for which they were responsible and neither are the parameters exactly comparable anyway, in particular given the growth in our economy that we have delivered since then. Yet, given these results, hon. Members opposite should now find an elegant way to move away from their ridiculous annual mantra that we are somehow massaging figures. What we are doing is demonstrating

consistency in the successful management of our public finances: consistent growth and consistent surpluses.

Indeed, in respect of the politics of real consequences, one of the real consequences of the constant suggestion that things are somehow not going as well as the figures show, of crying  
670 wolf every year, is that people will no longer give any credence to such posturing. Additionally, we are able to show that the flip side of that is that we are reliable and credible in our predictions in these estimates, as much as to revenue as we are to expenditure.

In that respect, Government revenue during the last financial year exceeded the original Budget by approximately £21 million. As a reflection of the continuing growth in our economy,  
675 Income Tax receipts were up by around £11 million and Company Tax receipts were down by around £9 million arising from an overpayment in the earlier year. Departmental expenditure during the year, on the other hand, has been very effectively contained by the Government and this ended the year slightly under budget at £3.3 million or 0.7% under budget. And as I said earlier, our average growth in departmental expenditure is, in any event, half of the average  
680 increase per year in the same period under hon. Members. That is a very creditable landing point which the Government is pleased indeed to report to the House.

Mr Speaker, as in previous Budgets and in line with our manifesto commitment to help Gibraltar Community Care Trust build up its reserves so that it can be totally independent of Government grants, I am delighted to inform the House that a further sum of £15 million has  
685 been earmarked by the Government this year as a contribution to the charity. This contribution will be paid out from the Government's recurrent surplus for the year.

Also in line with my Government's commitment to transparency, we have prepared a presentation of the Budget to assist viewers to follow those essential numbers. The presentation will be available online at [www.gibraltar.gov.gi](http://www.gibraltar.gov.gi). This presentation is not a substitute for  
690 reviewing the Estimates Book but rather an attempt to connect taxpayers with where the money this Government raises from their taxes, duties etc. comes from and where and how it is spent.

Mr Speaker, I now move on to the recurrent revenue and expenditure budget for the current financial year. Estimated recurrent revenue for the year is budgeted at around £652 million. This represents an increase in revenue of over £37 million or 6% over the previous year's Estimate.  
695 Nonetheless, as hon. Members will see when I get to the Budget measures that I will announce, this will be a prudent and conservative Budget: a Brexit Budget.

The overall recurrent expenditure budget for the year is £628 million, which reflects an increase of around 5.2% over the 2017-18 Estimate. The Government is therefore prudently and conservatively projecting a recurrent budget surplus for this financial year of around £24 million.

During the last financial year 2017-18 the Government invested around £63 million on capital projects funded from the Improvement and Development Fund. Over £18 million was invested  
700 on works and equipment and over £44 million was invested in specific capital projects. That includes £5.75 million on the access road to the Frontier, including the resumption of works on the tunnel, and £18 million for the relocation of a number of MoD estates.

This has resulted in one of the largest tenders for property going on the market and being awarded. Over 100 ex-MoD properties have been tendered for by aspirational Gibraltarians looking to progress up the property ladder. We are therefore continuing to spend money building new homes for the MoD personnel, and that spending will release the ex-MoD properties which have already been tendered for by Gibraltarians in some of the most desirable  
705 locations in our geography. The income side of this equation will not, however, be visible in this year's estimates. Completion of the sale of the ex-MoD housing will occur in the following year, that is to say financial year 2019-20.

There are also further capital projects funded through the Government-owned companies. These include a number of projects that have now been enjoyed by the community and have  
715 been taken to as part of the daily life of our community as if they had been there for years, such

as the Midtown car park, Charles Bruzon House and Sea Master Lodge that have recently been handed over to tenants.

720 The expenditure budget of the Improvement and Development Fund for the current financial year 2018-19 is around £72 million. The capital investment in works and equipment is estimated at over £18 million and the provision for investments in other Government projects amounts to over £53 million. That includes an investment of £7.5 million in our roads and parking projects with the ongoing cost of the tunnel across the runway being a key feature; nearly £16 million more for the continued relocation of the MoD estate; £1 million for infrastructure works for new developments, including the new affordable housing projects; a further £14 million for our  
725 ambitious programme of facilities to be ready for the Island Games that will leave an important legacy in sport and accommodation for many years to come; and further provision to complete other ongoing capital projects.

Mr Speaker, an important part of the revenue aspect for the year I am reporting on and the year we are estimating for comes from the collection of corporate and personal taxes from  
730 economic operators in our economy. In that respect I think most taxpayers will agree and will have appreciated how in the financial year 2017-18 the Income Tax Office has continued to improve the processes for the assessment and collection of taxes in Gibraltar.

The total figure of taxes collected amounts to £277 million, broken down as £166 million in personal taxes and £111 million in corporate taxes for the year 2017-18 I am reporting to the  
735 House on. This figure is anticipated to rise to £295 million in the current financial year 2018-19, breaking down to £165 million in personal taxation and £130 million in corporate taxation.

The more efficient assessment and collection of taxes also has an immediate plus side for individual taxpayers also. The Income Tax Office has in the past financial year paid out a historic and unprecedented amount of £15.3 million in refunds to individual taxpayers.

740 I am pleased to inform the House that the Income Tax Office is well on course to achieving the paramount objective of addressing the hugely important issue of cutting delays in issuing taxpayer final assessments and the payment of refunds which arise as a result. This is a significant accomplishment by the Income Tax Office and one that I am proud to report on. For the first time in 20 years a Chief Minister is able to announce that taxpayer assessments are  
745 being brought right up to date. In fact, as I am making this speech some taxpayers will already have received assessments in relation to the 2016-17 tax year. That is to say we are now – in cases where there are no disputes – up to date in repayment within two financial years.

In the context of the revenue and expenditure estimates, it is particularly important to highlight this and to report to the House that since the refunds programme was implemented  
750 the Government has already spent £25 million in addressing arrears catch-up. This year we have committed a further £15.5 million for financial year 2018-19 in order to take this project further to completion. Hon. Members can see that at head 7, subhead 1 of the Recurrent Consolidated Fund charges as required under section 14 of the Public Finance (Control and Audit) Act. It is on page 16 of the book, at the bottom. Indeed, such has been the impetus given to this exercise by  
755 the Income Tax Office that in order not to hold up what is, after all, a catch-up process that had moved quicker than we expected we would be able to progress it, the Government spent an additional £5.5 million over the allocated amount in rebates in the last financial year 2017-18. That is to say we spent an extra 55% over the allocated amount for the last financial year, which we additionally allocated to this subhead in order to repay to taxpayers what is due to them.  
760 Never has any Government ever allocated so much to this subhead and to this purpose. This I think will demonstrate to the taxpayers that this is not about holding on to their money but returning it in a structured and organised fashion to ensure the right and fair balance is maintained between repayment and carrying out the proper and correct assessments.

In this respect, we continue the e-government initiative also in the Income Tax Office and by  
765 the end of this year we expect to see the implementation of online facilities for registration by PAYE and self-employed individuals, submission of tax returns and payments of tax and social

arrears. The completion of these initiatives will importantly finally result in a digital Tax Office offering a seamless and streamlined interface to the general public.

770 Mr Speaker, it is right that I should pause there to thank Tina Pitaluga for the work that she has done as Acting Commissioner for Income Taxes. The post of a new Commissioner has already been interviewed for by the Public Services Commission and the results of that interview process will no doubt soon be announced.

775 Also very important and as a key principle of basic fairness, the level of tax and Social Insurance arrears continues on a downward trend. This is a direct result of the effective strategy, co-ordination and significant efforts between the Central Arrears Unit and the Income Tax Office.

780 The Central Arrears Unit was set up and commenced its operations in August 2016 in order to recover debts owed to Government. It is important to note that an earlier incarnation of a Central Arrears Unit had been created by the first GSLP administration and had been in place until 1996, but it was dismantled by the party of hon. Members opposite when they were last in Government. Again, their actions in this respect had the obvious and immediate negative consequence that very considerable arrears built up. Their actions had the negative consequence also of creating the huge unfairness for those in business who paid their dues, that many of their competitors were not paying their legal liabilities. When that happens, businesses  
785 that pay their dues are in effect subsidising businesses that do not pay their dues. The actions of the party of Members opposite therefore had the direct and negative consequence of unlevelling the playing field in favour of those who failed to pay their dues. The direct and positive consequence of our actions in once again creating the Central Arrears Unit – which is not popular, of course, with debtors – is to once again level the playing field. In that way we act  
790 fairly to all taxpayers and to all businesses and do not allow those who do not pay to have their businesses subsidised by those who do. And the Central Arrears Unit does not just chase bad debt. In order to do a better job and also to assist businesses, it also aims to ensure that current payments are received on time. This also curbs escalation of debt and ensures an across-the-board fair debt-recovery policy is applied to all individuals and companies who owe moneys to  
795 Government.

I am pleased to be able to state that arrears of taxes in Gibraltar have been reduced by £13.3 million in the past 18 months of operation of the Central Arrears Unit. Social Insurance debt has been reduced by £3.4 million in the same period. That is a total reduction of £16.7 million, all of which has been achieved in just a year and a half, just in 18 months. The  
800 overall reduction in debts owed to Government, when comparing figures from 30th September 2016 to 31st March 2018, is actually £21 million. Additionally, not only do arrears show that significant reduction, but I must also highlight that the Central Arrears Unit are actively ensuring that current payments are received in a timely manner.

805 This success is due to the excellent work of the men and women of the Central Arrears Unit. They work closely with all Government Departments, all of whom now understand that we must strive to reduce arrears and ensure the timely collection of current payments due. All now understand that the laissez-faire attitude of the party of hon. Members opposite was bad for Gibraltar, it was bad for those who pay their due and it was not fair. The men and women of the Central Arrears Unit are sometimes insulted, they are sometimes threatened, they are on the  
810 receiving end of unpleasantness from those who have failed to pay their dues; but, under the effective and unafraid leadership of Lizanne Dalli, they ensure that those who owe money pay because that is the fairness that we owe to those who do pay on time. I extend to the people of the Central Arrears Unit the sincere thanks and respect of the Cabinet that I lead and of the whole community.

815 I express the same sentiments for the work being done by the Minister for Housing and all the people of her Housing Ministry in respect of arrears of housing rents. The Housing Department has also very successfully implemented the arrears recovery strategy which it

820 commenced in 2015. The balance of the rent arrears at its highest in 2016 was just in excess of  
£6 million. In the relatively short period of 36 months since recovery of arrears commenced, the  
balance due is now £4,812,223. That figure reflects not just recovery of arrears but also a  
reduction of accrual of arrears.

825 Recovering arrears of rent is not popular and it is not straightforward. In some instances  
discretion has to be applied because of the circumstances of individuals who have fallen into  
arrears. In some cases, calculations may be wrong and reliefs which are available have not been  
factored in and have to be deducted from the headline liability. In all cases it takes a politician  
with courage to do the right thing and to pursue unmeritorious cases of non-payment of rent.  
Samantha Sacramento has shown that she has the gumption and the ability to pursue such a  
policy and that she does so with the full support of the Cabinet, the Government and, I hope, the  
whole of this House and indeed the whole of the community.

830 Mr Speaker, I am also delighted to report to the House that under the leadership of Sir Joe  
Bossano the Gibraltar Savings Bank continues to flourish. The reserves of the Savings Bank have  
continued to grow and these reserves stood at £37 million at the close of the last financial year.  
The reserves of the bank are estimated to grow further to reach over £41 million by the end of  
the current financial year. The deposit base of the Savings Bank remains at over £1.3 billion.

835 The Savings Bank continues to provide an excellent range of savings products for our  
community, as indeed it has done since it was established over 130 years ago. The Gibraltar  
Savings Bank will continue to provide savings products to serve our community and will continue  
to offer special rates of interest to our pensioners.

840 The bank is also working on improving the services it offers to savers by making use of the  
latest available developments in banking technologies. This complements the services that are  
now being provided to the community by the Gibraltar International Bank, which include a full  
range of retail banking services, including mortgage finance to prospective homeowners and  
commercial lending to our local businesses. In fact, I am delighted to be able to report to the  
House on the growing success of the Gibraltar International Bank. Operating at arm's length  
845 from Government, the GIB has grown beyond our expectations and I would like to congratulate  
and thank the Chairman, the Board, its CEO and all those that work there for shaping an  
institution that has become an integral part of Gibraltar society and the Gibraltar proposition.

850 It is because of this growth that the Government took the view to invest a further amount of  
£30 million in the capital of the bank over the last 12 months via the Gibraltar Development  
Corporation. Given the objects of the GDC, it is quite an appropriate investment and the money  
was sourced from the £300 million we raised through an institutional investment in Gibraltar.  
The bank needed this capital to meet the stipulated regulatory financial ratios which arose given  
its expanding portfolio of business. In other words, the bank needed an extra £30 million  
because of the success of its business model, not because it lost money that we had to replace.

855 I am very happy to be able to tell the House that in a snapshot as at the end of last week the  
bank had attained 20,897 accounts, year to date deposits of on average of £725 million and their  
loan book now stands at £204 million. And most importantly of all, the bank has turned its first  
monthly profit and has predicted it will turn a profit for the full year that will close in December  
2018.

860 Mr Speaker, I trust you will agree that this is quite remarkable for a relatively small bank that  
was no more than a manifesto commitment when we were first elected and which we created  
also to deal with some of the retail banking challenges our community faced. And it is already  
spreading its wings beyond our shores and helping provide banking support to some businesses  
in the Falkland Islands that are struggling to obtain banking services and have approached the  
865 GIB to assist.

The accounts for the year ended 31st December 2017 will shortly be made public. Those who  
want, can then obtain a copy to study to their accounting hearts' content.



Mr Speaker, I now turn to the specific Budget measures for 2018. Before I start announcing some of the changes to import duties I want to inform the House that this year, in carrying out this exercise with the Collector of Customs and the Financial Secretary, we have realised that there remain a number of anomalies and inconsistencies within the structure of the present tariff. This has also been noted by the boards of the Gibraltar Federation of Small Business and the Chamber of Commerce, who have both raised the same issue with the Government. In the circumstances, I am asking for an exercise to be carried out with a view to seeing if the system can be rationalised. This may lead to there being a smaller number of tariffs that would apply. Products would then be aligned to those tariffs in more a consistent manner. My expectation would be that the outcome of this review can be announced during next year's Budget. In the meantime, the following changes in Import Duty will be introduced, with immediate effect or as otherwise indicated.

Mr Speaker, in support of this Government's continuing efforts to address the problems arising from tobacco and smoking generally, to further curb anti-social behaviour and to better collect, monitor and share information, and to better prevent the possibility of illicit tobacco activity arising, and in consultation with the Collector of Customs, I will be introducing further amendments to the Tobacco Act. These will be designed to ensure that the licensing, importation and exportation, storage and transportation of cigarettes, as well as penalties in connection with these activities, apply to all tobacco products generally rather than only or mainly to cigarettes, as at present. These will assist also in controlling the public order issues that can arise if the trade in this commodity is not properly regulated.

Tobacco licence fees were last partly increased some considerable years ago, in 2005. These will now be increased with immediate effect as follows: the fee for a new wholesale licence will increase, from £1,000 to £20,000; the fee for a renewal of a wholesale licence will increase, from £300 to £10,000; the fee for a new retail licence will increase, from £150 to £5,000; the fee for a renewal of retail licence will increase, from £5 to £200; the fee for a new retail store licence will increase, from £50 to £5,000; the fee for a renewal of retail store licence will increase, from £15 to £5,000; the fee for a new transportation licence will increase, from £50 to £250; the fee for a renewal of transport licence will increase, from £20 to £250; and the fee for a tobacco import permit will increase, from £150 to £1,000.

The last time duty on tobacco was raised was in April 2014. At that date we increased duty per carton of 200 cigarettes from £12 per carton to £13 per carton. That change had followed a series of changes starting in July 2011 when we increased duty from around £8.55 per carton. I say 'around' because at that time duty was assessed on a hybrid basis which included a calculation based on weight. Since that date, currency fluctuations have made duty increases in respect of cigarettes harder, as the effect of such increases on the market price of cigarettes has been harder to quantify with certainty because of the currency's volatility.

Today, I want to signal a deeper and wholesale change in our attitude to tobacco duty. The health of our nation requires that we should ensure that we are taking measures to dissuade people from smoking. Not only are we extending our Tobacco Act provisions beyond cigarettes to all tobacco products, we are considering implementation in Gibraltar of international conventions on the use of tobacco and we are looking at an escalator of duty which will make high-street retail tobacco prices, cigarette prices in particular, less and less attractive. For that reason, as from midnight last night, duty on cigarettes will go up by £1 from £13 per carton to £14 per carton. Additionally, the duty on rolling tobacco will also be increased from midnight last night by a third again, by £15, from £45 per kilo to £60 per kilo.

Also from midnight last night, I will triple again the import duty on waterpipe tobacco from the current £15 per kilo to £45 per kilo. This represents another consecutive increase in Import Duty on this particular tobacco-based commodity. Duty was based on an *ad valorem* formula until two years ago. I introduced duty at £3 per kilo in the 2016 Budget measure. Last year we upped that duty to £15 per kilo. This year it is tripled again to prevent Gibraltar being used as a

920 place to create an illegitimate market in this commodity. Given the size of the increase, to avoid  
traders finding themselves with unsellable quantities of the product, the Collector of Customs  
will have a discretion, if he is satisfied that merchandise has already been ordered and is in the  
delivery stage or if there is a quantity already in Gibraltar in bond as at today's date, to levy duty  
at £15 per kilo for that particular quantity only.

925 Mr Speaker, data shows that diesel can emit more toxic pollution than other fuels. That is the  
main reason why we decided to pursue an LNG power station. That will considerably improve air  
quality in Gibraltar as we shut down our existing diesel-fired stations and temporary facilities.  
Diesel will, in coming months, become a fuel we use in the generation of electricity in our dual-  
fired engines only *in extremis* in the unanticipated event of a failure of LNG supply. Additionally,  
930 and in line with our policies to protect our environment and to improve our air quality, we have  
exempted duty on electric cars to promote their importation. The other side of the equation  
must be to increase duty on the most polluting diesel and petrol vehicles and their fuel.

We increased duty for diesel, the highest pollutant, last year. The increase we implemented  
did not, however, affect the quantities sold. Additionally, we have not increased duty on  
unleaded fuel since 2010. Accordingly, from midnight tonight duties on the importation of diesel  
935 will be increased by 12p per litre, from 25p per litre to 37p per litre; duties on the importation of  
diesel premium will be increased by 11p per litre, from 23p per litre to 34 per litre; duties on the  
importation of Unleaded 95 will be increased by 6p per litre, from 29p per litre to 35p per litre;  
and duties on the importation of Unleaded 98 will be increased by 5p per litre, from 29p per litre  
to 34p per litre.

940 As the whole market of both hybrid and electric vehicles has evolved, I have over the years  
provided several direct incentives, unrelated to fuel duty, to encourage people to move away  
from vehicles that rely solely on the internal combustion engine to those that provide cleaner  
alternatives. The Government has led by example and for over four years now the official G1  
vehicle is the full electric TESLA Model S – which even Jimmy now approves of, Mr Speaker! I will  
945 do more of this incentivising today, as follows: the Government will seek to improve on the UK's  
ambition of seeking to phase out registration of new vehicles with internal combustion engines  
by 2040. Some groups internationally have called for that deadline to be brought forward to  
2030.

950 Already the Scandinavian car producer Volvo has announced that as from 2019 – that is to  
say next year – it will stop producing vehicles that have only an internal combustion engine.  
Between 2019 and 2021, the firm will introduce five 100% electric models and ensure that the  
rest of its conventional petrol and diesel range have a hybrid engine of some form. It was the  
first major manufacturer to make such a bold move. The same announcement has now been  
made by Jaguar Land Rover, which will manufacture only electric or hybrid vehicles from 2020.  
955 Toyota and Lexus will offer every single model it produces as an electric option from 2025. What  
emerges is that every manufacturer is following suit and the electric technology will soon be the  
mainstream. The internal combustion engine is not dead yet but it is dying as the propulsion  
mechanism for private vehicles.

960 In the circumstances, the Government will implement the following measures. Vehicle  
registrations for private vehicles powered solely by internal combustion engines will be  
prohibited in Gibraltar by 1st July 2030. In other words, as from that date every vehicle  
registered in Gibraltar will have to be at least a hybrid. Additionally, vehicle registrations for  
private vehicles powered in any measure by an internal combustion engine fuelled by diesel will  
be prohibited by the same date, 1st July 2030. That means that diesel hybrids will not be  
965 registrable in Gibraltar as from that date in 2030. Only hybrids where the internal combustion  
engine element is not fuelled by diesel will be registrable in Gibraltar as from that date. Both of  
these measures apply as much to new vehicles as to second-hand vehicles being registered for  
the first time in Gibraltar as from 1st July 2030. As from 1st July 2035, Gibraltar will only allow  
the registration of fully electric vehicles where the propulsion of the vehicle does not in any way

970 rely on the internal combustion engine, whether fuelled by diesel or unleaded petrol. None of these measures will apply to classic vehicles, as already defined in our laws. Although these dates are far in the future, it is important that we legislate now so people understand the effect of the choices they are making for the future.

975 Additionally, for the next 36 months, any individual taxpayer who installs a mechanism for the electric charging of a vehicle in their home or in a parking space or garage owned by them will be able to deduct the first £2,000 of cost approved by the Commissioner of Income Tax of the installation of such mechanism against their tax liabilities.

980 With immediate effect, duty on diesel engines under 1495cc will be an additional 10% on top of the duty that would otherwise have been payable on importation. The Collector will ensure that any vehicles already bought or on order are not covered by this application of this provision.

At present, hybrid vehicles do not pay duty unless they are imported privately, where they attract 5% duty. Hybrids are presently also eligible for a cashback of £1,000. Full electric vehicles pay no duty, irrespective of how they are imported, and are eligible for a cashback now of £1,750. This also applies to electric forklifts. In order to further encourage the purchase and full use of electric vehicles, the cashback on hybrids is now reduced to £250 per vehicle, although the Import Duty will remain at zero; the cashback on full electric vehicles is increased to £2,500 and the Import Duty will remain at zero; a new cashback incentive of £150 is introduced for full electric motorbikes; and a new cashback incentive of £200 is introduced for electrically assisted bicycles without a throttle, where the electric engine cuts off at a speed of 25 kilometres per hour.

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Finally in relation to motor vehicles, the importation of non-classic used cars into Gibraltar does not assist the object of seeking that the fleet of vehicles in Gibraltar should be the most modern and environmentally friendly possible. As a result, the importation of a used vehicle will attract the same duty whether it is imported by an individual or a dealer and will remain as it is today for individual importations, not dealer importations.

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I want to thank the Hon. Paul Balban and former Member of this House Selwyn Figueras for their diligent work in the development of the measure relating to electrically powered bicycles, which is designed to make cycling attractive even for those in our community who have to negotiate hills in their use – a demonstration that bygone political differences need not prevent us from working together in future in the common interest of our community.

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Mr Speaker, the debate on paper versus plastic, or at least the legacy problems caused by recklessly using single-use plastics, is something that has rightly been brought to the fore by programmes like the BBC's excellent *Blue Planet* and Sky's *Ocean Rescue* campaign. This Government has always advocated renewables and concern for how our actions affect the planet that we will bequeath future generations. In that context, I note that disposable paper products are presently being charged at a higher duty of 12% than plastic disposable products, which are presently charged at 6%. Given what we now know about the effect of single-use plastics on our oceans and on our planet generally, this cannot be right. As a result, the Government will eliminate Import Duty on disposable paper products such as paper straws, plates, cups, disposable paper bags and sacks. We will, with immediate effect, also increase duty on their plastic disposable equivalents to 200%. The duty on biodegradable plastic bags at the same time will be halved.

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Mr Speaker, there have been no major revisions to duty on spirits, cider and other alcoholic beverages since 2010, some eight years ago. Indeed, in respect of some of these the last review has not occurred since 1997. In inflation terms alone this means that duty on these products is out of place with price rises. Accordingly, from midnight tonight, duty changes will apply in respect of different alcohols in different ways.

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Duty on cider, shandy and fermented beverages has not been increased since 1997. The duty rates are somewhat confused, with cider attracting 7p duty per litre whilst other drinks with less than 5% alcohol, such as shandy, attract duty at 14p per litre. I propose to rationalise all that at

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one rate and catch up with inflation such that duty on these products increases to 21p per litre. This duty increase equates to a 53% increase, in keeping with inflation since the last increase.

1025 Duty on bottled mixtures of beverages of an alcoholic strength by volume not exceeding 15% will be increased by 17p per litre, from 33p per litre to 50p per litre. Duty on American whiskey and bourbon is increased to £2 per litre.

1030 And finally, no doubt to the disappointment of champagne socialists everywhere, the duty on sparkling wines and champagne will be increased by 31p per litre, from 69p per litre to £1 per litre. I said it was a Brexit Budget, Mr Speaker! These latter two increases will bring duty to £1 per litre, having the effect of equalising the duty on these alcoholic beverages and making them double the duty on wine at 50p per litre, which duty will remain static.

1035 Mr Speaker, continuing on the theme of our commitment to education and to deliver advances for every generation in our small nation, it strikes me as inconsistent that electronic equipment such as iPads and gaming equipment such as PlayStations etc. do not pay duty whereas products for our very youngest, such as educational electronic equipment, pay duty at 3%. As from today, duty on such products is eliminated.

1040 The Government considers that it is in the wider public interest to promote investment in private sector medical practices that serve many in our community. As a result, all instruments and appliances used in the medical, surgical, dental and veterinary sciences, including sight testing equipment, will no longer attract Import Duty.

1045 It is important for the continuing development of Gibraltar as an attractive retail centre for us to promote the sale from Gibraltar of high-end products that can be alluring to tourists and residents alike. We have done a lot of work already in the Import Duty reductions we have implemented to date. In the circumstances, and upon the representations of some highly reputable and established traders, the duty on handbags is eliminated.

1050 The Collector of Customs and his team carry out a large number of functions for this community and their volume of work has increased exponentially. There are quite a number of areas where this work is visible and others where it is less visible. I therefore propose allowing the Collector and his team to charge a fee for some of this work.

1055 Vehicle valuations are quite laborious and at present no fee is charged by Customs. I therefore now impose a fee of £50 per valuation, which will apply as from tomorrow.

1060 Landing certificates are presently charged for at the rate established some 30 years ago of £10 per certificate. Despite inflation for the period being higher, I propose to only increase the fee to £20 per certificate. That increase does not even catch up with the inflation for the period but makes the fee a more relevant one in today's money.

1065 I have received a number of representations to consider doing something about the duty we levy on bingos that are organised on behalf of a charity to help raise funds for a charity. These charities are exempt from most taxes and therefore feel the imposition of a duty on bingo hampers their ability to raise funds for those worthy causes in this way. I therefore propose to eliminate duty in respect of bingos where they are organised by a registered charity and the proceeds are to be used for the purposes of that charity. Duty on bingos is also abolished if organised for and by the residents on a not-for-profit basis in the common areas of Bishop Canilla House, Charles Bruzon House, Albert Risso House and Seamaster Lodge or at the Senior Citizens' Club in Town Range – its president will no doubt be delighted – or the South District Senior Citizens' Club at Naval Hospital Road.

1070 Mr Speaker, in order to assist with the cost of doing business in Gibraltar and in keeping with our manifesto commitment, electricity and water charges will not be increased this year. General rates payable by businesses will also remain unchanged and discounts for the early payment of rates will continue to apply. In the retail and distributive trades and in respect of catering establishments, the discount granted for early payment is increased from the 30% presently enjoyed to 50%.

1075 The Statutory Minimum Wage was increased to £6.45 with effect from 1st August 2017. The  
Statutory Minimum Wage would increase only marginally by 16p to £6.61 in line with the latest  
annual rate of inflation that stood at 2.5% in April 2018. This increase would do little to promote  
economic growth and would unfairly keep the minimum wage below where we believe it should  
1080 have settled given the GDP growth that is being experienced in this community. In the United  
Kingdom this year the minimum wage for over-25s has gone up by 4.4%. In the circumstances, in  
Gibraltar the National Minimum Wage will be increased by 4.5% or 30p an hour to £6.75. As a  
result, the minimum wage will have increased by just shy of 25% in our seven years in office. I  
can remember when I was a boy and the money sometimes was not as long as the week. I  
therefore commend this increase in the minimum wage to the House and to the whole of our  
community. We must walk in the shoes of those on the minimum wage as much as we must  
factor other matters into our calculation of what this fundamental parameter of our economy  
should be.

1085 Mr Speaker, each of the measures I have announced to date have been prepared with Brexit  
in mind. These are measures which open us up more for more business or new business or  
which have another reason I have explained behind a decrease or increase which is being  
applied. We have to be ready if things go well and for our position to continue to be one of  
growth and improved economic data. Additionally, we have to be prepared also in the event  
that Brexit does not go well – not because we think it will not, but because we have to be ready  
1090 for that eventuality.

As a result, the Government has to take certain steps to rebalance the economy in the light of  
the imponderable aspects of what we could face from the next financial year on. For us, the  
most important aspect of that rebalancing is the protection of the public sector, a sector in  
which the Gibraltarians are the dominant nationality and which is dependent on the revenue  
1095 yield from private sector activity and employment levels.

The sustainability aspect requires that to protect our public sector workers we contain the  
cost of the public sector payroll and start reducing the gap between the higher and lower paid in  
the public sector and between the public and private sectors generally. In order to do so, public  
sector pay will go up this year by the lower of 2.5% of the individual's pay rate or 60p an hour. In  
1100 effect, this 60p per hour cap on the pay rise will kick in on basic salaries over £46,000 per  
annum. Even at those levels, the increase will considerably exceed average inflation.

Under the former administration we also saw the expansion of the public sector with the  
creation of many companies, agencies and authorities outside of the pay structure of the Civil  
Service and we saw many relativities between grades altered without any reasonable logic. To  
1105 that effect, the Government will engage external reviewers to undertake an exercise to review  
senior public sector salaries and relativities in Gibraltar. The last such review was carried out by  
Bunkle and Roberts in 1983. All of the structural changes that have occurred since then have  
created myriad distortions that altered differentials and a review is now once again required. For  
the avoidance of doubt, whatever the recommendations of that review may be, no existing  
1110 officers' salaries will be affected. All will continue to receive at least their existing salaries until  
retirement, whatever the recommendations of the review are.

As I reminded the House last year, the Government is committed to reform of the Social  
Insurance funds. However, amending these funds is not advisable at this point given the options  
available to Government may be greater once the UK and Gibraltar have left the EU. It is  
1115 nonetheless important and responsible to recognise the reality that the system needs to be  
rebalanced. It is presently being balanced by relying on an annual advance from Government. It  
is neither right nor prudent for the Government to absorb this ever-expanding gap between the  
contributions received by the fund and the payments made. We therefore cannot ignore this  
problem until the eventual reform.

1120 Mr Speaker, with your indulgence and in the interests of transparency that others keep  
encouraging upon me, I will take a moment to explain to the House how the Statutory Benefits

1125 Fund works because it is a fund that sits in the background with few understanding it fully – save for my hon. colleague the Father of the House, who keeps a very watchful and keen eye over it. The fund, however, impacts on all of us, from those working to those in our community who have contributed to it over their working lives and are now retired, and to those who unfortunately, because of their circumstances, may need to rely on it.

1130 During the last year, after increasing contributions by 10%, the share of contributions collected, based on draft figures, was around £30 million and Government provided a further £7 million from the Consolidated Fund, which combined with other revenue received took the total contribution to the fund to £38.2 million. In the same period, old age pensions paid were £34.1 million with the balance of other payments of circa £4.1 million taking the total to £38.2 million. These £4 million represent payments of costs and other key benefits provided to those most vulnerable in our society, such as Disability Benefit, Unemployment Benefit, Widow's and Parent's Allowances etc.

1135 Hon. Members will therefore see that, despite that increase in contributions last year, the expense has kept increasing, despite Government's best endeavours. Just going back briefly to 2008-09, only nine years ago, the old age pensions paid amounted to £15.5 million, or half of what they are this year. Total benefits and costs paid were £19.1 million. That is literally exactly half of the £38.2 million we are dealing with this year when we have paid 100% more. And yet in  
1140 that period in the increases in Social Insurance payments there have been no more than 10% increases. Whilst the increase in payments is staggering, it is to be expected. It is not of anyone's doing but reflects the care we provide for our elderly through the GHA and other social services and the fact that people are living longer. As an example of this, in 2009 there were 8,213  
1145 persons eligible to draw a pension and a widow's pension, whereas by March 2018 the figure has increased to 11,693 persons, and of course the amount of the pension payment has increased in line with inflation. It is a positive fact of life that people are living longer and successive Governments have tried to help those most vulnerable who need this assistance. Who in a civilised society would argue otherwise?

1150 The responsible thing to do is therefore to ensure this fund is properly funded. The irresponsible thing to do is to suggest we somehow cut payments or benefits to pensioners or the vulnerable or ask that we should not increase the contributions and that the wider taxpayer base should meet the expense. In order to pre-empt the proposition that Government or the wider taxpayer is not shouldering enough of the cost, it is clear that we are in fact already doing so. It is clear that the Government's direct contribution from the Consolidated Fund has  
1155 remained static at £7 million over the last few years. It would not be true to say the Government has not put its shoulder to the wheel to meet the cost.

1160 In order to understand this, one needs to understand what happens to Social Insurance payments. When paid, these are split two ways, part going to fund healthcare – the GHA – with the balance going to the Statutory Benefits Fund. Last year when we increased contributions in Social Insurance payments we also moved the allocation from 70% to fund healthcare, to 65% to fund healthcare. This means that the decrease arising from this shift, of some £5 million, has been met by Government as it needs to find this shortfall in the additional contribution to the GHA. We therefore think it is equitable for employers and employees to also meet their share of funding this cost.

1165 It is therefore, of course, with some reluctance, but also with the burden of understanding that this is the right and responsible thing to do if we believe in universal healthcare and the welfare state, that I have to today announce an increase of 10% to Social Insurance contributions. I also announce a shift in contributions from 65% being ultimately directed to the GHA to 60% being directed to GHA, thereby having Government contributing further to the fund  
1170 and absorbing some of the costs of the increase directly also.

Mr Speaker, as you know, the Government continues to engage with the Chamber of Commerce and the Federation of Small Businesses to appraise them of these matters and

welcomes their understanding of the need for no doubt unwelcome but necessary increases in Social Insurance. In future, under the system that we expect to be able to implement, contributions will be expected to increase only by inflation each year.

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The effect of the changes announced is this: employee contributions will increase at a maximum by £2.75 per week, from £27.50 to £30.25; married women's contributions will increase by £1.45 per week, from £14.50 to £15.95; employers' contributions will increase at the maximum by £3.65 per week, from £36.50 to £40.15; and self-employed contributions will increase at a maximum by £3.35 per week, from £33.5 to £36.85.

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At the same time and in pursuance of the Government's continued commitment to reduce the level of personal taxation, especially for the lower paid members of our community, with effect from 1st July taxpayers with assessable income of £11,200 or less will be brought out of the taxation system altogether and will pay no Income Tax. This measure applies as much to taxpayers in both the Allowance Based System as it does to the Gross Income Based System and represents a further increase in this threshold which we have steadily increased since we were first elected, when it stood at £8,000. We have delivered increases in respect of this of £3,200, or 40% more, to bring more and more of the low paid out of the tax burden.

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Also in accordance with our manifesto commitment, taxpayers under the Allowance Based System will benefit from an increase in their Personal Allowances which is at least in line with inflation. As a result, with effect from 1st July the following allowances will increase: the Personal Allowance will increase from £3,300 to £3,385; the Spouse and Civil Partners Allowance will increase from £3,300 to £3,385; the One Parent Family Allowance will increase from £5,435 to £5,575; the Nursery Allowance will increase from £5,160 to £5,290; the Child Allowance will increase from £1,135 to £1,165; the Child Studying Abroad Allowance will increase from £1,290 to £1,325; the Dependant Relatives Allowance where the relative is resident in Gibraltar will increase from £301 to £325, and where the relative is resident outside Gibraltar will increase from £210 to £215; the Blind Allowance will increase from £5,155 to £5,285; and the Medical Insurance Allowance will increase from £5,155 to £5,285.

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Mr Speaker, last year, as a result of a confusion between the Disability Allowance and the Disability Benefit – where both ended up being called the same thing, an 'allowance' – the Disability Benefit was not increased. This year, to address that, the Disability Benefit reverts to its old nomenclature. A lump sum representing the annualised amount for last year's inflationary rise will be paid immediately to all who were in receipt of it last year, prorated for whatever portion of the year they were entitled to the payment. This year, the benefit will increase by the rate of inflation also.

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The old age pension will also increase in line with inflation.

Mr Speaker, at present, companies with tax losses are only able to use those losses against future profits. At present, these losses can be used within the business so long as there is no change of ownership and a change of business within a period of three years. The problems that some large groups are experiencing is that they cannot carry out restructures of their business, as once they transfer the business out to another group company the tax loss is effectively lost. In order to facilitate group restructures, which are increasingly common with some of the consolidations we are seeing across various sectors, I propose that the Finance Bill will include changes to allow the transfer of such losses on restructures so long as there is no change of ultimate ownership and a change of business within a period of three years. The changes will therefore allow losses to be carried forward against a business, even if the business is transferred to another company under the same ultimate ownership. The legislation will include a series of anti-abuse provisions so that such transfer is only allowed in the case of legitimate group restructures. It should specifically not allow for the use of accumulated losses of one type of business to be offset against future profits of a different type of business.

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Comments have been made erroneously suggesting that changes to the Damages Act may be unfair on the basis that awardees of damages may not be able to plan or provide for their long-

1225 term care. We do not consider these to be correct. In order, nonetheless, to provide support to  
those in these very difficult and sometimes tragic situations, the Government will direct the  
Gibraltar Savings Bank to create a product or bond to allow awardees of sums paid from  
personal injury claims or death, including death in service payments and insurance payments  
1230 arising from the death of a spouse, the same interest rates as if they were retired persons and  
therefore eligible to invest any such sum received in such a product, thereby availing themselves  
of the higher interest rates that are offered by the Gibraltar Savings Bank. This will be a special  
bond for such a purpose only.

1235 The conditions to be satisfied before moneys can be accepted by the Savings Bank for such  
accounts to attract pensioner rates are as follows. The investment is to be limited to the amount  
of the award from personal injury or death and interest thereon. The applicant for the account  
opening must be the awardee or next of kin in cases of death. In both cases the individuals must  
be – including the deceased in cases of death, who must have been – Gibraltar residents to be  
eligible for the treatment. Payments must be made by an insurance company or the employer or  
must be amounts paid by a defendant in settlement of a claim awarded by the Supreme Court of  
Gibraltar. Payments must be certified as complying with this criteria by the Commissioner of  
1240 Income Tax.

1245 Mr Speaker, the Government I lead developed affordable housing in keeping with the  
principles set out by the first GSLP administration. The lease used, however, was modelled on  
the lease created by the party of Members opposite whilst they were in power. That allows an  
element of speculation which is not, in our view, in keeping with the objective of providing  
homes for our people which are not designed to be used for speculation but for owner  
occupation. These affordable housing properties, at Beach View Terraces and Mons Calpe Mews,  
have been sold to original purchasers at cost price – that is to say the cost to build the property  
based on the area of each individual property without factoring in the value of the land or the  
cost of relevant infrastructure. However, the cost has been well below the increase in the  
1250 market values of these properties due to the rising values generally of residential property in  
Gibraltar. This, amongst other factors, has enabled some original purchasers to market the sale  
of these affordable homes for very large profits whilst the taxpayer would see almost no profit  
from the resale of properties in these developments. That is not fair on the taxpayer at large, on  
those on the waiting list for new homes or on those who have not been able to buy affordable  
1255 properties.

Government is therefore considering all options available to it under the terms of the under-  
lease for these estates in order to curtail the levels of profits which will be made on resales in  
the early years of ownership of these properties. As a result, to catch those who may be seeking  
to flip these properties, as from today the sale of any property sold as an affordable home for  
and on behalf of the Government in the last four years – that is to say properties at Beach View  
Terraces and Mons Calpe Mews – will attract a new Special Stamp Duty for the period until  
10 years have expired from the original purchase of the property by the original purchaser of  
7.5% of the total sale price calculated with regard to the property sale price and any other  
payment passing from the purchaser to the vendor, whether in respect of fixtures, fittings or any  
1260 other payments whatsoever connected with the transfer of the property. This new Special  
Stamp Duty is not deductible in arriving at the calculation of profit under the trust deed.

1265 The Special Stamp Duty will not apply in circumstances of a forced sale, including in cases of  
marriage or relationship breakdown, which circumstances will be certified by the Government's  
Land Management Committee and administered by Land Property Services for the Government.  
1270 The Special Stamp Duty will also not apply if a family moves to a larger property as a meritorious  
upgrader to another, newer, Government affordable housing scheme. And the Special Stamp  
Duty will not apply to the sale of any part of the Government's equity sold where the  
Government has retained a share of the equity in the property.



1275 Mr Speaker, housing rents have gone up by 3% this year also. That is about 0.5% above  
inflation and only the second time in 35 years that rents have gone up. The increase will provide  
an additional about £90,000 to the Government in respect of income. As a result, anyone who  
might have been foolish enough to suggest that this increase will in some way go to pay the  
£300 million financing package we secured for Gibraltar would not be very good at mathematics.  
Indeed, they would have egg all over their face if they had been foolish enough to tweet such  
1280 nonsense. In fact, when we made provision for these increases, Members opposite said nothing  
in this House other than the remarks of the current Leader of the Opposition. He remarked that  
the rent increases proposed were too small or too little to have any effect. Action for Housing  
welcomed the increases last time and the Ombudsman had actually called for them. So it would  
be utter populism for Members opposite to now somehow try to create a bandwagon to ride on  
1285 which sought to roll against small or modest or little increases which are outpaced by the hourly  
increase in the minimum wage. That is to say the increases are on average in the region of the  
increase in one hour of the minimum wage: more than proportionate and modest.

Finally, I am happy to announce that after considerable public consternation about the  
availability of tickets last year, this year's Christmas Lottery first prize is going to be £1 million.  
1290 Double the number of tickets available last year will go on general sale on Wednesday.

Mr Speaker, I want to take this opportunity on behalf of myself and all Members of the  
Government, and I am sure the whole House, to thank you, the Clerk and all members of your  
staff for your assistance this year in the discharge of my functions as Leader of the House. You  
have all been your usual patient and kind selves. Thank you.

1295 I also want to take this moment to thank my Cabinet colleagues, all of them, for their support  
throughout this year, and in addition record my thanks also to the Chief Secretary, the Attorney  
General, the Financial Secretary and the Chief Technical Officer for their indefatigable hard work  
in support of the Government's policy objectives. They are all truly indefatigable. These are  
extraordinary times and they are the extraordinary people that I have been able to count on  
1300 every minute of every day to deliver for Gibraltar in each of their areas when it has mattered  
most. Team Gibraltar, Mr Speaker!

Behind this debate and the presentation of the numbers in a graphic and more intelligible  
format are Ernest Tomsett, Susie Gonzalez, Nancy Reyes, Karl Lima and Charles Santos, as well as  
many others who make it possible for us to account with such complete transparency and clarity  
1305 to this House and to taxpayers generally. I do not think people realise how much care and  
diligence they put into ensuring that the numbers we report are entirely accurate. I must also  
extend similar thanks to all others at the Ministry of Finance and Her Majesty's Treasury. I thank  
them on behalf of the whole nation for their precise and careful work.

And of course my team and the Press Office, the A-Team at No. 6 who serve the Chief  
1310 Minister of the day and ensure that, whatever happens, I have a smile on my face every day and  
we get Gibraltar's message out to the world – whether we are leaving the EU or joining it,  
whoever is in power in Spain and whatever other challenges the world may throw in our political  
direction, nothing phases my No. 6 team. Thanks to all of them for their genuine human support  
to me in these Brexit days.

1315 Mr Speaker, I have political responsibility for other Departments which I have not gone  
through in detail today. I have been required, because of the juncture in which we find  
ourselves, to analyse some areas in greater depth than others. I do not want to keep the House  
for longer than I have to. It is also unfair for me not to report on the excellent work which is  
being done in Customs, in the Drug and Alcohol Services, in the Civil Status and Registration  
1320 Office, in Industrial Relations and Public Sector HR and in the Borders and Coastguard Agency  
and indeed to explain more deeply what is happening in the Income Tax Office and the Central  
Arrears Unit. I will therefore leave a detailed paper before the House when I sit down that will  
set out the progress in these departmental areas also. *(See Appendix 1)*

1325 I would highlight one thing, and that is the sad loss in one Department in service this year of a young customs officer, Neil Piñero, who passed away on active duty at the age of 30. The Government is considering with the Collector of Customs how best to ensure that he is adequately remembered.

1330 Well, Mr Speaker, as I said when I rose to speak some two hours ago, this is a Brexit Budget, and there are two ways of doing a Brexit Budget: one is sheer austerity; the other is the socialist way. Our way is investment to stimulate continued growth, investment in public services to ensure that the public services that our citizens and business require are there to be provided in health and care, in education, in the provision of welfare for the most vulnerable in our community, in sport and in housing. This is a Brexit Budget which will not rely on austerity measures. There are no cuts here. It will rely instead on investment as the necessary stimulus for  
1335 our economy and it will also rely on personal responsibility to provide for ourselves and others by contributing more to Social Insurance; because Brexit is not a walk in the park – although thanks to the hard work of the Brexit team and the Government as a whole there have been no Brexit shocks for our economy – and because when it was our time, our responsibility, our opportunity, we took charge. We worked harder than ever. We took calm control and delivered  
1340 an excellent result for generations to come. We were not found wanting and we did not fail Gibraltar. We did not put our personal interests or egos first. We have had no regard for our political interests at all. We have ceded nothing of our red lines. We will give nothing away on our sovereignty but we will continue to deliver the prosperous future that we must ensure is there for our children. To do that, to guarantee that and to have the peace of mind that we will  
1345 not falter, we must take some measures to fine tune and rebalance. In doing so, we demonstrate that we were ready for the challenge and up to the demands of this historic moment in the affairs of our nation. Whilst keyboard warriors criticised from the comfort of their keyboards, we were out in the real world fighting Gibraltar’s corner.

1350 Mr Speaker, for Gibraltar Brexit may be almost over. In nine months we will have left the European Union, but in partnership with Britain, we have navigated these stormy waters carefully and successfully. We have trimmed our sails when we have had to and we have run our engines full steam ahead when we have deemed that we had to. This was the moment of our date with Brexit destiny and it was the moment when we looked destiny in the eye and we were equal to her task and challenge. Our time of reckoning came, but few reckon with the  
1355 Gibraltarian!

This is a Brexit Budget, but a Budget for Brexit success: a careful four-way balance between caution and optimism, between prudence and investment, but a Brexit Budget that requires no cuts and no austerity thanks to the way we have delivered success and growth in the past seven years in office, just prudent measures to ensure that we are match fit for our departure from the  
1360 European union – prudent measures because, despite our surpluses, we have to ensure we remain able to discharge all our responsibilities with surpluses to come in future too.

That is what is required of the modern, mature, post-colonial Gibraltar, building on the work of all the others who have come before us and 30 years after a Gibraltarian first took the financial reins. Thirty years after we moved from an economy of dependence we move to an age of self-awareness that sees us with the self-confidence to succeed in new markets in the digital  
1365 economy – and our view is that greater success awaits, but it must be worked for because there will be no free ride, no space for freeloaders, nowhere to hide for those who want to skive their way out of pulling their weight, because the challenge of Brexit is there for all of us, not some of us, and as we leave the European Union that is the challenge for the future.

1370 And so today, Mr Speaker, I want to end my remarks exactly as another socialist Chief Minister did in 1989, when we faced other challenges, by telling the House that the Budget I am presenting today, the Estimates of Expenditure, the commitment to infrastructure, is an indication that we are meeting that challenge head on, with determination, with commitment, with hard work and with confidence of success.

1375 Thank you, Mr Speaker. I commend the Bill to the House. (*Banging on desks*)

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

1380 **Hon. E J Phillips:** Mr Speaker, this is my third Budget contribution and my first as Parliamentary Leader of the Opposition. It is a privilege and a great honour to lead the Opposition in this House on behalf of the people of Gibraltar.

Before I get on to the substance of my address we must, of course, recognise the work of the Clerk of the House Paul Martinez, Frances, Kevin, Daniel and of course you, Mr Speaker.

1385 I would also like to echo the words of the Chief Minister in his address in respect of the comments in relation to Calpe House. We also from this side of the House wish the trustees well.

1390 Mr Speaker, if I may, and before setting out our stall, we have an initial observation as to the description of this year's Budget. The Chief Minister describes the so-called Budget as a Brexit Budget. I have to hand it to him. The Hon. Chief Minister, in our estimation, is a consummate spin doctor, but the merry-go-round has finally halted and the music has stopped. People have stopped trusting him, the buzz words are falling on deaf ears, and whoever he pays to write his speeches for him will soon be out of a job. The public are no fools. This is not a Brexit Budget; this is a Big Lie Budget. The Chief Minister claims to be prudent, he claims to be cautious, he claims to be a safe pair of hands. We have heard him say in his address that he spends wisely. He even sets up a department for public efficiency to create the illusion that our money – the people's money – is safer in his hands. Mr Speaker, this is all part of the Big Lie Budget. The direct evidence for this is the Chief Minister's so-called revolution in education. The fact of the matter is that the £52 million contract for the two secondary schools at Waterport is not included in this year's estimates. Why not? Let's not forget that the contract does not include the fitting out of the two schools and therefore the costs of the new secondary schools are very likely to exceed £75 million. How can this be a Brexit Budget when trucks are hurtling down Waterport laden with materials, the deafening sound of the thuds of the machinery operating 24/7 at enormous cost to the public? The project is devoid of any real consultation from those who will actually use those schools. Embarrassingly then, he then jokes to anyone who would care to listen, foreign MPs or whoever, that even the Opposition complain that they are moving too fast – and he repeated it again in his address this morning.

1400 There is nothing remotely Brexit about this Budget, Mr Speaker. The Chief Minister, as we well know, is a big spender and his Cabinet the biggest cheerleaders of spending our money. The GSLP-Liberal Government are penny wise, pound foolish. It has finally dawned on the hon. Gentleman that he has been reckless with our money. It took him seven years of spend, spend, spend, and now the public, the taxpayer, businesses and indeed future generations will be saddled with debts, debts and more debts that he has created whilst he and his Government attempt, in a desperate scramble, to spin this as a consequence of Brexit. We do not accept this and neither do the people listening or watching this debate. He talked about in his contribution of seven straight years of GDP growth at 10% year on year, unprecedented levels of growth. He forgets to mention unprecedented levels of debt.

1410 Mr Speaker, in 2011 the GSLP-Liberal Alliance were elected on their now infamous 'Time for Change' or 'New Dawn' manifesto, promising all things to all men. To their credit, and as anyone who has been charged with the huge responsibility of administering the public affairs of Gibraltar, there are several projects and initiatives which we ourselves, as servants of the people of our community, have welcomed. We have been constructive when we have needed to be and we have been robustly critical in areas where we strongly hold the belief that this community has been and is being taken in the wrong direction. One such striking example is the management and administration of our public finances. Everyone understands the message: it is your money and the Government must properly and transparently account for what they are doing with your money. The issue is even more acute now because it is clear to our community

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that the Government is parking most of its debt off balance sheet and intentionally hiding the true level of our debt from the people.

1430 I now turn to make the position of Her Majesty's Opposition abundantly clear. Mr Speaker, we will not vote in favour of this Budget because it fails to present a clear, transparent, accurate and unambiguous reflection of the state of our public finances. We consider it a gross dereliction of our duty as representatives of this community to condone and support a Budget which is fundamentally opaque and which handcuffs elected representatives from properly and effectively scrutinising the public finances of this community.

1435 It will no doubt be said in reply that voting against the Budget is repugnant, wrong and we will suffer detriment by playing into the hands of Gibraltar's enemies. What utter nonsense, Mr Speaker. Nothing could be further from the truth. No one buys that juvenile, playground argument. It is true that parliamentary practice/convention has meant that the Opposition has traditionally voted in favour of the Budget, but as the Chief Minister was at pains to teach me 1440 for oppositions to vote against budgets; it happens the world over. There are, in our view, very good reasons to depart from this perceived practice. Mr Speaker, the point is this: we, the Opposition, do not know how the public's money is being spent, and in any event we disagree with what they are spending it on.

1445 Mr Speaker, 2017-18 has been the Chief Minister's *annus horribilis*; 2018-19 is shaping up to be no better for him – oh, well, all good things must come to an end. The Chief Minister is living off borrowed time. I am not fond of quoting rappers in this House, but I could not resist this one. When the Chief Minister and his Ministers are all sat in the VVIP Government enclosure at the GMF this year, they should reflect very carefully to their headliner Stormzy's warning in his catchy lyrics: 'You're getting way too big for your boots... You're never too big for the boot.'

1450 The Chief Minister's so-called 2015 'Strongest Foundation' is suffering significant structural damage, resulting no doubt from the inherent weak foundations upon which it was built. Brexit is now becoming the excuse for our woes and we have been treated this morning to a Brexit Budget – or, as we like to call it, the Big Lie Budget.

1455 Mr Speaker, it is clear that the Chief Minister no longer has his finger on the pulse of this community and the day-to-day issues that affect hardworking families. Domestic issues have been, in the main, ignored using the Brexit excuse. I have heard it being said that the hon. Gentleman's focus must be on Brexit, but the world did not stop turning on 23rd June 2016 and we must carry on.

1460 The hon. Gentleman is haemorrhaging support and, although not yet on life support, the Government's condition is serious. The Government are failing to address the serious concerns of working families, the vulnerable and, importantly, young people. Last year the Chief Minister promised a Budget designed with prudence in mind to support working families, young people and the elderly and disabled. He has not achieved that objective.

1465 In the Opposition contributions to the debate on the Appropriation Bill each of us will deal with their respective shadow responsibilities. In particular, our Shadow Public Finance Minister, the Hon. Roy Clinton, will address and present in granular detail the numbers, whilst the Hon. Mr Feetham will chart the historic context which has led us to the current financial position that our community finds itself in.

1470 Mr Speaker, we have a duty to the people that elected us to hold the Government to account, particularly at Budget time. The debate on the Appropriation Bill fails entirely to provide the public with an accurate, comprehensive and transparent account of our public finances. The Government have, in seven years, consistently denigrated and destroyed any form of oversight of our public finances, hidden debt from public view, evaded answering detailed questions on public finances from the Opposition and created a system where this House is 1475 incapable of properly and effectively subjecting the management of our public finances by the Government to parliamentary scrutiny.

1480 To all those who will tune in across our community to listen or watch this debate from home or work, I am sorry to have to say to each one of them that there is very little we can do as your elected Opposition to uncover the mass of hidden debt which will hang round the necks of our children and grandchildren for generations to come. But there are some indicators, even from the slither of information that the Government has provided.

1485 From what we have been able to distil, despite the massaging of those figures referred to by the Hon. the Chief Minister himself, our recurrent expenditure is increasing, estimated at £627,815,000 for 31st March 2019; our net debt is rising to £339,900,000 in 2019; our revenue is lower, at £635,849,000 at March 2018; our cash balances are decreasing from £127,600,000 in 2017 to £96 million-odd in 2019.

1490 Mr Speaker, to our community money coming in is down, the cost of running Gibraltar is going up, debt is rising and our money at the bank is down. The Government is clearly not on target to honour their promise to the people to get net public debt below £300 million. The Hon. Roy Clinton will, in detail, assess the consequences of these startling figures, but it is clear that for the first time the GSLP-Liberal Government will be running a deficit and for the first time the donation to Community Care will be at its lowest. The headline figures I have presented show a critically worrying trend.

1495 Mr Speaker, it is important sometimes to actually reflect on what the Chief Minister said in the New Dawn Manifesto 2011. When we were in Government, the Hon. Fabian Picardo, Leader of the Opposition as he was then, said:

On the GSD Government's own figures, we are already at least £480 million in debt in terms of Gross Debt. Gross Debt is the relevant figure for analysis of national debt that you would see referred to in any publication considering the national debt of any country. That works out to £16,000 per man, woman and child in Gibraltar. In 1996, the figure was £3,000 per man, woman and child. The GSD then referred to that level of debt (which it has now quintupled) as a 'millstone round the necks of future Gibraltarians'.

1500 Fast forward to 2018-19: we have a situation where approximately 65% of indirect debt is now hidden from public scrutiny. The change to the legal debt limit and the overreliance on the debt-GDP ratio instead of linking debt with revenue coupled with hidden debt of massive proportions, indicates to all concerned that the picture being presented by the Government as to the true level of public debt is entirely false and misleading.

1505 Our analysis concludes that our total Gross Debt level is £1.248 billion. The community will remember in 2011 during the election campaign the Leader of the Opposition then castigated Sir Peter and the GSD by saying that the Gross National Debt meant that every man, woman and child were exposed to a millstone round their necks of £16,000 each. Well, Mr Speaker, pausing there and using the Chief Minister's own logic, namely the Gross National Debt, every man, woman and child of our community has a £37,000 reefy-style millstone round the necks of our children and grandchildren. The Chief Minister has almost doubled the level of exposure of this community from £16,000 – on his own figures of Gross National Debt in 2011 – to over £37,000 for every one of our people. When the Chief Minister finally gets the Stormzy boot, his legacy will be debt, debt and even more debt.

1515 Mr Speaker, moving from the debt position, the result of Spain's vote of no confidence motion has provided our community with a renewed hope that the new Spanish government will be more receptive to our position. Although the dust is settling on the formation of a new Spanish government, we remain hopeful that dialogue and co-operation for the benefit of our community and the wider Campo will prevail.

1520 We have been very clear as to what our vision is for Gibraltar and that we would be seeking to achieve: (1) A restoration of the trilateral process of discussion – bilateralism on matters that affect Gibraltar is unacceptable and in that process of discussion there would have to be a realistic discussion to seek to achieve Gibraltar's objectives without making any concessions on sovereignty, jurisdiction and control; (2) freedom of movement of the border; (3) single market access. We continue to press the Government for the restoration of the trilateral forum with the

United Kingdom and the Kingdom of Spain to ensure that our rights, wishes and interests are fully protected in the context of Brexit.

1525 Mr Speaker, because it is in the interests of Gibraltar as a whole, we have consistently and regularly communicated our position in that we stand ready to assist. Briefings of the nature we have received do very little to persuade those on this side of the House that the Chief Minister is interested in seeking our views on the challenges that we face as a community. The public expects both Government and Opposition to work together in order to ensure the best possible  
1530 outcome for the people of Gibraltar. Briefings to the Opposition are infrequent and contain limited information which soon is released in the public domain – hardly working together.

Turning to my more specific responsibilities: industrial relations – it has been a year of industrial strife for the Chief Minister and his colleagues on that side of the House. The last 12 months have been a very low point for the Government in the handling of its industrial  
1535 relations. The uncertainty of the future of the contract for municipal cleaning services continued until the end of last week, and who could forget the brandishing of signs calling for an end to uncertainty by the GGCA and its Master Services members? We have all heard the pre-Budget announcement of the award of the cleaning contract, Mr Speaker. We will closely follow this award and subject it to the closest possible scrutiny before comment.

1540 The last 12 months have also seen the GHA workforce of 400 strong staging a walkout over its longstanding concerns regarding the reliance on supply workers. Its ‘Enough is Enough’ campaign sent a clear and loud message that morale within the service was hitting an all-time low within the GHA. It is clear to many within our community that the use of supply workers is privatisation through the back door. It will be recalled that in the 2011 General Election the  
1545 GSLP-Liberal manifesto stated:

Government work and services will be carried out by direct labour which includes employees in related entities on Government pay and conditions. There will be no privatisation of Government departments.

Last month the Borders and Coastguards took industrial action on the Frontier over a similar issue and the use of supply labour. And the related Medoc/Grand Home saga is a story which keeps on giving. Concerns are now being raised in the community and highlighted in relation to Mount Alvernia and its relationship with Medoc.

1550 Mr Speaker, we have described the level of contract workers in the public service as unprecedented. The effect cannot be underestimated: 39% of the total labour force is employed via recruitment consultants or agencies.

The Opposition has been asking questions of the Government in relation to the use of companies to recruit parallel labour or supply workers into different sectors of the public service  
1555 for a long time now. The practice of recruiting parallel permanent labour or supply workers to work alongside permanent Civil Service or public service posts on different terms is pervasive and one which we say erodes workers’ rights as well as security of employment. Organising your labour force in this way can seriously affect the quality of the service provided to the public.

We have also said that these practices raise serious question marks over accountability,  
1560 transparency, quality and value for money in the procurement of public contracts. These are all issues that require serious examination and an overhaul of the way things are done by the Government.

Moving to employment, training and skills, on apprenticeships last year the Chief Minister announced at Budget time the introduction of T-Levels: a year on and nothing further, despite  
1565 our questions in this House as to the progress of this policy initiative. In fact, the Chief Minister again did not mention it today in his address. The Government has failed entirely in its commitment to young people and their families in developing a truly inspiring alternative for those who do not wish or are simply unable to take the higher education route. For too long the Government have ignored a loud call for the development of an apprenticeship programme. The

1570 Government continue to ignore the skills deficit and the cliff edge and are blinded to the calls from the unions, the Chamber of Commerce, business, young people and their families.

The failure of the Government's employment policy will have long-lasting consequences beyond their short time in office and we will have to pick up the pieces when the people of this community put them back in their natural habitat of Opposition. This community may forgive the hon. Members for much, but not for the abject failure of the young people of this community and their families. Almost daily we hear from disaffected young people without hope and opportunity because of the Government's failure to tackle skills training and the establishment of a fit-for-purpose apprenticeship programme. He talks about the jobs and lowest unemployment levels – he should speak to those young people stuck in dead-end jobs with no hope.

1580 The Hon. the Father of the House, Sir Joe, has attempted to denigrate our arguments by instructing his staff to write to employers in a desperate attempt to demonstrate that there is no interest in the business community for apprenticeships. I will never share that view of the Father of the House and I never will shy away from telling him that.

1585 The hon. Members Opposite will recall the statement by Playtech's Chief Operating Officer which clearly supports and reinforces our longstanding commitment to investing in our future generations so that they are the first choice for employers now and in the future. The absence of any response to this call by a senior member of our gaming industry demonstrates to those in our community and beyond that we are not serious about investing in our own people.

1590 If we want big business to set up in Gibraltar we need to ensure that our people are trained to do the skilled jobs required by those businesses. The Chief Minister talked about 35 Fintech companies starting in Gibraltar and the professional services that are provided in Gibraltar to support that underlying business, but ultimately we want our people to do those jobs that Fintech are going to bring here and the jobs that they are creating. This is why we have always pressed for an apprenticeship programme that trains young people to obtain those jobs. It requires foresight and it requires proper investment in people where the dividends will be reaped over a long period of time and not by the narrow confines of an electoral cycle.

1595 The Government's non-policy on skills training will leave a lost generation of young people without skills and our position within the global digital economy weakened. It is time for the Government to abandon its Future Job Strategy and adopt proactive policies which position our young people at the forefront of the digital economy.

1600 The Hon. Chief Minister talked about building a successful economy but he fails to understand that fundamentally the success of our community depends on creating better opportunities for young people. In fact, I think the Chief Minister talked about pillars and he said that young people human resources was one pillar. It cannot work by operating the 'plugging the skills gap' policy that the Government are determined in pursuing. Mr Speaker, we need to proactively shape our future by using the human resources available to us rather than reactively plugging the skills gap. We need to continue to focus on supporting start-ups in IT, gaming, software, development of Fintech, to name a few. I remain absolutely convinced that we need to do a lot more to truly harness the human resources we have available in our community.

1605 Many in our community will agree that creating a vibrant environment for Fintech to flourish is good for our economy, but we must ensure that when we encourage these type of start-ups or more evolved business to our shores that we do so safe in the knowledge that we can grow our own talent in partnership with business so that we can become a centre for excellence. Fintech is proving to be a highly competitive environment with many sophisticated jurisdictions moving quickly into that space. In the experience of our gaming industry the longstanding complaint from those companies has traditionally been the lack of skilled workforce – let us not expose ourselves to that type of criticism again, Mr Speaker.

1610 In my political clinics and those of my colleagues, housing is the number-one complaint area. This year we focused a large part of our outreach campaign on meeting with many

representatives of the so-called forgotten estates. It is fair to say that after seven years of GSLP administration they feel very disappointed. Laguna Estate is still waiting for 35 lifts to be installed, we have reports of problems at Moorish Castle last week and Varyl Begg has scaffolding erected with little or no work being done on the buildings. The main issue affects thousands and appears to be the never-ending refurbishment and security of our housing estates, which was clearly borne out by the Chief Minister's meeting with residents of Laguna and Glacis as recently as 22nd June.

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1630 Mr Speaker, our housing estates are the heart and soul of our community, and seven years on the Government continue to be plagued by inactivity, neglect and failing to get the job done. It is simply unacceptable for the Government to take seven years to complete works to our housing estates. I am sure that we will now have to endure all the excuses under the sun from the Minister and the Chief Minister, where they will no doubt play the blame game once again. The public are bored of their excuses and action must be taken to finish the job that they promised seven years ago.

1635 Recent announcements by the Ministry in relation to the establishing of a Register of Residential Tenancies are in principle, and subject to a comprehensive review, welcomed by those on this side of the House. It is wrong and an abuse for anyone who has, based on the need, has secured a Governmental rental, to rent out that property. The practice is abhorrent and should be stopped. It is equally wrong as a matter of principle that those who derive a rental income from their homes do not declare that income to the Income Tax Department, as it is from those who rent out their homes in breach of the terms of the under-lease.

1640 This, Mr Speaker, is not the time for public statements on how we would deal with housing moving to the future. The GSD has developed a key policy document which, come the next General Election, will be open for the community to consider. For now, we believe that the system is not fit for purpose. We need a radical shake-up and rethink entirely the way in which we allocate Government homes and access to opportunity for Government co-ownership schemes. We will reflect on the Special Stamp Duty in respect of the affordable homes that were purchased over four years and make comment to the public in due course.

1645 I have asked the Minister for Housing and the Chief Minister several times to explain why the Government have not announced the building of homes for rental and I have been treated to the usual non-reply: 'An announcement will be made in due course.' There is a real need which is not only expressed by Action for Housing but struggling families. What is the secret about, Mr Speaker? We need to give hope to those who are struggling.

1650 In relation to rental arrears, in the last 12 months the Government's record on recovery is appalling. In March 2017, arrears were just over £5 million. At the Budget last year the Chief Minister stated that arrears stood at £4,995,042 and confirmed that the problem was clearly under control. At the end of April the hon. Lady told me that arrears stood at £4,829,692. In January, February, March and April of last year the figures gravitated around £4,879,000 to £4,835,000. Where is the success story in those figures? Nothing has changed.

1655 It is clear for all those to see that the Government are failing to recover what is owed and the problem is stagnating under their leadership. The Government are failing to identify and address the root problem. Those in real social need are unable to access housing because the system is not fit for purpose. There is also systemic abuse in the housing system which must be urgently addressed by the Government. We need to revolutionise housing and only provide homes to those who need them.

1660 Our policy on means testing must be implemented alongside a range of initiatives that make the system user friendly, accessible and, above all, fair. For instance, how is it right that when each of our children reach the age of 18, parents feel the need to put their names on the social housing list in order to slowly creep up an archaic system to have the opportunity to buy into the Government co-ownership or be allocated a Government flat in the future? I have heard of many many cases, when children leave for university, parents ensure that their children are on



the list so that when they finish full-time education they get a home. Mr Speaker, what on earth is going on with our system if that is the case?

1675 On housing lists there are currently a total of 1,350 applicants on the pre- and housing list as well as a small number of the social lists. Only 69 people have been allocated flats in 2018 so far. With a growing and aging population, how does the Government intend to cater for demand and evolving and changing circumstances? What contingencies are in place for a hard Brexit? Where is the investigatory or enforcement process to minimise abuse of Government housing?

1680 I know that the Hon. Minister does try and help, but we must recognise that the system is fundamentally broken. We need to operate a system based on real need. We need to provide for families small and large, young single parents, the elderly, key workers and those with disabilities. The system does need a degree of flexibility, but above all it must be fair and cater for the needs of those most in need.

1685 Mr Speaker, on 26th November 2015, some two and a half years ago, I made a promise to those who entrusted their vote to my colleagues and I that we would speak for those people in our community who felt distant from politics and politicians. I have promised that, where I can, I will help; if I cannot, I will say, but I am here to listen.

1690 It has become apparent to me, Mr Speaker, that the Chief Minister likes to use the opportunity of this debate of the Appropriation Bill not just to report to the House on the public finances of our community but the state of the economy generally and our political future facing all of us.

1695 Almost two years after my election I was asked by the leader of the party, Keith Azopardi QC, to lead the parliamentary party in this House after the Hon. Daniel Feetham stepped down. It is a great honour and privilege to be able to serve my community in whatever capacity I am asked to serve. It is, of course, right at this juncture that this House pays tribute to the crucial role played by the Hon. Daniel Feetham in driving the party forward in Opposition after 16 years in Government. Opposition politics, as everyone in this House will know, is a hard, difficult and isolating endeavour, but at the best of times it can be one of the best experiences that each of us will have. It can also be brutal, but it is also rewarding for each one of us on this side of this House. Serving our community in key domestic areas such as housing, employment, health, skills, social services and care and understanding the plight of our community has been a privilege and an honour.

1700 It has also been an eye-opener because, despite the constant spin from the benches that drive the New Dawn propaganda machine, there is an endemic and growing discontent from the public as to the Government's administration of our public affairs. Not one day goes past that each of us on this side of the House receives a complaint about this Government's mismanagement of the domestic agenda. The discontent, of course, is also coming from the Government's own supporters and they are becoming very vocal.

1705 As I believe we will demonstrate through our various contributions, that we are fundamentally at odds with the Government in respect of the substance, or lack thereof, and the form of the Appropriation Bill.

1715 To end my contribution, voting against the Budget is not a decision to be taken lightly but it stands as an important message to the public, for whose money we are responsible for, that you as your elected representatives genuinely believe that the financial underpinning of our public services is being threatened by the bad management of our public finances and we on this side of the House will not support the Big Lie Budget.

Thank you, Mr Speaker. *(Banging on desks.)*

1720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I... Thank you. Thank you. Had thought we were going to hear the Leader of the Opposition's speech, but now that Mr Phillips has ended his contribution can I propose that the House should now adjourn until three o'clock?

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

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*The House adjourned at 12.41p.m.*

**DEPARTMENTAL REVIEW**

**A PART OF**

**THE CHIEF MINISTER'S  
BUDGET ADDRESS  
2018**



Her Majesty's Government of Gibraltar  
6 Convent Place  
Gibraltar

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**DEPARTMENTAL REVIEW 2018**

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**This document provides further details of the departments and matters for which the Chief Minister has Ministerial responsibility. In order to reduce the length of the speech delivered in Parliament by the Chief Minister, these matters are highlighted in this document, in the form of a report by the Chief Minister. This document will be laid before Parliament on the day of the Chief Minister's Budget Address for 2018.**

1745

**THE INCOME TAX OFFICE**

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Mr Speaker an important part of the revenue aspect of the year I am reporting on, and the year we are estimating for, comes from the collection of corporate and personal taxes from economic operators in our economy. In that respect, I think most taxpayers will agree and will have appreciated how in the financial year 2017/18 the Income Tax Office has continued to improve the processes for the assessment and collection of taxes in Gibraltar.

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Mr Speaker, as you are aware, there is an increased global tax transparency drive regarding exchange of information. The Income Tax Office complies with all international obligations and has during the last financial year exchanged information, both automatically and on request, with treaty partners under the applicable conventions and directives emanating from the OECD and EU.

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The Income Tax Office has a progressive strategy to develop intelligent systems, provide bespoke suitable staff training and foster links with other tax authorities. In this respect reciprocal visits with HMRC have taken place in the last year and have proved extremely fruitful.

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And also very important and as a key principle of basic fairness, the level of Tax and Social Insurance arrears continue on a downward trend. This is a direct result of the effective strategy, co-ordination and significant efforts between the Central Arrears Unit and the Income Tax Office. Both these departments continue working closely together with the common aim of ensuring taxpayer compliance in all material aspects.

The Income Tax Contributions has recently moved to modern fit for purpose facilities in a more centralised location with improved access for the general public.

**INDUSTRIAL RELATIONS**

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Mr Speaker, HMGOG is justly proud of its record of accomplishment in respects to Industrial Relations within the Public Sector. A cornerstone in this administration's policy, the Industrial Relations Unit that this Government has established has been strengthened in order to better meet the needs of Public Sector Workers and their representative organisations.

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Through the work of the IRU, negotiations have concluded in areas such as the Borders and Coastguard Agency where a Collective Agreement was concluded in 2017 with Unite the Union inclusive of increases to allowances, enhancement of the Borders and Coastguard Officers pay structure and other terms and conditions.

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Through the work of the Industrial Relations Officer and his team, as Minister with responsibility for Industrial Relations I now have regular contact with the three principal Trade Unions in Gibraltar on a fortnightly basis. In this manner, HMGOG can better take the pulse of Industrial Relations matters in the workplace, noting the salient points of their concerns and addressing these before they become a real problem. That being said however, it is important to emphasise that unions and Government will not always see eye to eye but through the forum that has been created, a real commitment to finding the middle ground to concerns that are palatable to all parties can now commence.

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**Vacancies in the Civil Service**

Further to the commitment that I made during my 2018 May Day address, Mr Speaker, I reemphasise HMGOG's intention of permanently filling Civil Service vacancies that are currently

1790 filled by subcontracted staff. I am happy to report that we working with the GGCA towards a formula that will allow for phased intakes into the Civil Service that is not disadvantageous to incumbent subcontracted post holders whilst being sensitive and mindful of the posts' entry requirements.

1795 **Upper Rock, Beaches, GHA & Bus Company**

The fiscal prudence that HMGOG exhibits allows for continued growth, where necessary and appropriate, of Public Sector departments in order to better serve the interests of the community and Gibraltar PLC. My cabinet colleagues, Mr Speaker, will be able to go into greater depths of the recruitment of staff in the Departments under their Ministerial oversight, but I would like to highlight in passing some specific examples of the conservative recruitment that this Administration has pursued that is already paying dividends. At the Upper Rock and Beaches department and the Gibraltar Health Authority, a number of Craft Grade appointments have been made. Within the Gibraltar Health Authority, in this Administration's bid to repatriate services, Minister Neil Costa has overseen a significant expansion to clinical and medical cover through employment of additional staff, particularly through the localisation of posts of professionals working abroad and now returning to Gibraltar with the valuable skillsets that they have developed outside of Gibraltar. I would like to finish by commending Minister Paul Balban in his work with the Gibraltar Bus Company where over 15 employees were subject to indefinite variations in order to offer the fantastic, enviable and free bus service available to the community. Mr Speaker, what I have just described is by no means an exhaustive list of recruitment within the Public Sector but only a glimpse of the avenues where HMGOG engages in quality recruitment.

1815 **Sheltered Employees**

Finally, Mr Speaker, I would like to highlight an enhancement to the terms and conditions of sheltered employees working within the Public Sector who will now be able to enjoy sick leave and annual leave entitlements on par with the rest of the Public Sector employees. Dignified and quality employment for all our citizens is at the heart of the work that HMGOG engages in and it is hugely satisfying for us to stamp out discrepancies of this nature.

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**BORDERS & COASTGUARD**

The Borders and Coastguard Agency, under the Guidance of its temporary CEO, has progressed as an organisation over the past 12 months. It finds itself in full running compliance with the 'General Data Protection Regulation' and now has a qualified Data Protection Officer to ensure that our personal data is accurate, safe, secure and lawful. BCA uphold the rights of individuals and their privacy.

The BCA, together with its law enforcement partners, now has arrangements in place with a BCO Fully Qualified DRM (Designated Risk Manager) to collaborate with MAPPA (Multi-agency public protection agency) to assess and manage the risks posed by sexual and violent offenders.

1830 Mr speaker, BCA has also taken on the issuance of Visas and Visa waivers and administration of applications for all entry visas into Gibraltar. It's proven to be a challenging yet successful year in accessing all applications referred by all the UK Visa application centres. The BCA has proven to be up to the challenge and performed an excellent job in issuing said visa waivers to our community, especially during the busy summer period where additional summer visa waivers are issued to allow our Moroccan community spouses and children who are still in full time education to visit their families working and residing in Gibraltar.

1835 The agency is continuously monitoring and reviewing to improving existing systems and relationships both internally and externally with our neighbours for the benefit of our Gibraltar. In conjunction with other law enforcement colleagues such as the RGP, HM Customs, GDP, Cuerpo Nacional Policia, UK Border Force, Home Office, Interpol, and other essential

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services the BCA have established excellent working relationships to keep Gibraltar safe and secure above all. Information provided by Interpol integrated in our IT systems play a major role in early detection leading to significant arrests of criminals issued with European arrest warrants.

1845 Our sophisticated border IT systems aids us to process in all our entry points; and the communication and good relationships between law enforcement colleagues across the globe is of up most importance.

1850 The BCA also undertake extensive House Checks throughout Gibraltar to assist the following departments; CSRO, GHA, Education department and the Housing department to ensure applications made to these departments are of persons residing in Gibraltar and complying with the rules and regulations to obtain such any other benefit.

1855 The Agency continuously support our locally registered shipping agents providing them assistance in movements of seafarers embarking and disembarking from Gibraltar. They support agents to ensure seafarers are able to transit to their destination. Their priority is to ensure movements of seafarers are done in a safe and secure manner through Gibraltar.

And in relation to the Extensive works carried out at the Eastgate commercial entrance with the erection of new buildings and the road works leading to our land frontier and part of the tunnel project we must praise our BCA Officers together with HM Custom officers who have managed to maintain a steady flow of inbound and outbound traffic.

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#### **PUBLIC SECTOR HUMAN RESOURCES**

Mr Speaker, the Public Sector HR Unit continues to assist all government agencies, authorities and government owned companies. The department has concentrated on a review of the GHA HR systems in order to update and modernise HR working practice, working in conjunction with Care Agency HR to streamline processes.

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They continue in their push to introduce change and have formed an integral part of the ERP team which is delivering latest technology for a modern approach to HR.

#### **CSRO**

1870 In respect of the Civil Status and Registration Office, I am happy to report that as a result of changes to existing practices and procedures, along with the relocation of tangible resources, a number of internal processes have been streamlined, bringing about a noticeable improvement to administrative efficiencies in the department. One such improvement is in respect of identity and civilian registration cards. By relocating the card printers to a site within Joshua Hassan House it has afforded the Civil Status and Registration Office the capability to make better use of its human resources and make the process faster and more efficient. Mr Speaker, the time taken to produce and issue an identity or civilian registration card has been reduced by fifty per cent.

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1880 The department has also reviewed and re-drafted a number of its guidance notes and information booklets, providing up to date information on services relating to civil status, citizenship, registration of births, deaths and marriages. On the subject of marriages, the passing of the Conversion of Civil Partnership Rules in May this year has meant that couples can now covert their civil partnership into marriage. This important piece of legislation represents inclusion and acceptance and it attests my government's commitment to equality.

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Gibraltar continues to be an attractive destination for weddings and civil partnerships as the number of ceremonies steadily increases every year. According to figures for this first quarter, along with the number of bookings confirmed at this stage, it is highly likely that this year we will surpass the 2017 figures, when a total of 1593 ceremonies were officiated by the Registry Office.

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### **CUSTOMS**

1895 This last Financial Year saw the full launch of the paperless, electronic Asycuda customs data management system. The system handles manifests and customs declarations, accounting, transit and suspense procedures.

1900 It runs on the very latest 2017 Harmonised System World Customs Organisation tariff, based on the EU 8 digit code nomenclature. The HS system is used by more than 200 countries and economies as a basis for their Customs tariffs and for the collection of international trade statistics. Over 98 % of the merchandise in international trade is classified in terms of the HS tariff. Asycuda is used in over 90 countries worldwide, and HM Customs Gibraltar has contributed greatly by introducing new and unique modules to Asycuda which are now in use in some of those countries.

1905 HM Customs, in consultation with the Chamber of Commerce and the Federation of Small Businesses engaged in a training programme for all import and export stakeholders to ensure readiness before launch including presentations and question and answer sessions answered by the Collector of Customs.

In-house workshops were also delivered to customs staff.

1910 As at today, over 99% of all customs declaration forms are submitted via Asycuda which has reduced clearance times, facilitated trade and increased customs control capabilities and risk management whilst improving business efficiency by reducing paper use.

Following from the demolition of the old Custom House, this has now been relocated to Waterport Wharf in two separate buildings. These are fit for purpose buildings constructed using environmentally friendly fixtures. The new Drug Detector Dog Section will be housed in one of the buildings.

1915 A new enclosed holding area for commercial vehicles is well under construction in British Lines Road. It will enable Customs officers to carry out requisite checks on incoming and outgoing vehicles away from public view, in a safe environment and with appropriate equipment. It is expected to be completed shortly.

1920 The Customs Marine Section will shortly be relocated, with various alternative locations already identified and discussions are ongoing between the Collector of Customs and the Chief Technical Officer on the most appropriate venue and the designs of the new station.

Four new patrol vehicles will shortly be put into service as well as one already in place for the Dog Section. Other specialist equipment has already been provided to assist officers in the execution of their duties.

1925 A number of international seminars and workshops have been led by HM Customs both locally and abroad, including a recent one on modern Customs procedures for control of international trade in CITES listed species co-hosted with the UNCTAD Centre of Excellence and the Government of Switzerland with the support of the CITES Secretariat.

1930 The Government remains committed in the fight against illicit tobacco activity and is working closely with the Collector of Customs to amend the Tobacco Act even further to broaden the scope and penalties in the Act and such amendments will be made public shortly.

1935 Drugs and tobacco detections and seizures are up, a testament to the excellent work done by Customs officers both at land and at sea in what are challenging and sometimes dangerous situations. HMGOG remains committed in ensuring they receive the best training and equipment to service their needs and I thank them for their daily, sometimes unseen dedication to duty.

### **DRUG & ALCOHOL SERVICES**

1940 Mr Speaker, I now move on to my portfolio responsibility in respect of Drug and Alcohol Services. This is an issue that we need to get right given the potential it has to make a positive difference on the lives of many within our community who suffer as a direct result of drug misuse. I have to declare a vested interest in this; not only as a politician, but as the father of three young children who wishes to protect them from the devastating consequences that

substance abuse can exact upon any family. I am very excited to be dealing with this important area of Government policy.

1945 One of the first issues we tackled on my taking over was to reinstate more regular meetings of the Advisory Council on the Misuse of Drugs. This has helped to give our work a more focussed and strategic steer and brings together experts and professionals across many fields. This is already yielding results, which will inform our future drug strategy.

1950 Our response to drug misuse needs to be evidence-based and has to meet the needs of our community. With this in mind, I have commissioned various research studies and have significantly enhanced the human resources needed to enable this to happen. We will be conducting a school-based survey among our secondary school students, which will be taking place early in the next academic year, as well as a wider drug prevalence survey. We are also working with all stakeholders in creating a National Drugs Database. We must acknowledge the important role the voluntary sector plays in minimising the harm that drugs and alcohol misuse causes. They will be widely consulted and their views will form part of any strategic responses.

1960 I could not tackle the drugs issue without addressing the Cannabis debate head on. We all know this is a fast developing area and there are many emerging opinions on this subject which are, at times, challenging to keep abreast of. Our approach is one based on common sense. The medicinal uses of cannabis and its derivatives is quite distinct from its recreational use, as is the cultivation of cannabis plants which are engineered to have no narcotic properties for a variety of legitimate uses. We have embarked upon an exhaustive process of consultation and research into all these facets, which will allow us to develop clear unambiguous responses.

1965 I am particularly proud to have under my responsibility, a dedicated and consummate group of professionals who work in Bruce's Farm Rehabilitation Centre and within the community providing an excellent level of care. Their dedication has turned around the lives of many individuals and families within our society. I intend to take this to another level. We will be expanding these services. This will make them even more responsive and accessible by developing a well-resourced team, in a purpose built facility within the community to augment the work done at Bruce's Farm, which de-stigmatises substance dependency. Our Drug Services are currently in contact with well-respected experts in this field, who are providing advice on how best to develop this service. It is testament to the success of our drug services that I recently had the privilege to meet an ex-patient of Bruce's Farm who is currently undertaking a degree in addictions counselling funded by the Government of Gibraltar. I am happy to say that 1970 a second person with a similar background will also be commencing this same course in September of this year. 1975

We will be imminently launching a dedicated drug and alcohol website that my team has been working hard on for the past few months. This will provide an authoritative point of reference for anyone wanting to know more about this subject or who needs to access help. The drug and alcohol team has also been developing an awareness campaign that will be rolled out over the coming months. We are also working with our educators in the development of a programme that will deliver the drug awareness message in the most effective way possible. One of our Education Advisers recently attended a conference in the UK where the latest findings in this field were presented. 1980

1985 As the largest employer in Gibraltar, we need to lead by example. I am therefore announcing that over the coming year we will be implementing a Drugs at Work policy throughout the public sector starting with the essential services. Our approach will not necessarily be a punitive one but rather will encourage those who may have a dependency to seek appropriate help. However, my Government is also clear that it intends to adopt a low tolerance approach to drug and alcohol misuse within the public sector as a whole. 1990

**Fabian Picardo QC MP**  
**Chief Minister**





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3 p.m. – 6.33 p.m.**

**Gibraltar, Monday, 2nd July 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

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

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

## **Appropriation Bill 2018 – For Second Reading – Debate continued**

**Mr Speaker:** The Hon. Dr Joseph Garcia.

5       **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the first time I spoke during a debate on the estimates of revenue and expenditure was in 1999. I had been earlier elected on a by-election barely a few weeks before. This is therefore my 20th Budget and my seventh as a Member of the Government. Only Sir Joe Bossano and indeed you, Mr Speaker, have been here for longer!

10       I propose to start with a report to this House of work connected to our departure from the European Union. It will not come as a surprise to learn that this has been the subject that has most occupied my time over the last financial year. There have been over 500 meetings, engagements and media interviews linked to Brexit since the referendum of June 2016.

15       These are only the ones which I have been involved in directly, so that figure does not cover everything. More meetings have taken place at many other levels and with many other different people.

Mr Speaker, there is less than a year to go until we leave the European Union. We did not vote to leave. We did not want to leave. But now we have to get on with it. And that, Mr Speaker, is exactly what we are doing.

20       These have been an intense twelve months. The Chief Minister, the Attorney General and I have lived and breathed Brexit practically on a daily basis. It has been a real pleasure to work together with them, the Financial Secretary and with the wider Brexit team.

25       Mr Speaker, the Department for Exiting the European Union in the United Kingdom has an estimated 550 full-time employees. They are supported by well over 100 more at the UK Representation to the European Union, known as UKRep. In Gibraltar, we probably have less than 20 people dealing with different aspects of Brexit. These include staff based in London and in Brussels. However, we do call upon the expertise of different UK Government departments as and when needed.

30       We are all aware that Brexit is an incredibly complicated affair. It is complicated for the United Kingdom itself. We have the additional political challenge posed by our neighbour.

35       Mr Speaker, the House will recall that last year Clause 24 remained in the final version of the European Council's negotiating guidelines. That clause has continued to be restated several times as the UK/EU negotiations have progressed. The House knows that the EU draft text of the Withdrawal Agreement was published earlier this year. The section on territorial scope included Gibraltar shaded in green as agreed text. There was an asterisk in white background which referred to Clause 24 and which was therefore not agreed text.

It is important to bear in mind that Clause 24 is the position of the EU side. Their latest conclusions published last week once again made reference to Gibraltar in this context. This is not the position of the Member State United Kingdom and still less the position of Gibraltar. The European Council's decision to provide Spain with this purported veto was shameful. It is symptomatic of the very attitude that led the United Kingdom to vote to leave the EU in the first place.

For us, it was a base betrayal; 96% of us voted to remain. We thought that the EU would love us. We believed that Europe would embrace us. Instead, with that veto clause they did the very opposite. Faced with that betrayal, the Government is delighted with the solid support that we continue to receive from London, to date, as this process moves forward.

The Government, Mr Speaker, continues to engage closely with the United Kingdom Government on the details of our EU exit. We have worked together in lockstep. We have planned the way forward. We have discussed strategy. We have drafted papers. We have been very closely consulted at every stage. This co-operation is reflected in the wide package of measures agreed at the sixth meeting of the UK-Gibraltar Joint Ministerial Council. Those measures provided important reassurance to our financial services and online gaming industry in terms of continued access to the United Kingdom market. The House will recall that other measures agreed provided for British Citizens resident in Gibraltar to continue to be eligible for higher education fees at home student levels in England, both during the transitional period and afterwards.

On health, it was also agreed that Gibraltar would continue with the existing arrangements, for patients receiving free elective treatment in the United Kingdom. This marked the end of the first phase of Brexit for Gibraltar. It was cemented by securing agreement on the delivery of those UK bilaterals.

Mr Speaker, there continues to be solid support for Gibraltar across the political spectrum in Westminster and in the Devolved Administrations. The Government will continue to keep our friends in Parliament informed. We will maintain a high visibility profile for Gibraltar. It is important that our issues are not lost in the wider Brexit agenda.

Those who sit on the Brexit Select Committee of the Gibraltar Parliament have been briefed privately on the details of our EU departure. They will therefore know more about what is happening than I am able to tell the House today. There have been 10 confidential briefings to date. My hon. Friend, the Chief Minister, has also separately briefed the Leader of the GSD party more than once.

Mr Speaker, as we prepare to leave the European Union, officials from the United Kingdom continue to engage closely with the Government of Gibraltar and other European partners, including Spain, to address the practical implications arising from the UK and Gibraltar's EU exit. The Government of Gibraltar is directly involved in those meetings which are relevant to Gibraltar. The United Kingdom is the Member State responsible for Gibraltar in the European Union. They are also responsible for the negotiations as they affect the entirety of the British family of nations.

These are three Devolved Administrations, three Crown Dependencies and 14 Overseas Territories impacted to varying degrees by the UK's departure from the European Union – 20 territories in total. All of them have different interests that the Government of the Member State UK has to take forward. Anguilla is concerned about its border with EU territories in the Caribbean; the Falkland Islands want to continue with tariff-free and quota-free access to the EU market for fish, squid, lamb and mutton. Curiously, they supply fish and squid mainly to Spain.

The Channel Islands want to protect their trade with the UK and the EU in fisheries, agriculture and manufacturing. Bermuda and others are concerned about the ability of their citizens to travel into the EU after Brexit. All the OTs have concerns about the continuation of the existing generous EU funding streams that they receive. Every territory, Mr Speaker, has their issues.

Gibraltar is no exception, we have our issues too. It is no secret that there are seven areas under discussion as part of our own EU departure. These are: tax transparency and co-operation; police, customs and judicial co-operation; the border; tobacco; the airport and aviation; the environment; and the legal form that any possible agreements might take.

The Government remains willing to engage Spain in a positive and constructive manner as we prepare to leave the European Union. It is sensible that issues which want to be progressed by both sides should be on the table. The question of sovereignty is excluded; indeed, this has been made clear by Spain itself. In any case, for the avoidance of doubt, let me repeat that the sovereignty of Gibraltar is not a matter for discussion with Spain – Brexit or no Brexit. The discussions taking place now are EU-exit discussions.

It is obvious from the list of topics that some of the issues will be easier to resolve than others. For instance, much has been said about the greater use of Gibraltar Airport. We are happy to have a discussion with Spain about its enhanced use. We are not happy, however, and will not contemplate any proposals which impinge on our sovereignty, jurisdiction and control.

In this context, it is important to make it clear once again that the symbols and the ingredients of sovereignty are as important as sovereignty itself. Gibraltar has clear red lines. We know that Spain has its red lines too. As I have said before, Mr Speaker, there is space between for a practical, modern, non-sovereignty solution between the two sets of red lines.

Mr Speaker, quite apart from the political work, our departure from the European Union will require a considerable legal and administrative effort as well. That departure will be enshrined in an EU (Withdrawal) Bill in the same way as is happening in the United Kingdom. In order to make sure that there is certainty in the status of the law, the entire body of EU law will be copied on to Gibraltar's domestic statute book. There are two steps in this process.

The first is that all directly applicable EU law will be converted into Gibraltar domestic law on exit day. The second is that all Gibraltar law that has been made to give effect to EU rights and obligations will be preserved. Therefore, Mr Speaker, on exit day directly applicable EU law, like Regulations and Decisions, will continue to be considered as part of Gibraltar law and can be relied upon as such. However, these savings provisions will not be enough to ensure a smooth transition.

Some measures will only work in the context of EU Member State relations. These will involve, for example, the recognition of competent authorities, the exchange of information or the mutual recognition of licences. Other measures can be brought into Gibraltar law but will require changes in order to make them operable, by which I mean they will function as legal instruments in our legal order.

The EU (Withdrawal) Bill will include the power for the Government to change EU law in order to ensure that every EU measure is operable. It will also contain provisions that will allow for the implementation of any agreement reached in respect of Gibraltar's EU exit. However, that may yet be done in the context of a Withdrawal and Implementation Bill, as the UK are minded to do.

Mr Speaker, in order to get a complete understanding of which laws apply to Gibraltar we have examined in excess of 20,000 pieces of legislation. Taken together, these comprise the legal order of the European Union and these are principally the treaties, regulations, decisions, and directives. We have also undertaken an examination of our entire statute book in order to identify where individual EU measures have to be implemented or transposed.

We are working on the basis of a core of about 1,600 measures which are of relevance and need to be individually considered by the various government departments and the legislative drafters. That exercise is already under way. This is perhaps the most far-reaching legislative review ever undertaken in Gibraltar, veritably a mammoth task, and the Government is very grateful to everyone involved in the exercise.

Mr Speaker, work related to our departure from the European Union can be found at Head 12, Sub-Head 2(9).

140 I move on now to report on our office in Brussels. Not surprisingly, our EU Representation is itself heavily involved in different aspects of work as we prepare to leave the European Union. Therefore the office today is busier than it has ever been as a result of the ongoing Article 50 process. In addition to the 'business as usual' work that they conduct, are the demands and the challenges we collectively face as a consequence of Brexit. The office continues to gather vital intelligence 'on the ground' in Brussels.

145 It has been pivotal in informing the Government of developments in each of the EU institutions concerning Brexit. It has helped to educate influencers about Gibraltar's position in respect of matters that are of critical relevance to us. Gibraltar's network of contacts and supporters continues to grow. I should add that this is something which has not escaped the attention of Madrid.

150 An informal 'Friends of Gibraltar' group is now consolidated and relationships are being maintained on a day-to-day basis. Interest in Brussels about Gibraltar matters has never been greater. This is of course due to an increasing awareness of our position in these negotiations. However, the work of our assets in Brussels in generating this interest should not be underestimated.

155 Mr Speaker, over the last 12 months I have visited Brussels on three occasions, once with the Chief Minister, in July last year. The Attorney General has made several other visits during the year. Our Representation has been closely involved during all these visits and has been instrumental in securing meetings.

160 Mr Speaker, the European Parliament will have a final say on the outcome of the negotiations for the departure of the United Kingdom and Gibraltar from the European Union. It will have a vote on whether to approve or reject the withdrawal agreement. For this reason, the team in Brussels have dedicated much time to the work of briefing Members of the European Parliament on Gibraltar Brexit issues.

165 In the 2017 calendar year, Gibraltar Government officials or Ministers met informally with 79 MEPs of different nationalities, from different committees and from different political parties. Since 1st January 2018 to date, 40 more MEPs have been seen. Discussions with some of these MEPs have taken place on more than one occasion. This means that the number of separate meetings is in fact much higher. Records of every single meeting are kept. In relation to every meeting there is a purpose, an objective and a reason for the approach. Many of the MEPs concerned are among the most influential and experienced Members of the European Parliament. Some are the chairs of the parliamentary committees which are of most relevance to Gibraltar.

175 By way of example, the Government can confirm that it has exchanged views with each and every MEP forming part of the European Parliament's Brexit Steering Group. This is the group that is co-ordinating and defining the Parliament's policies as the Article 50 process moves forward. At times, this strategic lobbying translates into results that are measurable and tangible.

180 The House will recall that amendments hostile to Gibraltar were tabled by Spanish MEPs following an inquiry into money laundering, tax avoidance and tax evasion. Those amendments were highlighted prominently in the Spanish press. Predictably, that same Spanish press was silent when amendments were ultimately rejected by MEPs in a vote in the committee concerned.

185 There are other examples, Mr Speaker. Gibraltar has won votes in the European Parliament. We have also won votes in Committees. This is a result of the sheer hard work carried out in Brussels since we took the decision to expand our presence there.

The Government, at the same time, continues with its programme of organising or supporting visits for MEPs to Gibraltar. Last year, we welcomed nine different members of the European Parliament.

190 Mr Speaker, we have also had direct contact with the European Commission. On 13th July 2017, the Chief Minister and I met with the EU's Deputy Chief Brexit Negotiator, Sabine Weyand,

and other members of her team. This was the same day that Taskforce 50 Team met with the First Minister of Scotland, Nicola Sturgeon; with the First Minister of Wales, Carwyn Jones; and UK Opposition Leader, Jeremy Corbyn. The meetings took place despite intense and desperate efforts from Madrid to prevent it from happening. It proved to be a good opportunity to explain Gibraltar's objectives and concerns.

I also had the pleasure to exchange views again with the UK Commissioner, Sir Julian King, earlier this year. Further meetings with Commission officials belonging to different Directorate-Generals have taken place over the last 12 months. The purpose of those meetings has been to discuss issues relevant to our ongoing membership of the EU and our continued obligation to observe and implement EU law.

Mr Speaker, as part of our policy to leave no stone unturned as we leave the EU, we have met with every single Member State. These meetings have taken place in Brussels, in London and here in Gibraltar. Meetings have also taken place with the Council officials co-ordinating Brexit matters. The House will understand that it is not in the public interest to disseminate detailed information concerning some of the contacts that have taken place. Communication with the UK's own Representation to the EU, UKRep, has also been fluid at all levels.

It is worth highlighting that in January I had a very productive meeting with the UK Permanent Rep to the EU, Sir Tim Barrow, and a separate meeting with the newly appointed Director for the UK-EU Partnership, Hermione Gough. I am confident that Gibraltar's concerns and priorities are thoroughly understood by the UK officials in Brussels. They know that we look to them to continue to defend our interests in the heart of the European Union on a day-to-day basis.

Mr Speaker, aside from the above, the office in Brussels continues to monitor and advise on EU legislative and non-legislative proposals.

It has also been involved with the following: (1) Keeping up to speed with developments in Brussels in Fintech and DLT Technology, working in conjunction with the Finance Centre Department and the Financial Services Commission. The office has also helped organise visits to Brussels with this purpose, ensuring that Gibraltar is well represented in prominent debates and discussions; (2) Arranging for me to make Gibraltar's case at a Brussels policy think-tank; (3) Conducting two visits to Strasbourg to coincide with European Parliament plenary sessions there, with a further visit envisaged later this month; (4) Organising and accompanying three visits of MEP assistants to Gibraltar. The last one took place just over a week ago. (5) Making arrangements for the October 2017 visit of Gibraltar students to Brussels. (6) Assisting with an event hosted in Gibraltar House to inaugurate the 'Friends of Gibraltar' Group, as well as hosting events for the Gibraltar Ombudsman, the Young Professionals in Foreign Policy group, Team Global and the British-Irish Parliamentary Assembly; (7) Attending leading think-tank events, networking events organised by other representations and organisations as well as conferences in Brussels, takes up another part of their time.

The Government is grateful to Sir Graham Watson, to Daniel D'Amato and to the team there for the work that they continue to do. The Brussels Office can be found at Head 12, Sub-Head 2(2)(b).

Mr Speaker, I move on now to Gibraltar House in London. The expanding diversity of challenges arising as the process of leaving the EU unfolds has also continued to dominate work at Gibraltar House in London. This is in addition to the important task of lobbying and keeping our many friends and supporters in Westminster accurately informed. The office on the Strand provides an effective working platform from which the Government can interact with ministers and officials in London.

As the deadlines established for the UK and Gibraltar's departure from the EU approach, engagement at a technical level has increased alongside the broader and intense political discussions that also continue. This has meant Brexit working groups from Gibraltar meeting regularly with their UK counterparts in London. Some of those meetings alternate between Whitehall and Gibraltar House itself. The networks that have been established and the detailed

technical work that results from this engagement will become increasingly important to us as we leave the European Union. The indications are that this work will expand exponentially.

245 Mr Speaker, the flow of information and channelling of contacts in both directions has been an important element in the work carried out in London. Gibraltar House has evolved over the last couple of years. It has become the conduit for information gathering and analysis. It has been the visible face of Gibraltar in Brexit think tanks and events in London. It has engaged with UK government departments and officials. It helps to organise the flow of information into No 6  
250 and to the Government here in Gibraltar.

The team at Gibraltar House attend parliamentary committee hearings. They engage with MEPs and Committee members where it is felt Gibraltar should put forward its views and concerns. Their work with both Houses of Parliament is very much a priority. Gibraltar House assists the All Party Parliamentary Group on Gibraltar with its secretarial functions. It reaches  
255 out to new MPs and Peers who show an interest in Gibraltar affairs.

Bob Neill MP took over the Chair of the All-Party Parliamentary Group (APPG) on Gibraltar a year ago. He has been an important ally in getting the Rock's message across to the right people in No. 10 and in Whitehall. The APPG is a cross-party body which includes MPs and Peers. Members will have seen that Gibraltar has enjoyed considerable support in debates and other  
260 parliamentary activity. The Government, and I am sure the whole House, is very grateful to Bob and to our friends in the APPG.

Mr Speaker, the Government has been active in putting across our views in Westminster as well. My colleague, the Chief Minister, has appeared before both the House of Commons Committee on Exiting the European Union, chaired by Hilary Benn, and the House of Lords  
265 European Union Committee, chaired by Lord Boswell. Members will recall that in March this year Lord Boswell led a small delegation from the Committee to see the situation in Gibraltar at first hand.

It has been important for the Government to foster the support and loyalty we have enjoyed from many British MPs and Peers. Old friends like Deputy Speaker, Lindsay Hoyle, and his father  
270 Lord Hoyle, are prime examples of that continued loyalty and support. But at the same time, we continue to reach out to new friends. We must get our message across and win support based on the merit of Gibraltar's case.

Mr Speaker, I would like to say a few words about Gibraltar Day. The annual Gibraltar Day event in London has been transformed. Numbers for the evening reception have been reduced  
275 considerably; invitations are now far more targeted. Last year, the evening reception was hosted at the Gherkin on Monday 23rd October. Among the guests were 10 Ambassadors and 13 Deputy Ambassadors, as well as some 36 members of the House of Commons and the House of Lords. The Government also hosted over 100 members of the Gibraltar expatriate community to a Thanksgiving Mass and Reception in Fulham on the preceding day. Over 300 members of  
280 the Gibraltar Financial Services industry met for a business lunch in the City of London. The new focus given to more targeted events provides greater value for money.

Mr Speaker, the number of political guests at the last National Day rally is a reflection of the political moment that we find ourselves in. Gibraltar played host to 26 MPs and Peers from  
285 across the UK Parliament. Five members of the European Parliament also joined us; their programme included separate briefings from the Chief Minister and from me; a meeting with representatives from the Finance Centre; and a call on His Excellency the Governor.

Delegates attended the traditional National Day rally and they were also able to participate in a number of events marking the 50th Anniversary of the 1967 Referendum. It was a real pleasure to welcome the UK Minister for Europe, Sir Alan Duncan, to Gibraltar.

290 This lobbying work is a continuous process. Only this spring, the London office organised a breakfast meeting with the Chief Minister for the All-Party Gibraltar Group in the House of Commons. This was attended by 17 MPs. On the same day, at almost exactly the same time, I hosted another group of MPs here in Gibraltar.

295 We believe that such visits are crucial in deepening our understanding of the issues and the  
challenges before us. There is no better way to understand Gibraltar than to visit Gibraltar.  
Those UK MPs who came here on working visits outside National Day include Dominic Grieve, Liz  
McKinnes, Robert Goodwill, Mike Gapes and Tom Brake.

300 Mr Speaker, our former governors continue to represent a great source of support and  
remain in close contact with the team in London. The London office also has a fluid relationship  
with the Scottish, Welsh and Northern Ireland Assembly representatives. Contact is maintained  
with many embassies in London including the Ambassadors of European Union countries. Many  
Member States of the EU have a particular interest in how Brexit may impact on Gibraltar. Our  
UK Representative Dominique Searle is regularly invited to official and diplomatic events in the  
capital in addition to formal working meetings.

305 Mr Speaker, the lobbying work comes to a head normally during the party conference  
season, and 2017 saw a record participation in such events. Gibraltar maintained its traditional  
presence at the Conservative, Labour and Liberal Democrat conferences. We also hosted a stand  
at the conference of the Scottish National Party. In the same way, we attended the DUP  
conference in Belfast for the very first time. Gibraltar hosted a reception or a lunch at each  
venue.

310 The high-profile speakers in these events reflect the support that Gibraltar enjoys right to the  
top of the UK political establishment. At the Conservative conference we had the Foreign  
Secretary, Boris Johnson; at the Labour Conference we had the Shadow Foreign Secretary, Emily  
Thornberry; at the Liberal Democrat Conference we had the Deputy Leader, Jo Swinson; at the  
315 SNP Conference we had the Spokesman on International Affairs and Europe, Stephen Gethins;  
and at the DUP we had the leader and former First Minister, Arlene Foster.

Mr Speaker, we will never take our friends for granted. The Government will continue to  
work closely with them. We shall continue to reach out to all layers of public opinion in the UK.  
We shall continue to consolidate and to grow our support in Westminster. I would add here that  
320 Gibraltar was represented at the State Opening of Parliament that followed the last UK general  
election. We took our seat alongside Ambassadors and the representatives of other British  
Overseas Territories. In this context it is important to recall that UKOTA, the association of the  
territories, continues to be an integral part of our work in London. Gibraltar House is a regular  
venue for its meetings.

325 I explained how all of us will be affected in different ways as we leave the European Union:  
despite these differences, the territories have much to gain from standing in solidarity with one  
another.

Mr Speaker, as we leave the European Union and one door closes, other doors will open.  
Gibraltar, like the United Kingdom itself, is looking for closer interaction with the  
330 Commonwealth. This year, on Commonwealth Day, we lowered the flag of the European Union  
and replaced it with the flag of the Commonwealth. This was an important symbolic gesture; a  
prelude of things to come.

Gibraltar has long relished its historic relationship with the Commonwealth family. This year,  
we attended a number of different fora around the Commonwealth Heads of Government  
335 Meeting in London. We were represented at the Commonwealth Youth Forum, the  
Commonwealth Business Forum, the Commonwealth People's Forum and the Commonwealth  
Women's Forum. These engagements all proved to be very useful. Indeed, the young people  
who attended the Youth Forum were able to speak directly to the leaders of Commonwealth  
countries like Canada and Jamaica – as well as to the Prime Minister, Theresa May.

340 In 2018, Gibraltar also went to the Commonwealth Youth Parliament for the first time. This  
event took place in Jersey. Once again, our young people did very well.

In April, the Gibraltar flag flew proudly next to those of 70 of other territories and countries  
during the Commonwealth Games in Gold Coast, Australia.

345 At the same time, Gibraltar has continued its long-standing contact with the Commonwealth  
Parliamentary Association. The Minister for Equality, Samantha Sacramento, is a member of the



Board of the Commonwealth Women Parliamentarians. The Minister for Culture, Steven Linares, is now an alternate in the Board of the Commonwealth Local Government Forum. Sir Joe Bossano has stepped up our engagement with the Commonwealth Telecommunications Union. Gibraltar has now joined the Commonwealth Enterprise and Investment Council.

350 Earlier this year, I met with the Secretary General of the Commonwealth, Baroness Scotland, at her offices in Marlborough Palace. I also met with the UK Minister for the Commonwealth, Lord Ahmad of Wimbledon.

Gibraltar will continue to reinvigorate our institutional links with the Commonwealth in the months and years to come.

355 Mr Speaker, the Government maintains a strong relationship with the Royal Household through Gibraltar House in London. This includes representation and attendance by Gibraltar at key ceremonial events including the annual Commonwealth Mass. The Government is working to include Gibraltar in one of Her Majesty's programmes, known as the Commonwealth Walkway. My colleague, the Minister for the Environment is leading on this matter.

360 Last year saw the first Royal visit to Gibraltar House in London. On 16th October, the Chief Minister hosted Her Royal Highness, the Princess Royal, to a reception there to mark her patronage of the Gibraltar Literary Festival. HRH unveiled a plaque to commemorate this patronage. The event was attended by speakers and sponsors of the festival.

365 Mr Speaker, I am happy to say that the Friends of Gibraltar continue to provide welcome support. They make regular use of the facilities at Gibraltar House. This is in addition to the considerable use of the building by the finance centre and by commercial and legal firms, as well as government departments and bodies.

I take this opportunity to thank Dominique Searle, Tyrone Duarte and the staff of Gibraltar House. They are Gibraltar's face in London and they continue to fulfil this role extremely well. Gibraltar House in London can be found at Head 12, Sub-Head 2(2)(a).

370 Mr Speaker, the office in Hong Kong works directly to my colleagues, the Minister for Commerce and the Minister for Economic Development. The Hong Kong office, as I have previously explained, has been included within my Head purely for administrative purposes together with the other two Gibraltar offices abroad. Since establishing our office in Asia in 2014, the aim has always been to promote, protect and further Gibraltar's interest in the Far East. This is the fastest growing economic region in the world.

380 The Office has hosted numerous Gibraltar delegations led by Ministers and private sector firms in China and has also introduced many firms from Asia to Gibraltar. It has driven significant media coverage in the region promoting Gibraltar as a jurisdiction. Private meetings with businessmen, regulators and officials have also been managed by the office in Hong Kong. This includes arrangements for a Memorandum of Understanding to be signed by the GFSC with Hong Kong regulators, related to our drive to attract DLT business to Gibraltar. The Government has worked hand in hand with the private sector to foster and promote Gibraltar's reputation as an attractive, safe and economically advantageous jurisdiction in which to conduct international business.

385 Mr Speaker, it will be clear to the House that the role of this office is commercial and not political. I therefore leave my colleagues to provide more details about its operation. The Hong Kong office is located at Head 12, Sub-Head 2(2)(c).

390 Mr Speaker, I now propose to say a few words about the Government's lobbying activities in Washington. Gibraltar and Spain have been engaged in a game of cat and mouse in Washington for a number of years. This started because the Spanish Government at the time stepped up its anti-Gibraltar rhetoric. They wrote to and met with Members of Congress who signed up to a resolution supporting Gibraltar. They have complained to those Congressmen and Congresswomen who have visited Gibraltar. They have protested to Members of the Congress and Senate Committees on external relations. They have also protested to those Congressmen who have met with us during our visits to Washington.

Indeed, Mr Speaker, they have been known to protest to Congressional offices even before such meetings have taken place and when our schedule has not been published. Quite remarkable! Nonetheless, Spain's efforts have proved to be completely counterproductive. A senior Congressman told us that no third party will dictate to him who he can or cannot meet. Other offices were curious to find out how Spain knew about our meetings in the first place. Despite this welcome reaction, it has become necessary to counter the misinformation against Gibraltar being put across by Madrid in the US capital.

This happens in several ways. First, Mr Speaker, our lobbyists Holland and Knight have held over 100 meetings with Congressional offices in the House and in the Senate, including with senior officials in the Trump administration, and multiple other communications. Secondly, we encourage members of Congress and of the US armed services to visit Gibraltar so that they can appreciate our reality for themselves.

In August, we hosted a visit by US Congressmen and staffers under the United Kingdom's MECEA scheme. That visit included two Republican Congressmen and one Democrat. There were also two Senator's Chiefs of Staff, four Congressional Chiefs of Staff and two other staffers.

There were two other visits during 2017. One visit was composed of three Members of Congress, including the Chairman of the House Appropriations Committee and the senior ranking Democrat on the Defence Sub-Committee. The other visit consisted of Representative Sanchez and Representative Meehan who came to Gibraltar for an event organised by the American Chamber of Commerce, AMCHAM. This year we were delighted to welcome another delegation from the Appropriations Committee which included a member of the US Air Force and of the US Navy.

Mr Speaker, the third way in which we counter Spain's propaganda is by making our own lobbying visits to Washington. These involve very tight schedules which often run to over twenty meetings in two full days. The House knows that Congressman George Holding tabled a Resolution which salutes the long-standing and historic relationship between Gibraltar and the United States. It also supports our right to self-determination as a UK Overseas Territory. This started with six Members of Congress. I reported last year that there were now 27. I am pleased to tell the House that this support has now increased further still to 47 Members of Congress.

Mr Speaker, as a result of Gibraltar's outreach and engagement with the US Congress and Executive Branch, there is now a broader appreciation of our position. Several Congressional leaders are concerned that Spain may take advantage of Brexit in order to advance their sovereignty claim. Some of them have advised Spain against this. A disruption of the status quo in this part of the Mediterranean is in nobody's interests. For our part, the Government will continue to present our side of the argument in Washington and in that way set the record straight.

Mr Speaker, it is relevant at this stage to say a few words about Spain and Spanish policy towards Gibraltar. In so doing, I am conscious that there was a change of Government in Madrid a few weeks ago, so much of what I have to say clearly relates to the period before that. I also want to make it clear that our lobbying in Spain itself has been led by the Chief Minister and his office. That said, I have also engaged Spanish political parties, except the *Partido Popular*, in places like Brussels.

Mr Speaker, we continue to try to understand Spanish policy towards us beyond its often noisy manifestations in the media. It remains our long-standing hope that progressive socio-political currents will one day triumph in Spain. If this were to happen it might become possible for Spain to finally see us as we see ourselves. This could be the basis for a fruitful partnership in areas where we share the same interests and the same concerns. In the meantime, we remain alert to any policies and actions designed to subvert our identity, our constitutional order, or our economy.

The vast majority of ordinary Spaniards are too busy with the real issues affecting their daily lives to think about Gibraltar. But the parts of the Spanish machinery of government that

formulates its security policies and strategies continue to regard Gibraltar as an ‘anomaly’ at best, and as a threat at worst.

450 Two examples from different areas will serve to exemplify these attitudes. Each year Spain conducts a major maritime security and safety exercise known as MARSEC. This year MARSEC took place from 14th to 25th May. The aim of MARSEC is to improve the co-ordination between the Spanish Navy and all the national and autonomous bodies involved in maritime safety and security. It is an important exercise and good for the security and safety of mariners and cargo as  
455 they transit the region. Unfortunately, the exercise also acted as the backdrop for Spanish naval incursions into BGTW.

These occurred just before the exercise started on 12th May, and then again on 15th May. Our friends in the Royal Navy deal with all such incidents proportionately and with immaculate professionalism. However, the incident on 12th May also required the intervention of our own  
460 Vessel Traffic Services. They had to urge the patrol vessel *Serviola* to change its course for the sake of safety of navigation as a vessel was inbound from Europa Point towards our pilot boarding station in the Western anchorage at that time.

These incidents are unnecessary, unfortunate and potentially dangerous. But they occur because of the Spanish Navy’s insistence in seeing us as a threat, rather than as potential  
465 partners.

The second example relates to the routine allegations that Gibraltar is a centre for money laundering. Spanish Judge José Grinda Gonzalez is a Special Prosecutor who has dedicated much of his professional career towards tackling the long shadow cast in Spain by Russian organised crime. Judge Grinda is rightly lauded for his work. However, on 25th May, whilst delivering a talk  
470 about his work at the Hudson Institute, a prestigious think tank in Washington, Judge Grinda claimed Gibraltar is an example of a non-co-operating territory which was not transparent. He said that Gibraltar was ‘temporarily’ British; he said it was considered by Spain as a non-co-operating territory; he said that we are used by international criminal organisations to hide their wealth. Gibraltar was the only example he gave.

475 Mr Speaker, this is naked disinformation. It is intended to make out that Gibraltar is a security threat. It is hard to imagine that these slurs are not manufactured by more hard-line elements within the Ministry of Foreign Affairs and in related departments. This is the kind of disinformation we have to counter in Washington.

Gibraltar will continue to extend the hand of co-operation and partnership towards its  
480 neighbours. The Government continues to hope that deep changes take place in Spain that might form the basis for a successful partnership in areas of mutual interest and concern.

I move on now, Mr Speaker, to civil aviation. As I said earlier, there have been discussions with Spain on the enhanced use of Gibraltar Airport. These discussions follow on from our planned departure from the European Union. They do not involve sovereignty, jurisdiction and  
485 control; they involve EU-exit matters.

Our departure from the EU will change the dynamics of Gibraltar Airport issues as we have traditionally known them to be. Airport agreements in 1987, and again in 2006, made provision for the application of EU law on civil aviation to Gibraltar Airport. This had applied automatically and without question before 1987. In 1987, Gibraltar Airport was suspended from the EU  
490 aviation *acquis*. In 2006 that suspension was lifted. However, the position once we have left the European Union will be markedly different. We will no longer be entitled to inclusion in EU civil aviation legislation by virtue of our membership of that organisation, for in under one year we will cease to be a part of it. Our relationship will therefore have to be redefined.

It is obvious, Mr Speaker, that the European Union has not tried to introduce any new  
495 aviation legislation during the past year which includes a direct reference to Gibraltar. A number of such measures remain blocked by Spain in the Council. Clearly, there are some awaiting the UK’s departure from the European Union next March before making their next move.

The Government has already said that the Cordoba Agreement of 2006 provides a basis for discussion going forward. Indeed, it will be recalled that before our time in office the entire

500 design of the air terminal was premised on the opening of an access point on the Spanish side. There are corridors, walls, escalators, lifts and partitions that were put in place precisely in order to facilitate such dual access. Nonetheless, that agreement would itself need to be updated going forward as Gibraltar would now be outside the EU while Spain would remain inside it.

505 The view of the Government, Mr Speaker, is that there is space between the red lines of Gibraltar and the red lines of Spain to produce a sensible way forward. That can only be in everybody's interests. The return to power of the socialist party that signed the Cordoba Agreement may assist in this respect. It is still too early to tell.

In the meantime, the Government continues its vigorous lobbying in the European Union in order to increase awareness of our position. Let me add that we have always enjoyed the full support of the United Kingdom Government throughout.

510 Mr Speaker, my colleague, Gilbert Licudi, who has responsibility for commercial aviation, may comment further on the loss of Monarch Airlines flights following the collapse of the airline. I would like to concentrate on the repatriation effort. This ensured that passengers stranded in Gibraltar and the surrounding areas were efficiently repatriated to the United Kingdom. It could have been a nightmare scenario for the Airport. However, gladly, the logistics of the exercise proved to be a success. The co-ordination efforts between the Air Terminal Director, the Director of Civil Aviation, the UK CAA, the Convent and different Government entities worked extremely well. The repatriation of stranded passengers was conducted in an orderly manner and without significant problems.

520 Mr Speaker, the number of applications to fly an unmanned air vehicle, otherwise known as a 'drone', has increased significantly. The number of drone permits issued in 2017 was 30 – this is six times the number issued in 2016. In the first five months of this year, 25 have already been issued. Applications continue to rise. Gibraltar has three fully-qualified local drone operators. It would appear that business is booming for them given the number of requests for their services. I would like to thank the Department for the Environment and all other stakeholders for their rapid turnaround of all the requests received.

530 Mr Speaker, this year the Director of Civil Aviation has been consulted on a record number of applications for building projects. The new Airport Safeguarding proposals are working very well. The Government is encouraged to see the number of developers who continue to engage with the Director of Civil Aviation in advance of applications being submitted to Town Planning. This has resulted in support for development projects from the Director of Civil Aviation and indeed from the MoD Authorities at RAF Gibraltar. On occasions, aviation-related conditions have nonetheless been included to the planning permits.

535 Mr Speaker, I would like to thank the Director of Civil Aviation, Chris Purkiss, for his support over the last year.

The Civil Aviation vote is included at Head 13 in the Estimates of Revenue and Expenditure.

540 Mr Speaker, the Gibraltar National Archives are included under the Office of the Deputy Chief Minister. The programme of digitisation of the material at the Archives continues. A significant amount of historical material has not only been digitised, it has also been put online and can now be accessed from anywhere in the World. There are 1,238 registered visitors who consult this website on a regular basis. A total of 19,994 hits from 123 countries have been registered on the website of the Gibraltar National Archives.

545 The Government has continued to support the Archivist, Anthony Pitaluga. In 2017, he attended digital preservation workshops at Oxford University, where he was invited to speak to a global audience about our digitisation and digital preservation programme. In August, he attended a meeting of the Archives and Records Association of the United Kingdom and Ireland held in Manchester. This included training in respect of Archival Science best practice in terms of conservation, digitisation and digital preservation.

550 Mr Speaker, the Archivist has also organised a number of very successful outreach programmes during the last financial year. This included an open-air screening of original

footage of the 1967 referendum and a film night series at the University of Gibraltar. The latter was fully booked.

Mr Speaker, on behalf of the Government, and I am sure of the whole House, I would like to congratulate Mr Pitaluga and his team for the wonderful work that they are doing. The preservation of our record of the past holds the key to the future. Therefore the Archivist knows that he can continue to count on my personal support and the support of the Government going forward.

The Gibraltar National Archives are at Head 12, Sub-Heads (1) and (2)(5).

Mr Speaker, the Archivist is assisting with events later this year to commemorate the end of World War I. This will include an exhibition of relevant historical material and photographs which will take place in November.

In addition to this, I am pleased to announce that Gibraltar will be taking part in the UK 'There But Not There' charity campaign. 'There But Not There' is a charity project which has chosen to mark the 1918 Armistice that put an end to a bloody conflict. It is the Centenary Commemoration for the end of World War I – this was supposed to be the War to end all Wars. Their objective is for individuals and organisations to purchase and install silhouettes of World War I soldiers in order to commemorate the fallen. In this way, the charity seeks to educate different generations about the ultimate sacrifice that was made. These silhouettes are available in different sizes. The Government will be purchasing a number of life-size models and these will be placed in different public buildings.

In addition to this, the Government has offered, as part of the commemoration, to project a silhouette image of a World War I soldier onto the north face of the Rock during the week of Remembrance Sunday. This initiative has been warmly welcomed in the United Kingdom. This year Remembrance Sunday and Armistice Day coincide on the same day.

Mr Speaker, as part of these commemorations, a book reflecting on the role that Gibraltar played during World War I will be published by Calpe Press. The book was written by Rear Admiral Albert Niblack and is his memoir of his time as the Commander of US Navy ships based in Gibraltar from 1917-1919. It carries an introduction by Professor John Hattendorf who is the Ernest J King Professor Emeritus of Maritime History at the US Naval War College in Newport, Rhode Island. Professor Hattendorf discovered the Admiral's account of the US Navy at Gibraltar which had gone unnoticed for several decades. The Professor is a member of the Gibraltar-American Council.

There were over 40 US vessels and 4,000 US sailors based at Gibraltar during World War I. Their role was to escort convoys in and out of the Mediterranean and elsewhere. The book makes it clear that Gibraltar became the principal convoy port of the world, with over one quarter of all allied tonnage touching here in order to be organised into convoys in every direction. Indeed, the American War Memorial in Line Wall Road was a thank you gift from the United States of America precisely for the pivotal role that Gibraltar played. Mr Speaker, I very much look forward to the launch of the book.

As promised in previous years, the Government continues to invest in our urban fabric and our unique heritage. We have focused on several historical sites. Many have been conserved, restored and are now open for the general public to enjoy. My colleague, the Minister for Heritage and for the Upper Rock, Dr John Cortes, has spearheaded those improvements. The Government, at the same time, will continue to improve and restore the Northern Defences.

Our dedication in bringing life back to the Princess Lines, the Queen's Lines and the King's Lines remains unwavering. This project will continue to receive the funding from this Budget which it rightfully deserves. Hanover Battery has now been cleared. About 50% of the Queen's Lines has been cleaned. The Government intends to focus our attention this year in not only removing debris from these Lines but also in providing utility infrastructure to the site.

Works in previous years have exposed an extensive area of previously hidden wonders: World War II bunkers; gun emplacements; battlements and galleries which date back to the 18th century; paths, steps, tunnels and viewing platforms. All are now visible nestled within a

uniquely picturesque environment. Galleries have been cleaned and chambers used during World War II as headquarters are now accessible. The majesty of such engineering feats cannot be understated.

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This year will see the continuation of walking tours of the area, kindly organised by the Heritage Trust and supported by members of my office. These have proven to be extremely popular. Mr Speaker, I would like to thank those members of the Heritage Trust for their time and their passion in presenting such facilities to the public. The Government is also grateful to the Royal Engineers who continue to assist with these operations. It is our vision to add value to such an experience by making this site a unique events venue in the coming years.

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The Northern Defences are provided for at Head 102 Projects, Sub-Head 4(zzn).

Speaking of events, Mr Speaker, the Government plans to invest further in the Grand Battery which links up to the Northern Defences. The exact timing is not yet clear because this depends on the pace of the Northern Defences project itself. Our most important Battery stands defiantly facing Spain to the north. It is overlooked by the King's Lines and the Queen's Lines. This battery currently has a proud connection with the Royal Gibraltar Regiment based in Grand Battery House.

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The Chief Minister and I have agreed with former Regimental Colonels to improve its external areas. This means that it will be better utilised as an events venue. Up-lighting of the monument will be provided, damaged fire steps repaired and a hard surface introduced in some areas to provide a home for our saluting Battery. This site holds considerable historical value as it has helped to define and shape our identity. Indeed, it has protected Gibraltar from the combined forces of France and Spain. In so doing, it kept Gibraltar British. It is also an area which, thanks to the Regiment, is being used to house events that are a part of our community's social calendar. The reuse of our historical assets in this way provides the most solid guarantee for their protection.

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For the reasons that I have explained, there is an opening provision in this project at Head 102, Sub-Head (4)(zzq).

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In these more modern times, Mr Speaker, the new battle line is in Europe. None of us banked on leaving the European Union when the last general election took place. Yet today that is the direction in which we are all headed.

The sheer volume of work and of meetings that this has generated has understandably taken up a considerable proportion of the Chief Minister's time and of my own time. We are, as we said before, leaving nothing to chance. We are leaving no stone unturned. This is what we promised to do. It is physically and logistically impossible to do more.

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At the same time, we are delivering our manifesto: new schools are already under construction; new low-cost housing projects are in the pipeline; new sporting facilities will remain for our enjoyment after the Island Games next year.

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All this has happened in the shadow of Brexit and, in the main, against the background of the most hostile Spanish Government that Gibraltar has known since the days of General Franco. This is, in itself, a considerable achievement.

Mr Speaker, I take this opportunity to thank my personal staff in Convent Place for their support over the last year. I am also grateful to the staff in the Lands Office and to the management and staff of Land Property Services Ltd. I also wish to take the opportunity to thank the Clerk and the staff of the Parliament, and you too, Mr Speaker, for your support.

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Thank you.

**Mr Speaker:** The Hon. Sir Joseph Bossano.

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**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, this is our last Budget as members of the European Union. By the end of this financial year, Gibraltar will no longer be part of the territory of the EU and the external

border of the EU will be the international Frontier between our country and the Kingdom of Spain.

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I was first elected to this House, as you were, in 1972, Mr Speaker. We were both here when we voted to join the EEC in the Bill that came to the House of Assembly. I am sure we must hold some kind of record as having been part of the Parliament that joined the EEC and the Parliament that is leaving it now.

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Optimists say that there is always a silver lining in every cloud, however black. I guess one silver lining of being outside the external frontier of the EU is that Spain can no longer claim that it is a mere fence – *la verja*, as they like to call it – which we always called a Frontier. So, after Brexit, the EU ends at this Frontier and what is on our side is not EU and, by definition, not Spain. At present, that is about it in silver linings; we shall see in nine months' time what else there is.

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So we are back where we were in 1973 geographically and politically, but now in a world that in the intervening 45 years has changed beyond imagination and in the area of economics, driven by technology, changed more than anything else, and this is the challenge we face.

Mr Speaker, as the Leader of the Opposition, Mr Feetham frequently praised my commitment to prudential control of spending and to living within our means, values which he claims are now shared by the GSD which he led. This has always been my hallmark in this House and the core value of the GSLP. It is based on the political philosophy that our most important duty is to ensure that we can defeat any attempt by Spain to take us over. In order to do that, we have to be solvent and we need to have a rainy day fund to be able to cope with emergencies when our economy needs adjustment. He has said there has been no greater need for a rainy day fund than in these uncertain times, and I agree. So does, incidentally, the head of the IMF, who recently recommended to the EU that they should create a rainy day fund.

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Regrettably, in government they rubbished the idea of a rainy day fund and proceeded to transfer all the ring-fenced funds to the Consolidated Fund and spent the money. What they could not transfer, but at one time threatened to, they simply deliberately ran down between 1997 and 2010, which was the reserves of the charity, Community Care. If they had done otherwise and added to what we left, our level of exposure to the Brexit dangers might not be so great; but they left nothing and we have had to restart from zero in 2011.

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Mr Clinton has also expressed approval of my commitment to keeping spending under control, yet almost all the things they criticise are many of the things we did before 1996 in order to strengthen our economy. And they also, by the way, criticise us for continuing to do things introduced by them between 1996 and 2011.

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I propose therefore, Mr Speaker, to do two things in my statement: evaluate where we are in our last year of membership of the EU, and address a number of the issues raised last year by the Opposition to put the record straight. I will only evaluate the economic position for this year because I cannot evaluate where we are going to be next year after March, except that we will not be members of the EU any longer and we have no idea what relationship, if any, the UK will then have with the EU; and that if there is one, whether it will be open to us to be a part of it, given article 24 and Spain's veto, and indeed whether we would want to be a part of it. No serious economist would venture to forecast the direction in which our economy will or should develop in 2019-20 or later years.

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The prudential thing to do in such circumstances always is prepare for the worst and aim for the best. We can and should look at this point as a transition of our economy similar to the move from our dependence on the MoD expenditure in the 1980s.

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One thing is clear: that the size and the costs of the public sector as it is structured at present is not sustainable, even without Brexit. There is a simple metric that we all need to understand – and we in this House are part of the public sector, so I include myself in what I have to say.

Prior to 2011 the public sector was growing in number and costs. It has continued to do so since 2011 and the Opposition has constantly criticised the growth, though in fact it has been little different from what was happening when they were in office, and indeed in the period

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2011-15 much of the increase which took place was a result of honouring their commitments and finishing the projects started by them.

710 Things, however, will have to change. Controlling Officers have a duty to keep their Departments within budget. Ensuring that this is done is not my responsibility. Since I am responsible for public sector efficiency, my job is to ensure that we work better, i.e. more efficiently, in order to improve value for money and deliver improved services at the same or lower costs. Not keeping to budgets is in conflict with the policy of the Government to ensure greater efficiency.

715 I know that within the public sector there are many who understand the need to move in this direction, but there are also those who do not. In order to understand why this is a problem that needs to be addressed, there are only two figures we need to know: on average, public sector earnings are 25% higher than UK equivalents and 50% higher than the average earnings in the private sector. Each year these gaps get bigger, the gap between the lowest paid and the highest paid in the public sector and the average earnings gap between the public and the private sector. This is impossible to sustain economically and difficult to justify socially. The Chief Minister has explained the steps we are taking this year to address this issue.

720 In order to understand the problem, we need to realise that, in spite of the growth in the level of private sector employment prior to 2011 and since, the earnings gap has increased every year. This means that the growth needed in the private sector to provide Government revenue to meet the increasing cost of the public sector gets bigger every year. It is for this reason that it is unsustainable in economic terms. With the uncertainty we face as from next year, it is an issue that can no longer be ignored. We have a duty to try and put things right and rebalance the relationship between the public and private sectors of the economy.

730 It is a matter for regret that Mr Feetham, who claims to be committed to a policy of living within our means, last year accused us of creating austerity measures across the public sector under the guise of public sector efficiency. It seems I need to add to the list of things he does not understand what the public sector efficiency strategy, that I have responsibilities for, is.

735 We are seeking to increase the level of efficiency in the public sector by looking at working methods and the introduction of e-government that increases output without increasing manpower.

The Opposition accused us last year of overspending and austerity, both at the same time. Well, the public efficiency measures will ensure that we are able to maintain our public sector and avoid austerity, because austerity is not a matter of choice. Austerity happens the day when you do not have the money to do the things you want or need to do. It is to avoid finding ourselves in that situation that we have to examine how we deliver services and how we can improve what we do. The objective of the Ministry for Economic Development is to improve efficiency so that that day never arrives.

740 There are things that we do in the public sector which have not changed since you and I first joined the House, Mr Speaker. In the Budget of 1988 the first question the Government answered was from you, as Leader of the Opposition, and the answer was given by the Financial and Development Secretary, as was the norm in those days. The exchanges went as follows. You asked:

What was the total sum frozen by the Government when considering the Draft Estimates for 1988/89, as announced on the 30th March, (a) in respect of 'Departmental Bids' over and above the 'Treasury Allocation' for recurrent expenditure, and (b) in respect of items termed as 'Special Expenditure'?

The Financial Secretary answered:

Mr Speaker, the Government was unable in the time available between its election to office and the latest date for circulation of the Estimates to the House, to give full consideration to the details of departmental Estimates. It was therefore decided to accept, for the purposes of the Appropriation Bill, with some exceptions, related primarily to the policies of the new Government, the Treasury's estimates of departmental requirements in accordance with the formula adopted in recent years. Departmental Ministers will however give further



consideration to departmental bids for additions to these Estimates, and a Supplementary Appropriation will be sought in due course in the light of this.

2. It would not be normal practice for the Government to reveal departmental bids for increases in public expenditure when these are not approved by Ministers. However, in the exceptional circumstances of this year's Appropriation Bill when the bids were prepared during the previous government's tenure of office

– when you were in Government, Mr Speaker –

it is prepared exceptionally to do so.

3. The figures are; for recurrent expenditure, £3.1 million, including £872K in respect of the Gibraltar Health Authority; and special expenditure of £½ million, including £96K in respect of the Gibraltar Health Authority.

4. To have approved these bids in full in the light of the Treasury's Revenue Estimates would have implied a deficit of £5.4 million for this year. The government is not prepared to contemplate a deficit of this magnitude and will seek to contain public spending within reasonable limits. This will be made clear during the course of the Appropriation Bill when the Government's policy on public spending is spelt out.

750 Well, this is an example of something that happens every year, when hundreds of man hours  
are spent by Departments on producing a list of things they would like to spend money on. The  
'wish list' they call it. Members of the Opposition who have been in Government will know what  
I am talking about. This is done without reference to what is likely to be affordable given the  
755 previous year's revenue, which is known to everyone. Then many more man hours are spent  
discussing these requests and removing many of them. It is how things have always been done,  
and this is often the only explanation as to why things are still being done in many areas.

We need to look at the detail of the workflow to see if things can be done differently. It is  
about working smarter, not about working harder. People can work very hard and produce very  
little value, through no fault of their own.

760 I recently participated in the biennial Forum for Commonwealth Ministers of  
Telecommunications and ICT in London. The Commonwealth countries represented by their  
Ministers for Telecommunications ranged in size from India with 1.2 billion citizens to Tuvalu  
with 11,000. In all cases, Governments were grappling with the issue of the transformational  
765 changes of the use of technology in the public sector and the implications of artificial intelligence  
and the internet of things for the delivery of services, changes seen by most as dramatic as those  
brought about by the Industrial Revolution.

We in Gibraltar over the years have spent vast sums of money bringing in experts in order to  
provide electronic delivery of services instead of manual systems, but to date we seem to have  
precious little to show for such investment. I came away from the conference with the feeling  
770 that we run the risk of being left behind, and that is the last thing we want to be doing at this  
point in time in our history.

In addition to working methods, the efficiency drive looks at how we procure supplies and  
other areas for possible savings. In the last two years we have concentrated on the GHA, simply  
because it was the biggest budget, working together with the Minister for Health and the senior  
775 management team. The results can now be seen reflected in this year's GHA budget, which is  
close to what it was two years ago. Mr Feetham last year and in earlier years expressed the  
concerns of the Opposition on the growth in the size of the GHA budget since 2012.

To put the situation in context let me remind hon. Members opposite of the historic rate of  
increase of the GHA budgets. In 1988 we inherited a budget of £8 million from the AACR  
780 administration. The GSLP Government increased that budget to £20 million by 1996 – two and a  
half times the original figure. Under the GSD, the GHA budget grew from £20 million to  
£80 million by 2012, four times the original figure. Since 2012 it has grown further from  
£80 million to £120 million, a 50% increase.

Let me make clear that by making this comparison I am not for one moment suggesting that  
785 there are any grounds for complacency. There is a long road ahead before we get to where we  
should be across the public sector as a whole, but what has been done so far in the GHA shows  
that it is possible to exercise better control of spending.

790 Last year the Hon. Mr Feetham went into an analysis to justify his extraordinary decision as Leader of the Opposition to vote against the Appropriation Bill which provided the estimates of expenditure for 2017-18. And I am sorry that his successor has followed his bad example

This decision is being repeated this year. This is something that no Opposition had ever done before in Gibraltar's history so one would think it would take something unique to make it happen in 2017, to explain how this policy shift on the part of the GSD had come about, because it was only the four GSD Members present who voted against.

795 Mr Feetham was so sure of what he was doing he told us that history would judge his decision and that their speeches were going to be there as a matter of public record. Shortly after this, he resigned as Leader of the GSD and the Opposition and appointed the Hon. Mr Clinton acting in both capacities pending an election within the GSD. He then supported a non-elected Member of this House, Mr Azopardi as candidate, who had previously left the GSD  
800 because *he* had joined it, in the process going against his own choice of candidate, the Hon. Mr Clinton.

I am not sure if the Hon. Member feels that history has already judged what he did and punished him enough for his mistake or there is still a final judgement to come in the future, based on the public record of the speeches he made in support of a policy of voting against the  
805 annual expenditure, which of course is to pay for the civil service and all the other expenses that enables the Government to provide services for our country.

However, given that the Hon. Mr Phillips has endorsed the position of voting against the Appropriation Bill, and for the sake of the public record that Mr Feetham expects history to judge the episode by in future, I feel I have to show that his arguments last year were utter and  
810 complete nonsense.

Mr Clinton, when he spoke after him, said he echoed the sentiments expressed by his learned friend, Mr Feetham, implying that he was not the instigator of the policy but was following the lead of his Party and Opposition Leader. However, he went further and stated that he could not support last year's estimate of expenditure or indeed any other Appropriation Bill presented by  
815 us which, in his judgement, did not have the necessary facts and figures to arrive at an informed decision. This in fact means that for as long as this position remains the view of the GSD they will be voting against forever more.

Incidentally, the facts and figures for last year were also the same as the ones provided between 2012 and 2016 when he voted in favour of the Appropriation Bill. They are also the  
820 same as the GSD's Appropriation Bills between 1996 and 2011; the same as the GSLP's between 1988 and 1996; and the same as the AACR's between 1972 and 1987.

So what was so special about last year? Neither Mr Feetham nor Mr Clinton sought to explain what was different about last year's Appropriation Bill to make them vote against. I will in due course and for the record show that their analysis was wrong in a number of areas mentioned,  
825 especially that of Mr Feetham.

But at this stage let me point out something that should have been blindingly obvious to the two Members. What Mr Clinton implied last year was that he believed the information contained in the book for recurrent expenditure was but the tip of the iceberg of Government spending and that the bulk of recurrent spending was not contained in the Appropriation Bill.  
830 This information was what they required should be shown and that unless they were shown the rest of the iceberg they would not vote for the tip.

Well, even if they had been correct in their assumptions, which they were not, there is no logic in their argument. The Appropriation Bill is the approval by Parliament for the withdrawal of money from the Consolidated Fund. The vote is to provide this approval without which no-  
835 one can get paid, (**A Member:** Exactly.) including the Hon. Members themselves who voted against, since Opposition salaries come from Head 5, Sub-Head 3(a).

So they do not vote for what they are being asked to vote – for which full details are being provided, as they have been, in the same form, in every previous Appropriation Bill since I joined this House in 1972 – because rightly or wrongly they believe there is a far bigger level of

840 expenditure, the iceberg, that was going to be spent in the last 12 months by the Government without them being asked to vote for it and without them being given an explanation for it. Well, the explanation that they had was for what they had to vote.

Even if this other version had been correct, which it was not and is not, one has nothing to do with the other and I will show why, Mr Speaker. It is the withdrawal of money from the Consolidated Fund that has to be approved. That is what this Parliament, the House of Assembly  
845 before and the Legislative Council before, has ever had to approve.

Mr Clinton's concept of channelling Government company revenues and expenditure through the Consolidated Fund, which would then require a vote for the money to be spent by the company, is something that makes no sense whatsoever. It has never been put forward as a  
850 GSD policy objective in any election. It is contrary to the way every previous Government has dealt with the running of State-Owned Companies in the 15 years of the GSD administration, the eight years of the GSLP before that and the AACR before 1988.

What is the rationale for this radical change in the public accounts of Gibraltar? What is it that Mr Clinton believes is happening, to come to the conclusion that the level of annual  
855 recurrent revenue and expenditure in the annual estimates is the tip of the iceberg? Or, rather, was the tip of the iceberg in respect of the expenditure about to be incurred in 2017-18?

The tip of an iceberg, Mr Speaker, is known to be just 10% of the mass of the whole. So he was telling us that he was refusing to vote to withdraw £490 million from the Consolidated Fund over the financial year to pay for recurrent Government costs because the Government  
860 intended to spend an additional £4.41 billion, the submerged 90% of the iceberg, on recurrent spending in 2017-18. Perhaps we can all agree that he must have been exaggerating a little bit when he made this comparison.

Certainly he was exaggerating the alleged hidden recurrent expenditure when compared to the estimate made by Mr Feetham who argued:

– these estimates of revenue and expenditure – is only half of the picture

865 – not 10% –

of what the Government has directly or indirectly spent ...

Well, actually we were supposed to be voting on what we were planning to spend and not on the forecast outturn of the previous year, which is the only possible interpretation of his use of the past tense. So he seemed to be saying that in the year 2016-17 the forecast outturn of  
870 £475 million was only half of the recurrent expenditure we had incurred in that year, which according to him would have amounted to another £475 million not shown in the estimates and not funded from the Consolidated Fund.

So Mr Feetham's allegation at this stage in his argument for not voting, was that in 2016-17 we had spent an amount equal to the funding of the whole recurrent expenditure of the Government, an additional £475 million spent through the companies that year which was not  
875 shown in the estimates. This of course is utter and complete nonsense and pure invention on his part, and incidentally does not fit in with any of his other arguments last year to explain his decision to vote against the Appropriation Bill.

His explanation went as follows:

The very simple reason for that

– meaning that the expenditure in the book showed only half of what had been spent in 2016-17

is that the Government has borrowed some £772 million – let me repeat that: £772 million – that we know of, through Government-owned or controlled companies which it has used and continues to use to fund its expenditure, and none of that is reflected in this book that we are debating here today.

880 Well, whatever it is that the Hon. Member thought he was debating in the course of the Appropriation Bill, it clearly was not the Appropriation Bill, because that was a book. Moreover, he was obviously not talking about the estimates for 2017-18, he was only arguing about the estimates for 2016-17 that he had voted in favour of the previous year, because he had then connected the argument to the forecast outturn surplus of £75.8 million for 2016-17.

885 This, which he said the Chief Minister was saying poker-faced, was the result of the £772 million, we were told – the £75.8 million was a result of the £772 million. I would remind Members that we are talking about recurrent revenue and recurrent expenditure and that the £75.8 million for 2016-17 was the excess of recurrent revenue over recurrent expenditure. Mr Feetham was talking about borrowing, as if the borrowing was annually recurrent revenue used  
890 to meet annually recurrent expenditure in order to create a surplus.

If anyone in this House has ever demonstrated he did not have a clue what he was talking about, no-one has done it as clearly and explicitly or as well as Mr Feetham did last year; and here is the evidence, Mr Speaker.

He then added:

But of course if the debt in Government-owned companies to the tune of £772 million – that pot of money – is being used to pay for expenditure that is properly the Government's expenditure, and that expenditure is not reflected in these accounts, it is not possible to say that the Government is running the public finances of Gibraltar at a surplus of revenue over expenditure.

895 Mr Speaker, this analysis of the recurrent expenditure of the Government and a surplus of recurrent revenue is so ridiculously wrong that it beggars believe how anyone who has been in Government can make such a statement.

So the Opposition was not able to judge whether we had made £75.8 million surplus or not during the preceding year 2016-17, because they believed Government companies had  
900 borrowed £772 million and used some of it for spending that should have been included on the expenditure side of the forecast outturn for 2016-17. Amazing!

Let me explain to the Hon. Member how the book shows the difference he cannot explain by looking at the book, and then he does not have to invent outlandish explanations.

The 2016-17 Appropriation Bill which he voted for, estimated revenue of £590.8 million, an  
905 expenditure of £517.5 million and projected a surplus of £20.3 million. The forecast outturn that he was referring to last year, for the surplus which he was quoting was £75.8 million – that is £55.5 million more than anticipated at the time the Appropriation Bill was approved by him in 2016. He told us last year he could not tell if this was true because there was £772 million borrowed by companies which had taken on expenditure that should have been in the book.

910 So if removing recurrent expenditure from the approved estimate was not the reason for the increased surplus, as I say, what was it? Well, the answer was under his nose in the book.

Expenditure was actually higher than budgeted at £578 million instead of £570.5 million, but the revenue came higher by a much bigger margin at £653.8 million instead of £590.8 million.

915 So increased revenue of £63 million, less increased expenditure of £7.5 million, increased by £55.5 million the estimated surplus in the 2016-17 Appropriation Bill of £20.3 million, to the forecast level of £75.8 million, a difference of £55.5 million.

Simple. All in the book.

In fact not only all in the book, the Hon. Mr Clinton knew it was all in the book and actually said so himself when he referred to the reasons for the surplus of £75.8 million. He said, I quote:

The Government's larger than expected surplus is entirely due to revenue being £63 million greater than expected.

920 Entirely due to this, not due to the so-called £772 million of eye-watering debt, nor the result of duty on property sales in any preceding years, nor the investments made by the Savings Bank in order to be able to pay the attractive rates of interest that it does to its depositors. No, Mr Speaker, entirely due to the extra revenue.

925 The analysis by the Hon. Mr Feetham last year was about the 2016-17 forecast surplus: but what did he actually say in 2016 when he voted in favour of the Appropriation Bill? The tone of his address then was so different that it is difficult to believe we are talking about the same person. He told us that we faced potentially the single largest threat to our economic model since the closure of the Frontier, and in his view in the history of democratic government in Gibraltar. As a result, he said it was important that the debate took place within a framework of sober analysis, prudence and realism. He then said that, in spite of his criticisms over four years of Government spending, it was his duty to steer a careful line between honest assessment and the need to maintain confidence and work with the Government to steer Gibraltar into calmer waters.

He then added:

To do otherwise would constitute a dereliction of duty and it is not what I am in politics for. ...

It is, therefore, a difficult Budget speech that I deliver today balancing, as I must, objective observation of the state of our public finances – which is my principle duty after all to this House – against a very difficult backdrop indeed

935 I ask myself, Mr Speaker, what on earth possessed him a year later to make him abandon that balance of the need not to undermine confidence in Gibraltar and, for the first time ever in our history, vote against the appropriation of funds from the Consolidated Fund to enable Government to continue functioning after July 2017? Or is it that they do not realise if they had the majority and were successful in not approving funds, on 1st August nobody in Gibraltar would get paid?

I have no answer.

940 The arguments he used in 2017, which were flawed then and flawed when they had been used in previous Budgets with the same arguments, are not the answer. There was nothing new in the Budget of 2017 and nothing had happened lessening the Brexit threat since 2016. Indeed, if anything, it had got worse with the article 24 veto granted to Spain and the failure of the EU to respond to any of the compromises and ideas suggested by the UK. We are now much closer to the cliff-edge departure than we were in 2016, since to date the position has not improved.

945 So what was the reduction of expenditure in 2016-17 from the £772 million which the Hon. Member had in mind which prompted him to vote against?

950 He told us last year:

Today the Government comes to this House and says it has made a surplus of £75.7 million.

He made a mistake, he should have said £75.8 million. But there...

It is a complete nonsense when it is not accounting for expenses in Government-owned companies. A simple example – but by no means the only one, Mr Speaker – is that through Government-owned companies the Government is paying the commuted pensions of civil servants. That is traditional Government expenditure and that expenditure no longer appears in this book because it is being paid through Government-owned or controlled companies.

I interjected from a sedentary position, which I know is not allowed:

Which is a jolly good idea.

– that was my intervention.

Mr Feetham responded:

I hear the Hon. the Father of the House saying it is a jolly good idea. Well, Mr Speaker, that may or may not be so,

955

This requires quite a lot of explaining to put the record straight and demonstrate how confused the Hon. Member was and probably still is.

I was not saying it was a jolly good idea, Mr Speaker. I would not say that, since the idea was mine. But I can tell the House that I have been told by some highly qualified people that it was a brilliant idea. Be that as it may, all I was simply doing, was quoting what someone else had said in the previous Budget, the words that I had quoted.

This person in the Budget of 2016 said:

The commuted pensions of civil servants have traditionally been an expense of the Government and now it is an expense of Credit Finance Company Ltd.

The effect – and it does not take a rocket scientist to work this out – is that of course the Government does not have to pay that money directly itself, to pay for the commuted pensions of civil servants ... which is a jolly good idea, Mr Speaker, I am not criticising it.

Do you remember Mr Speaker, who said:

... it's a jolly good idea, I am not criticizing it

Wait for it. It was the Hon. Mr Feetham, who clearly had forgotten a year later what he had said in 2016. Thankfully, my own memory is still serving me slightly better than that and I can remember things I have said a year ago and indeed many years before. It is obvious that the Hon. Member is not a rocket scientist and a jolly good thing too, otherwise you would have lots of rockets exploding all over the place.

He was not criticising me in 2016 he just wanted it explained. Okay, I have done this before but I will explain it again and let's hope this time he remembers.

Mr Speaker, when the GSD decided to allow private sector employees to commute 100% of their pensions on retirement, I asked from the Opposition for the same to be done for Civil Service Pensioners. The then Chief Minister, the Greatest Gibraltarian of our time, did not reject the idea in principle but said it could not be financed. Well, I had thought of a way of financing it and we committed ourselves to doing it in the 2011 general election. It is what I call a 'Reverse Annuity'.

In defined benefit schemes, what you do is you accumulate a sum of money which matures when you retire. This sum is available to buy an annuity, which incidentally the GSD Government at one stage announced they would be providing using the Gibraltar Savings Bank, which I never criticised them for, but which they never put into practice. The annuity is the income paid to the pensioner purchased by the lump sum received from the pension fund.

What we provide is the opposite but with a similar mechanism. The civil servant retires and gets paid by the Government the pension, monthly, and can use this income to buy a lump sum, the commutation, by entering into an agreement with Credit Finance.

This was initially done for civil servants only, and in 2012 the then Hon. Leader of the Opposition approached me to ask whether it was going to be extended to Members of this House as he was interested in the facility. I told him I was planning to find a way of extending it as the only persons who otherwise would not be able to enjoy the opportunity of 100% commutation would be Members of the House, now that both public and private sector employees were able to do it.

Although originally he had some reservations, when I explained the mechanism in this House he saw the logic of how the system worked. So let's be clear, Credit Finance does not pay and has never paid Government pensions. Government pensions continue to be a direct charge on the Consolidated Fund as provided by law and does not require Members to vote the funds in the Appropriation Bill.

So nothing has been removed from the voting of the Appropriation Bill and therefore it is nonsense to say:

I am not voting because there is less in the recurrent expenditure which is the pensions no longer paid by the Government but now paid by Credit Finance in order to reduce this size of the expenditure of the Government.

1000 This is not the case now and has never been the case any time since 2011. The cost to the Government of paying Civil Service Pensions has grown, but is not included in the amount we are voting this year or in the amount we have voted in any year since 1973 when you and I, Mr Speaker, voted in our first Budget.

1005 The cost of pension payments from the Consolidated Fund was put by the GSD Government at £19.6 million in 2010-11. It was estimated to grow to £20 million by their last Budget for 2011-12 and the outturn was £21.5 million, an increase of £1.9m over the preceding year. It was estimated to cost £36.5 million last year when the Hon. Member voted against the Appropriation Bill and the outturn is now put at £37 million. The estimate for the coming year is £40 million.

1010 So, Mr Speaker, from the last Budget of the GSD in 2011-12 to the Budget for the current year 2018-19 the cost to the Government, which Mr Feetham said was no longer being paid by the Government, has grown 100% and is now put at £40 million instead of £20 million a year. This 100% increase over the last seven years compared with a slower increase in the last seven years of the GSD administration when the estimate in 2004-05 for the Consolidated Fund Pension payment was £11.5 million and grew to £20 million in 2011-12 – an increase of 74%.

1015 The cost to the Government of paying pensions has in fact grown faster than the departmental expenditure that is voted on and included in the Appropriation Bill, which has increased from an estimate of £316.6 million in their last Budget in 2011-12 to £512.3 million for 2018-19 – an increase of 61.8%.

1020 Indeed, I predict that the cost of pensions will continue to grow at a faster rate than the recurrent operating costs of the Government since this is something we have to control and to some extent are already doing. That is, we are taking steps to contain the latter but there is nothing we can do about the former.

1025 Whilst on the question of Credit Finance and the payment of pensions, I will deal also with the argument on the size of the non-Government debt, the eye watering non-Government debt, Mr Speaker. Let me just first remind Members opposite that I do not need any lessons from them on a sound and prudential approach to debt or public spending. I would refer Members to the first Budget of the GSLP in 1988 to which I referred earlier in the context of question No. 1 of 1988 from yourself, Mr Speaker.

1030 In 1987, by the way, the main Budget speech had been delivered by the Financial and Development Secretary as had been the case in every Budget since I was elected in 1972. The Constitution of 1969 made it mandatory that he should move the Appropriation Bill, which now is done by the Minister for Finance. This change, brought about by the 2006 Constitution was claimed by the GSD in the 2007 Budget to be evidence that we were now decolonised.

1035 If that were the case then we were *de facto* decolonised in 1988, because this is how the Financial and Development Secretary made a much shorter speech in the first GSLP Budget, a one-minute statement starting with the words:

I propose to make a very short introductory statement ...

– and ended with the words:

The only other thing I need to say, Mr Speaker, is that having spent most of my period as Financial Secretary restraining public expenditure with varying success, of course, it not only is an honour for me to move an Appropriation Bill which comes as closely to Treasury purity as it is possible for me to imagine.

Our first budget.

but that I have great pleasure as well in commending the Bill to the House. Having it is possible made that point, Mr Speaker, 'El Giri' will now give way to 'El Jefe'.

– as already mentioned by the Chief Minister.

‘El Giri’ is not still here; but ‘El Jefe’ is still here.

1040 The Hon. Brian Traynor with whom I had crossed swords from the Opposition benches on many occasions had a sense of humour and we became very good friends.

In my 1988 contribution I concentrated on making clear that we would tackle the deficits but not borrow to cover them – which had been happening in the past. I said:

we do not believe in borrowing for recurrent expenditure and that therefore it will be our intention to use the powers in the Loans Empowering Ordinance which is in the pipeline for investments and not to finance recurrent expenditure

1045 A policy which I am glad to say was also followed by the GSD Government after 1996. However, it is also worth pointing out that the state-owned companies in existence were never included in the Government estimates then, during the GSLP Government or subsequent years of the GSD Government. Incidentally, as has been previously stated, it was the GSD who introduced borrowing by companies as an alternative to Government debt. This was initially done for the purchase and conversion of the Europort Building. And in reply to my question to the then Chief Minister, he said that although there was a slightly higher rate of interest it was not sovereign debt but debt secured on the value of the assets.

1050 The same concept was then used for the construction of car parks which was removed from the I & D Fund and where the revenue from the car parks was expected to service the loan, but in the end it was found not to be sufficient.

1055 The GSD in 2011, when the Hon. Minister Feetham was in Government, had entered into an arrangement to raise a company loan for the proposed Upper Rock Generating Station. There was to be a roadshow in the States to raise the money and a commitment of a 5% annual increase in electricity charges to create profits from the sale of electricity to service the loan. All of them outside the book.

What about the performance of the economy?

1060 The Hon. Mr Feetham last year said I was right to be cautious about the size of the future GDP. In 2007 when the Hon. Member joined the GSD Government I predicted that the GDP for 2008 would be £800 million. The view of the GSD Government, then expressed in that Budget by the Greatest Gibraltarian of our time, was not very flattering. Rather than reply to my analysis of the state of the economy in that Budget, the reaction was to tell me that my questioning of the figures did nothing for my credibility and even less for my waning reputation as a supposed economist.

Well, we all know that in politics you cannot please everybody.

1070 I was then predicting an £800 million result for the 2008 GDP. Three years later the GSD published the 2008 GDP and it was £806 million. So I had underestimated the figure. I also predicted the 2012 result at £1.2 billion, and the final figure came in at £1.201 billion, so I underestimated again, this time by £1 million. Based on the £1.2 billion, I predicted the result for 2015-16 of £1.8 billion. This year we have the final figure for 2015-16 and it is £1.794 billion – £6 million below my estimate.

1075 The projection for 2019-20 was £2.4 billion, a £600m increase in output over the four years. The projected estimate for 2017-18 is estimated at £2.18 billion – a £386 million increase in output in two years. This figure can go down as more actual results are imputed and estimates replaced, but if it stays at this level then there is a very good chance that we will meet our target or even slightly surpass it. I am more cautious than the colleague on my right.

1080 One of the main contributors to GDP growth is the growth in the payroll of the labour force. In the case of the construction industry this is the payroll of construction workers. In turn this is the best indication of how much of the growth of the economy is due to construction projects and can be deduced by comparing in different periods of time the number of construction workers.



1085 I have explained this before to Mr Feetham and Members of the Opposition, but they seem to have lapses of memory and they nonetheless insist on the basis of personal intuition that the growth in the economy is fuelled by Government construction projects financed by the eye-watering £772 million – this mysterious £772 million which appears in almost every Budget, with the figure changing every time on the way up.

1090 I will provide the Hon. Member opposite with the construction figures again to jog his memory, and update the information in the light of the 2017 Employment Survey Report tabled in the House which shows what the latest position is.

1095 I have previously compared the private sector labour market on different dates to establish the relative importance of the construction sector showing how it played a bigger role before 2011. This looked at the position in 2007, 2011 and 2015 which I remind Members of now, and add an update by including 2005, that is going back two further years, and 2017 so that we are looking at where we are today – the changes over six years instead of four years.

1100 The number of private sector jobs at the start of the previous period, 2007, excluding the construction industry, amounted to 13,340. In the four years to 2011 it grew to 14,038, an increase of 698 jobs, representing a 5.2% expansion of private sector jobs market outside construction. The growth in GDP was 49% in the same period. So it is self-evident that the private sector non-construction expansion can only have accounted for a small share of the growth – the growth was 49%, the non-construction growth was 5.2%, so that cannot have been responsible. The construction sector, however, increased by 701 jobs – more than the whole of the rest of the private sector together, an increase of 31.5% and evidently the main engine of the increase.

1105 This was the position under the GSD. Not since.

1110 In the four years from 2011, by comparison, the figures show the opposite. The GDP grew by 49.1% and the private sector, excluding the construction industry, increased in size to provide 2,926 jobs. Employees in the non-construction sector went up from 14,038 to 16,964 – 20.8% higher. The contrast with what was happening in the construction industry could not be greater. The extra jobs in the construction sector from 2011 to 2015 was 180, amounting to a 6% increase in the workforce.

1115 The evidence is clear: the growth between 2007 and 2011 was much, much more dependent on a public sector capital programme construction boom than has been the case in the period 2011 to 2015. Since 2015, non-construction private sector jobs have grown by almost 2,000 bringing the total since 2011 to 4,925. By contrast, the private sector workforce in the same period has grown by a mere 144.

1120 So the economic analysis of the Opposition, as expressed by Mr Feetham last year, as the Leader of the Opposition, was that the economy had grown in one year from £1.75 billion to £1.91 billion – he did not question the figures – an increase of £160 million. And that this £160 million was to a large extent due to the Government injecting hundreds of millions of pounds to produce significant economic growth. Hundreds of millions of pounds of Government money, plus private sector investment, to provide £160 million growth?

1125 Not rocket science, we were told. Well, certainly not economic science.

1125 Was there hundreds of millions of pounds being injected into the construction industry? In the construction industry there were 303 less workers in 2016-17 than in 2015-16. So, no hundreds of millions of pounds injected that year.

1130 Maybe the Hon. Member did not mean to apply his analysis to just one year. So let's look at what has happened since 2011. Did 144 more construction workers in 2017 than in 2011 produce the bulk of the six year growth and not the 4,925 workers in the other industries?

Are they serious Mr Speaker? Do they really believe anybody in Gibraltar will swallow all this? Do they really believe it themselves?

1135 It seems to me the explanation is that they decided a long time ago that the only way the economy could grow was on the back of a construction boom because it was what was happening between 2007 and 2011, the only time that Mr Feetham was in Government, and

therefore they came to the conclusion that this is what must have also been happening since 2011, irrespective of the evidence to the contrary.

1140 Let me add one further comparison. I have given the changes in the composition of the private sector workers in the six years 2011 to 2017, construction workers 144 and the rest of the private sector 4,925. So let's look at the six years 2005 to 2011: the increase in that period under the GSD was construction workers up 1,321, not 144 – 1,321 in the construction; the rest of the private sector, 2,827.

Mr Speaker, the figures speak for themselves.

1145 The Hon. Mr Feetham and Mr Clinton have continued their attack on the Gibraltar Savings Bank, using the same arguments that they used before 2015. They seem to forget that the policy of the Government on the role of the Savings Bank was defended in a general election and forms part of our election manifesto. That is to say, we are doing with the Savings Bank what we promised we would do and received a mandate from the electorate to implement. This is to grow the size of the Savings Bank with a target of increasing deposits to achieve a deposit base of £1.6 billion by 2019-20, up from the £1.1 billion that we expected to have reached in 2015-16.

1150 In 2015-16, we actually fell short of the target with £990 million in deposits which, added to the reserves, came to a total of £1.016 billion. Since then we have had a higher increase in deposits from the public, both new and existing customers, and deposits recently stood at around £1.35 billion, up £360 million since 2015-16.

1155 I am sure Members opposite must be horrified to hear that the Gibraltar Savings Bank is doing so well, especially the Hon. Mr Feetham who told us last year that the Savings Bank was the culprit (*Interjection*) in what he described as the 'eye-watering debt of £772 million' – that he knew of – which, when added to the Government debt of £447 million, produced an even more eye-watering debt of £1.2 billion. A gross debt of that figure he said was running at 62.5% of GDP.

1160 Well, I will deal with his debt fabrication shortly, but let me just remind the House that the percentage of gross debt to GDP no longer has any meaning or relevance because he, in Government, removed the legal link between gross debt and GDP.

1165 So let's stay with the Savings Bank for a while longer. He told us last year that the Savings Bank in 2011 had £27.6 million of debentures and bonds from the public. He said,

In other words, money borrowed by the Gibraltar Savings Bank from members of the public owed to members of the public was £27.6 million. The total of debentures and bonds issued by the Gibraltar Savings Bank as at 31st March 2017 was £834.5 million.

1170 That represents an increase, Mr Speaker, of 3,023% in six years. Actually he was quoting the wrong figure: the Savings Bank did better than this, or worse on the watery eyes of the Opposition. The figure for debentures and bonds in last year's book was £902.3m, a 3,269% increase, and the final figure for March 2017 was a £921.9m increase, a magnificent – or, if you suffer from watery eyes – an eye-watering 3,340% increase, expected this year to have reached over £1 billion. An incredible 3,623% increase. I am looking at doing at even better, or worse in the eyes of Members opposite, in the next financial year.

1175 He then said this was not a sovereign fund. Well, of course it is not a sovereign fund. But describing it as a debt to the public is a strange way of describing what a savings bank or any other bank does and he never described it like that when he was in Government.

He then added:

The reason for that huge increase is that the Government embarked on a process, when they got elected, of shifting debentures issued by the Government directly, which legally counts as public debt, to the GSB, where it does not count as debt of the Government ...

– it is a debt owed by the Gibraltar Savings Bank, to members of the public.

Let's be clear, the Hon. Member thinks that this £800 million increase is because we took Government debt and put it in the Savings Bank and therefore the Government debt went down

1180 £800 million. Based on the figures and the language he was using, he was saying the growth from £27 million to £834 million in 2017 was paralleled by a drop of Government debentures and the replacement by the Gibraltar Savings Bank Bonds and debentures.

This, we all know, is totally false. In the first place there was no £807 million of Government debentures to shift to the Savings Bank. Secondly, in December there was £280 million in  
1185 Government debentures which reached £318 million in March 2012. Thirdly, the debentures were repaid to members of the public who invested some of their cash in Savings Bank debentures, around £250 million. Fourthly, the Savings Bank in turn purchased £250 million of Gibraltar Government debentures, i.e. public debt, so the public debt was the same.

The result of this transaction was that the level of Government debt was reduced by £68  
1190 million that the public took in cash, and that the public debt is still composed of the £250 million of debentures that the Savings Bank bought and it is the same as it was before the transaction took place, and the rest is the £200 million from the other banks.

For reasons that I cannot understand, the Members opposite think that it is very bad for the Government to borrow from its own bank and give it the benefit of the interest paid, but fine to  
1195 do so from other banks and give *them* the benefit. Mr Speaker, the policy of the Government today on the Gibraltar Savings Bank is the policy of the GSLP Government of 1988 on the Gibraltar Savings Bank.

The GSLP increased the role of the Savings Bank in 1988 and developed it so that by 1996 it had £165.9 million instead of £2.7 million in 1988, a change I brought about as Chief Minister, an  
1200 even more terrible percentage increase of 6,144% which the GSD of the time did not complain. If they had been suffering from watery eyes this place would be a lagoon now.

The Savings Bank's role has been correctly identified by the Hon. Member, Mr Clinton previously, describing it as fulfilling the function of a Development Bank. It did so between 1988  
1205 and 1996 and continues to do so since 2011. In between, the GSD ran the bank down to nothing and if they ever get back into Government they will do the same again, given the remarks of Mr Feetham as Leader of the Opposition and Leader of the GSD in 2017 and earlier years.

Since when has anybody described a bank as having debts because it accepts deposits from the public? The only reason for doing so is to make it sound negative. Banks exist to take savings  
1210 from the public and reinvest the money at a profit. This is what the business consists of. Or was it something different when Mr Clinton was running his bank?

The Government is proud of the role of the Savings Bank in providing a secure home for the savings of our people and putting those savings to work for the economic growth of our country. Mr Feetham talks of it as if it was something bad that we are trying to hide and he had  
1215 discovered something that the public did not know.

Mr Speaker, he knows that as Minister for the Savings Bank I produce a report containing this information for our customers which gives details of the increases that are taking place in  
1220 deposits every year. This is something that reflects the confidence that our customers have in the institution they see as a safe home for their money. He should ask Mr Clinton whether the bank that employed him as a director would have punished or rewarded him if the bank had increased deposits by over 3,000%.

So now we know that no Government debt was transferred from the Government to the Savings Bank in order to reduce the Government debt. The £447 million which was added to the  
1225 £772 million to increase the eye-watering effect by combining it into £1.2 billion can now be discarded. The Government debt of £447 million is the reduced level of the Government debt from the GSD debt of £520 million in 2011. It is not money borrowed by us since 2011.

What about the £772 million of non-Government debt? The £400 million of the so-called debt is an investment in shares of Credit Finance Company Limited. Credit Finance has a money-lending licence – money-lending companies lend money that is how they make a profit for their  
1230 owners. So if Credit Finance lends money to the Sunborn at a commercial rate of interest this is not a hidden non-Government debt, it is the debt of the Sunborn Company owners.

If the loan was to be made to the Sunborn Hotel that is berthed in Victoria Docks in London it would not matter in the watery eyes of the Opposition, because all the investments in loans in the UK shown in the list of assets of the Savings Bank are okay as far as they are concerned.

1235 If Credit Finance lends money to a former Chief Minister who pays interest and repays the loan by transferring to Credit Finance his entitlement to a final salary pension – and so do countless other Civil Service Pensioners – it is not in order to reduce the expenditure in the Appropriation Bill, as has already been shown, and it is not a hidden debt of the Government because the loan has not been made to the Government but to the individual.

1240 If the Savings Bank buys shares in Gibtelecom it is not a hidden Government debt, it is the purchase of an asset just as if it bought shares in British Telecom. If the GHA pays rent to RBS in respect of the building it occupies which the GSD as Government arranged, this is not hidden Government debt, it was a perfectly reasonable and acceptable form of meeting the needs of the GHA which we in the GSLP, in opposition, did not criticise when it was done. If they did the same in respect of the construction of car parks using the Car Park Company it is not a hidden  
1245 Government debt, but creating an asset that produces revenue.

This is how the Opposition last year concocted a £772 million eye-watering hidden debt used, they said, to meet recurrent Government expenditure, when much of it was done before 2017, and some of it even before 2011. This is what was used to justify their incomprehensible vote against the Appropriation Bill. Indeed in the division vote Mr Feetham said ‘No’ and added  
1250 ‘Account for the £772 million’ – so the link could not be clearer.

In closing, I want to say that the Training for Employment Apprenticeships and Vocational Training is working as intended and the results reflect the increase in Gibraltar employment. The October 2017 Gibraltar employment level at 11,130 was 910 more than in October 2011. This compares with an increase of 350 between 2005 and 2011, the last six years of the GSD  
1255 Government.

We have had some success in placing unemployed workers in the private sector construction industry and elsewhere using the public contract requirement introduced in 2010 by the GSD, which I welcomed at the time.

In the 2011 Budget the then Minister for Labour said:

...there are many areas of employment within the private sector that are not attractive enough to the local unemployed. As I have stated in the past, few, if any, are clamouring to replace foreign labour in the private construction market, catering, hotels, shops, bars or restaurants.

1260 Last year, Mr Feetham said:

My heart breaks every time I see someone break down in front of me, as indeed they do, because they simply cannot find employment – any employment anywhere in any building site in Gibraltar.

I am happy to look into any cases of local unemployed persons able and willing to work, and help in any way I can if the Hon. Member provides me with the information. Similarly, my doors continue to be open to any employer in *any* industry who is interested in taking on apprentices for which my Department would provide financial support. And therefore I repeat my call that  
1265 they should approach me directly, since approaching Mr Phillips does not enable us to engage as he is unwilling to provide me with the contact.

Finally, I apologise for having to cut my contribution short, as I will be flying to London this evening, to officially open the magnificent, new, asbestos-free Calpe House tomorrow morning. *(Banging on desks)* I will be back tomorrow evening and, as Father of the House, I hope  
1270 Members will behave themselves while I am away. *(Laughter)*

As Patron of the Calpe House Charity, I would also like to thank Members opposite once again for their support, and especially the Hon. Mr Feetham for his initiative, at the start of the fund-raising campaign, in coming forward to donate his salary of one month to the charity.

Thank you, Mr Speaker. *(Banging on desks)*

1275 **Chief Minister (Hon. F R Picardo):** How true it is that the truth will set you free, Mr Speaker. I move that the House –

**Mr Speaker:** I move a recess –

1280 **Hon. Chief Minister:** Sorry?

**Mr Speaker:** A 20-minute recess.

**Hon. Chief Minister:** I move that the House should recess for 20 minutes.

*The House recessed at 5.07 p.m. and resumed its sitting at 5.19 p.m.*

1285 **Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Mr Speaker, in the immortal words of Emile Zola – I Accuse!

Mr Speaker, I accuse this Government of failing to produce a meaningful Budget and prudent Estimate Book for 2018-19.

1290 Mr Speaker, I accuse this Government of failing to meet basic standards of transparency and accountability in public finance

And, Mr Speaker, I accuse the Chief Minister of being the architect of this dismal state of affairs in respect of our public finances and thus utterly failing in his duty as Minister of Finance.

1295 And, Mr Speaker, these accusations are not mere rhetoric and I intend to prove beyond reasonable doubt each of those as being true.

And, Mr Speaker, as Zola himself reasoned, and I quote:

My duty is to speak out; I do not wish to be an accomplice in this travesty.

1300 The Government set out quite clearly in response to my motion in March, earlier this year that it was a pillar of GSLP policy not to have the Finance Bill presented at Budget time. As a result, Mr Speaker, nothing – absolutely nothing – that the Chief Minister has said today as regards any budgetary measures or tax changes has any practical legal effect when he sat down.

1305 If we need any proof of this we have only to look at Gazette number 4468 issued on 24th May 2018 in which three years of backdated Budget measures were introduced in one go. Indeed, we in this House today do not have the ability to debate or vote on those Budget measures as all that is in fact before us is the Appropriation Bill. If we had a proper Finance Bill, Standing Orders would allow for a reasonable recess to enable the Opposition to digest the measures and prepare a considered response. Evidently, Mr Speaker, the Government has no interest in scrutiny by the Opposition and regrettably there is not a great deal we can say about what he has announced today. But I will try and make some observations on what we have heard today from the Chief Minister

1310 Firstly, thankfully, I am nor a smoker, not am I a great drinker so the Budget's increases in terms of taxation in these areas are not something I will necessarily regret. The other measures that have been introduced by the Chief Minister, particularly in respect of intergroup losses will, no doubt be welcome by the Gibraltar Society of Accountants who I know were lobbying quite hard on this point, and anything that we can do, Mr Speaker, to enable the operations of business in Gibraltar to be effective and efficient should be welcomed.

1315 I must admit I am a bit mystified by why the Government is getting involved in the Damages Act and providing a Savings Bank product. Indeed, I would like to hear more on this from the Chief Minister as to what the rationale is for the Savings Bank to get involved. My concern is that

1320 if they offer better rates than anybody else in the UK or in Gibraltar, that they will effectively be  
affecting the discount rate, and I stand to be corrected, be effectively allowing insurers to give  
lower payouts. But again, I would welcome the Chief Minister's thoughts on this matter and why  
there is a need for the Savings Bank to get involved at all.

1325 Mr Speaker, there is of course one positive for the ladies in the community and that is the  
abolition of duty on handbags – if not somewhat discriminatory because the rest us poor  
gentlemen have no such tax perk. Talking about tax perks, there is not really much in the Budget  
for the working family. I do not see much in terms of tax breaks or other measures that the  
ordinary working family will see a result in their pockets. Indeed, in the public sector the pay of  
2.5% increase is in real terms actually zero – they will see no real increase because, as the Chief  
Minister has said, in fact, he said, inflation in 2018 was 2.6%, in which case that will have a  
1330 negative real effect on their take home pay packet.

Try as I must, I cannot quite get my head around – and no doubt he will enlighten us – as to  
the cap on the 2.5% increase and the 60 pence per hour cap; but this is something I would  
welcome more clarity on by the Chief Minister.

1335 What I was surprised to hear from the Chief Minister is about the 10% social insurance  
increase across the board. Now, Mr Speaker, I did criticise the Chief Minister last year for not  
having mentioned this during Budget time, and of course this year I do indeed welcome he has  
announced it as part of the Budget and not in advance. But this 10% increase in Social Insurance,  
if we are doing so well, and to quote him, as he knows I did quote him last year, when he was  
on the Opposition Benches in 2010 he said, I quote: 'If we are running surpluses, if we are in  
1340 such good shape, tell us why it is then we need to further increase the cost of doing business in  
Gibraltar?' Which indeed, he is.

Mr Speaker, last year, when he announced the increases in March – in fact 10th March 2017  
– the 10% increase which he announced, effectively cost employers on average an extra £183.56  
per annum per employee. And employees took home £121.68 less on average per year. But  
1345 those were last year's measures. This year, another 10% increase, but what we will see is that  
the employer will be having to pay an extra £189.80 per annum per employee; and employees  
will be worse off by £143 on average each.

1350 So, Mr Speaker, this is not really a Budget for the working family. Indeed, this is perhaps as  
the Government ominously predicted, a Brexit Budget. But you cannot on the one hand say, 'Oh,  
this is a Brexit Budget', and then on the other hand boast, 'It's never been so good!' Because the  
two just do not make sense.

As they say, if we had more time, we would have a more detailed analysis on this Budget but  
then, to be honest, there is not much to analyse in the Budget because there is not much in the  
way of measures. The only measure I perhaps can welcome is the capping of speculative profits  
1355 on affordable housing which I think we can all agree is something we would not wish to  
encourage.

1360 Other than the absence of a Finance Bill, this Government has also slipped into the bad habit  
of taking the Supplementary Appropriation Bill for prior years well after the Budget debate. Not  
only is this illogical but also has the effect of delaying the Principal Auditor's report which we  
have still not had in respect of 2015-16. Mr Speaker, if I may remind the House this is what the  
Chief Minister said on 2nd March 2016, and I quote:

Because the main Appropriation Bills for the year are normally now debated in this House at around June or July  
of each year as part of the Budget session, this has meant that the annual audited accounts for the previous year  
have necessarily been delayed until the approval of these supplementary appropriations and the Principal Auditor  
has not been able to complete his audit of the annual public accounts until then.

And he goes on:

In order to enable the Principal Auditor to complete his audit of the annual audited accounts earlier and for these  
annual accounts to be laid in the House on a more timely basis – the Government has decided to revert to the  
earlier practice of presenting the Supplementary Appropriation Bills separately.

1365 Mr Speaker, the Supplementary Appropriation Bill for 2014-15 was published on 17th December 2015 and debated in Parliament on 2nd March 2016. The Supplementary Appropriation Bill for 2015-16 was published on 22nd December 2016 and it was not debated in Parliament until 6th December 2017, almost a year later! The Supplementary Appropriation Bill for 2016-17 was published on 12th January 2018 and we have yet to debate it in this House.

1370 It is evident that the Chief Minister cares little for the budgetary process and parliamentary scrutiny, and I can only assume he just wants to delay the publication of the Principal Auditor's report as much as possible because, Mr Speaker, Brexit cannot be an excuse for everything.

Turning to the Estimates Book and the Appropriation Bill itself: my colleagues will speak in detail as regards their respective areas but I have noted a general trend which is worthy of comment and in fact has been picked up by the Chamber of Commerce in their annual report.

1375 Total recurrent revenue peaked at £655.7 million in March 2017 and we now see the outturn for March 2018 to be lower at £635 million; and yet recurrent expenditure as a proportion of revenue – and again I say, as a proportion of revenue – is growing from 88% in 2017 to 94% in 2018, and in the estimates for 2019 to 96%. As the Hon. Sir Joe Bossano quite rightly pointed out, this is just not sustainable. This is a worrying trend that does not allow for much of a buffer should Government revenue suffer a downturn next year because of Brexit or for any other reason. And in those percentages I have included the £25 million that is appropriated to finance Government Companies, and which the Government include in the calculation of what they call 'a surplus'. But more on that later.

1385 Mr Speaker, and this is in spite of stealth increases in fees for everything from MOTs, business licences, fines, dog licences, zonal parking permits, housing rentals and today we see an advert in the Chronicle for 3% increase in rates across the board for residential dwellings. Stealth taxes.

1390 Of concern – and the real concern – is a projected decrease in the cash reserves of the Government from £127.6 million in 2017 to £96.1 million in 2019; and there would then be a consequential increase in net debt in 2019 to £339.9 million which is wide of the Government's manifesto target of £300 million net debt by 2020.

1395 Indeed it is surprising that in answer to my question 410/2018 the Government stated that as at 28th February 2018 it had £260.4 million deposited in the Savings Bank which I assume includes Government-owned company cash. And yet *per* the estimates Appendix L, as at 31st March 2018 this was expected to be only £164.6 million. I really would be grateful if the Chief Minister could explain where £95.8 million has disappeared to in just one month.

1400 It is frightening that from a balance of £308 million on 31st March 2017 it is anticipated that by 31st March 2019 only £127 million of the famous 'cash pool' will be deposited by the Government in the Savings Bank. Now, the Chief Minister may well reply, 'Ah yes, but the money is somewhere else'. Well, every session I ask for the Government's liquid reserves and holdings and I am refused this information. I ask this question every time I come to this Parliament and I am refused the information.

1405 Mr Speaker, what we are seeing, rather ominously, is rising recurrent expenditure, rising net debt, decreasing revenue and decreasing cash balances. I am afraid to say this, but it would seem we are heading for a sober reckoning with financial reality and we need to wake up to this now.

1410 None of this bodes well but it gets worse I am afraid. For the first time since I have been in this House the Government is actually anticipating what I would call a budget deficit, in that the closing consolidated fund reserve is lower than the opening balance. The outturn for March 2018 rather than a surplus as the Chief Minister proudly announced, is actually showing a deficit of £4.9 million which is mainly due to an extra £21 million required for the Improvement and Development Fund which in itself is recording a £7.6 million deficit – and that is a written deficit in their own book.

Mr Speaker, it is telling that the Community Care contribution for 2018 is not the usual £20 million as it has been for the last two years but in fact has been cut by 25% – yes, by a

1415 quarter – to the lowest level under this Government, to £15 million. This is very significant in  
 that it means that the Government is actually now underfunding Community Care, whose annual  
 cost in 2014 – which were the last accounts I have available to me – was £16 million. Community  
 Care will, if the numbers have not changed significantly, and the Chief Minister kindly provided  
 1420 us today with some information as to the growth in eligible pensioners which he stated in 2009  
 was 8,213 and in 2018 was 11,693, so I cannot see that Community Care’s outgoings will be  
 decreasing.

So if the numbers have not changed, and in fact I would say that the numbers have grown,  
 Community Care will have to be eating into its reserves to fund its expenses. Is this what the  
 Hon. Father of the House meant in his *New People* editorial? That the Government would be  
 1425 taking a contribution holiday to Community Care and that Community Care would have to look  
 after itself soon until its money ran out?

Is it that it is starting to drizzle and we really need to dip into the rainy day fund? Mr Speaker,  
 I was shocked to see that for 2019 the Government is actually projecting again what I call a  
 budget deficit of £19 million, *without* taking into account its contribution to Community Care  
 1430 *even* at its 2018 level of £15 million. The Government is, for the first time, actually projecting a  
 depletion of our reserves. This is indeed a Brexit Budget!

Looking at the Improvement and Development Fund the picture is not much better – in fact it  
 is much worse. The Improvement and Development Fund in 2018 is being emptied such that  
 from an opening balance of £7.9 million it is being left with nothing more than £319,000. The  
 1435 fortunes of the Improvement and Development Fund unfortunately are not set to improve in  
 2019 with the balance only anticipated to grow by £108,000 which, frankly, is peanuts.

Mr Speaker, for me it is the Improvement and Development Fund that has signed a death  
 warrant for this Budget if it needed one. I do not need to bore this House with a Colonial  
 Bookkeepers technical analysis. (**A Member:** No.) I hear a Member saying, ‘I am’ – well, I am  
 1440 proud to be one, because they are evidently not. It is simply this fact that makes this Budget an  
 utter nonsense – this fact alone, which the people on the street will understand: other than  
 £1,000 – yes, Mr Speaker, £1,000 – there is no, I repeat *no*, provision for the cost of the  
 construction of the eight new schools which, as the Government has already disclosed, just the  
 new comprehensives will cost £52.2 million. (*Interjection*) *Nothing*. If the other six schools are to  
 1445 be built at a conservative estimate, say, of £15 million each then the total spend would be  
 £142.2 million.

Where is it in the Book? Can the Chief Minister show me the page, because I cannot find it! It  
 does not exist; it is not in the Book. How can the Chief Minister stand up and have the temerity  
 to say he has got record surpluses, when he is not even accounting for most of the expenditure?  
 1450 It is a nonsense!

And, Mr Speaker, if that is not bad enough, there is no provision for the £20 million waste-  
 water treatment plant again, other than £1,000. And he stood up this morning and said, ‘Well,  
 we are going to be breaking ground before the end of the year’. So where is the cost – £1,000?  
 We know it is a £20 million contract. Can’t he put in £20 million? Can’t he put in £52 million? Oh  
 1455 no, because then he would not have a surplus and he would have an even worse deficit. It is a  
 nonsense.

The one project that is recorded in the Improvement and Development Fund is the  
 2019 Island Games and I regret to say that unsurprisingly this is already significantly over budget.  
 Over budget on the £16.5 million which is earmarked for it.

And, Mr Speaker, I can carry on. There is nothing in respect of a National Theatre; there is  
 nothing in respect of the Grand Parade car park scheme. Even if the Government came back  
 with a Supplementary Appropriation Bill next year for this money, we simply do not have it in  
 either the Consolidated Fund or the Improvement and Development Fund by the Government’s  
 own estimates for 2019. We would be bankrupt; we would only have £96 million! How are we  
 1465 going to pay for all this? Where is the money going to come from?



Mr Speaker, is this what the Chief Minister calls ‘careful calibration’? It does not add up, and the people of Gibraltar are rightly asking themselves: where is the money coming from? Where is it coming from?

1470 The answer to the question: ‘Where is the money coming from?’ – is simply this. The Government are running two sets of books – one public and the other one hidden and secret. The secret books of this Government are a travesty to our public finance system, as I explained last year. We have absolutely no visibility as to what the financial position of Government Companies is, and importantly what is happening to the £300 million by way of mortgage over six of our housing estates which house thousands of families?

1475 Today, we hear from the Chief Minister, ‘Well, actually, I spent £30 million of it on the Gibraltar International Bank’. All well and good. That is the first we hear of it – and more on that later. The Chief Minister gave a clue perhaps in the last session of the House because that is what we seem to be working on – clues, guesses, estimates. We do not see the full picture.

1480 He said a Government Company had awarded the contract for the schools and thus did not need to go through the procurement process for the awarding of the contract to Casais. So, I now have to guess that the new schools will be owned through a corporate structure that will enable the selling of parking spaces and other such commercial activity unheard of before in respect of our schools.

1485 Mr Speaker, the evidence of our eyes tells us the money is being spent on the schools, the University Accommodation block and the Midtown car park, but according to the Government’s Financial Records – and these are the official Financial Records – we are dreaming, because they do not officially exist. When we ask for the cost of these mirages we are told, ‘No, it is all commercially sensitive, we can’t tell you; we’re here to defend the interest of the taxpayer; you’re all terrible and shouldn’t be asking these questions’. I am sorry, it does not wash.

1490 I have not even touched upon the cost of the new affordable housing schemes – and funnily enough, neither has the Chief Minister – perhaps because by my own conservative estimate of £200 million is a dream too far even for the Chief Minister, given the current state of our finances, as I have just set out. We are told that the Minister for Housing will have good news in this respect. But alas, I would not put too much stock on her words, especially when she said memorably in last year’s Budget speech as regards Bob Peliza Mews and I quote – and this really is priceless:

... there has been a delay due to technical reasons of infrastructure. Infrastructure is an important preliminary issue and we wanted to get every detail right before making any further announcements.

This is priceless, Mr Speaker:

This may affect the footprint of the new development to some extent but not in a way that will be disadvantageous. I expect that the technical advice and the administrative process will be complete before the end of this year and I am delighted to announce, Mr Speaker, that we will be in a position to have started the process of selling our new flats and give so many people the opportunity to be homeowners once again

1500 Mr Speaker, fantastic phrase ‘technical reasons of infrastructure’. Or could it be that – (*Interjection*) It is going to be a school! So ‘technical reasons of infrastructure’ really should now be taken to mean – much as shortly or in the lifetime of this Parliament – is that there is going to be a complete change and nothing will be done on affordable housing.

1505 As regards the Minister for Housing’s accusation on Twitter that I am a populist. Mr Speaker, I am a populist. If speaking the truth about the need for 3% rent rises for the next 30 years to pay for the £300 million mortgage on the six housing estates makes me a populist then I will plead guilty. And the Chief Minister thinks me foolish if I make this remark, that I cannot therefore be very good at maths. Well, I suggest he check with the technical experts who gave us that same information, one of which is sitting right behind him. That was information from his experts and not my guess.

1510 Mr Speaker, this financial alchemy really has to end. We do not live in the Congo. The public deserves the truth and to know our true financial position from the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Or in Brazil. *(Interjections)* Madoff! *[Inaudible]*

1515 **Mr Speaker:** Order. The Hon. Member is entitled to be heard without any comments across the floor.

**Hon. R M Clinton:** I have asked him publicly to explain how the schools are being funded and he sidesteps the issue. I have asked about what is being done with the £300 million mortgage proceeds and the Chief Minister talks nonsense about having a 'war chest' and 'Sovereign Wealth funds'. Mr Speaker, he obviously has no concept of what these are and he hopes nobody else does. The Chief Minister either does not know the answers to these questions or simply cannot bring himself to tell the people the truth which is, quite simply and plainly, that we are borrowing heavily to pay for his concept of Utopia.

1525 Mr Speaker, the Chief Minister said in a press release on 26th April 2018 that he will, and I quote:

... deliver substantial 'rainy day funds' in excess of those ever held by Gibraltar before.

Well, I would really, sincerely like to know where they are, because they are certainly not in the form of the Consolidated Fund or the Improvement and Development Fund, given that his own projections for 2019 do not show that.

1530 Mr Speaker, I really have to explode this fallacy that the Father of the House is promoting in that he has set aside substantial rainy day funds in other places. In the GSLP/Liberal manifesto for 2015 he sought to explain what in his view a rainy day fund was and he said, and I quote:

It consisted in retaining reserves in a number of ring-fenced funds which were not available to the government to meet the recurrent running cost of the public administration.

The idea was and is that the Rainy Day Fund should be available to meet additional funding requirements if there were unexpected calls on government expenditure or unpredictable drops in revenue.

The only true Government rainy day fund that exists is, as its name suggests, the Contingencies Fund created under section 71 of the Constitution which for a number of years has held the paltry sum of £400,000. This fund exists so that if there has, and I quote:

arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need.

That, Mr Speaker, sounds remarkably like the GSLP/Liberal definition of a rainy day fund – but it is evidently not being funded.

1540 The Father of the House likes to squirrel away money in different places almost as if a burglar was going to break in one night in the Treasury and raid the Government's coffers. Or perhaps he just does not trust any Government, including his own, not to overspend.

**A Member:** They are consultants.

1545 **Hon. R M Clinton:** Mr Speaker, the surplus money held by Community Care is described as a rainy day fund in the GSLP/Liberal manifesto. However, it is a self-evident truth that it is simply not available to the Government to meet additional funding requirements. What it represents is a pot of money to pay pensioners should the Government fail to meet its recurrent obligations; it is *their* rainy day fund not the Government's. It cannot be accessed if there is a shortage in funding to meet Healthcare, Education, Housing or any other needs of the Community.

1550 In an editorial in the *New People* on 17th May 2018 called, I quote: 'Clinton's Community  
Care Nonsense' the following argument was put forward, and I quote: 'Should Gibraltar be hit by  
a period of low revenue, pensioner income will be protected by the fact that the Trustees have  
this rainy day fund available to them. By continuing to fund these payments to pensioners in  
1555 times when the Government might not wish or be able to fund the payments itself, the Trustees  
of Community Care would be relieving the taxpayer of the need to make these payments. Hence  
the principal reason why the Community Care fund can properly be classed as a rainy day fund  
of the people of Gibraltar'.

Yes, Mr Speaker, it is Community Care's rainy day fund if the Government fails to meet its  
obligations. It cannot be and is not the Government's rainy day fund and to continue to describe  
1560 it as such is utter nonsense. If the Government were a company it would not and could not claim  
its pension fund was its own money – unless you were Maxwell. What we now see in this year's  
Estimates Book is that the Government is indeed running down its contribution to Community  
Care this year, and as I estimated last year I cannot see the Government meeting its manifesto  
commitment of funding it to the tune of £230 million by 2019-20. Indeed, I am now concerned  
1565 as to exactly where this £100 million already in Community Care is and how it is invested. I  
would rather see this large sum of money held and invested by the Financial Secretary, given the  
Brexit uncertainty we face.

Mr Speaker, I take this very seriously. As I said in the House last session I have complained to  
the Charities Commission in March this year because the last set of audited accounts filed by  
1570 Community Care and its group of companies was for 30th March 2014. I have at the same time  
in March, with a chaser in April, written to the trustees requesting information on the  
investments held but to date as at today, other than an acknowledgement of receipt, I regret I  
have not had a response. It is regrettable because an understanding of the investments held  
would of course have informed this debate as to the liquidity of the surplus funds they hold,  
1575 given that the drizzle seems to have started by this Government and the rainy day may indeed  
be soon upon them and us. I would therefore – I appeal – politely ask the trustees to please,  
please respond to my letter as soon as possible as it is a matter of public interest where they are  
investing the £100 million they own. That money was gifted to them by this Government, it is  
taxpayer funded, and we are entitled to know what they are doing with it.

I am also particularly interested to hear if they are funding any Government or private sector  
real estate projects. If this money is held in bricks and mortar, it is not liquid. Or, if it is liquid, I  
would like to know where it is. And certainly, Mr Speaker, despite our best attempts in the last  
session neither my hon. colleague, Mr Feetham, nor myself were able to draw the Father of the  
House as to whether this money was indeed or not deposited at the Gibraltar Savings Bank. We  
1585 deserve an answer.

Mr Speaker, I will grant that the reserves of the Savings Bank itself could be deemed a rainy  
day fund, as they are indeed available to the Government. The Government's manifesto  
projected that the reserves of the Savings Bank would be £70 million by 2019-20. Given that its  
annual profits have been falling, this target will surely be missed as reserves are projected to be  
1590 only £41 million in 2018-19 with an annual surplus of £4 million in 2018-19. The Savings Bank  
would have to make an extraordinary surplus profit of £30 million in 2019-20 to meet the  
Government's manifesto commitment. It is going to have to miss this target by a large margin.

The Chief Minister said the GSD Government left Gibraltar with zero. That is not true,  
Mr Speaker. When the GSD left office in 2011, the Government had £234 million in official  
1595 reserves and a net direct debt of £285 million. For 2019, this Government is predicting official  
reserves of only £96 million and a net direct debt of £339.9 million. I am sure we can all do the  
maths – cash, down; net debt, up. Is this what the Chief Minister calls 'substantial rainy day  
funds' and that Gibraltar's finances will be stronger than ever before? Let him prove it, because I  
seriously do not see it. His own Estimates Book does not show it; and if it does, please tell me  
1600 where it is, because I really do not see it.

1605 Mr Speaker, on the subject of Public Debt: nothing is more contentious perhaps than the question of what is our real level of public debt, that is indeed the perennial question that arises in these debates. First of all, I would ask GBC to correct the information on their website where they say that net debt is down 1% to £324 million. I am sure the Chief Minister will confirm that is not right – net debt is in fact up 2.8% from 2017-18 from £315 million to £324 million. I think the reason for that, Mr Speaker, is the rather roundabout way where the Chief Minister has compared our net debt figure to GDP and that is where the confusion has arisen. But in real terms, our net debt is not down; our net debt is up! Up, Mr Speaker. Up 2.8% from £315 million to £324 million.

1610 And on the subject of debentures and transfers from Government to the Savings Bank, I would like to have a quick extract from the Principal Auditor's Report for 2014-15, talking about deposits in the Savings Bank. It says: 'The increase of £274.2 million over the previous year is mainly a result of the issue of Gibraltar Savings Bank debentures including', and I quote here, 'the replacement debentures for Government of Gibraltar debentures that were redeemed earlier'. So what the Hon. Sir Joe Bossano is referring to, there was a transfer, as my hon colleague has referred to 'a transfer debt' from the Government books to those books of the Savings Bank.

1620 Now, Mr Speaker, the Chamber of Commerce has this year joined the debate, and they have simply asked for the question to be settled – which I do not think is an unreasonable request. I certainly would welcome an external review from a specialised body such as, for example, the UK Chartered Institute of Public Finance and Accountancy which is their speciality. The official gross direct debt of the Government of Gibraltar is £447.7 million – £323.8 million net as at 31st March 2018, which is made up of £247.7 million of debentures issued by the Government but held by the Savings Bank which I understand has no fixed maturity, and £200 million of bank borrowing. The bank borrowing from the last information available to me is provided at 1625 £50 million by NatWest maturing in March 2020, and £150 million by Barclays maturing in a tranche of £100 million in January 2019 and £50 million in June 2020.

1630 Mr Speaker, I note and am hopeful as to what the Chief Minister said this morning about seeking an extension of those maturities. Last year I tried to quantify indirect debt and this year I have come up with the following: Credit Finance – £400 million borrowed from the Savings Bank; GCP Investments Ltd, a slightly lower number now – £16 million borrowed from the Gibraltar International Bank secured on Government property; ES Ltd, the proud owner of our generating station – £55 million, Lombard Plc; Gibraltar Capital Assets Limited – £300 million, loan notes secured on six housing estates.

1635 Mr Speaker, that adds to the famous £771 million, in addition to the official gross debt of £447.7 million which would take us to a gross debt of £1,218.7 million as at 31st March 2018.

1640 But this year, I need to add a new element, and that is in the form of the Gibraltar Development Corporation, who have in fact borrowed £30 million from Government-owned companies in order to buy £30 million of B shares in the Gibraltar International Bank. I have no doubt that this injection of capital was needed and justified; it is the method of funding that I find unusual.

1645 This morning, the Chief Minister said that this £30 million came from the £300 million borrowing – well, that is the first we hear of it, Mr Speaker. And it begs the question why were not the B shares paid for by the Improvement and Development Fund, because there is in fact provision for it – there is actually the usual ubiquitous £1,000 allowance in the Improvement & Development Fund? Or is it that if the Government did that, it would create an even bigger deficit in the Consolidated Fund and a higher net debt? If the Government was perhaps concerned about increasing the deficit, if he wanted to be clever about it, he could have transferred £30 million from the Savings Bank's reserves to the Consolidated Fund to pay for it. 1650 But no, that would of course mean the use of a rainy day fund which would be difficult to explain politically and ruin the Government's manifesto.

1655 So £30 million has come from the £300 million? We still do not know what happened to the other £270 million, and the Chief Minister does not care, he will not tell us. Whereas the Hon. Leader of the Opposition pointed out it is not his money, it is not my money, it is not our money, it is the people's money. And it is the people's debt, more importantly.

So the solution is really quite simple: get the GDC to borrow the money and buy the shares. Simple, no Government Debt and the Government keeps its rainy day Fund. Wonderful!

1660 Mr Speaker, this is the ultimate in financial trickery and reinforces my argument that our finance system and Budget has been reduced to a farce by this Government. (**Hon D A Feetham:** Hear, hear, hear.) (*Interjection*) The Chamber of Commerce may be right in that the only way to resolve the famous debt question is to have an external review by experts, because at the moment the Government are fudging it.

1665 I now estimate our total gross figure to be at least £30 million higher at £ 1,248.7 million. And what is worrying is that the Government does not have a debt management plan to repay any of this debt, other than the Chief Minister making some nebulous comment on public television about half of the revenue a certain product – which I do not think was particularly wise. The sinking fund barely increases each year and we do not know how this £300 million is going to be paid back with the first payment due in 2031. The Chief Minister probably hopes to be well and retired driving around in his electric car by then.

1670 Mr Speaker, let us not be swayed by arguments that GDP has grown and thus our debt should be of no concern. The Institute of Chartered Accountants of England and Wales recently published a report called 'The Debt of Nations' and they had this to say about debt and GDP ratios, and I think it is worth quoting:

Although dividing debt into GDP is a common way to assess the scale of public debt, as a measure it depends on the quality of statistical practices around the world.

And I am quoting here:

GDP is not always reliable, may be incomplete, and can be subject to manipulation.

1675 Their words, Mr Speaker, not mine:

GDP is also not available to governments as a source of income. A better approach is to calculate public debt in proportion of the revenue that governments actually receive and use to service their debts.

1680 That last argument is precisely why we had a legal debt limit linked to our revenue and not to GDP. But, Mr Speaker, this Government abolished it because it did not suit them. Come to think of it, it is not entirely clear where the GDC got £30 million to buy the ordinary shares in Credit Finance back in 2014 either – another mystery. This Government likes nothing more than to create financial mysteries and it hates transparency – something it said it would embrace in 2011. Well, I have seen no evidence of it.

1685 Mr Speaker, since December 2011, this Government has created or acquired 37 companies. In answer to direct questions, the Government has actually refused to explain the reason for the creation of some of these companies. This is unacceptable in a modern democracy. We do not have an elected dictatorship, or at least we should not have – perhaps we do?

1690 Credit Finance's financial information on the Government's website still dates back to 2016 and it still does not have audited financial statements *six years* after its creation by this Government – not us, *their* Government, on 17th February 2012. That, Mr Speaker, to borrow a phrase from the Minister for Culture, is simply disgusting and the suggestion that the information on Credit Finance has not been updated on its website being due to the audit being completed shortly – where have we heard that before, Mr Speaker 'shortly'? It is just not credible coming from this Government. Shortly!

There is very little information available on Government-owned companies and when there is, it is the bare minimum possible. I am still waiting to hear from the Chief Minister for the full

1695 accounts of Gibraltar Capital Assets Limited, the company that borrowed the £300 million mortgage on the six housing estates. As I made clear last time in the last session of Parliament, this is information that its own Articles of Incorporation require for it to be made public at Companies House. I have heard nothing other than an acknowledgement of receipt from the Chief Minister.

1700 Mr Speaker, of the £300 million, again, we still do not know the terms of the option agreement by which the loan note holders may sell their interest to Government; and the Government refuses to provide the Opposition with a copy of the private placement memorandum setting out the terms of the loan notes. In fact, Mr Speaker, the loan note holders get more information than we do in this Parliament.

1705 And for reasons I have already explained we still do not have the latest report from the Principal Auditor; the accounts for the University of Gibraltar for 31st July 2017 are not finalised – and yet we are being asked to approve a tripling in its budget to £1.7 million in 2019 – a tripling, and we have no sight of their financial statements.

1710 And the Gibraltar International Bank has not yet filed its 31st December 2017 financials, even though they have to be with the FSC by the end of April each year and the Government gave them £30 million extra capital. From what the Chief Minister said this morning it is evident that in 2017 they did not make a profit, and that they are now in 2018 making a profit, which I welcome. But what is the big mystery? Why this show of holding back information? Just publish it, the same as any other entity has to.

1715 Finally, the Government – and this is unbelievable – has still not gazetted the accounts of the Savings Bank despite my repeated requests.

And, Mr Speaker, it really is unfortunate that the 2017 statistical reports on tourism, unemployment, hotel occupancy and other matters have only just been tabled this morning – this morning! That does not really give the Opposition any time for any deep analysis. Of course, Mr Speaker, that is entirely what is intended, because the Chief Minister does not want us to analyse those numbers or hold him to account.

1725 I have to take issue with his explanation of some of the statistics. He talked about job creation: 956 more jobs created in the economy. Wonderful, but again the same as last year, he fails to say that only 65 went to Gibraltarians and that 720 went to Spaniards – i.e. 75% of that growth did not go to Gibraltarians it went to Spaniards, and he has the audacity to say that our people come first!

1730 Mr Speaker, the creation of a responsibility for public sector efficiency under the Father of the House was indeed something that we welcomed at the time. And I thought the phrase that the Father of the House came up with earlier this afternoon which is, I quote ‘Work smarter, not harder’ was perhaps something that the Government should have emblazoned on every Department, including the Chief Minister’s own.

1735 I have to say I have seen very little evidence of success to date from the Department for Public Sector Efficiency. A simple example being the use of private sector office space. On 31st January 2017 the Government entered into a 12-year lease for 323 Main Street at £100,000 *per annum*, which was originally to be used by the Savings Bank. Having then spent £216,222 and one penny on its refurbishment – and, Mr Speaker, we are talking about three floors – today, it appears abandoned, boarded up and empty. Yet in the same period we have seen the Statistics Office and the Audit Department relocated into the World Trade Centre, and neither of these departments are public-facing. So we will spend a minimum of £1.4 million on 323 Main Street over 12 years, which is empty, and move Government departments into expensive office space in the World Trade Centre. This makes no economic sense whatsoever. None!

1740 The other particular failure is unfortunately in the budgetary control of the Gibraltar Health Authority. The Minister for Health assured this House in his Budget speech last year that and regretfully I will remind him of it, and I quote:

The GHA has ended the financial year with ...

1745 And these are all his words, Mr Speaker –

... in my view, an unacceptable deficit. My commitment to our tax payers is that in my first year as Minister for Health, the GHA will come within budget whilst improving health care.

Mr Speaker, again, ‘the GHA will come within budget’. I regret to say the GHA is estimated to come in some £9.6 million over budget – over budget, Mr Speaker – and this is despite him having, and again I quote, and I was impressed when I heard this first:

... monthly meetings, held on the first Friday a week after the close of the month, with all Heads of Departments, where we review every single expenditure line by line. If any subhead is in deficit I will require a full explanation for all the reasons and the steps being taken to ensure that the next month will reflect expenditure within budget.

1750 What went wrong, Mr Speaker? I am sure the Minister for Health will enlighten us when he gives his Budget speech. But to be fair to the Minister for Health, it was my personal view and this last year’s GHA budget was perhaps a tad unrealistic, despite the Minister’s best efforts at budgetary control, for which I commend him.

1755 But, Mr Speaker, not to disappoint this year is of course the Minister for Culture who, Mr Speaker, has yet to learn what a budget is, (*Laughter*) and he obviously needs lessons from the Father of the House. Not content with exceeding his budget last year on the 2017 Music Festival by £1.6 million – which was bad enough as it was – this year he has beaten his own record which is worthy of a Guinness Book of Records entry, perhaps even an Olympic medal – he has beaten his own record with an eye-watering *excess* – over budget, which is really a loss – of £2.6 million! Yes, £2.6 million, Mr Speaker. (*Interjection*) More than half the annual running cost of GBC – that  
1760 is for only two days of entertainment! What value for money; evidently bringing in MTV in 2018 did not help much.

I hope the Chief Secretary enjoys some success with his recently created ‘A’ Team comprised, I understand, of recently retired senior civil servants to keep an eye on Departments and expenditure. I of course naturally welcomed the announcement that the Chief Minister made of  
1765 an external review of senior public sector salaries in Gibraltar, perhaps a measure that was long overdue.

Mr Speaker – and the Father of the House uses the term himself – ‘value for money’: that is what it is all about in the public sector, value for money. Value for money is about economy, efficiency and effectiveness which, regretfully, this Government still needs to learn or simply  
1770 does not yet understand, other than the Father of the House.

I understand that attracting inwards investment is difficult, especially given the current Brexit environment, and I for one will not criticise the Government for its failure to bring the Bluewater project into fruition. However, it would be nice to learn something about the ‘new rock pile’ storage facility at Coaling Island, and of course what is going to happen to the Rooke site? We  
1775 have heard nothing at all, Mr Speaker, from the Chief Minister as regards these two sites. I would hope in his response, that he will enlighten the House.

The Father of the House, although he is not here with us at the moment, is of course to be commended for his efforts in engaging with Chinese banks and construction groups and investors. I appreciate that this does take time and I sincerely hope we will see positive results in  
1780 years to come.

Mr Speaker, turning now to some of my other portfolios being Small Business, Telecoms and Heritage. As I mentioned last year business licensing continues to be an issue needing simplification especially as regards the business premises requirement. I know the Federation of Small Businesses and the Chamber are working closely with the Government on this matter and I  
1785 hope progress will be made soon. The recently published consultation paper on key legislation affecting businesses and commerce is of course to be praised and welcomed. We need to reduce obstacles to business and provide encouragement not disincentives to business – especially in start-ups.

1790 Mr Speaker, the introduction of private sector pensions is something to be welcomed and I look forward to hearing the views of both the unions and the Chamber and the Federation as to the best way to introduce these. I trust the Government will come up with a workable Bill after end of the consultation period and I look forward to the debate in due course.

1795 The world of telecommunication has never been so competitive and I really do now have a particular interest in Gibtelecom's financial performance, not just because it is now part of my portfolio of responsibility, but also because the Savings Bank is its sole shareholder. I note that Gibtelecom is doing its best to diversify its product range from fixed line to data storage and recently on-demand TV. I am, however, disappointed that its December 2016 audited financial statements are not yet available due to technical accounting issues that its auditors I am told are resolving. Gibtelecom audited accounts are usually uploaded on their website promptly every year and I look forward to them being finalised soon.

1800 But, Mr Speaker, I am particularly interested in Gibtelecom's plans for the Haven site. This was purchased from the Government in 2014 for £5.8 million, partly funded by way of a bank loan. And it has been empty ever since. In 2015 an application was made to the DPC for a two-storey extension to be built on the Haven site but now this has been replaced in March 2018 with a new plan seeking just refurbishment of the existing structure, and no extension. No doubt the forthcoming annual report will shed light on its plans for the Haven and associated costs and I look forward to reading the 2016 annual report in due course.

1805 Mr Speaker, last and not least, I welcome the publication of the long-overdue Heritage and Antiquities Bill. I have already had the opportunity with my colleague, the Hon. Mr Trevor Hammond, to have a constructive discussion on the Bill with the Minister for Heritage and in order not to anticipate anything that will be said in the forthcoming debate on I will leave it at that. We of course still have much to do on Heritage and I note the comments made by the Hon. Deputy Chief Minister as to the idea to enhance the Northern Defences. But I also look forward to hearing more from the Minister for Heritage as to plans for the Moorish Castle.

1815 So, Mr Speaker, in conclusion, as I said in my opening I will not be a party to this travesty that the Government calls a Brexit Budget. I accused the Government of failing to produce a meaningful Budget and prudent Estimate Book for 2018-19 and so I have proven, in that they have not included the cost of the new schools and we can see reserves are being depleted. I accused the Government of failing to meet basic standards of transparency and accountability in public finance and so I have proven in that there is a lack of information given on Government companies and indeed how the £300 million mortgage money is being used and spent.

1820 And, Mr Speaker, I accuse the Chief Minister of being the architect of this dismal state of affairs in respect of our public finances and thus utterly failing in his duty as Minister of Finance and so he must shoulder the responsibility – him alone.

1825 The people of Gibraltar deserve the truth and a meaningful Budget. I will not vote for this budget Mr Speaker, not because of petty partisan politics, but because put simply it is neither complete nor accurate.

1830 Mr Speaker, the lights will not go out, the schools will not close and people will not die as the Chief Minister suggested last year because of our voting against this Budget. We have a duty to hold the Government to account on behalf of the people of Gibraltar (**Hon D A Feetham:** Hear, hear.) and we would be negligent in that duty if we turned a blind eye to the Chief Minister's financial trickery. (*Banging on desks*) Trickery, Mr Speaker!

I stand by my accusations and will vote against this so-called Brexit Budget.

1835 Thank you, Mr Speaker. (*Banging on desks*)

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, wake up, wake up, everyone! I move that the House do now adjourn to tomorrow morning at 10 a.m. if Hon. Members would care to wake up and now move back home.

1840



**Mr Speaker:** The House will adjourn to tomorrow morning at 10 a.m.

*The House adjourned at 6.33 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10 a.m. – 12.47 p.m.**

**Gibraltar, Tuesday, 3rd July 2018**

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# The Gibraltar Parliament

*The Parliament met at 10.00 a.m.*

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

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

## **Appropriation Bill 2018 – For Second Reading – Debate continued**

**Mr Speaker:** The Hon. Dr John Cortes.

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

5 Good morning, Mr Speaker.

I have rather a lot to say, so I will get straight into it. What is this Education Revolution? What is it about it that has some so excited and others so worried?

10 Mr Speaker, we have to see all that I am going to say against the backdrop that in the UK last year while there were 137,000 more pupils in schools there were 5,400 fewer teachers and 5,400 fewer support staff.

It is not about buildings. There are buildings involved of course, but what we are about to witness is a paradigm shift in education – a radical change in the theory and the practice. With the Department of Education shortly up to full strength for the first time in years, people will notice the difference.

15 Teachers and all staff, children, young people and parents will see positive changes in the way the Department engages with the public, the schools and the community as a whole. Policies are being updated or, where they do not exist, developed; workstreams on issues as diverse as bilingualism and Gibraltar studies, key stage alignment and introduction of co-education will reach out from the Department into the schools at all levels in the profession.  
20 From September these working groups will be looking in detail into the challenges and the solutions and will make recommendations for successful outcomes from the roots up. You see, Mr Speaker, we were always serious about full transparency and involvement. This has been extensive in defining the needs in our new buildings and continues now in the run-up to the operational changes coming into effect next year.

25 Of course, there will be new buildings. These will be exceptional, designed in full consultation with the professionals, providing schools finally fit for the future, making our young people better prepared and better equipped than ever before. To summarise where we are on these: work is progressing apace at Notre Dame which we plan to open this coming September, and at the Comprehensive Schools, where we plan to inaugurate the two new co-education schools in  
30 September next year. Work on St Anne’s School will commence in the autumn immediately after Notre Dame moves.

Mr Speaker, I am delighted to confirm that having listened carefully to the views of the schools, we will this year be commencing work on a new St Martin’s School, a new Bishop Fitzgerald School and a new Governor’s Meadow School, in keeping with our manifesto  
35 commitment. I will be meeting with the respective head teachers tomorrow to discuss the plans

and timescales in detail, with 2019 remaining the target year. We will also be proceeding with the plans to build a new Gibraltar College.

40 The new plans have brought Education into the public arena like never before. As part of this process the voice of the Teachers' Union, like that of all unions, is an important one to make itself heard and to be listened to. And while we may not have agreed on every detail, we are all listening to each other.

45 The Union executive is now meeting regularly with the Government, building on and beyond its formal Social Partnership, and we are working jointly on a plan with a number of key aims which include: to work in full partnership; to carry out an in-depth organisational review of how Education is administered; to create a structure to ensure educational decision-making is fully informed; to formally enshrine all important aspects of Education in legislation; to modernise the recruitment and selection process; and to carry out a long-term review of teachers and learning support assistants.

50 The detail of all this work is being worked out, but there is agreement on what are the core needs of Education. And I am glad to say a great deal of what the union is requesting was already being done and will be rolled out in the coming year.

Mr Speaker, I am very pleased at how we have worked through the issues and excited to see how we are working together in developing Education.

55 Quite apart from the new schools, we must not forget that we have many other schools. This year the Department of Education has engaged a full-time officer to lead on the maintenance and improvement of those we are not currently proposing to move. Works have been identified and a programme prepared, which includes major repairs to the schools that will remain *in situ* and urgent works to those that will be moving within the next year to ensure that they continue to be fit for purpose during the time that they continue in use.

60 Works during the last financial year have been many, including works in Bayside to improve school security; in Westside to prevent water ingress into the Sports Hall; in the College and St Joseph's Schools, and so on.

I am not going to go into all the details here, although the version of my speech which will be sent out by the Press Office will contain more of the detail.

65 Plans for the current financial year include: a complete roof replacement in St Mary's School to address water ingress and refurbishment in the school; replacement of the school annexe guttering in St Joseph's First and Middle Schools; and in St Pauls' School, refurbishment of a pilot classroom to evaluate the results in anticipation of the planned works programme for the next financial year when it will have a major overhaul.

70 Mr Speaker, my speech is going to be long enough as it is. If I were to go into details of what each school does by way of activities, functions, initiatives, productions, projects, fundraising and other charitable events, I would never finish. Each and every school is the equivalent almost of a whole Department. *Cada escuela es un mundo*, you could say, and a thriving one at that. I must at least thank each and every team in each and every school for all that they do throughout the year.

75 This year there have been many staff movements and promotions, with some still to come. I congratulate all those who have been successful and encourage those who have not, to continue to aim to progress. At this point, Mr Speaker, I would like to pay tribute to the lifelong work of Alan Mason, Head of St Paul's School, who sadly passed away (*Banging on desks*) after a long illness, and well before his time. I would also like to thank Kenneth Saez, Head of St Bernard's Middle and Pat Duarte, Head of St Anne's for their sterling work throughout their careers as they enter the final week of work before their retirement.

85 Mr Speaker, if I may now run through some details of what the Department of Education has been doing over the last financial year and some of the plans for next. The Chief Minister already in his address gave details of our investment in scholarships so I do not intend to repeat that. In addition to this, the Washington Internship in 2017-18 catered for an additional 21 students and will provide for another 20 this year.

At schools we have purchased a new much-improved bus for St Martin's School to replace the one that had been donated by charity years ago. We have finally achieved the installation of fibre-optic data cabling and enhancement of Wi-Fi provision to all the schools to improve and support the Apple Teaching with Technology project which my predecessor the Hon. Gilbert Licudi introduced in his time as Minister. We are commissioning software which will allow the introduction of electronic pupil attendance registers.

We continue to run the Gibraltar College Language School with all the benefits encouraging young people to diversify their knowledge of language will bring, and we are working on expanding adult courses too. We have responded to specific needs of children, for example, by the introduction of nursing assistance for pupils with medical needs such as PEG feeding, and by engaging diabetic nurses. The Mindfulness Initiative has been extended to all schools for teachers and pupils to develop positive learning techniques.

The Department has been participating in CHAMPS – the Children, Healthy and Active Multi-agency Programme – alongside the GHA, Public Health Gibraltar, the Care Agency, the Youth Service and the GSLA, and this was launched in the spring and is working together for the common cause of helping children and their families live healthy and active lives, including reducing childhood obesity.

Mr Speaker, last September a member of the Department started working with a small number of our young people with special educational needs in providing work placements, an initiative designed to give the students experiences that can support them to be better equipped for work. During the coming year we will be looking at how we can develop this service further to help young people with learning difficulties enter employment.

Mental Health is now being given the priority it not only deserves but seriously needs. I commissioned an in-depth study into mental health in secondary schools which has now been completed, and a similar one in primary schools is commencing. The study has for the first time ever gathered together statistics on the type of problems our young people are experiencing, and is making recommendations on how we can better prepare our teachers and provide additional support to them. This, and the primary school study, will inform a review of provision in which I will be working very closely with my colleague, the Minister for Health. As an indication of the sort of results we have obtained, I can say that the majority of mental health problems in secondary schools arise from anxiety and domestic issues. It is only by knowing what the problems are that we can start to deal with them effectively.

To this end, a few weeks ago we held a week-long training session for teachers, attended by over 120 teachers as well as other professionals and NGOs. This programme will continue to support both teachers in the excellent work that they do in this field and of course the work of the BEST team and the Educational Psychologists.

Once again this year, the addition of an Assistant Educational Psychologist role to the Educational team has enabled our existing psychologists to engage in more in-depth, complex work with the rising number of pupils with Special Educational Needs. We have also sent a trainee Educational Psychologist to the UK to complete her first year of the Doctorate in Educational Psychology and Child Psychology and she will be joining the team in September. The team continues to deliver on the weekly drop-in clinics aimed at parents and carers who have concerns about their children's learning, development or behaviour. They have also provided evening parenting courses for families of children between the ages of five and eight who have Autistic Spectrum Disorder, and this will be extended to parents of children who are teenagers on the Autistic Spectrum.

The Department of Education is working hard on developing child protection policies and procedures and is working with other agencies, including the RGP and the Care Agency to this end. The policy is being updated and training being provided, covering issues such as sexting, safeguarding and signs of safety.

Mr Speaker, one of the areas in which we have made most progress over the past year is in teaching and learning with digital technologies. All First Schools have received training in the use

140 of teaching and learning strategies with handheld devices with the last school receiving the initial training on 8th of last month. Of the Middle Schools, St Joseph's received their training in March, with Bishop Fitzgerald's and St Anne's planned for the next academic year. The rollout of handheld devices continues.

145 The response of both teachers and pupils to this initiative is tremendous. It opens up so many possibilities and the children love it. Working parties are now being set up to further develop the excellent work done in Digital Technology areas, such as the very successful Cyber Centurion and STEM fields.

150 As part of improving the use of IT, Education.gov.gi will be rolled out to all schools before the start of the next academic year, an initiative to streamline workflows and support the collaborative working practices now prevalent in our education system.

155 I must take this opportunity to congratulate all those involved in Cyber Centurion, including teachers, students and members of the private sector, as well as those involved in the Young Enterprise Programme, for their commitment and success. I intend to further pursue ways of involving business in supporting education and providing opportunities such as placements and internships for our young people.

The inaugural Universities Fair was held last February, hosted at Gibraltar University and supported by the Kusuma Trust. Ten universities were represented including Gibraltar University, and plans are well in hand for a much bigger event next year.

160 Most importantly, Mr Speaker, we are working on a fully revised curriculum for 2019. Curriculum 2019 will contain about 15 vocational pathways designed to cater for a range of vocations not currently covered in our education system. We are not yet doing enough for students who are either not academic or academically inclined or who, quite aside from their ability, want to take up alternative courses.

165 Mr Speaker, when I have attended the schools on exam results day, and shared in the excitement, my mind has always been with those who did not manage to get to the stage of sitting exams. Where are they? Where are the young people who left school early, or who do not stay on for A-levels? What are they doing? And most importantly, what are we doing for them? Curriculum 2019 will ensure that they all have the option of progressing further in a range of subjects not possible now.

170 In addition, and most importantly, we are working on a specific Access Curriculum providing a pathway for students with Special Educational Needs regardless of where they are in our education system. A working group of representatives from the three secondary institutions and St Martin's have been working with the Advisory Service to develop this pathway.

175 In order to inform the development of Education, members of the Department visited Finland, well known for its *avant garde* education policies. The visit provided an insight on teaching and learning, curriculum, pastoral care and vocational studies. Some of the ideas have already been incorporated into Curriculum 2019.

180 Mr Speaker, an exciting project in which the schools have been involved is Sustainable Schools Gibraltar, inspired by the EU ClimACT Programme. A forum has been set up between ClimACT, Education and the Department of the Environment, and already a Schools Working Party of over 30 teachers has developed the framework, and they have been doing extremely good eco-work in their schools.

185 Mr Speaker, I am pleased to report that the working party revising the 1974 Education Act has now completed its task and the final draft will shortly be discussed with stakeholders before publication as a Bill in the autumn. In advance of this, Mr Speaker, I will be activating something that is provided for in the current Act but which has not been in existence for many decades, and so I will shortly be appointing the statutory Education Council to advise me and the Education team on matters relating to education.

190 In listening to teachers on my regular visits around the schools over the past year and a half, there are regular issues that concern them. Clearly there is some anxiety about the changes that

we are bringing about. That is natural and is positive and constructive anxiety, and we will work together to ensure smooth transitions.

Other concerns are more longstanding. One was the unreliability of internet connection which, I am glad to say, as I have already mentioned, has much improved in the past year. 195 Another is the length of time that the filling of posts takes from advertising to informing the applicants of the results. I am working closely with the Chief Secretary and the Human Resources Department to resolve this.

One concern that I have is the threat of losing our bilingualism. Being bi- or multilingual has recognised benefits to intellectual and social development and is proven to delay the onset of 200 dementia. *Llanito* is also part of the essence of what it is to be Gibraltarian. It is an intrinsic part of our culture, of who we are. Sadly, for a number of reasons, many of our youngest cannot hold a fluent *Llanito* conversation. Mr Speaker, we will work to ensure that the education system encourages our children to use both of our languages. My four-year-old granddaughter's rendition of *Itsy-bitsy Araña*, learnt at St Joseph's Nursery this year, certainly gives me hope for 205 the future.

My final niggle is the perception that there is still within the Education Department in the widest sense, that the Department stops at the Queensway offices. Mr Speaker, all of us who work in education, from Bleak House in the south to Bayside in the north, are part of one continuum and it is imperative that any sense of 'them and us' disappears. The new Director and 210 I are committed to ensuring that this happens.

Mr Speaker, I make it a point to make regular visits to all our educational institutions. What I enjoy most of my work in education is talking to teachers, other staff and pupils, understanding the problems, challenges, and successes for myself; and I want here to publicly thank all the schools for their hospitality and for always making me feel so welcome. I feel that I have made 215 many friends among the professionals in education.

Back to the revolution: Mr Speaker, just last week, I met with the Head students of our three secondary institutions – Mehwish Salman from Westside, Mathew Porter and Jasmine Mahtani from Bayside and Rebecca Pedder from the College. It was a serious, enjoyable, inspiring two hours of conversation. They made some extremely valuable suggestions and I was able to see 220 that we agreed on so much. I could see their excitement at the contribution that they make to their schools, their praise for the support that they get from their teachers and indeed they made a few very useful suggestions which I will be taking up.

And I reflected: it brought home something that is of course obvious, but that always hits me when I am talking to young people. That this is what it is about; that we have such a 225 responsibility to them; that I am privileged to be in the position that I am and that I will do everything I possibly can to ensure that they are well looked after and given the opportunities that they all deserve. Not just the high academic flyers – but them too; not just the ones who do their homework on time – but them too. Because it is not all about exams – but they are certainly important for some, but not for all. Because, Mr Speaker, we believe in a fully inclusive and equal society and we will ensure a fully inclusive and equal system of education for 230 Gibraltar.

Things are changing, from opening up vocational pathways to, as from this year, no longer streaming young children at year 3. We are open to change that is good.

Mr Speaker, this is the revolution I am talking about. We have to question, we have to progress, we have to reconsider and reassess; we have to change. 235

Mr Speaker, Grace Hopper, the American computer scientist and Rear Admiral – interesting combination – also known as 'Amazing Grace', said that:

The most dangerous phrase in the language is, 'We've always done it this way'

This is wisdom that transcends the ages. A long time before her, in 307 BC, King Wu-ling of Zhao, in NE China expressed the same sentiments in a slightly different way. He wrote:

A talent for following the ways of yesterday is not sufficient to improve the world of today, for those who use the old to define the new do not achieve change.

240 The work to bring about this change begins now. With the team across Education we can plan it and can drive it, but it is the teachers ultimately who will deliver it. It does not really depend on the budget, it depends on the teachers. We are blessed with a strong, motivated cadre of excellent teaching professionals and supporting personnel. It is to them that we, all of us, owe who we are and to them that we will owe the future.

245 Mr Speaker, those who have been to my office will know that Kermit the Frog has pride of place there. Its creator, Jim Henson, is known for the words:

Kids don't remember what you try to teach them, they remember who you are

Mr Speaker, I want to create an education way-of-being that will support teachers in a way that they will be able to deliver the best; that they do not have to worry about laptops not working or classroom temperatures being too low. I want teachers to be able to be who they are so that the children of tomorrow, as they go through their lives and take their place in our community will, just as Jim Henson said, remember who they are.

255 Mr Speaker, I also hold ministerial responsibility for public health. During the last year the Public Health Department was modernised and rebranded as Public Health Gibraltar and conducted or participated in many public events – including flu and antibiotic awareness; mental health; sun safety, including the very successful skin cancer screening day; smoking; men's health; education; breastfeeding; sports; dealing with senior citizens; diabetes; and so on – and was represented by the Director of Public Health at the Inter-Island Public Health Conference in Jersey.

260 The new health promotion website was officially launched last year and new leaflets and posters have been designed and infomercials produced on a number of different health issues. The hardworking Health Promotion team has organised a number of campaigns, including hearing, one with the Gibraltar Cardiac Association, and also contributes regularly to GBC Radio *Health File* and the *Gibraltar Chronicle* over many public health aspects during the year.

265 The Public Health Department launched its Health Improvement Strategy in January 2015 and a new three-year Health Improvement Strategy is due to be launched at the end of this calendar year. The content is under development but will continue to build on top-priority areas such as promoting healthy eating; reducing the harm from tobacco; preventing, detecting and reducing the burdens from diabetes; improving sexual health; and promoting mental health and well-being. In addition, the strategy will aim to make progress on two key manifesto commitments, lifestyle improvement and the self-care approach, to encourage all citizens to take control of their health and develop self-awareness.

275 Mr Speaker, the Public Health team is a small but extremely hardworking team. The head of the team is the Director of Public Health, Dr Vijay Kumar, who has functions both within the Gibraltar Health Authority and within my Ministry. Dr Kumar has for many years provided excellent advice to successive Governments on health matters and has worked extremely hard and extensively on many boards and committees and represented Gibraltar in meetings and conferences abroad, but above all has gained the respect and affection of Gibraltar. This year, he was awarded an MBE for his services. Vijay is retiring this year. I worked with Vijay from his arrival in Gibraltar when I was on the board of the GHA, and want to thank him for his work and support and for his tremendous contribution to our community.

280 Moving on to Environment, Mr Speaker, seven years is a very short time in politics when you want to achieve so much and have so much ground to make up. Let me start this section of my seventh Budget speech by saying that there is a huge amount more to do; but as I say this, I take comfort from the fact that many things that we now take for granted were unheard of just seven years ago and from the fact also that my voice is no longer a lone voice crying in the wilderness –



so many others now care and are committed to continuing to improve the quality of our environment.

290 Seven years later, recognition of the importance of the environment has taken on new dimensions at a Gibraltar and an international level. The challenge to the environment of the future that EU exit poses cannot be understated. As Brexit looms near, our focus and priorities are realigning to ensure even greater recognition of this importance. As the Chief Minister and I have both stated on more than one occasion, Gibraltar must and will maintain EU environmental standards as a minimum. This is vital, not just for our own quality of life but for our international reputation and standing.

295 We must guard against those who would suggest that caring for the environment is a challenge to the economy. Those who think this could do well to recall American Professor Emeritus Guy McPherson saying, 'If you really think that the economy is more important than the environment, try holding your breath while you count your money.' (A Member: Hear, hear.) An economy based on sound environmental principles is longer lasting and more resilient, and  
300 the economic benefits of green businesses have only just started to be tapped in our jurisdiction. I will be working closely with the business community during the coming year to bring these benefits to Gibraltar. But proof that it is perfectly possible to grow as an economy and progress on the environment is the extraordinary fact that as Gibraltar's economy continues to grow, as we have seen in this session, carbon emissions and our carbon footprint continue to fall. This is a  
305 formidable achievement and very rare internationally.

My team – led by Environment CEO and Chief Scientist Dr Liesl Mesilio and Senior Scientist Stephen Warr – and I are working closely also with Her Majesty's Government and our colleagues in the Overseas Territories, who share many of our challenges and opportunities, to ensure that we adapt to a new, uncompromising form of environmental governance.

310 To this effect, we will shortly be publishing a 25-year environment plan. This is environmental stewardship and multi-generational responsibility, setting standards not just for ourselves but for future generations too. We are the first Government to fully embrace long-term environmental management, with all our policies and actions aimed at improvements beyond the short four-year terms of Parliament. The Chief Minister's aims for diesel is one clear example  
315 of this. Nature does not come in four-year tranches. Much of what we do on environment takes time but reaps much longer-lasting benefit.

This strategy will be our blueprint over the next 25 years and will demonstrate our ambitious environmental aspirations. The strategy will be Government led, but will depend on civil society to seize the opportunities presented and assume its responsibility to play its role in the delivery  
320 of environmental leadership.

The strategy is divided into three parts: governance, management and implementation. Each topic within these parts has corresponding objectives which will carry Gibraltar's environmental agenda forward to 2040 and beyond.

325 It will set targets in many areas, such as on reduction and cessation of the use of non-essential single-use plastic, like plastic bags, bottles and straws. It will include the time limits for diesel-fuelled vehicles and internal combustion engines set by the Chief Minister in this Budget. It will set targets on carbon emissions and other pollutants, identify incentives for energy efficiency, and much more.

330 The community is now fully willing to embrace these initiatives, much more than it was even a few short years ago. I was, for example, very pleased to see support for the principle of limiting the future use of diesel-powered vehicles in the Chamber of Commerce's latest annual report, just published. Businesses are already embracing these initiatives. The Hunter Group's work with Aquagib to provide a refill scheme, spearheaded by the Nautilus Project, is an example. This year Aquagib itself is studying locations for water fountains to further reduce the need to buy small  
335 plastic bottles of water. More about plastics later.

At an international level, Gibraltar continues to seek inclusion in international agreements, including the Paris Agreement on Climate Change, the Bern Convention, the Barcelona Convention and the Intercontinental Biosphere Reserve of the Mediterranean.

340 Mr Speaker, the public service has to lead the way. Already, Government Departments, agencies and authorities, and many Government contractors, have a policy of not using plastic bottles after current stocks are used up. This Parliament has taken the same step – I believe the first Parliament in the Commonwealth to have done so – and I think we have to be congratulated for that. To show its commitment to sustainability, the Government has engaged a Commissioner for Sustainable Development, who will advise further on how we can drive this  
345 agenda.

The Green Filter is still driving continuous improvement throughout the public sector. Well over 500 building applications have been reviewed during the past financial year and the Environment Department continues to assist the Procurement Office in driving the environmental agenda into the new e-procurement platform.

350 Mr Speaker, waste management, including recycling, remains one of our key responsibilities and priorities. I am extremely pleased to report that recycling figures have seen a further improvement from those reported last year, with an increase of approximately 108% on our rates across the board. The biggest thanks for this achievement must go to the public. Without their contribution we would not be able to achieve this. We expect that this financial year will  
355 see the commissioning of an expanded recycling facility near Europa Advance Road to increase our rates even further and improve the way in which we handle our urban waste.

I am extremely pleased that work has now begun in earnest on bringing about the new sewage treatment plant and we expect the project to be completed in 2020. An advanced works contract was signed in January and includes the design and survey work required for the final  
360 planning, environmental assessment and preliminary site works. It is being carefully designed to fit into the stunning landscape of Europa Point. This development is a huge achievement. There were so many obstacles and setbacks, but it was not something that we could leave undone like others have before.

Sadly, we still have litter hotspots in our streets, and I once again appeal to the public to refrain from placing rubbish in the wrong places and/or at the wrong times. The Department's Litter Warden section is taking a zero-tolerance approach in this regard. Over 50 litter fines have been issued by this section alone in recent months. The Environmental Agency and the Royal Gibraltar Police, as well as the Environmental monitors and feedback team led by the Cleansing Superintendent, are also taking part in the collaborative effort to deter offenders. As a result,  
370 there has been a reduction in the number of instances of fly tipping in some key hotspots. The use of cameras is undoubtedly helping the Department in tackling the problem and additional cameras will be deployed this year. Meetings of the Litter Committee, which I specifically setup as a platform to voice concerns and review progress have continued to take place constructively. The Environmental Safety Group's Clean up the World campaign continues to provide an  
375 example as to how the citizen can contribute.

The Department is working with the Chamber to identify ways of improving the effectiveness of rubbish collection in many areas and I am very hopeful that the new cleaning contract, which contains a much wider set of requirements than the previous one, will go a long way towards improving the situation further. I would like at this juncture to repeat once more the  
380 Government's commitment to the continuity of the workforce at this time of change.

Discussion and collaboration with NGOs continues. I meet regularly with the Gibraltar Ornithological and Natural History Society, the ESG and the Nautilus Project. I thank them and all other volunteers for their invaluable contribution to Gibraltar's heritage and environment.

385 The Nature Conservancy Council continues to be consulted on all issues associated with the protection of Gibraltar's natural environment in line with my statutory obligations under the Nature Protection Act.

I also continue meetings with the Brexit and the Environment Working Group and my Brexit Advisory Group, which is comprised of both public and private sector officials. This group attends regular meetings with me in London as we prepare for new working practices following EU exit.

The Department has once again successfully delivered its school environmental education programme. This year's theme focused on beating plastic pollution and culminated with the hugely successful celebration of World Environment Day on 5th June at Commonwealth Park.

Plastics, Mr Speaker, are now recognised as one of the largest threats to the natural environment, in particular the oceans, and potentially a very serious threat to human health. The Government has introduced legislation banning the importation of cosmetics and other products that contain micro-bead plastic. We are proud to be one of the first jurisdictions in the world to take such action. As we have seen, this Budget introduces significant measures towards furthering this aim. The Department is also working alongside well-known local retailers to reduce the use of single-use plastics. The work that is being carried out on this by the Nautilus Project merits special attention and praise and the 25-year plan I mentioned earlier will show that significant steps will be taken in this direction during the coming months.

The public and businesses have responded extremely well to both local efforts and Sky's Ocean Rescue campaign. Citizen involvement is key. And stopping plastic use will have direct benefits in the seas around us, where turtles, whales, dolphins and other animals are at daily risk of death due to our actions.

The forthcoming Island Games afford real opportunities to promote the environment, and my colleague the Minister for Sport will shortly be announcing some of these measures.

Mr Speaker, man-induced climate change is the biggest threat humanity has ever faced. In Gibraltar specifically, the near certainty of considerable sea level rise in coming decades and the increased frequency and severity of storms, already noticeable in recent years, will have a real and direct impact. Government remains fully committed to tackling the causes of climate change. As part of its obligations under the Compact of Mayors, Gibraltar continues to produce a city-level inventory of greenhouse gas emissions. Gibraltar is one of a handful of cities which have reported a fully complete inventory and has in fact been commended by the Carbon Disclosure Project, to whom we report, for the completeness of its submission. The results so far show that our carbon footprint is reducing by a very small amount. The mere fact that it is not increasing, despite a growing economy, is a sign of success, but we can do more to force emissions down and a strategy to achieve this is being prepared.

Carbon emissions from power generation in Gibraltar dropped significantly for the third consecutive year in 2017, even before the conversion to gas. The Gibraltar Electricity Authority reports that emissions dropped from 161,358 tonnes in 2016 to 152,287 tonnes in 2017. That is a total of over 9,000 tonnes, or nearly 6% less. Emissions in 2017 were over 27,000 tonnes less than in 2014, or a reduction of 15.3% in three years. This phenomenal drop is simply not usual in countries experiencing the kind of growth we have seen in this Budget.

Switching off lights and devices, changing to low-energy lighting and increasing the energy efficiency of buildings have been measures that we have been encouraging since 2012 and we are clearly seeing the results. We must therefore continue in earnest, as we can undeniably make a difference.

Investing in renewable energy is another key component of our climate change mitigation strategy. Works on a 3 mega-watt solar photovoltaic project are well underway, starting with the installation of solar PV panels in the New Harbours estate. I am also pleased to be able to announce a project that will see the installation shortly of solar PV panels on the roof of the Mid-Town car park. I am just as excited to be able to say that we will shortly be publishing a tender for the development of large-scale solar PV panels in key locations around Gibraltar. These green developments will help us meet our target of producing 20% of our energy from renewable sources whilst similarly reducing emissions and improving our air quality.

Discussions continue on identifying other renewable energy sources, with the possibility too of expanding the pilot wave power plant, which has been extremely useful to EcoWave in identifying technical problems and improving their designs.

The Energy Savings Opportunity Scheme (ESOS) is also taking shape, with companies having registered under the scheme and striving to carry out their energy saving obligations.

All this effort will tie in very nicely with an upcoming major legislative piece on which my team is working, the Climate Change Act, as well as our revised Climate Change Programme. These will help Gibraltar meet its international climate change obligations and harness the economic benefits of green investment.

Our air quality monitoring programme has continued to operate during this past year, thanks to the work of the Environmental Agency and the Government-appointed UK-based air quality consultants, Ricardo. The results for 2017 have just been presented to me and will, as usual, be published. Concentrations of nitrogen-dioxide increased slightly overall in 2017 compared with 2016, but the compliance status remains the same as in 2016 and the values remain below those of previous years.

Despite the small rise in 2017, Witham's Road still shows a strong decline over the previous decade. The rise is likely due to a combination of the effects of shipping activity, such as within GibDock, and the nearby construction site. Rosia Road monitoring site shows annual mean nitrogen-dioxide concentrations below the limit value of  $40 \mu\text{g m}^3$  for the second year running. We achieved this for the first time ever in 2016. This is a welcome achievement and suggests that the effects at Witham's were indeed local. The good news is that the preliminary data for 2018 show a steep decline in  $\text{NO}_2$  at both sites, and hence a strong improvement in air quality, suggesting that 2018 could have our best ever recorded quality of air at these sites. Both fractions of particulate matter, namely  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$ , were also EU-compliant within our limit values.

Despite the positive trend continuing, I am still not happy with air quality in Gibraltar, as my aim is to see it compliant with the more stringent WHO guidelines. Air quality will, of course, improve significantly with the new power station and the permanent closure of all the other aged or temporary diesel plants, but this is not enough. Estimates suggest that in the south district the amount of pollution before 2011 could be apportioned approximately 80% to diesel power generation and 20% to traffic, so while the main contributing 80% will have gone by the end of this year, we need to work still on traffic, and of course on shipping. Therefore, I continue to work with my colleague the Minister for Traffic and Transport, supporting his courageous work in the STTPP to reduce traffic and reduce air speed and to encourage the transition from diesel and petrol through hybrids to electric vehicles – and we will see more progress on this in the coming months.

We continue discussions with GibDock in order to achieve total onshore power for ships in dry dock and alongside, and the GEA and the Port are looking at options for the installation of onshore power at the Port. Gibraltar will of course benefit from international measures on reducing the impact of marine fuel, which are imminent. The expected increase in the use of LNG for shipping will also have a positive impact.

Mr Speaker, during the course of the coming year an air quality monitor will be placed in the North District and I will be commissioning an Air Quality Plan to chart the actions necessary to continue to improve the quality of the air that those of us who live and work in Gibraltar breathe.

I will take a breath now myself!

Mr Speaker, last year saw an improvement in the water quality classification of our beaches. I am pleased to report that even Western Beach has seen an improvement during 2017 and the latest classification results show all of our beaches attaining excellent status. Never heard of this before.

As we are all aware, there have been several high-intensity Atlantic storms this year. These caused considerable damage to our beaches and delayed the commencement of preparatory

490 works. Despite the odds, the beaches were officially opened in time for the summer season. Some works are still ongoing at Camp Bay, given that the entirety of the revetment had to be redressed, although these works will be completed very shortly indeed.

Catalan Bay has also seen improvements this year with the entire beach facilities building, including toilets and showers, being refurbished ahead of the bathing season. A further sand  
495 regeneration programme has been carried out in Catalan Bay and, for the first time, in Camp Bay, with approximately 10,000 tonnes of clean sand being deposited. I must thank our beaches and maintenance team for their hard work, which ensured that we were ready for the summer.

Mr Speaker, storms have not been the only natural phenomenon we have had to contend with this year. We have also witnessed a substantial increase in the number of Portuguese Men  
500 of War and mauve stingers drifting into our beaches. Our lifeguards have been vigilant from the outset in order to maintain public safety. All our lifeguards receive an induction course on marine wildlife in addition to first aid and general lifeguard training. We have also worked very closely with the Ministry for Equality to include disability language and etiquette training as part of their induction.

505 This year will see the introduction of a beach cameras portal. The service will be operational this month and users will be able to check the state of our beaches online in real time, an excellent addition to our list of improvements.

Marine surveillance and research have become some of the Department's routine tasks. Great strides have been made ever since the Marine Protection Regulations were published in  
510 2014 and this last year has been no exception as we continue to push the barriers of conservation action.

On the research front, recent developments include Department officials working alongside regional experts to gather detailed information on the cetaceans and marine reptiles that use BGTW. This work adds to the existing monitoring programmes developed in line with the EU's  
515 Marine Strategy Framework Directive and the Barcelona Convention for the Protection of the Mediterranean Sea.

Our scientific dive team has also been busy and continues to work hand in hand with local diving clubs to collect valuable marine records. Shortly, dedicated anchor buoys will be deployed within the Seven Sisters marine conservation zone to enable divers to dive without the need to  
520 employ damaging anchors.

Following on from last year's successful implementation of a temporary ban on fishing common octopus in Gibraltar waters, this year's initiative extended the prohibition to six weeks and introduced a new conservation measure whereby the maximum catch limit was restricted to 5 kg per person for two subsequent weeks. Other species, including groupers and common sea  
525 bass, will also be subjected to similar conservation measures, in consultation with the Fishing Working Group, as part of the Department's wider Marine Conservation Strategy. I thank the members of the Fishing Working Group for their work and valuable advice.

I recently announced the creation of a dolphin protection zone in the north of BGTW within the Bay of Gibraltar. Additional measures, including a requirement to report any recreational catches of billfish species, such as the Mediterranean swordfish, have also been enacted. The Department's Environmental Protection and Research Unit merits special attention here since they are largely responsible for ensuring that the multitude of conservation measures implemented on land and at sea are adhered to. For this I am thankful and welcome the ongoing rapport with the Royal Gibraltar Police, HM Customs and the Royal Navy.  
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The Environmental Agency continues to advise me in areas of nuisance, building control, waste regulation, ship sanitation, COMAH, food inspection, water quality, housing, dust control, inspection of X-ray facilities, pest control and food import controls. They monitor the quality of our bathing waters, working in partnership with the Department. They service and calibrate our three air quality monitoring stations and liaise with the pollution specialists in the field.  
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Their new website has been launched, providing easier access to users for the dissemination of environmental information and all forms within the website can now be filled in and  
540

submitted online. Their mobile App, Gibenviro, continues to be improved and provides information to the public on a variety of topics, including bathing waters, air quality and recycling.

545 They also work with the Department and the litter wardens to complement the anti-dog fouling campaign. It is largely thanks to their efforts in collecting samples that fines are now being issued, which will lead to a reduction in dog fouling hotspots.

The Agency has been particularly active this year in its work with HSE and HSL in the UK in strictly ensuring the safety elements of the new LNG plant construction and design.

550 Mr Speaker, the appointment of a contractor for the maintenance of the planted areas in North Front Cemetery has led to a dramatic improvement. We have now appointed the contractor who will upkeep and it and ensure that the natural areas of vegetation are maintained to an acceptable standard. Works on planting more trees, on maintaining the surrounding walls, paths, toilets and benches continue. Areas are cleaned daily and the cemetery is kept as a safe, quiet place for visitors. I am happy to remind Members too that the review of the Cemetery Act is completed and the Bill is now on the Order Paper of this House. I stated last year that the cemetery is a difficult place in which to work. Not only do the staff manage the burials and exhumations, which in themselves are difficult, but they also carry out additional works and repairs and for this I thank them.

560 Mr Speaker, green spaces have crucial environmental benefits. As urban development progresses, the value of green spaces in Gibraltar increases. Contrary to what some say, there has been no decrease in green areas in Gibraltar in recent years. Development during this Government's tenure has been on brown or former brown sites. Indeed, the amount of green space has increased, notably with Commonwealth Park and Theatre Royal Park, and will now increase further with the new park north of the leisure centre.

The Department constantly monitors developments to ensure green areas are not lost, or that they are re-provided. Furthermore, we are continuously looking to increase the number of trees in Gibraltar and over 100 trees have been planted during the past year.

570 In December 2017, the Department launched *Planning for Biodiversity; an urban wildlife conservation and planning guide*, which promotes the protection and enhancement of our urban wildlife. Swifts are a feature of Gibraltar and part of our urban heritage. They also rid us of millions of mosquitos every summer. Bats are equally important at night. Gibraltar was probably the first place in the world to require swift nest and bat roost sites to be provided in all developments. We can, however, still do more to protect existing sites and enhance the population, and we will be leading on an initiative to do just this over the coming months.

575 Mr Speaker, we are encouraging walking around Gibraltar and will continue to maintain the paths on the Upper Rock. During the next 12 months we will also be creating two new public paths, one in the Buena Vista area and another new coastal path in the Europa area. We will link this network of paths with the Commonwealth Walkway initiative, which will highlight both our heritage and the importance of the Commonwealth family.

580 The development of the Gibraltar Botanic Gardens continues, with new schemes to improve the Alameda aesthetically and work towards sustainability. Significantly, the gardens continue to raise their profile as a global centre of excellence for the study and cultivation of cacti. The children's education programme is now one of the Botanic Gardens' flagship programmes. The gardens are now developing the Biodome, a new, bespoke education area. The management of the Alameda has decided to do this by seeking crowd funding and not Government funds, and plans are at an advanced stage.

585 Mr Speaker, it has been an exceptional spring this year and our Gibraltar Nature Reserve has been extraordinarily radiant. The diversity of wild flowers on display and abundance of fauna have caught the attention of many. If we add to this the multitude of improvements that have been carried out recently, we are surely progressing well along the path to a continuously improving nature reserve experience.

595 Against all odds and despite the severe storms that have battered the Upper Rock, our tourist sites have continued operating smoothly. The much anticipated Skywalk was officially inaugurated in March by Mark Hamill – Skywalker himself – and we are now proud to be able to say that we have yet another world-class visitor attraction within the Gibraltar Nature Reserve. Since its inauguration, over 57,000 customers have gone to visit the site and many have posted their pictures on social media. News of the attraction has reached far and wide.

600 Other parts of the Reserve have also seen improvements. A new audio guide system has been installed inside the WWII tunnels. The new system is allowing us to increase the throughput of people visiting the tunnels, whilst not compromising visitor experience and quality. I am also pleased to say that the attraction is now open seven days a week, as is the interpretation centre at O'Hara's Battery.

605 The Department has also taken over the management, regulation and maintenance of lower St Michael's Cave. Improvements to this hidden gem are presently being carried out and include a complete overhaul of all safety equipment and lighting. These improvements will secure the sustainable management of lower St Michael's Cave for years to come.

610 One of the key strategic changes implemented in the Reserve this year was increasing the entry fee for non-residents on 1st April. This increase adequately reflects the enhanced quality of our product and the addition of our new attractions and improvements. In April alone, the measure increased revenue by over £175,000.

615 Sometimes it is the smaller things that matter and we have paid attention to these too. New bins, picnic tables and balustrades are being installed in the Reserve and our reintroduction and captive breeding programmes have continued in earnest with both Barbary Partridges and rabbits being released. Indeed, the secretive Barbary Partridge appears to be secretive no longer. Such has been the success of the reintroduction programme run jointly by the Department and by GONHS, that they are appearing and nesting in many new locations. I remember being accused by a former GSD environment spokesman for being responsible for the extinction of this emblematic species from Gibraltar. I think that the GSD should have learnt by now that, given time, results follow. Commonwealth Park is another example of this – look at it now.

620 Great work also is being done by the Department and GONHS in the captive breeding and rehabilitation of birds of prey.

625 Plans are also progressing to create a new area of natural habitat in the area of Devil's Tower Road, which will be at the same time affording protection against falling rocks for road users.

Mr Speaker, the Gibraltar Nature Reserve, our flagship product, is set to continue to improve and flourish while enhancing our unique biodiversity. We have more exciting plans for the future, which will this year include the setting up of an educational centre on the Upper Rock.

630 Going on to gulls now, Mr Speaker, as a result of our persistence, the long-term trend in the breeding population of gulls in Gibraltar continues to be one of decline. Despite the limitations in gull control that are imposed when working in an urban environment, surveys show that, although they do still create disturbance in some areas – I am very conscious of that – the urban population of gulls now appears to be decreasing as well. This often difficult and dangerous work, which includes removing nests from tall rooftops, is one of the most valued services that is performed for the public by the Avian Control Unit, and their efforts and dedication deserve to be recognised.

640 Mr Speaker, the management of our macaques shows how the control of the population is best carried out by means other than extensive culling, and where carefully managed use of contraception, with some selective removal of individuals, delivers notable results. There will always be periods of contact, but we have been successful over the past year in reducing the nuisance value considerably. Surgical contraception by way of laparoscopy continues and our veterinarian continues to treat a select number of macaques from most of the groups in close consultation with the macaque team. This seems to have resulted in a drop in the number of births this year, which should serve to stabilise the population in the future.

645 Mr Speaker, delivering home-grown environmental policy and legislation has always been a strong suit of this administration, as it was of the previous GSLP Government. The following pieces of legislation are planned for the coming year: the Climate Change Act, the revised Cemetery Act, a revised Animals Act, Pet Regulations, a Circus Animals Act, Balloon Regulations, the revised Heritage and Antiquities Act and the amendment to the Electricity Authority Act to allow renewable feed-in agreements.

650 Going on to electricity now, Mr Speaker, by far the most significant development in Gibraltar in the coming financial year will be the commissioning and putting into operation of the new gas-fired power station, whose first engine, as the Chief Minister mentioned yesterday, was very successfully tested for the first time this last weekend. The first consignment of LNG is expected to arrive for commissioning of gas during the summer, made possible thanks to the HSE-led safety safeguards, which have been meticulous and stricter than in any similar plant anywhere in the world. The new generators, initially manned by Bouygues, will contribute very significantly towards generation cost savings and a much cleaner and quieter environment. I would like to thank the GEA, its CEO Michael Caetano and the teams at Bouygues, Shell and Gasnor for getting us here. Most particularly I want to thank the Financial Secretary, Albert Mena, who has very effectively led on the complex discussions on contractual and practical matters and without whom this project would not have come to where it is now. The last 12 months have seen a huge effort going not only into the new power station directly but also into the associated new high-voltage distribution centres, infrastructure and the new high-voltage cabling network.

660 The GMES power station, the former MOD power station, although on stand-by mode, had unfortunately to be called back into service for a short period this last winter as a result of cold weather. It is, however, now very likely that it will be fully decommissioned within the next few months, just as the old OESCO station was some time ago.

670 Mr Speaker, I think it is also worth mentioning that the only recent power interruption occurred in January and was as a result of a high-voltage interconnector cable fault, due to aging equipment. Gone are the days of regular power outages due to lack of capacity – something that we promised to do in 2011 and that we have so successfully accomplished. Customers enjoy a power supply reliability in line with other western European countries, despite our lack of electrical connection to a European-wide grid.

675 The cost of fuel supplied during the last financial year continued to fluctuate, with £390.98 per tonne in April 2017, increasing to £458.48 at the end of January this year, before dropping slightly to £433.40 per tonne in March 2018. The impact of these varying oil prices has not been great, at least for the first half the financial year, given that the Authority had entered into a fuel hedging contract which had been in place for six years when the cost of fuel was considerably higher. The fuel hedge contract terminated in Sept 2017.

680 The Authority continues to upgrade and expand the Network and the Supervisory Control and Data Acquisition (SCADA) system used to monitor the generation and main distribution system, providing a better and faster response when dealing with the now very rare power outage scenarios.

685 Improvements to the public lighting network continue by replacing existing streetlights with LED and/or low-energy lanterns, thus further reducing overall consumption.

Training and development of technical and non-technical staff continued this year with an emphasis on safety and on the new power station project and its state-of-the-art technology. Employees have already started attending training courses organised both locally and abroad.

690 I turn now to water, Mr Speaker. I am pleased to report that AquaGib has maintained and improved on its levels of service and performance indicators in respect to both provision of potable and seawater, and for sewerage services throughout Gibraltar. In order to achieve this level of service, AquaGib has undertaken an expenditure of £11,556,000. It has continued to invest in capital projects as part of its asset replacement plan aimed at maintaining and improving the water infrastructure assets of Gibraltar. The approved investment plan is set at £3.2 million over the five-year period to March 2020. During this last year, a total of just over £½



million was spent on capital projects, which included the replacement of potable and seawater mains; replacement of water meters, and replacement and installation of new membranes for Governor's Cottage reverse osmosis plants, so increasing their efficiency.

700 In addition to the above, AquaGib has invested approximately £650,000 this period in replacing the high-pressure pump, energy recovery system and booster pump on each of the four reverse osmosis plants at Governor's Cottage. This investment has a payback period of just around two years and will result in a huge energy saving of approximately 30% per annum.

705 During the period, AquaGib has commenced on a long-term project with Government to further increase the potable and salt water delivery from Waterworks reservoir to the Westside area.

Mr Speaker, I now move on to my responsibilities for heritage. Having been at the helm of this division for a year and a half, I have come to believe that most people do not realise the extent of the fortifications, city walls, monuments, listed buildings and natural heritage sites which Gibraltar is privileged to have and has a duty to protect. Most of these heritage assets are by their very nature old, so their state of preservation varies. The Heritage Division of the Department, led by Marcello Sanguinetti, has commenced a refurbishment programme for these sites, most notably the making safe and repointing of the impressive Almond Tower at the Moorish Castle. This was in danger of collapse, so we are extremely pleased that a combination of teams from Technical Services, the Museum and their conservator, together with a specialist contractor, are in the process of restoring this magnificent structure. Other areas have included Southport Gates, the Garrison Library balustrade, the Military Heritage Centre and Princess Caroline's Battery.

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720 Mr Speaker, a new archaeologist is now in post and will be assisting the Department in its duties, and one of the fundamental aspects of this is the issuing of advice to contractors and the Town Planning department. Over the past 18 months we have been extremely successful in de-conflicting heritage and development.

725 The scale of development in Gibraltar also means that there is a great emphasis on archaeological watching briefs. Such a brief led to the discovery of a whole network of bunkers and passageways at the Lathbury Barrack site, which as a result was properly surveyed and photographed.

730 Mr Speaker, we have carried out beautification works in the area of Europa Point using the magazine previously known as the Du Farol or 'the last shop in Europe'. Visitors there will no longer experience 'much cheapness', rather interpretation informing on the World Heritage site, history and natural history of the area and the use of the Strait throughout the ages. This information will now be seen by the many visitors and will also complement the new sports complex. Improvements to the area will now continue to the north, with the embellishment of the Nun's Well site already commencing. Both these projects will ensure that the eastern part of the Europa Point plateau remain open and accessible to the public.

735 Mr Speaker, the opening of the viewing platform overlooking the Gorham's Cave complex World Heritage site at Europa Road and at Europa Advance Road now gives the opportunity to view the caves where Neanderthals once lived and to receive detailed information on their story. A programme of visits to the site itself is now in progress and these are proving a great success.

740 Major works were also carried out at Vanguard Cave to protect the sediment slope from erosion by the sea. Gabions have been placed on the lower section and this protects it from the elements, especially in the light of what seem to be ever more powerful storms. Works were also carried out at Mediterranean Steps to stabilise a section that was creating minor rock falls and impacting on the entry point to the Gorham's Cave complex. These remedial works also help to make the area safe for the many users of Med Steps.

745 The caves continue to provide incredible items, such as the discovery last August of a Neanderthal child's canine milk tooth, and as a result, excavations for this year have been extended by one month. There has also been an expansion of the volunteer participation

scheme and this year the Museum will have an unprecedented number of Gibraltarian students  
750 in the excavations.

The importance of the exposure that Gibraltar gets through TV channels like the BBC, CBS  
News, Japan's NHK TV, or publications such as the *New York Times* and the *Lost World* book as  
part of the development of the World Heritage site cannot be overstated.

The Gibraltar Museum team continues at the forefront of research into the Neanderthals  
755 worldwide, as is demonstrated time and time again.

Mr Speaker, we have developed an extremely honest and fruitful working relationship with  
the Gibraltar Heritage Trust, which continues to uphold the highest standards in defence of our  
common heritage. Their work would not be done without the tireless efforts of the Chair, the  
CEO, the board members and the countless volunteers who give of their time. These include  
760 those working continuously on the embellishment and research work at Witham's Cemetery and  
the Fortress of Gibraltar Group, who recently discovered the location of a transmitter room that  
had been forgotten. As keen military enthusiasts, they have also helped in mapping out World  
War II sites for recording and future decisions on their use.

One particular group that we support is the Re-enactment Society, those tireless exponents  
765 of our military history who give so much enjoyment every weekend in Main Street and  
Casemates and who very recently performed very successfully within the Great Siege Tunnels.

Mr Speaker, the Order Paper also includes a Bill for the new Heritage and Antiquities Act. This  
is the result of co-operation between the many stakeholders, including of course the Trust and  
the Museum. I would like to especially thank the Deputy Chief Minister for working with me on  
770 this Act. His expertise as a historian has been particularly helpful in this journey; and of course  
my predecessor, the Hon. Steven Linares, who led on all the original drafting of what is a very  
complex piece of legislation. Work on this commenced nearly 18 years ago. I am very pleased to  
have been able to bring this to Parliament just over a year after I was entrusted with  
responsibility for Gibraltar's heritage. I must also acknowledge with thanks both the Hon. Roy  
775 Clinton and the Hon. Trevor Hammond, with whom I have held constructive discussions on the  
Bill. The Bill has been well received by all stakeholders and will create a firm foundation for the  
protection, maintenance and promotion of our heritage assets. One great innovation is that all  
the listed structures will now be mapped out on GIS. Instead of just grid references, the full  
extent of the property will be shown together with a description and photographs. A special  
780 thank you must go to my GIS officer Karl Netto for delivering this so efficiently and  
professionally.

Mr Speaker, my final area of responsibility is getting close. Urban renewal is moving apace,  
with landscaping initiatives carried out in conjunction with the planted areas division of the  
Department of Environment. Developments that have heeded heritage advice are regenerating  
785 the Old Town area. A case in point is the Arches complex at the Old Police Barracks. This is a  
testament to what can be achieved. I urge developers to come and engage with us early to  
continue this trend. Many projects are in the pipeline, such as the development of Orange  
Bastion and the new schools. All will add to the improved visual and living environment for all  
our citizens.

We can also benefit from volunteers in this respect, as was shown with the repainting of  
790 Referendum Steps by the Youth Service in connection with the anniversary of the Referendum,  
or the street art initiative that is about to commence. Gibraltarians take great pride in their  
homeland, and tenants' associations also go a long way in improving their surroundings for the  
betterment of all. This is something we applaud and encourage.

Mr Speaker, as proof of the success of positive collaboration, I use the example of the ex-  
MOD gatehouse at the entrance to the old Naval Dockyard. There were those who doubted it  
would be saved at all. It clearly demonstrates this Government's commitment to heritage, and I  
thank all those who made this happen, particularly the Chief Minister and His Excellency the  
795 Governor for their personal support in achieving this.

800 The Garrison Library has now moved into a period of sustainability, conservation and  
outreach, providing open access to the library collections as against its institutional history as a  
members-only subscription library with limited access to the general public. The library is now  
used on a daily basis by local researchers and students alike, who make excellent use of its  
collections. Additionally, it has also become a hub for research gatherings for Gibraltar  
805 University's PhD students and also supports many niche cultural events as well as the annual  
conference on self-determination, which it organises jointly with the office of the Deputy Chief  
Minister. I am very excited to continue to develop my working relationship with the library team  
with a view to ensuring we protect its rich historical and cultural treasure for future generations.

Mr Speaker, as I end, the world remains an uncertain place on many fronts, but Gibraltar and  
810 its Government remain certain in its goals and aspirations. This is evident in all fields, including in  
this context the environment. Our aim now is to ensure that the environment is safe for the  
future, well beyond the life of this Government. We have the obligation. It must be our legacy.

And finally, Mr Speaker, a few thank-yous: to you, the Clerk and the staff of Parliament; to all  
the members of the teams in all of my Departments, agencies, authorities, and contractors; to all  
815 the members of the many boards and committees for which I am responsible and where they  
invariably serve voluntarily; a special mention to the Attorney General and the Gibraltar Law  
Officers for providing advice and drafting legislation, overburdened as they are with Brexit; to  
the officials at 6 Convent Place, including the Press Office, Chief Secretary Darren Grech, Chief  
Technical Officer Hector Montado and Financial Secretary Albert Mena, for their often  
820 unrecognised work and support; to Dominique Searle and the staff at Gibraltar House for their  
steadfast support and hospitality whenever I have cause to visit London; to the volunteers in the  
NGOs with whom I work; to the three unions who have members in my areas; and very  
especially to my Ministry and my personal staff for their support. I must, of course, make special  
mention of Derek Alman, who in my Ministry is leading on the new schools project.

825 I also want to thank and send my best wishes to four former Directors of Education who have  
left their posts in the space of about six months. Anyone hearing this out of context could be  
forgiven for thinking we had experienced a night of the educational long knives!

Former Director Ernesto Gomez retired as Chief Secretary and former Director Joey Britto  
retired as Senior Administrator. I thank them and wish them both well.

830 Darren Grech, former Director on temporary promotion, to paraphrase Shakespeare in the  
Scottish play, was from my team 'untimely ripped'. Darren was Director of Education for the first  
year of my tenure as Education Minister and I thank him for his dedication, his counsel and his  
commitment. I wish him every success in his new challenging role as Chief Secretary.

The fourth farewell is to someone who stepped in as Director, also on temporary promotion,  
835 with no time to think about it, and who has stepped into the role with great effectiveness and  
wisdom – that greatest attribute of all. To Lilli Gomez, whom I call Lilli the Wise, an  
educationalist of the finest kind, who is retiring in a week's time with so much still to offer.  
Thank you: few people who I have worked with have contributed so much to a role in such a  
short space of time, a role you fully deserved.

840 And finally, to congratulate and welcome the new additions to the Education team, Director  
of Education Jacqueline Mason and Senior Education Adviser Keri Scott. To quote the well-  
known ancient Chinese proverb, you arrive in interesting times. But this is not ancient China, so  
it is not a curse, it is a blessing – you will see.

Mr Speaker, thank you. (*Banging on desks*)

845

**Mr Speaker:** The Hon. Gilbert Licudi.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr  
850 Speaker, I will start my address with Tourism and Commercial Aviation. In the last 12 months  
the Gibraltar Tourist Board has continued to work effectively on promoting and selling Gibraltar  
as a top destination in order to attract more visitors to our shores, thereby developing

opportunities and growth for the industry. The relevant figures were, in fact, given by the Chief Minister in his address.

855 It is, however, important to highlight that in 2017 total visitor numbers were up, tourist expenditure was up almost 20%, number of coaches coming to Gibraltar was up, hotel room occupancy was up, number of cruise calls and passengers was not just up but hit record highs in 2017, number of passengers by air, despite the collapse of Monarch in early October 2017, again hit record highs in 2017. All of these are objective figures which show that the approach by Government in marketing Gibraltar is bearing fruit.

860 I have mentioned, and it was mentioned also by the Deputy Chief Minister, the unfortunate demise of Monarch Airlines in October of last year. This left Gibraltar with a reduced service to London Gatwick and Manchester and saw the service stopped to both Birmingham and London Luton. As soon as the collapse of Monarch occurred, the Gibraltar Tourist Board contacted all airlines with suitable aircraft and operational bases in order to fill the gap left by Monarch.  
865 Unfortunately, by early October schedules and aircraft allocations have already been decided for the following summer season, leaving very little room to manoeuvre to replace this capacity for this summer season. Despite this, we saw, after discussions with the relevant airline, the purchase by British Airways of the London Gatwick slots left vacant by Monarch. With this purchase, BA launched a six-times weekly service to London Gatwick for the peak summer  
870 months of May to September, providing much-needed seat capacity during this busy period. BA has also continued to show its commitment to Gibraltar by announcing a frequency increase on its London Heathrow service starting at the end of October, increasing frequency from nine to 13 services weekly. Last winter easyJet also increased its capacity from Bristol and Gatwick by operating slightly larger aircraft on these routes and we are pleased to see that flights to Bristol  
875 next winter will also increase to three per week from the current two flights.

Despite this, we continue to remain in constant contact with existing and new airlines with regard to recovering now unserved UK departure points. Furthermore, we are also exploring opportunities to new regional parts of the UK and we continue to participate in the ROUTES Europe event, where airlines and airports come together to do business.

880 Mr Speaker, the cruise industry, as the figures have shown, also continues to show consistency, and in 2018 250 calls are expected. This is an increase of just over 6% on last year and I am delighted to announce that 11 cruise ships will be making their inaugural calls to Gibraltar this year. Our consistent dialogue with the industry at the Seatrade Global events and through the membership of MedCruise maintains our reputation as a proactive  
885 destination and one of excellence. Our partners in the local industry continue to play a vital role in the delivery of all services, as does our hospitality and retail industry as a whole, in ensuring a pleasant experience for all who come ashore.

Mr Speaker, during the 51st MedCruise General Assembly, held in Toulon in France last year, elections were held for a president and a new board of directors of the association. Nicky  
890 Guerrero, Chief Executive of the Gibraltar Tourist Board, was elected to the board of directors comprising 12 members, with two other candidates representing large ports in the western Mediterranean. As I said in the relevant press release at the time, it is extremely gratifying to see that Mr Guerrero was elected to the board of directors of such an important association. This is undoubtedly a testament of the respect and high regard in which Mr Guerrero personally and  
895 Gibraltar generally are held within MedCruise. Mr Guerrero has since represented the association at various high-profile events as Director for Partnerships and Events and thereby representing Gibraltar on these occasions too.

Mr Speaker, last year I attended the Monaco Yacht Show in September, where we were able to support the local yacht industry and the Gibraltar Maritime Association with their promotion  
900 of the Rock to the yachting world. We expect to return to this prestigious event this year.

At the World Travel Market in London last year I launched the GTB's Year of Culture Campaign. For the first time ever the GTB held a major press conference at the International Media Centre, where the new campaign was unveiled by myself and the Chief Executive of the

905 GTB. The presentation was attended by over 60 journalists from the international media, the UK  
national and trade press. The campaign is a narrative of storytelling across the key cultural areas  
of the Rock. The Tourist Board is presenting this through visual footage and editorial in the build  
up to hosting the Gibraltar 2019 NatWest International Island Games. The concept is to  
showcase Gibraltar's extensive cultural activities and history leading up to the modern day. The  
theme 'A Year of Culture' is a celebration of Gibraltar's diversity, history and heritage and  
910 highlights a number of themes which best reflect Gibraltar's spirit of endurance. The aim is to  
encourage a different perspective of the destination and a deeper understanding of what  
defines Gibraltar and its people today.

The themes were portrayed through an extensive online and offline media campaign that the  
Tourist Board ran this winter. The campaign commenced immediately after Christmas and will  
915 be a continuing marketing initiative. It included for the first time a TV advert running throughout  
January in addition to a UK regional radio campaign in February and a mobile phone campaign,  
which was also trialled for the first time. The campaign also included destination editorial  
features in traditional national and regional newspaper titles, in both printed and online  
formats. A short-burst video is also being used to support the campaign on websites and  
920 throughout social media.

We continue to promote niche market tourism and once again will be represented at the  
Rutland Bird Fair from 17th to 19th August of this year.

The MICE market, which deals with meeting centres and conferences, is receiving particular  
attention with two familiarisation trips by foreign operators specialising in this market, in  
925 conjunction with the local industry, having already been held this year. In addition, one local  
hotel and tour operator co-operated with the GTB to hold an event at Gibraltar House in London  
for MICE market agents on 26th June, only a week ago.

The Gibraltar Tourist Board updated its website earlier this year. The update includes a  
fresh new look, including more image and video content and the availability of the website in  
930 the Spanish language. The ease of navigation has been improved too, with faster access to the  
more popular sections. The website will be made available in other languages in the coming  
months. New sections include suggested itineraries for visitors to Gibraltar with different  
requirements. The events section has been given more prominence, building on the success of  
Gibraltar's increasingly popular cultural calendar. The UNESCO World Heritage Site, Gorham's  
935 Cave Complex, is given a higher profile and the Gibraltar 2019 NatWest International Island  
Games will also feature throughout the year.

Our consistent activity on social media has proven the power of this medium. Furthermore,  
the ability to measure activity is a great asset.

Other activities included the release of a music video by popular Reggae artist Maxi Priest,  
940 produced with the co-operation of the Gibraltar Tourist Board. The video was released via Visit  
Gibraltar, via the official Government Facebook page and also the GTB Facebook page, as part  
of the Government's tourism marketing strategy. After it was posted, the video was viewed  
more than 86,000 times in the first 24 hours. Maxi Priest also shared the original post on his  
own page.

945 This year we made a return to the FITUR travel exhibition in Madrid and presented the Year  
of Culture campaign to the Spanish market. In addition, and closer to home, the GTB led a  
delegation to Chiclana in Cádiz, where areas of mutual co-operation in tourism were discussed.

Event-led tourism continues to be a priority for this Government. Events now range from  
backgammon to darts, chess, music, food and literature. And sport will clearly play a major role  
950 next year as we welcome the Island Games, no doubt bringing many visitors to the Rock.

Mr Speaker, I was delighted once again this year to introduce the Gibraltar Lecture at the FT  
Weekend Oxford Literary Festival. The lecture was delivered by Baroness Kennedy, who is one of  
Britain's best-known lawyers and has dedicated her professional life to giving a voice to those in  
need and to championing civil liberties. The lecture was sponsored by the Gibunco Group of  
955 companies and is part of the yearly activities carried out to promote the Gibunco Gibraltar

International Literary Festival. Her Majesty's Government of Gibraltar also sponsors the Green Room for the Festival at Oxford.

We are already looking forward to another excellent Literary Festival in Gibraltar in November of this year and we are very grateful to the Gibunco Group for their commitment to the Festival and their support at Oxford and Blenheim with the Gibraltar Lectures. This Government believes in delivering quality events throughout the year, not only for our residents but also for those who wish to visit us to enjoy these. I would like to thank all our sponsors and partners who help make this festival a great success. Last year, the festival was made more accessible with the use of induction loops, sign interpretation, more visual aids and the website also included soundbites. Indeed, the festival has led the way in becoming not only more accessible but also digital. We were also honoured last year to host a reception at Gibraltar House for Her Royal Highness the Princes Royal, Patron of the Festival.

The growth figures which we have seen reflect the continued confidence in Gibraltar as a destination for visitors. This level of confidence has been further demonstrated by the private sector investments we have seen in the expansion of tourist accommodation. In addition to the Holiday Inn Express in Devil's Tower Road which already opened its doors to visitors, the Indigo Hotel will be built on the Corral Road site currently occupied by NatWest Bank, and in addition there are developments planned for new serviced aparthotels on Devil's Tower Road, Engineer Lane and on the site of the vacant Continental Hotel, although this final application is still going through the outline planning process. In total, these developments will make almost 500 additional rooms available for visitors to Gibraltar.

Mr Speaker, the results of the hard work carried out by the GTB, the Ministry of the Environment, the Ministry of Culture and Sport and all our partners in the tourism industry both here and further afield, are clear and speak for themselves.

Mr Speaker, I turn to employment matters. Again, the relevant figures on employment numbers and the record low unemployment figures were given by the Chief Minister during his speech. These figures are truly outstanding and show the commitment of this Government towards assisting members of our community in finding gainful employment. We now have in place a highly successful mechanism that has taken so many out of unemployment and given them worthwhile and meaningful jobs.

I will not repeat the figures mentioned by the Chief Minister but it is worth looking at the quarterly average for the second quarter in 2011, just before we were elected into office, which stood at 433 and compare this with the quarterly average for the second quarter of this year, which has just finished at the end of June and which stands at an all-time record low for the quarter, of 45.

Picking out figures at random which suit one's argument might be considered dangerous. What is important, however, is the trend. The quarterly average for the first quarter in 2017 was 216, for the second quarter of 2017 114, for the third quarter of 2017 85, for the fourth quarter of 2017 62, for the first quarter of 2018 57, and for the second quarter of 2018, as I have mentioned, 45. The trend is clearly and significantly downward to low figures of Gibraltarian unemployment the likes of which we have never seen before.

Mr Speaker, I do not believe that this is purely anecdotal or accidental. Nor can I take the credit for all of this. It is a testament to the hard work of all of those at the Employment Service, very ably led by Debbie Garcia, who have made this possible, and I pay tribute to them all and thank them for what they are achieving. Ultimately, the beneficiaries are all of those who have been able to find a job and who are on a daily basis actively assisted in their pursuit of employment. The Department of Employment continues to enhance and improve the quality of its service by making interaction with Government more efficient, effective and easier.

The Employment Service has, since the beginning of this year, met with various representatives of the business community in order to obtain an understanding of current and future employment-related needs. Meetings included the Chamber of Commerce, the Gibraltar Bar Council, the Gibraltar Federation of Small Businesses, the Gibraltar Society of Accountants

and the Gibraltar Hindu Community. The Department has also recently contributed to a panel event hosted by the local branch of the Chartered Institute of Personnel and Development, where members had the opportunity to ask questions regarding employment matters and express any concerns.

The Careers Section has developed and enhanced its provision extensively over the past 18 months. Employment officers, employment co-ordinators and employment and careers counsellors work together in providing the best possible support and advice to service users. The teams, ably led by the Employment and Careers Manager, assess individual needs and circumstances, match skills, qualifications and experience to available vacancies and identify possible future career opportunities. At the same time, the Employment Service has developed a high level of interaction with local employers and established direct lines of communication, thus ensuring that any advice and guidance given to users reflects accurately the needs and requirements of local business and industry.

The Careers Section also provides dedicated support, delivering workshops in CV writing, cover letters and interview skills as well as allowing opportunity to explore all the options available in the job market and potential career progression. The Employment and Careers Counsellor continues to work closely with the Department of Education, offering support and guidance for school leavers as well as providing onsite counselling at our secondary schools once a week. Through this, the Department of Employment forms an integral part of the overall initiative in working towards bridging the gap between education and employment, supporting individuals in their decision-making processes at such important stages of their lives.

The Labour Inspectorate is tasked with the enforcement of employment laws. They operate in a diligent and effective manner, always demonstrating our continued commitment toward eradicating illegal labour and ensuring that all our businesses are compliant with employment regulations. A new strategy and programme of inspections is underway, covering all sectors of business and industry, thus ensuring that a level playing field is maintained.

Finally on employment, Mr Speaker, regarding health and safety at work, I am happy to inform the House that the Health and Safety Inspectorate records a non-fatality record of nearly eight years. Training in this line of work is essential, particularly as we now enjoy 59 active large construction projects all over Gibraltar.

Mr Speaker, I turn to the Gibraltar Fire and Rescue Service. 2017 has not only been a year of continued progress; it has also given the GFRS the opportunity to overcome and adapt to new challenges. As a whole, the GFRS responded to 1,519 operational calls, which includes actual fires, emergencies and false alarms. The Geographical Information System has been modified to enable live access to the Land Registry address system, which should improve the accuracy of deployed resources attending to emergency incidents.

As part of the GFRS fleet replacement programme, two new fire appliances – a rescue vehicle and a water firefighting vehicle – have been procured and now form part of the assets that can be deployed, with a combined value of approximately £250,000. These are now fully operational and proving to be a valuable acquisition. The second phase of this replacement programme is due to be completed towards the latter part of 2018 with another two appliances, both water firefighting vehicles. These are currently being manufactured and will have a combined value of approximately £300,000. The ultimate beneficiary of this replacement programme will of course be our community. In addition to the above, the Government has this year acquired a new auxiliary vehicle equipped with specialised rope rescue equipment that is used to support frontline operations.

During the month of December 2017, the GFRS played a major role in the planning of the GIBEX exercises in partnership with C3 – or Civil Contingencies – other blue light responders and partner agencies. The service is proactively involved in the development of multi-agency

1060 response plans for a variety of potential scenarios and is very much at the forefront of the consultative committees for promoting interoperability.

After 18 years of emergency medical care, on 22nd January 2018 the GFRS transferred its Emergency Ambulance Service to the Gibraltar Health Authority. The longstanding professional relationship between the GFRS and the GHA remains very solid. The GFRS will continue to make every effort to support GHA ambulance crews as and when required in the execution of their duties. In fact, in 2017, the Fire Control operators have mobilised the GHA Ambulance Service on 5,394 occasions.

1070 The GFRS forms a vital part of Gibraltar's future development as a modern and, more importantly, safe community with involvement in major projects including the pre-construction phase of the LNG facility. The main objective of this continued involvement is to familiarise themselves with potential risks in order to assist in the implementation and creation of emergency response plans. The primary aim of these plans is to mitigate the effects that an unlikely event could have on first responders, on our community and on the environment, by working in partnership with other agencies and emergency services.

1075 Mr Speaker, on the Airport Fire and Rescue Service (AFRS), considerable training and equipment upgrades have taken place during the last 12 months, with its firefighters having undertaken a number of courses in both operational and personal development areas. Earlier this year a large-scale training exercise was held involving air terminal staff and other non-emergency agencies who work at or support the terminal and its aviation operations. Numerous lessons were learnt and these have now been incorporated into the emergency plans. It was found to be an invaluable exercise for players who do not normally get the opportunity to practise but will nevertheless be depended upon to fulfil specific roles and functions in the event of an incident.

1085 Following from the tender awarded last year for the purchase of new firefighting assets, the first vehicle has been delivered to the AFRS on schedule. The next three vehicles have also now arrived. A period of competency and further specialist training for these new vehicles will commence to ensure that all the staff are fully conversant with the new technology and tactics that will be introduced with these vehicles. The vehicles replace the current fleet, which have become obsolete and not economically viable to maintain. These Rosenbauer Panthers will prove to be a significant upgrade and provide the airfield with a much enhanced firefighting capability and an assured element of resilience.

1090 Aviation firefighting is very much a compliance-led industry and the AFRS last year underwent their second UK Civil Aviation Authority audit, one which was undertaken jointly together with representatives from the Military Aviation Authority. Both these regulatory organisations gave the AFRS a clean bill of health with only relatively minor observations having been raised.

1095 The staff at the AFRS aspire with eagerness and enthusiasm to further their future development opportunities, both as individuals and collectively as an organisation. This ensures that the AFRS is well placed and fully prepared to respond to any demands that may be placed upon it either at the airfield or elsewhere in Gibraltar in support of the GFRS or any other emergency service.

1100 Mr Speaker, in March of this year the air terminal, as I have mentioned, exercised its role in the Airport Emergency Orders with the simulation of an aircraft declaring overheating to a wheel assembly, resulting in it becoming immobilised away from the aircraft stands. This required all agencies to respond and deal with the logistical implications of disembarking and returning passengers to the air terminal from a remote location on the airfield. Valuable lessons were identified.

1105 The air terminal took possession of another explosive trace detector to complement the other four already in service. These are used for the screening of passengers and hand luggage and are located at the different search areas. The extra unit will ensure that the Airport is able to remain compliant with current aviation security regulations and also provides the necessary resilience when any of the other units are being maintained.



At present the tender for the procurement of X-ray scanning equipment for the screening of hold baggage equipment is in its final stages. The new equipment will bring Gibraltar International Airport in line with other UK airports, which must have this equipment installed during the course of this year. The new technology makes use of computer tomography, which is very similar to that used in hospitals for CT scans, and will bring with it the capability of a much higher detection rate of threats and restricted articles.

Mr Speaker, the Government last year commissioned the National Air Traffic Services to provide a costed plan for the introduction of a contingency air traffic control tower. As was proven by the rock fall earlier this year in March on to Devil's Tower Road, the loss of the main air traffic control tower will automatically lead to the closure of the Airport to civil aircraft. Luckily this year's event led to a closure of ATC for less than 24 hours. In different circumstances, such as the aftermath of a fire, the closure could last for an extended period. The Government has therefore allocated funds this year to provide for an independent contingency facility, which will sit on the other side of Winston Churchill Avenue from the existing ATC tower.

Mr Speaker, I turn to the Port Authority. Last September, Manuel Tirado was appointed acting Captain of the Port and Chief Executive of the Gibraltar Port Authority. Mr Tirado and his team at the GPA continually strive to maintain Gibraltar as a centre of maritime excellence along with its partners and stakeholders in the local maritime industry.

Positive growth trends reported at the last Budget have continued this year, as highlighted again by the Chief Minister during his speech. We do not, however, take the healthy growth figures for granted and we will continue to closely monitor our tariffs against competitors, global and regional trends, and of course any impact resulting from Brexit. Overall, I hope to see the positive trends continue during 2018.

To achieve this goal, the robust marketing programme which the Gibraltar Port Authority has been actively engaged in for the last 36 months will continue. This strategy has seen direct engagement with ship owners and operators around the world as well as attendance at a variety of bunkering and shipping events in places such as Rotterdam, Singapore, Athens, Amsterdam, London, Tenerife, Jamaica and Fort Lauderdale. These marketing trips have helped to maintain the high profile of the Port of Gibraltar. The Gibraltar Port Authority will continue attending conferences and exhibitions, profiling the Port in tandem with its stakeholders as this approach has proved to be very successful hitherto. One recent example of this has been the Posidonia Exhibition held in Athens, Greece. This event, one of the most prestigious in the shipping industry calendar, brought our key partners together to promote the Port and to showcase the Gibraltar team rather than just the Gibraltar Port Authority.

The Port has also recently become a member of the International Association of Ports and Harbours, an association which promotes the interest of ports worldwide through strong member relationships, collaboration and information sharing that help resolve common issues, advance sustainable practices and continually improve how ports serve the maritime industries.

Mr Speaker, I am also delighted to announce that the upgraded Vessel Traffic Services system (VTS) is in the final stages of going live, with staff currently undergoing training and the new purpose-built office handed over to the Gibraltar Port Authority. This particular project demonstrates the Government's commitment to investing to improve.

With regard to Port finances, revenue for last year surpassed the estimated Budget figure of £4½ million, with a total exceeding £6 million having been received. The Port Authority has been working hard on initiatives to further increase revenue streams. One of these initiatives involves the revision of the Marpol Scheme – which involves the discharge of waste from ships – and tariff structure which took effect from the beginning of this year, with all vessels visiting British Gibraltar Territorial Waters, with certain defined exceptions, being required to pay the revised tariff as part of their calling costs. The result of this review and implementation, apart from additional revenue for the Port, is that all vessels paying the fee are entitled to a free discharge allowance under the new scheme, so not only are we improving our revenue income but providing the service for vessels to discharge in Gibraltar up to a certain limit. This also ties in

with Government's effort to improve the impact that shipping has on the environment. The Port Authority has also undertaken a review of the bunker fee structure in close consultation with its  
1165 bunker operators and changes to the fee structures took effect as from 1st April of this year. It is anticipated that the increase in bunker fees and annual bunker licence fees will also improve our overall revenue figures for the 2018-19 financial year.

Mr Speaker, I would like to thank the team at the Gibraltar Port Authority, ably led by acting  
1170 Captain of the Port Manuel Tirado, who continually strive to maintain Gibraltar as a centre of maritime excellence along with its partners and stakeholders in the whole of the local maritime industry.

Mr Speaker, with regard to the Gibraltar Maritime Association, once again the Gibraltar  
Ship Registry has retained its 'White List' status worldwide for the third consecutive year. This is reflected in the annual International Chamber of Shipping's Flag State Performance Table for  
1175 2017-18. Gibraltar also ranks high in its overall technical performance levels by the 'Paris MOU' and the 'Tokyo MOU' and is recognised as a quality register by the US Coastguard in their 'Qualship 21' system.

The overall Gibraltar fleet, both ships and yachts, at the end of 2017 stood at 1,261 vessels,  
down by just two vessels when compared to the previous year. The uncertainties of Brexit  
1180 have had an impact on new registrations in both the Yacht and Ship Registries. Once we have clarified whether Gibraltar, and in fact the UK Ship Registry, either retains or loses EU member state register status or the conditions upon which they currently operate as an EU member, we will be able to target our services in Europe accordingly. The GMA is preparing for either scenario and has the flexibility and expertise to adjust its services. For the foreseeable future,  
1185 however, it is business as usual at the Gibraltar Registry.

The GMA is continuously exploring new avenues to diversify its fleet. This year the GMA will be co-hosting a stand at the Monaco Yacht Show in 2018 with the Gibraltar Port Authority and the Gibraltar Tourist Board as well as the Gibraltar Yachting Association.

In the last 12 months the GMA has provided training to a number of independent  
1190 authorities, including the UK Maritime and Coastguard Agency, the Cayman Islands Registry, the Gibraltar Fire and Rescue Service and HM Customs. Furthermore, the GMA's seafarer section continued to issue a significant number of provisional and full-term certificates in 2017, with more than 3,600 completed during the calendar year. Our new seafarers' portal has been slightly delayed in order to finalise software issues, but the GMA is aiming to  
1195 finalise the facility and introduce it during the course of this summer.

The GMA is highly regarded for its technical expertise in maritime surveying. We are proud to be considered one of the best-performing ship registries in Europe.

HM Government's strategy for the GMA over the next two years is to continue maintaining  
1200 its high quality of service, increase the fleet size by bringing in business from new geographic areas and further develop its position as a training hub.

Mr Speaker, on Civil Contingencies, the Office of Civil Contingencies continues to sit at the  
apex of Gibraltar's emergency planning, preparedness, response and recovery. Under the strategic direction of Gibraltar's Contingency Council, the Office of Civil Contingencies has continued to work hand in glove with the GCC's Executive Committee and the four Joint  
1205 Operating Working Groups responsible for the land, air, maritime and cyber environments. Central to Civil Contingencies' work is the requirement to ensure that there is an appropriate level of preparedness to enable an effective multi-agency response to emergencies which may have a significant impact on Gibraltar's community. This could range from natural disasters, large-scale accidents or indeed terror attacks. Preparing together, training together and  
1210 responding effectively together is what multi-agency interoperability is all about. Throughout this past year, the Office of Civil Contingencies has worked closely with the emergency services and other agencies and I will now touch upon a number of areas of their work.

A National Risk Register has been created and this is owned by the Gibraltar Contingency Council. The risk register sits at the heart of what drives our work and it is a robust, collectively

1215 understood assessment of the most significant risks in Gibraltar, based on how likely they are to  
happen and what the impacts may be. This information is used to inform a range of risk-  
management decisions, including the development of proportionate emergency plans and  
resilience capabilities. Risk-based emergency plans underpin an agreed, clearly understood and  
exercised set of arrangements to reduce, control or mitigate the effect of emergencies in both  
1220 the response and recovery phases. Some of the plans that are currently being reviewed include  
the Major Incident Response Plan; Chemical, Biological, Radiological and Nuclear Response  
Framework; and the Liquid Natural Gas Plan.

We clearly recognise the importance of a high level of interoperability between all  
emergency responders and supporting organisations as a means to ensure an inclusive,  
1225 collaborative approach to integrated emergency management. Work continues under the Joint  
Emergency Services Interoperability Programme (JESIP) to ensure that our emergency services  
develop their joint tactics, techniques and procedures. Plans are in place for the delivery of  
further multi-agency training under the JESIP banner for all our emergency services during the  
last quarter of this calendar year. This will also include training in response to a marauding  
1230 terrorist firearms attack.

Significant investment has gone into Gibraltar's Geographic Information System. A bespoke  
incident management platform is being developed which will improve situational awareness  
across all agencies and at every level of command. Mapping tools will allow management  
zones to be clearly identified, as will the ability to mark the deployment and disposition of  
1235 assets and define cordons, control points and access routes. All of this will assist commanders  
in gaining a better understanding of the incident they are faced with, and importantly it will  
provide all levels of command with a single version of the reality.

The emergency services and other agencies are required to remain competent to fulfil their  
roles in emergency preparedness, response and recovery. They must work together as a matter  
1240 of routine, understanding each other's roles and responsibilities, underpinned by a systematic  
and sequential approach to individual and collective training, rehearsal, validation, learning and  
improvement. Similarly, there is a requirement to develop and assure resilience capabilities and  
arrangements through an exercise programme that is risk based, inclusive of all relevant  
organisations and recognises the cyclical process of learning and continuous development.  
1245 Throughout last year a number of training events and exercises have been planned and  
delivered to ensure that organisations are best prepared to respond to any emergency or major  
incident.

Mr Speaker, turning briefly to international exchange of information, in addition to handling  
day-to-day exchange of information on request in tax matters with TIEA-partner countries and  
1250 negotiating further international agreements, including Gibraltar's first double-taxation  
agreement, Gibraltar Finance has continued to lead on the implementation of the various  
international tax compliance-related initiatives. Gibraltar Finance continues to handle the day-  
to-day exchange of information in tax matters in accordance with the provisions of the bilateral  
agreements signed with numerous TIEA-partner countries over the years and to co-ordinate all  
1255 matters relating to the automatic exchange of financial account information under the Common  
Reporting Standard in its various guises, including the relevant Directive and EU agreements  
with European third countries.

Mr Speaker, on social security, the total amount of benefits paid out by the Department in  
the financial year 2017-18 was £41,787,000. Despite Brexit, there are ongoing EU obligations  
1260 which we have to meet. The Department is working closely towards the implementation of the  
Electronic Exchange of Social Security Information in Gibraltar pursuant to EU regulations. The  
primary aim is to set up an IT platform that will help social security institutions across 32  
countries – the 28 EU member states as well as Iceland, Liechtenstein, Norway and Switzerland –  
to exchange information through structured electronic documents using a standard  
1265 administration process for social security co-ordination activity at EU level. The project will  
deliver a central IT network to support the international exchanges, as well as a national

application that can be utilised by national institutions to create, send, receive and manage electronic messages. The project is progressing at a fast pace, going partially live in August 2018.

1270 The Department is also actively involved in the process of vigorously testing the new DSS application program that will cater for the administration and payment of all 17 social security benefits. This will bring the Department into the 21st century and enable it to provide a more efficient and effective service to the public in order to meet the ever-growing demands. The system will streamline the information currently held in manual records and will incorporate a sophisticated analytical tool that will be instrumental in producing statistical data, therefore  
1275 expediting our estimates and analysing of future expenditure in relation to any given benefit.

Finally on social security, in March of this year the Social Security (Open Long Term Benefits) (Amendment) Regulations were passed, giving effect to the Budget measure announced by the Chief Minister last year. Social Insurance contributions will accrue for the benefit of the contributor starting at age 15 as opposed to age 20, as had hitherto been the law. This applies  
1280 to persons who are born on or after 2nd July 1997.

Mr Speaker, to end my contribution I turn to the Gibraltar University. The University, as we all know, is a creature of statute. All of its powers, responsibilities and obligations are derived from the University of Gibraltar Act. Although much work, discussions and research were carried out in preparation for the Act and the inauguration of the University, we were always conscious  
1285 of the fact that there was no higher education institution in any place like Gibraltar which we could simply emulate or whose charter, legislative framework or bye-laws we could just adopt or apply. Certainly there was much to learn, and which we did learn, from other higher education institutions around the world, but we had the opportunity of choosing those parts of frameworks or provisions which we felt best fitted Gibraltar and adapting those to our needs as well as including new provisions specifically designed for this particular University.  
1290

We therefore created a University within a legislative framework which we felt suited the needs and aspirations of Gibraltar from a higher education perspective. It is a framework which expressly embraces the concepts of institutional autonomy and academic freedom whilst at the same time creating the structure to ensure that the Government's goals and aspirations when it established the University are met and that public funds are used in the manner for which they are provided.  
1295

We knew from the outset that the University would have to develop, evolve and, if necessary, change over time having regard to the actual experience of an operating institution and to respond to any change in Gibraltar's needs and aspirations or even global trends in higher education. Now in its third year, there have been a number of recent developments at the University.  
1300

There has been a change in management, with Prof. Catherine Bachleda appointed as acting Vice-Chancellor. She is also the University's Dean of Academic Quality and Professional Learning. Prior to joining the University, Prof. Bachleda was Assistant Vice-President for Academic Affairs at Al Akhawayn University – a not-for-profit, accredited, English-speaking, American-style university located in Morocco – where she was responsible for enhancing the academic quality and reputation of the university through faculty development, curriculum reviews, institutional accreditation and student academic and leadership development. Over the past 25 years Prof. Bachleda has worked in academia and/or industry in North Africa, the Middle East, the United Kingdom and Australia in a variety of management, quality and learning roles. I wish Prof. Bachleda well in her new role.  
1310

Earlier this year the Government welcomed the appointments of Prof. Clive Finlayson MBE and Prof. Ian Peate OBE to the University's Board of Governors. Professors Finlayson and Peate are eminent academics who are internationally recognised as leaders in their fields. Prof. Clive Finlayson is the Director of the Gibraltar Museum and also has specific roles as Chief Scientist and Curator. Prof. Ian Peate is the Head of the School of Health Studies at the GHA and has worked in nurse education since 1989. The Government is extremely pleased with the  
1315

appointment of Prof. Finlayson and Prof. Peate. They will enrich the Board of Governors and will no doubt make very valuable contributions to the University.

1320 Mr Speaker, another recent development is that the Gibraltar Regulatory Authority has  
been appointed as regulator of the University. This is an important step in the development  
of the University. In particular, the GRA was designated as the Gibraltar Authority for  
Standards in Higher Education and the Gibraltar Higher Education Commission under the  
University of Gibraltar Act 2015. Furthermore, the GRA was given powers to issue a  
1325 Memorandum of Regulation to the University, to obtain information from the University and  
to issue enforcement notices if the GRA considers that the University is failing to comply with  
the 2015 Act or with requirements under the Memorandum of Regulation. Following its  
appointment, the GRA duly issued the Memorandum of Regulation to the University. The  
Memorandum of Regulation sets out how the quality and standards of education in the  
1330 University shall be monitored; how compliance by the University with its functions, duties and  
obligations under the Act shall be monitored; how the use by the University of its funds,  
including any public funds provided to it, shall be monitored; how other aspects of the  
University's performance are monitored; how the University is expected to demonstrate  
effective governance and accountability; and how the University's autonomy and academic  
1335 freedom are maintained.

Mr Speaker, in closing, I would like to highlight the significant contribution made to the  
University by Dr Darren Fa. Dr Fa is currently the Director of Research and Partnerships at the  
University. He was truly instrumental in the establishment of the University. Whilst he was still  
working at the Gibraltar Museum, Dr Fa was seconded to the Education Department to work  
1340 with me on the University project. He accompanied me in travelling to numerous well-  
established universities around the world. Dr Fa worked tirelessly on the project and it was his  
recommendations that were accepted by the Government. He was the architect of the  
framework and structure which the Government adopted for the University. I wish to thank  
Dr Fa for his work, his dedication and his commitment to the University.

1345 Mr Speaker, I cannot end my contribution on the University without dealing with an issue  
raised by Mr Clinton during his address. He argued that Government contribution to the  
University was being tripled this year from £500,000 to £1.5 million. That is, in fact, incorrect.  
Government contribution to the University is, in fact, being reduced this year. What Mr Clinton  
has done is to look at head 17 in the recurrent section of last year's approved estimates, which  
1350 mentions a contribution of £500,000 to the University, and he has looked at head 43 in the  
current estimates, which mentions £1.5 million. He has then incorrectly jumped to the  
conclusion that the Government contribution has been tripled this year. What Mr Clinton has  
overlooked is that we have previously debated and passed in this Parliament a Supplementary  
Appropriation Bill whereby £10 million – as I recall, it was passed unanimously by the whole of  
1355 this Parliament (**Hon. Chief Minister:** Hear, hear.) – was appropriated for the University. This  
was to fund the capital costs relating to the establishment of the University and the first years of  
operation. Last year, there was still £1.4 million left from the £10 million and this, together with  
the £500,000 appropriated under head 17, amounted to a Government contribution last year of  
£1.9 million, not £500,000. The £1.5 million in this year's estimates is therefore not a tripling of  
1360 Government's contribution but a reduction of almost 25% of that contribution.

**Chief Minister (Hon. F R Picardo):** How wrong he got it!

1365 **Hon. G H Licudi:** Mr Speaker, he got it wrong (**A Member:** Terribly!) – and perhaps he might  
be forgiven and perhaps he is thinking now, 'Well, how was I to know that there was still  
£1.4 million left of the £10 million and that this was to be added to the £500,000?' – and  
Mr Clinton seems to be acknowledging that as if to say 'how was he to know?' Unfortunately for  
Mr Clinton, he cannot claim that, because the £1.4 million is, in fact, reflected in the book itself.  
(**A Member:** Shame!)

1370 If Mr Clinton were to look at page 176 of this year's estimates, he would see under 'Improvement and Development Fund, Expenditure, Head 102 Projects' £1.4 million as a forecast outturn 2017-18, reflected in the estimate last year of 2017-18 as funding for the University of Gibraltar. So it is there, black upon white, in the book.

1375 **Hon. Chief Minister:** There it is: look at it.

**Hon G H Licudi:** It is also in last year's book, which is where Mr Clinton has found the figure of £500,000 as an estimate for 2017-18 under the Improvement and Development Fund of £1.4 million.

1380 In fact, if Mr Clinton were to add the actual figure – this is in last year's book – for 2015-16, the actual figure which is in this year's book of 2016-17 and the forecast outturn in this year's book of £1.5 million, he would find that this comes to exactly, to the pound, £10 million.

1385 So what Mr Clinton has done is use the wrong figure to reach the wrong conclusion, despite the right figures being in the very same book that he has been looking at. The difference from what he has argued and the reality of the true position is quite startling, from a suggestion by Mr Clinton of a 300% increase in Government contribution to the reality which is clear from the book itself and which is a reduction in contribution of almost 25%.

1390 Mr Speaker, this could be described as a schoolboy or rooky error by Mr Clinton, (*Laughter*) but it is not an error that we should expect from a qualified accountant, and particularly not from someone who prides himself in scrutinising and looking closely at books and figures, and especially by the person who is put forward by the Opposition as their expert in figures. (**Hon. A J Isola:** Hear, hear.) (*Banging on desks*)

1395 Mr Speaker, the whole of Mr Clinton's speech and arguments were centred on an analysis of figures, and based on the extent of the error he has made on the University we must conclude that we cannot believe a single word he said (*Laughter*) and we must reject the rest of his analysis. (*Interjections and banging on desks*)

Mr Speaker, I would like to thank my staff and all those who work with me in the various Departments and organisations which form part of my ministerial responsibilities. I am truly grateful for their support and hard work during this last year.

1400 Thank you, Mr Speaker. (*Banging on desks*)

**Mr Speaker:** The Hon. –

1405 **Hon. Chief Minister:** Mr Speaker, I am conscious that the House has been sitting now since 10 o'clock. I wonder whether the Speaker would agree –

**Mr Speaker:** I would prefer to carry on.

**Hon. Chief Minister:** I am thinking of you, more than anybody else.

1410 **Mr Speaker:** I am quite comfortable. I do not know how long the Hon. Mr Paul Balban is proposing to be, but we will go to a recess round about one.

**Hon. Chief Minister:** One or one thirty, I think.

1415 **Mr Speaker:** Okay, the Hon. Paul Balban.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will try to keep my contribution to the Budget debate this year as short and as to the point as reasonably possible while trying not to do any injustice to any of the ministerial portfolios that I am responsible for,

1420

or the many projects that have been completed or embarked upon during the past financial year.

1425 Financial year 2017-18 has been a very busy year for the Ministry of Infrastructure and Planning. The Traffic Plan has seen the need to work very closely with other Departments, including the Legislation Unit and IT and LD, who have been instrumental as many of the projects and schemes have required legislative changes and have depended on IT support.

Mr Speaker, if I want to grab people's attention, other than growing a beard there is only one thing I need mention and that is Zone 2. (*Laughter*) I have nothing more to say about my beard at the moment, but I will have plenty more to say about Zone 2 in a while.

1430 I will start my address by turning to my ministerial responsibilities for Technical Services. Technical Services Department continues to provide technical support to Government generally on a wide range of construction and engineering-related matters, as well as meeting their defined responsibilities of maintaining public infrastructure. These include coastal engineering works, cliff stabilisation schemes, works to retaining walls, together with the maintenance of  
1435 highways and sewers.

The Department has also provided support on the implementation of several key projects related to the Sustainable Traffic, Transport and Parking Plan (STTPP) launched in March last year. Most notably this year with regard to coastal engineering works has been the repair of the existing rock revetment at Camp Bay – damaged during the heavy storms experienced this  
1440 year – in time for the bathing season. Cliff stabilisation works have continued this year with the construction of the second phase of a new high-capacity rock catch fence on the east side slopes.

Mr Speaker, no one can forget the large rock fall that occurred at the Aerial Farm site this March. Technical Services was responsible for overseeing the event from the moment that the  
1445 rocks fell until the road was successfully reopened. The Department continues being involved, working closely with geotechnical engineers to assess the probability of future rock falls at this location and elsewhere. Above all else, safety is the most important consideration when it comes to rock falls, regardless of the inconvenience that the rock fall itself may cause residents or the population at large.

1450 Mr Speaker, the Infrastructure Section of the Sewers Department has continued to maintain the public sewerage network as part of Government's commitment in this area. The relining works to the existing foul sewer network along Devil's Tower Road were completed last year and this has provided additional flow capacity in the area. Works were also completed at various locations to provide additional flood alleviation measures in areas which were severely affected  
1455 following periods of heavy rain.

Mr Speaker, this coming year Technical Services will continue its major desilting and cleansing works to the main sewer along Rosia Road and southwards towards Camp Bay. Major desilting and relining works are also expected to be carried out to the main sewer running under Line  
1460 Wall Road from the area of the City Hall to NatWest House, together with general gully cleansing, manhole repairs and the general upkeep of the public storm and sewerage networks throughout.

I would like to take this opportunity to publicly thank the Infrastructure Section and on-call officers of the Technical Services Department for their hard work and commitment during those  
1465 times in the past year where Gibraltar has suffered from storms and very heavy rain. It is thanks to the hard work and dedication of this team – while most of us are at home, sheltered – that the impact of these storms is not greater on both our sewerage and road networks.

Mr Speaker, the Garage and Workshop continues to provide a service to maintain the fleet of Government vehicles, including the refuse collection vehicles.

1470 The Highways Section of Technical Services has continued to maintain and repair our roads and footpaths throughout the year. Roads especially have seen greater wear and tear this year as a direct result of ongoing development from both public and private sectors. Careful planning and thought is essential when considering what roads are resurfaced and when, because

1475 resurfacing is a very costly and disruptive exercise which is not long lasting near to areas of  
construction, due to heavy goods vehicles carrying heavy loads. There is a fine line between  
ensuring that our roads are kept in as good a condition as reasonably possible without investing  
huge amounts of taxpayers' money on projects that would be unfortunately short lived as a  
1480 result of construction. Last year, major resurfacing works were undertaken at St Bernard's Road,  
part of Europa Road and along part of Rosia Road. This year, funding will be sought to see the  
continuation of our resurfacing programme in areas least affected by construction and road  
repairs will continue as necessary.

1485 Mr Speaker, pelican crossing lights and equipment continues to be replaced and maintained  
working jointly with the Gibraltar Electricity Authority. Countdown timers will continue to be  
provided at other crossings this coming year. Last year, new pedestrian crossings were  
introduced at Europa Road in the area of Shorthorn Estate, at Rosia Road by Bayview Terraces,  
by Harbour Views Estate on Westside Road, and most recently a speed ramp/raised zebra  
crossing was constructed at the entrance to Laguna Estate. These crossings are all aimed at  
improving our existing pedestrian routes and making access safer for all, as recommended in the  
STTPP.

1490 Road closures and diversions on the public highway are overseen by the Department to  
ensure co-ordination and the minimisation of disruption and are an important part of the work  
done by the Department, both for its own in-house works and for all other utility companies and  
contractors.

1495 I am pleased to announce that the third phase of the project to address Main Street's paving  
joints was completed last year and further maintenance works to the paving stones on Main  
Street will be completed this year. I would like to thank all the staff at Technical Services, the  
Garage and Workshop management and all technical grades within these departments for their  
hard work this past year.

1500 Mr Speaker, I will now talk about Zone 2. There is much to say about parking in general. This  
past 12 months has seen the STTPP pushing social boundaries, namely in the realm of parking  
but generally in the context of change. Parking is but one of those matters that evokes very  
strong and powerful feeling within the community, especially when the car has been an intrinsic  
part of us for so very long. Car ownership will arguably become one of the most challenging  
aspects to tackle in the future if we are to become an environmentally responsible society.

1505 Some parking initiatives have been very well received indeed, others have been less popular  
or even outrightly criticised by others, but nonetheless Zone 2 has been topical to say the very  
least, having featured colourfully within local conversation and in social media interactions.  
Good, bad or indifferent, everyone has had something to say about Zone 2.

1510 However, it has been acknowledged by many, not least the Hon. Daniel Feetham when he  
recently stated here in a preamble to a supplementary question, that 'residential parking  
schemes are good but the reality is that this involves taking very difficult decisions'. The hon.  
Member is absolutely right. A parking scheme does require many difficult decisions to be taken,  
they are really hard work and one size does not fit all. To prod the beehive from a distance with  
a very long stick and run away for fear of being stung, for fear of being unpopular with the  
electorate or even for fear of receiving the most lemons, is not what this is all about, in my  
1515 opinion. *(Laughter)* This is all about leading and doing what one thinks is the right thing to do,  
and sometimes difficult and unpopular decisions need to be taken. This is what is expected from  
a Government. This is about trying to improve our environment and our health for us and for  
successive generations. It is about making life easier, even though it may not seem that way at  
first, while trying to achieve certain common aims and benefits for us all. I trust that the  
1520 community at large may understand and perhaps even embrace the very difficult work that is  
being done as part of the STTPP.

Many other cities around the world are making considerable and sometimes very unpopular  
changes to the way they go about their daily lives, trying to achieve more sustainable living by  
encouraging alternative modes of travel and transport to achieve a reduction in pollution.



1525 Mr Speaker, it is already clear that the parking schemes are starting to show benefit. Residential parking schemes try to achieve better parking opportunities for residents while trying to accommodate visitors and commerce at appropriate times. Parking schemes also lead to the identification and the reduction of derelict and abandoned vehicles, which frees up even more parking space. In my mind, there are only two options: either do little, for the reasons I  
1530 have already alluded to – that is, to avoid being unpopular; or try to tackle the matter in a way that is responsible, well structured, well timed and scientific in its approach.

For the avoidance of doubt, I need to stress yet again that all residential parking schemes are pilot and will therefore remain under scrutiny until the whole parking scheme is rolled out for all of Gibraltar. At this stage, when all of Gibraltar is zoned then the entire residential parking  
1535 scheme will enter its final pilot phase as a whole. Because the effect of zoning cannot be determined at commencement, it is essential that each zone is allowed to settle, allowing time for stakeholders to provide feedback and designers to have the time to analyse its effects. Therefore, Zone 1 will not cease to be a pilot scheme simply because Zone 2 is implemented, nor will Zone 2 stop becoming pilot in nature simply because Zone 3 has been launched. This is the  
1540 scientific and right way of doing things because no zone is an island, all zones are different and they react differently when there are more than one zone working in parallel.

Mr Speaker, it is not the intention of this Government, as surely it is not the intention of any other Government, to make life difficult for residents – on the contrary; but it is a well-known fact that we have a parking problem, or probably more accurately a vehicle ownership problem.  
1545 Nevertheless, a brave scheme of this nature is seen by some as an ideal opportunity for political mischief and to try to score cheap but short-lived political points. Within just days of its launch, having hardly seen the light of day, the Opposition had already launched a scathing attack against Government, describing Zone 2 as ‘a sad indictment of the failure of the Government’s parking plan, and it should be scrapped’. Those were the words of the Hon. Trevor Hammond. I  
1550 have not heard much more from the hon. Gentleman about Zone 2 lately – perhaps he is saving it all up for his Budget speech. In fact, I am not hearing so much about Zone 2 anymore. (**Hon. A J Isola:** Hear, hear.)

Mr Speaker, the STTPP I hope will be seen as a set of documents that will lay the foundations for the future regarding traffic, transport and planning. This is not my plan, nor is this the  
1555 Government’s plan; this is *our* plan, Gibraltar’s plan, and it should be built upon by future Governments. The groundwork has now been done. Never before has a project of this nature or magnitude, scientific and solid in its grounding, been carried out in Gibraltar. The STTPP simply cannot be wrong. You may agree with certain parts of it, disagree with others, not all the concepts will be achievable, others may even be economically unviable, even socially  
1560 unacceptable at this moment in time. Nevertheless, the STTPP should open our minds to the vast potential for change that exists for us. Add to it, contribute to it, be part of it.

Mr Speaker, let’s really think about this objectively. At the end of the day, the STTPP and indeed Zone 2 is not a political document or plan conceived in a smoky room by a political party  
1565 some dark and rainy night for the mere sake of it. The STTPP, often lambasted politically by the GSD, was drafted by worldwide professionals in the field working closely and backed up by a working group comprising local technically qualified professional civil servants, the same civil servants who would have no doubt delivered this sort of plan to them had they been the party in Government – had they been brave enough. Yet one could almost sense the rubbing of hands in  
1570 glee at the mere thought of the imminent political feeding frenzy about to be unleashed at the smell of fresh blood gushing out of what the Opposition thought was a lethal wound sustained to the Government’s parking plan, a plan which was in their opinion an ill-thought-out plan. At least that is what they hoped for.

Mr Speaker, just days after this political onslaught the picture had suddenly and dramatically changed in some of the areas of Zone 2 as residents started to receive their permits and began  
1575 occupying their parking spaces. I have received *many* positive messages and letters from residents of Zone 2 who had been unable to use their vehicles for many years due to the massive

parking problem within this area. This has now changed. Nevertheless, I am not stating that Zone 2 is perfect by any means. There still need to be more tweaks and we still need to take on board further feedback, but it is a very good basis from which to start.

1580 There are many different yet conflicting needs within Zone 2, and these still need to be considered thoroughly. Yet that one solitary reference to political bravery across the floor of this house that day gave me certain peace. It confirmed to me why the politically fraught issue of parking had never been tackled by the Members opposite in the 16 years that they were in Government. I knew then that I had to be on the right track in as far as at least putting such a politically brave environmental plan to the test. There is no Planet B, as Emanuel Macron recently put it.

1585 Only last week I announced the launch of Zone 3, which will cover a large part of the South District. Work on this scheme is ongoing and will go live this autumn. Zone 3 will therefore be my next challenge; following that, no doubt eventually Zones 4, 5 and 6. The biggest and totally avoidable teething problem arising from a zone scheme comes as a result of the delay in permit applications, despite the many press releases, official notices and advertisements issued, and even with an amnesty period the initial weeks of a parking zone are not fully indicative of how it will perform a few weeks after its launch and even later still. I hope that Zone 3 residents will be quick to apply for permits to avoid the issues that arose with Zones 1 and 2. I hope that Zone 3 is allowed time to settle down before it can be properly assessed and before it is politically shot down. I know for a fact that many residents are waiting in positive anticipation for Zone 3 to start.

1595 Mr Speaker, there has never been such a major overhaul of Gibraltar's parking arrangements and the challenge is certainly an exciting and interesting one. It gives us a very valuable insight into social parking behaviour and the differing needs of different sectors of the community. Parking for commercial vehicles is now being considered as parking schemes start to displace these vehicles from within highly populated residential areas. There are already plans in place to address these issues.

1600 I wish to thank our in-house technical team, especially our transport planner, Technical Services and all the civil servants involved in its planning and mapping out on the ground who have worked very hard indeed to make this very difficult project a reality. Residential parking schemes are no mean feat. From every single parking space that needs to be counted, drawn up, each single street line painted and every single street sign placed, from the legislation that needs to be drafted to the zone booklets that need to be written, a vast amount of work goes into each zone. Thank you.

1610 Mr Speaker, pay and display is seen as a way of allowing non-residents and visitors to park for short periods of time throughout Gibraltar and regardless of zoning. To this end, a further pay and display parking was recently introduced along Bayside Road, allowing short-term parking of those frequenting the marinas and sports facilities. Another pay and display area will shortly be created along the western end of Waterport Road below Waterport Terraces, which is currently under construction and will see parking provision double for residents, visitors and surrounding businesses and includes an extra motorbike parking area. This year, 10 new pay and display machines have been installed providing card payment technology. These are linked via a network to head office, allowing for quick response times when machines develop a fault. Older pay and display machines that have now been operational for over six years will slowly be phased out, making way for these smarter systems.

1620 Mr Speaker, as part of the STTPP, Government introduced a new bicycle-sharing scheme known as Redibikes in March last year. Redibikes is currently under review to see how it may be improved further so that we may try to encourage greater use. Adjustments are being made to the pricing structure, allowing for a longer rental period and therefore encouraging greater family and leisure use. Less used bike stations will be relocated to new sites near the beaches and close to hotels to help increase seasonal and visitor usage.

As an avid cyclist, I am extremely keen to see others take up cycling as a means of transport. The bicycle is an ideal mode of personal transport, cheap to run, easy to park and it helps to contribute to a healthy lifestyle and a clean environment. A major review of our existing road network is currently underway in an attempt to provide both segregated and shared use of our road network for this purpose. The introduction of traditional bicycle lanes throughout all areas of Gibraltar, as seen in many other cities, will prove difficult, perhaps even impossible, due to the lack of space available to segregate vehicles from cyclists. However, all effort will be made to provide cycle lanes where reasonably possible in order to encourage this healthier alternative to other traditional forms of transport and improve cycling safety. We will shortly be introducing a dedicated cycle route through Main Street and Irish Town on a trial basis operating outside of the busy commercial shopping hours. This will be a first step in trying to provide a safe, segregated cycle lane that will hopefully increase user confidence, especially in the more vulnerable groups like families and young children. There should be no real reason why Gibraltar may not be able to adopt cycling as a means of transport, especially away from the hills to the south. Extra bicycle parking facilities will also be provided in the next financial year to supplement those already provided this past year. Cycling facilities will also be included as part of the new comprehensive schools project. My colleague the Hon. John Cortes is as keen as I am to see cycling become a means of sustainable transport in Gibraltar and indeed within our youth.

Finally on this subject, I was recently very pleased to be able to congratulate a small business that introduced a number of bicycles into their home food-delivery service fleet. This small business has taken on board the very essence of the STTPP and is leading by example. I hope that other businesses may start to consider using bicycles or indeed greener fuels such as electric power in the future for their commercial needs.

Mr Speaker, the introduction of speed cameras in April 2017 provided, for the first time, the ability to help control speed in order to make our roads safer. The initial pilot scheme saw vast improvements in speed reduction, but it has since been necessary to tackle the issue of speeding motorbikes in certain locations. Improvements have now been carried out to allow rear-facing images to be taken of offending vehicles whilst still providing clear images of offending drivers. Rear-facing slave cameras have now been introduced at the original sites at Devil's Tower Road, Europa Advance Road and Rosia Road. Additionally, two completely new sites have been commissioned along Waterport Road and Queensway, well known as speeding hotspots, only last week.

The benefits of speed reduction are well known and include improved road user and pedestrian safety together with a reduction in noise pollution and emissions. It is unfortunate that investment in expensive equipment is necessary to ensure the safety of road users as a result of a small number of inconsiderate, unsafe and disrespectful road users. Nevertheless, as I have said in the past, this Government is fully committed to eradicating speeding on our roads.

At this point I must thank all staff who deal with the issuing of permits, and the management of our Government parking facilities at Gibraltar Car Parks Ltd. I would also like to acknowledge all those involved in policing the many parking areas throughout Gibraltar, and those responsible for overseeing the back office for the speed camera project, including Gibraltar Parking Management Services Ltd and the RGP. Policing is a vital part of any residential parking scheme.

Mr Speaker, the Ministry is also well on track to deliver on other STTPP related projects which will be announced as they materialise.

I will now turn my attention to public transport. The Government continues to give the bus service significant importance in light of the need to provide a robust and reliable means of sustainable mass transit. The Man buses continue to play a key role in providing the backbone to Gibraltar's public transport infrastructure.

The real-time bus tracker service has been an enormous success and is now operational on all bus routes.

A new night bus service, the N1, was introduced in April this year for the Upper Town and it now joins the N8. Night buses now access all areas of Gibraltar on Friday and Saturday nights

1680 and also cover other nights when there are special events. The night bus service complements the campaign against drinking and driving.

The Upper Town buses continue providing an excellent much sought after service to passengers and residents of Mount Alvernia alike, especially as a result of the wheelchair-carrying capabilities.

1685 Last August saw the introduction of a number of request bus stops throughout Gibraltar. This change in policy now means that drivers no longer need to stop at each and every bus stop on route when there is clearly no passenger waiting to board or any passenger wishing to alight, therefore improving the frequency and timing of the service.

1690 Mr Speaker, our transport inspectors ensure that all users and undertakings fully abide and conform to all the legal requirements under the Transport Act and allow the public transport offering to improve.

1695 Government continues to work with the GTA in order to identify strategies to better the taxi service throughout Gibraltar. The modified City Service roster has shown signs of an improved City Service this year to the extent that complaints are slightly down from previous years. I wish to congratulate the GTA Committee for their recent acquisition of two accessible private hire vehicles which can accommodate wheelchair users. I applaud the GTA Committee, who try to continue to improve the service provided by its members.

1700 I wish to thank management and all the staff down at the Gibraltar Bus Company, especially those behind the steering wheel who work many hours, day and night, to provide an exceptional and free bus service to locals in Gibraltar. I would also like to thank our team of transport inspectors who oversee and police all matters relating to transport in Gibraltar.

1705 Mr Speaker, the Driver and Vehicle Licensing Department have now agreed the introduction of the tachograph system with the UK Driver and Vehicle Standards Agency (DVSA). The necessary administrative procedures have now been agreed by way of a memorandum of understanding and service level agreement with the Driver and Vehicle Licensing Authority in the UK, the DVLA, who shall source tachograph cards for local drivers, operators and our local enforcement bodies.

1710 Mr Speaker, after transposing EC Directive 2009/40/EC, changes for motor vehicles undergoing their periodic roadworthiness tests, or MOTs, became effective as of 20th May 2018. These new rules and standards implemented by the European Commission are set out as an objective by the European Union and aim to achieve zero fatalities throughout our road transport network by the year 2050. Among other things, the new test regime will now categorise faults as either minor, major or dangerous. Motor vehicles found to have minor defects that have no significant effect on the safety of the vehicle or impact on the environment may be issued a roadworthiness certificate, but these will be reflected on the certificate with relevant advisory notes in respect of each of these minor faults. However, motor vehicles that have major or dangerous defects will automatically fail the test and shall not obtain a roadworthiness certificate. Testing will be more stringent with regard to the limit on smoke emissions, particularly in diesel-propelled vehicles known to cause more toxic emissions. Diesel particulate filters will now also be rigorously checked and vehicles found lacking these components during examination will be failed.

1715 Mr Speaker, in anticipation of what could become an electric revolution in the future, electric charging points were recently commissioned within the public parking area at Mid-Town car park. The first on-street electrical car charging point is expected to become a reality later on this year and is consistent with both the STTPP and the Department of the Environment's Thinking Green Environment Awareness campaign. These charging stations will complement the existing private sector initiatives around Gibraltar, which must be congratulated for embracing electrical car charging technology and who are also leading by example.

1720 Mr Speaker, in anticipation of what could become an electric revolution in the future, electric charging points were recently commissioned within the public parking area at Mid-Town car park. The first on-street electrical car charging point is expected to become a reality later on this year and is consistent with both the STTPP and the Department of the Environment's Thinking Green Environment Awareness campaign. These charging stations will complement the existing private sector initiatives around Gibraltar, which must be congratulated for embracing electrical car charging technology and who are also leading by example.

1725 Yesterday, the Chief Minister also announced Budget measures in support of those who install mechanisms for the charging of electric vehicles in their home or in a parking space or

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garage owned by them, and attractive further cashback incentives for electric cars and electric-assisted bicycles without a throttle where the engine cuts off at speeds of 25km per hour.

1735 Mr Speaker, the motorcycle Compulsory Basic Training Course (CBT) continues to be a tremendous success with around 400 new riders having passed over the last year. This initiative has been a massive step forward in promoting safety on our roads.

1740 Data sharing with the European Register of Road Transport Undertakings, known as ERRU, via the Driver and Vehicle Services Agency (DVSA) has allowed a better exchange of information between member states. The European Car and Driving Licence Information System, known as EUCARIS, is an example of an information exchange service used by the Driver and Vehicle Licensing Department. The service provides EU member states with the facility to share and obtain car registration and driving licence information. Furthermore, the Department has now implemented the Cross-Border Enforcement Directive (CBE). This system provides cross-border access to vehicle registration information so that enforcement bodies may identify non-resident offenders. The Directive aims to facilitate the cross-border exchange of information on road-

1745 safety related traffic offences with all EU member states, thereby facilitating enforcement.

I wish to thank all the staff within the Department down at the MOT Centre, the vital counter and back office staff, vehicle testers, vehicle examiners and senior management, and especially the Chief Examiner, for their very hard work.

1750 Finally, I now turn my attention to my responsibilities for town planning and building control. The Department continues to deal with large numbers of applications seeking planning permission and building control approval. In 2017 there were a total of 612 applications. Some of these were large, complex applications involving assessment of environmental impacts through the EIA process, involving extensive discussions with applicants to try and achieve high standards of design and construction. Building Control issued approximately 250 certificates of fitness or completion during the period, which is slightly up on last year. In 2017, 56 planning,

1755 building and demolition applications were received by Government and MoD seeking advice and guidance, which are then taken into account by the Government or MoD in finalising their plans.

1760 In 2017, 14 DPC meetings were held in public. I am pleased to say that many people have participated in the democratic process to address the Commission at these meetings either in support of or in objection to specific applications. Additionally, the DPC's subcommittee also meets regularly to determine minor applications, which greatly helps to speed up the decision-making process for more minor applications. In 2017, there were 35 such meetings of the subcommittee. Agendas and minutes of DPC meetings continue to be made available online, together with application forms and planning guidance, ensuring that the planning process remains open and transparent and facilitating ease of access to relevant planning information and documentation.

1765

1770 The e-planning service continues to operate successfully, allowing easy access to application details for the public and providing a platform through which applicants can submit their applications online. Town Planning staff have continued to develop the e-planning system throughout 2017. One of the more significant improvements that has been developed this year is the integration of the Department's geographical information system into the e-planning system, allowing easier staff access to geographical information when assessing applications. Other development work undertaken this year has included the introduction of a tool to allow staff to undertake high-level shadow analysis of proposed buildings, assisting staff when considering the potential impacts of new development proposals.

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1780 Mr Speaker, I was pleased to recently announce part R of the Building Regulations in conjunction with my colleague the Hon. Samantha Sacramento. Building Control staff have been working very hard to ensure that this vital piece of legislation would become a reality for the well-being of all sectors of society regardless of their needs. Part R provides the necessary framework to provide and improve access and use of buildings by not just physically disabled people but also the elderly and those with hearing and visual impairments.

1785 Building Control staff are currently reviewing the Building Rules made under the Public Health Act with a view to updating all 11 remaining parts, bringing them in line with the UK and European standards, ensuring that standards are maintained and best practices achieved. This will ensure the health and safety of both the user and occupiers of the built environment.

The Tax Relief on Facade Improvements Scheme continues to encourage property owners to improve the appearance of their buildings. There were 10 applications under this scheme in 2017.

1790 My Department continues to work closely with my colleague the Hon. John Cortes, who leads on urban renewal. Our focus continues to be on identifying specific buildings in need of refurbishment and encouraging owners to undertake improvement works in order to maximise the use of these properties, thereby bringing new life back into these urban areas. The Department has also been closely involved with other Government Departments and agencies in the implementation of the street art initiative, which aims to encourage urban regeneration by  
1795 the use of street art in selected locations.

Mr Speaker, finally, I would like to thank all the team at Town Planning and Building Control. I would also like to thank all my personal ministerial staff, whom I share most of my working day with, for all their help, support and very hard work during the past year and always. I also wish to thank all parliamentary staff for their hard work and assistance given to me throughout the  
1800 year.

Thank you. *(Banging on desks)*

**Mr Speaker:** This is a convenient time to recess until three this afternoon, when I will call upon the Hon. Trevor Hammond to address the House. The House will recess until three.

1805

*The House recessed at 12.47 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.05 p.m. – 7.18 p.m.**

**Gibraltar, Tuesday, 3rd July 2018**

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# The Gibraltar Parliament

*The Parliament met at 3 p.m.*

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

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

## **Appropriation Bill 2018 – For Second Reading – Debate continued**

**Mr Speaker:** The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I am pleased to address this House for my third Budget  
5 speech. Let me begin with the environment and the subject of air quality. Sadly, I raised this as a  
matter of serious public concern during the last Budget and the one before that, and it has been  
the subject of a motion taken during the course of this year, and yet there has been no real  
improvement – in fact, there may even have been a deterioration in our air quality due to  
factors which I shall come to shortly.

10 During the debate held in this House this March it was rather depressing to hear the Minister  
stand up and tell this House, as he and his colleagues always do, what a great job is being done.  
We were told, for instance, how the finishing touches were now being put on the Environment  
Plan, which would safeguard the environment for future generations. We are over six years into  
this administration. For the Minister to stand up in this House in March of this year and say that  
15 they are only now putting the finishing touches on a plan – which will no doubt be published  
'shortly', because of course this Government will never actually give itself a deadline which  
would then lead to some sort of accountability, and of course no Minister wishes to be  
accountable for anything that they say in this House – it is laughable. Saying that you are doing  
great things for the environment is not the same as doing great things for the environment.

20 The Minister, in that same speech, told us that "if we focus on the science steady  
improvements have been made in air quality." Of course none of us would doubt the science.  
The trouble is few of us trust the data gathering on which the science is based, particularly when  
we have independent scientists, subject matter experts and indeed organisations telling us that  
our air quality is very poor and has been measured as such. Add that to the anecdotal data from  
25 people and something is just not right.

The Minister cites the new power station as something that will improve air quality, and it  
will when it becomes available. Of course we do not know when exactly that will be because the  
Government will not answer such questions, although at least testing has begun.

30 In almost the same breath the Minister says that the previous administration is to blame for  
not acting sooner with respect to a new power station, but it is this administration which  
scrapped the plans which were ready to go and have therefore created a huge delay in the  
power station programme. And of course the new station, when it comes on line, will not be  
fitted with electrostatic precipitators, as should be the case if you wish to use the best possible  
technology for cleaning emissions, as committed to by the Minister.

35 We will therefore have a power station in the heart of our urban environment – indeed the  
Government is moving all of our secondary education closer to it – which does not have the best



possible technology to clean emissions and therefore may not reliably provide the cleaner air that we so much desire. Water under the bridge, I suppose; but we might at least, having chosen an urban environment for our power generation, make sure that in all circumstances it had the best possible technology for dealing with emissions – in *all* circumstances.

On the subject of best possible technology and air quality, it is necessary to turn to the situation at Gibdock. At present, many of the vessels that come in for repairs or maintenance have to run their engines in order to have power; there is no shore-supplied power available. Of course the immediate impact of this is that those who live in the area have to suffer the pollution emitted from those engines. It is known that marine pollution is extremely damaging to the environment and to public health, so this practice is absolutely unacceptable.

Some have argued that people who chose to live in the area of the dockyard would or should have been aware of this issue prior to moving in. This is nonsense, of course. Our community grows and changes and it is necessary for industry to move with the times, as it must do all over the world. Were it not so, we would be living in Dickensian conditions of smog with no appreciation of the damage being done to our health.

The Government has a tremendous opportunity now, with the renegotiation of the lease for the dockyard, to impose the requirement for shore-supplied power to vessels under repair. From the questions I have asked in this House – and I am happy for the Minister to clarify this point – the requirement for shore-supplied power has been decoupled from the negotiations over the lease and is being conducted separately. If Government was serious about imposing this requirement, I am at a loss as to why it would not be included in the lease negotiations, where Government may be able to apply maximum leverage for this. It makes no sense. But make no mistake, if Government fails to impose this requirement on Gibdock at a time when it has the greatest opportunity to do so, it will have done this community a grave disservice.

While on the subject of the dockyard I shall digress for a moment to talk about noise. I know that many residents of the area live with the constant stress of noise due to works at Gibdock taking place into the early hours. I know that complaints are made to the Environment Agency and that these are often acted on, but inevitably the problem returns. Clearly there is no sanction in place to discourage this unsociable behaviour and I would ask that Government do more to discourage, if not actually bring to a stop, this activity.

Noise pollution is not, of course, a problem limited to the area around the dockyard. It has to be understood that living in an urban environment will inevitably be noisier than being out in the countryside, but I sometimes wonder if Government does not go out of its way to compound the problem. With so much construction, walking round many parts of our community in the daytime is uncomfortable. Whether it is lorries delivering to these sites, the noise of piling, of jack hammers, of angle grinders or any of the other necessary but noisy work that goes on in these sites, it makes any stroll a most unpleasant experience. I would remind Government that encouraging people to walk more is one of their professed objectives. It is one of the reasons they are trying to make it impossible for people to park anywhere. Well, walking around many parts of Gibraltar right now is to have to put up with unacceptable levels of noise.

Government itself is guilty of contributing to the noise in a most unsociable way. I have received many complaints from residents in the Waterport area about the piling that has been going on at the site of the mega school: 12 hours a day of constant piling. People are at their wits' end, but does Government care? No. They have a deadline and that is all that matters.

The Chamber of Commerce raised concerns about noise levels this year in their annual report and they were right to do so. It is not just industry and construction either that cause problems. We seem content to allow certain motorbikes with incredibly loud exhausts – whether they are factory fitted or modified I do not know – to tear about our streets at all hours with impunity. In the still of the night, why should everyone's peace and rest be disrupted by one person? Why is nothing ever done to address this?

Dealing with noise pollution is important. It is another of those environmental factors that can lead to stress, and stress of course is known to cause other ailments. It is therefore a matter

of public health and must be treated with importance and not ignored, or even exacerbated by Government-sponsored activity.

Returning to air quality, I have already expressed concern about the quality of data we gather through our monitoring stations, how that data is at odds with both people's experiences and independent expert opinion. From where we gather that data is also important. We have no monitoring of air quality at the north end of town, where arguably air pollution is at its worst. The Minister has committed to this in the past and of course in his speech he did announce that he will be committing to it now, and hopefully we will see that realised very shortly. It is more important than ever, considering the move of the comprehensive schools and the opening of the new power station. I ask whether he will commit to the commissioning of this monitoring station prior to the opening of the power station and the new school so we can properly understand what impact the latter has in the area. If the Minister is committed to a northern monitoring station as he says, I do not know why it has taken him over six years to deliver it. However, I reiterate if it can be delivered before the opening of the school and the power station, we will at least have an opportunity to assess what difference the new power station has on the air quality in that area.

I am actually surprised that extensive air monitoring has not already taken place in the area of Waterport, because it is one of our most congested locations. I would have thought that prior to making the decision to place a comprehensive mega school there, attended by every 11-to-18-year-old in Gibraltar, extensive air quality testing would have been conducted to ensure that we were not placing vulnerable children in a heavily polluted environment for a large part of the day. This area is close to the cruise liner berths, the power station, the bus terminal, has many of the heavy vehicles associated with construction passing nearby as it is the only route that can take their weight, and is susceptible to traffic jams at all hours of the day due the number of pedestrian crossings and the volumes of people emanating from the cruise ships. I would have assumed extensive air quality testing had taken place in this area prior to the mega school project proceeding. Can the Minister assure us that this is the case and can he commit to publishing the results of those tests, if indeed they have been carried out? This is actually about the health of the children in this community. I think it is a *very* important matter.

I would also advocate acquiring a mobile air monitoring station which can be moved to potential hot spots to understand the impact of events such as large-scale construction on the immediate environment. Such would also allow us to monitor areas like the East Side mountain of rubble, which I note is reaching extraordinary heights, and its impact in terms of particulates on Catalan Bay and the adjacent beaches.

Mr Speaker, vehicles still constitute a major, if not *the* major, contributor to poor air quality. But let me be clear: it is not just about the number of vehicles on our roads but also, and probably more importantly, the type of vehicles on our roads. The best vehicles, as far as air pollution is concerned, at least within their immediate environment, are electric vehicles. Unfortunately, despite some incentivisation, the idea of owning such a vehicle has not yet caught on. I suppose if everyone could afford a £100,000 Tesla maybe it would be different, but most cannot. We will see how the latest incentives impact on the use of electric vehicles. I appreciate that cost and access to recharging points will be a challenge to many, but there are many people who might make the switch and should be encouraged in that direction. In terms of Rock runners – that second vehicle that many families have for their daily trips rather than the weekly excursion to Spain – they are ideal, as neither speed nor range should be a factor locally. We must find ways to encourage greater use of vehicles ideally suited to our roads, and which of course are also virtually silent. I would also call on businesses, where they have vehicles, to examine and take seriously their own social and environmental responsibilities and seek, where possible, to make greater use of electric vehicles. I would hope such a call would receive the backing of the Chamber of Commerce.

At the other end of the air pollution spectrum are the many lorries, old buses and old diesel-engine vehicles on our roads. Many of the lorries are unfortunately associated with the

construction industry, and with so much construction going on it is hard to see how we can better control them: perhaps better planning so that the amount of construction taking place at any given time in our small community is better controlled. I appreciate that Government need the income, but there are wider considerations than financial which should, indeed must, be brought into the equation, and high on the list of these must be air quality and public health.

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I have said it before and I will say it again: the sale of the old and more heavily polluting buses to a private company so that those buses continue on our streets was a mistake. The Government cannot even cite financial gain, as they were sold for peanuts. This sale should never have happened and these buses should not be on our roads polluting our air today.

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Then of course there is the privately owned diesel. It is true that all older cars are more polluting than the newest vehicles. Older diesels are particularly bad and I do not understand why Government does not do more to encourage people away from these. It was heartening to hear in this House that testing of vehicle emissions is now taking place during MOT testing. This is essential and it was remiss of Government to allow the practice to become occasional or hit and miss due to malfunctioning equipment. This is the vital test that must be conducted without exception and I hope this will be the case going forward. But in terms of encouraging people towards cleaner vehicles, are the incentives sufficient? Will the new raft of measures work? Time will tell. The announcement of the future elimination of the internal combustion engine is ambitious and laudable, but what of now? Even with the increased taxation, why is diesel still so much cheaper at the petrol pumps than petrol? Surely it would discourage the ownership of diesel vehicles if they were more expensive to run. I would ask Government to consider this and justify its policy on environmental rather than commercial grounds.

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Now I must stray into the area of parking, as management of parking has an impact on air quality. It is all well and good to simply say people should walk, cycle or take the bus, and indeed people should be encouraged to explore the possibilities of alternate means of transport. It would help if the walking or cycling experience were more pleasant – and I recognise the paradox that fewer cars might mean more pleasant cycling or walking, but cleaner, quieter streets in better condition might also encourage people to walk or cycle. More on this later, of course.

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Oftentimes people need to use their cars. That is the reality and Government recognises this, as if they did not they would not keep building car parks, but they so often give with one hand and take away with the other, making parking easier for some yet more difficult for others, with the net effect that people often find themselves driving in endless circles seeking somewhere to park and all the while polluting the air unnecessarily when, if parking were easier, all that pollution would not happen.

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The removal of public parking in the Town area, the introduction of zonal parking and the sale of spaces in public car parks have all contributed to making the life of those who do not live in town but need to access town – which is nearly everyone who does not live in town – almost impossible. Government seems to have given up on the idea of a park-and-ride scheme for tourists coming across the Frontier, despite the car parks already being built. Reducing the number of tourist vehicles coming into town will reduce the competition for parking, reduce the number of vehicles on our roads and improve air quality. A park-and-ride scheme should have been a key objective to any strategic transport plan, yet Government have dismissed the idea completely.

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And there is an important point here with respect to the 2030 vehicle targets set by Government. While residents strive to change vehicles in the future, will foreign-registered vehicles be at liberty to roam our streets and pollute our air? Will heavily polluting lorries, foreign or local, not be sanctioned in any way? Will public service vehicles, buses, still be diesel? None of this was made clear in the strategy.

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Mr Speaker, we now have Zone 3 parking for the South District, in which there appears to be absolutely nowhere for people wishing to visit friends and relatives within this zone to park. The zones are not working: please go back to the drawing board.

Another idea dismissed by Government was the possibility of providing extra underground parking at Grand Parade. The idea seems to be anathema to Government, even though it could be built with private money. Instead, Government would prefer another ugly overground car park alongside and obscuring views of the Botanic Gardens. The Chief Minister has said it is not financially viable to go underground. It has been demonstrated to me that it is. It therefore becomes a question of aesthetics. I cannot imagine anyone in Gibraltar preferring the overground option unless they somehow have a vested interest in that option. Please reconsider and please go underground.

I do not wish to dwell overly long on the subject of parking; there has been much discussion in recent months. I would like to point one thing out, however: a parked car is not polluting; a car driving around looking for parking is. Make parking easier and there will be less air pollution.

Mr Speaker, I shall return to transport shortly, but to finish the theme of air quality, of course another way of improving this is to make better use of renewable energy sources, and Government is right to explore these opportunities. While I do not believe that the East Side wave generator has proven to be much of a success, the concept was worthy of exploration and it is pleasing to see the solar panels recently put up on the roofs at New Harbours, hopefully a trend that will increase as we go forward. I look forward to asking questions in the future about energy production from these sources and hopefully the other facilities that were announced today. We are a long way from the target of 20% of our energy production from renewables by 2020, if indeed that target is achievable at all in a community with the geographic limitations that ours has, but we are finally making a start and that is to be commended.

Questions remain over the means by which solar panel contracts are awarded. It is concerning that such seemingly lucrative contracts are being awarded without a tender process to high-profile figures in the GSLP. This is certainly worthy of greater scrutiny, as there are concerns with respect to both best value for money and cronyism. (*Interjection*) It is a shame that a project of environmental value such as this should have been tarnished through lack of proper commercial process. If there is one thing that the people of Gibraltar are absolutely sick of, it is the blatant cronyism and favouritism when it comes to the handing out of lucrative contracts. (*Interjection*)

Moving to the environment and planning, and in particular the planning of Government projects – because I do believe that the oversight of private developments is well managed from an environmental perspective – is it not time then that we moved away from the anachronistic position whereby Government projects are not subject to planning permission?

The last year has seen a number of Government projects rushed into commencement and I fear that the environmental filters that the Minister is so proud of have become clogged. For the sports complex at Europa there have been a number of events to raise some concerns. The way the Europa foreshore, part of our Nature Reserve, has been misused and continues to be misused in terms of its use as a laydown area for building materials is very unfortunate. Of course the area will recover, but this does not mean that the misuse of part of the nature reserve is acceptable. The dumping of rocks extracted from Lathbury at Coaling Island without any real appreciation of the environmental impact was unfortunate too. I asked the Minister for the environmental report that had been prepared for this latter occurrence at the time: none was forthcoming, unfortunately.

Rather more serious is the complete lack of any environmental impact assessment or environmental management plan associated with the mega school at Waterport and the school at Laguna. It beggars belief that these projects – and in particular the former, which is on a huge scale, though both are in residential areas – should proceed without the necessary environmental groundwork because the Government is in a hurry. It is precisely because of developments such as these that Government projects should be subject to the full planning process, so that political expediency does not outweigh environmental imperative. That the Minister for the Environment should also be responsible for the delivery of these projects exposes a conflict of interest in which the environment has paid the price: totally unacceptable.

245 Mr Speaker, another important project on which we have been told there has been progress  
this year is the urban waste water treatment plant. I am disappointed to see that there is only a  
nominal cost entry in the Estimates Book. I had hoped that the project would by now have been  
further along and that the days of pumping raw sewage into the sea would be coming to an end  
in the very near future. I hope that construction will begin soon on this project, an important  
250 project for our community and one that has been a long time in coming. I do welcome that there  
has been some progress and I do hope that the Minister will keep us informed of further  
progress. I still do not understand why we do not have any numbers in the Estimates Book for it,  
but perhaps the funding of that project is coming from elsewhere.

Keeping to the theme of the environment and now venturing into those areas which are not  
255 only the responsibility of the Ministry of the Environment, I come to the issue of cleanliness and  
tidiness in our community and its maintenance. I am fully aligned with the view that each of us  
has a responsibility with respect to keeping Gibraltar tidy. We must clean up after ourselves, we  
must clean up after our pets, we must dispose of our rubbish and preferably recycle what is  
recyclable. This is our civic duty and our responsibility as individuals, businesses or organisations,  
260 and I fully support people being fined for littering and for not picking up after their pets. This  
does not, however, negate Government's responsibility to set the example and show the  
leadership which will encourage others to change their behaviours and do better.

Last year the Minister promised us that for 2018 Gibraltar would sparkle. I am afraid that that  
265 promise has not materialised. A major criticism from both residents and visitors is that Gibraltar  
is dirty. When this is the case in our major thoroughfares, Main Street and Irish Town, what  
hope is there for the more outlying areas? The state of many of our streets, as was the case last  
year, is embarrassing. I am not going to dwell on this point, as it has been much discussed during  
the last 12 months; I will simply say that Government must do better for the sake of both  
residents and visitors.

270 The dilapidation and in many cases abandonment of many of our buildings is another matter.  
The Government recently tried to pin this issue on private landlords. There may be a case for  
private landlords doing better, but again the example must be set by Government. Look at this  
building, sitting prominently in the centre of town and yet it looks shabby: peeling paint, dirt – it  
sets no example for others and creates a sense of more general disrepair. With the hundreds of  
275 millions that Government are spending, surely a few quid could be found to give this building a  
lick of paint. (**A Member:** Hear, hear.)

I was recently exploring areas of the Upper Town. While not on the normal tourist trail, it still  
receives visitors with some frequency. I took the escalator, which was working – something I was  
told by residents of the area who stopped to chat was a rarity and I was very lucky. I stopped to  
280 look at the green roof of the Engineer Lane car park, which appeared abandoned and certainly  
did nothing to enhance the area. It just seemed to be a feeding ground for pigeons, which was a  
pity because the idea is a good one but clearly needs proper looking after, something which is  
not happening. Time and again I came across beautifully refurbished buildings alongside bricked-  
up and abandoned structures, and this seems to be the theme for large parts of the Upper  
285 Town. Where there is private ownership, buildings have been renovated to high standards.  
Those properties still under Government ownership lie empty and decayed. It is a bit rich in  
these circumstances for the Government to have tried to blame private landlords for the  
dilapidation of many buildings when they themselves set such a poor example. But of course  
where this Government is concerned, there is always someone else to blame. The concept of  
290 accepting responsibility is completely alien.

This dilapidation of public property extends beyond our buildings to our streets, and here  
Government cannot blame anyone else but themselves for their condition, unless of course it is  
everyone else's fault for having the temerity to drive on our roads and walk on our pavements.  
The state of nearly all of our streets has gone beyond a joke. They are, in many cases, an  
295 accident waiting to happen: potholes, cracks, crumbling surfaces, uneven paving stones, lifted  
drains and manholes, poorly marked crossings and road markings, confusing signs. There is no

end to the problems. All the while the Minister contemplates his Strategic Transport Plan and focuses attention on his pilot schemes, such as zone parking, which are bringing little benefit to the community as a whole and causing great angst to many. And of course the convenient labelling of everything as a 'pilot scheme' is once again designed to avoid having to take responsibility for the failures in a plan which took a whole term of office to put together. Anyway, while the Minister contemplates his plan, he has forgotten the basic needs of road users: reasonably smooth surfaces and decent signs and markings. This Government continually tells us that it wants more people to walk or cycle: well, make these activities less hazardous and perhaps people might.

Road safety is of serious concern, there have been two tragic incidents involving motorcycles in the past few months. I am sure that there will be strenuous efforts to establish causes in these events and I am sure should any factors be identified which contributed to these events they will be rectified, if they have not already. While I am not for one minute suggesting that the road conditions in any way contributed to these deaths, it does highlight the vulnerability of bike riders and the importance of eliminating factors which might lead to accidents. Proper investment in this area is crucial: it might save lives. Perhaps Government would consider the establishment of a road safety committee to review and recommend where improvements might be made.

Mr Speaker, I would now like to turn to tourism, a subject I have already touched upon when talking about the dirt and dilapidation because of the impression that these leave with visitors – impressions that they of course go away with and relate to family and friends, or even communicate more broadly on social media platforms. Tourism depends on having a good product and in that respect we are blessed with many, many natural attractions, not necessarily enhanced by recent additions. Those attractions need to be nurtured and they need to be marketed.

Looking at the figures over the past few years for tourist numbers and tourist expenditure, it really is alarming how since this administration entered office both plummeted in their first two years and neither has recovered to the highs that were seen in 2011; they have not even come close. If tourism is an important pillar of our economy, whatever this Government has done, it has been bad for tourism. They will no doubt quote global economic slowdown and other factors outside of Gibraltar, but the fact is the worst recent global economic crisis happened in 2008 and our tourism grew right through until 2011. The slump coincided with the arrival of the GSLP administration. (*Interjection*)

The Chief Minister speaks of growth in tourism. He speaks of records. It is a relief that there has been growth this year, but let's put this in context. In 2011 tourist expenditure was a shade under £280 million. For 2017 we reached a figure of £252 million, still £28 million shy of that high watermark set by the previous GSD administration. This is not the full story, however, as when the 2017 figure is adjusted for inflation, in 2011 terms it amounts to £225 million, a full £55 million short of the tourist expenditure figure for 2011. Fifty five *million* pounds. In fact, if this Government had only been able to maintain the 2011 figure, showing no growth whatsoever, over the last six years our economy would have benefitted to the tune of £396 million. *That* is the true story of the record of this administration when it comes to tourism: a loss to our economy of £396 million.

I do welcome the increase in the number of hotels. The recent opening of the Holiday Inn Express will, I hope, make access to longer-stay tourism less expensive and bring in tourists for more than a day, but this will still only happen if the product is right. Two areas of growth in terms of tourist numbers that have risen recently have been in aviation and cruise ship visitors. On the former it was unfortunate that Monarch Airlines ceased to operate; I certainly do not pin that on the Government. While the other airlines have picked up some of the slack in the system, the numbers of available seats and destinations offered has suffered as a direct consequence and demand for air transport very much outstrips supply at the moment, with a consequent impact on ticket pricing. (**A Member:** Hear, hear.) It is disappointing to note that the

350 Superbreak charter flights that were announced last year with great fanfare have not materialised this summer, but I am sure Government is strenuously exploring what other carriers may wish to operate to Gibraltar and I do wish them every success in what is a very competitive airports market.

355 As I said, cruise ship visitor numbers have also been rising steadily. Speaking with a number of Main Street traders, I have been given a sense that these visitors are not spending their money as they used to. I am sure Government is monitoring the real situation and will be working with the GFSB and Chamber of Commerce to understand whether this is the case, and if so, the reasons that lie behind it. While the number of cruise visits seem to peak this year, the programme for next year appears rather sparse at the moment with confirmed visits by cruise ships down by 50 and with over 150,000 fewer passengers expected. I am sure Government will  
360 be working hard to improve this situation, but we are already in July and many cruise schedules will already have been set for next year. The picture looking forward is very worrying and should it not improve, Government will have some explaining to do.

The tourist product itself has not moved on a great deal in the past six years and we are certainly not exploring our gifts to their fullest potential. And now that we are charging even  
365 walkers to go to the Upper Rock it is even more important that they be impressed. Bravo, I say, to the Re-enactment Society for their recent display at the Siege Tunnels. That is the kind of performance – bringing history to life – that we really should be doing more of. Bravo to them also for their weekly forays into Main Street. Their dedication is admirable. We need targeted investment to bring the core areas of our tourist product into the 21st century and create a  
370 spectacle that will once again bring tourism in droves, happy to pay to access the sites. We are far from that at the moment.

For many tourists their experience is not a friendly one. They queue to get across the Frontier, then head up the Rock only to be turned away because they are no longer allowed to drive there – but they often do not receive this information until they get to Windmill Hill Road.  
375 They drive back down and start the hunt for parking, and if they are lucky they might find something in Grand Parade. Off they go on the cable car to explore the attractions and spend some money, having spent half their available time already. But when they return to their vehicle they find it has been clamped – they failed to read the sign a hundred metres away telling them that it was a cleaning day. So they pay the fine and head back to the Frontier,  
380 thoroughly fed up, and queue again to leave. You will say I exaggerate or cite the worst-case scenario. Well, it is the worst-case scenario, but a scenario being experienced by too many visitors when it should be experienced by none. If I went somewhere and had an experience like this, I would be very quick to tell anyone who would listen not to visit that place. (*Interjection*)

385 Government has invested considerable capital in a suspension bridge and Skywalk. Time will tell whether they are a success; the measure will be whether the number of overall visitor numbers goes up.

Let me just read the following quote from the GONHS Upper Rock Nature Reserve Management Plan published in 2006 and the Blueprint for the Gibraltar Nature Reserve Management Plan 2016, which I just point out once again is still a consultation draft in 2018 –  
390 Government would not want to commit to actually publishing targets, after all; with that comes accountability and, as Minister Balban is finding out in his lonely press conferences on parking zones, no one in Government really wants to be accountable for possibly unpopular measures.

Back to the quote from the GONHS Management Plan. I refer you to the foreword. After a bit of nostalgia about the Upper Rock, we have:

Times move on, and with an open frontier and increasing tourism ... the Upper Rock is no longer the quiet place it once was. As urban areas ... become more densely populated, as bits of open ground get converted into buildings, as even its quiet heights of wilderness are threatened by Mickey Mouse ideas, the importance of the Upper Rock ... has increased.

395 Mickey Mouse ideas: what could the author have had in mind? And who was the author?  
Well, yes, as he is well aware, none other than the Hon. Minister for the Environment, John  
Cortes. I wonder what must have gone through his mind when the proposal for the Skywalk was  
brought to him and then, just to cement the Mickey Mouse nature of the project, it was decided  
400 to open the Skywalk using a *Star Wars* character from a Disney franchise. Does it get any more  
Mickey Mouse? The Minister must have paled when he heard about this idea. I suppose it is a  
lesson to us all on what we write in the past and how it may return to haunt us.

Mr Speaker, I would like to finish my contribution with Civil Contingencies and in particular  
the Gibraltar Fire and Rescue Service. I am not going to ask when their new fire station might be  
built. It was promised in the 2011 manifesto. The Chief Minister has said that Government are  
405 not beholden to any incomplete commitments from that manifesto, even though before the last  
election they were saying that the manifesto had been completely delivered. The spin began on  
day one of this administration and has never stopped. A commitment made to an essential  
service has not been delivered. Still the Fire and Rescue Service lack the space to park many of  
their vehicles in a secure area. I would have hoped for a greater urgency in this matter; however,  
410 it seems that the commitment to a new fire station has been put on the back burner.

With respect to the recommendations made by Sir Ken Knight in his report, I would ask the  
Government to describe what progress has been made in delivering these.

I am equally concerned at this juncture that the Fire and Rescue Service be provided with  
proper and up-to-date training facilities. Through my own research and through information I  
415 have received, I have been made aware that what is currently available is inadequate to cater for  
the needs of the service, that maintaining competence in all of the varied rescue activities that  
the service may undertake is challenging and difficult. Inadequate facilities lead to substandard  
training, and where matters of critical incidents and life or death situations are concerned,  
substandard training places lives at risk, both those of the firemen and of the individuals  
420 requiring rescue. This is a matter of some urgency that needs to be addressed. I would ask the  
Minister to look into this and determine what precisely the Fire and Rescue Service need to  
make the necessary improvements.

Finally, Mr Speaker, I would like to thank you, the Clerk and all those who work so closely  
with us in Parliament for all the support and the assistance they have provided throughout the  
425 last year. Thank you. (*Banging on desks*)

**Mr Speaker:** The Hon. Albert Isola.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, if I may, before I start, just make a  
number of observations – I think on this side of the House we would be forgiven for not seeking  
to take lectures from the Members opposite in respect of quality of air.

It will not have escaped anyone in our community that the hon. Member, who stood for  
430 election in 2011, was about to launch into the worst, horrendous, monstrous diesel-generating  
power station that Gibraltar's air quality could have ever suffered most from. And he comes and  
tells us that our air quality, despite what he just heard... It is as if he has prepared a speech and  
come to Parliament, and whatever he is told by the hon. Member in respect of air quality does  
not matter, because he has written his speech and that is what he is going to say, come hell or  
435 high water. I think the hon. Member requires to draw breath, stop talking about Mickey Mouse  
and start listening a little better to what he is being told by the hon. Member who has done  
more for environment, for limitation of pollution and noise, and air and everything else in these  
years than any other Government has done before. (*Banging on desks*)

Likewise, Mr Speaker, when he talks about 'When are Government projects going to come  
440 before the DPC? Isn't it time?' My gosh, it is not that long ago when he stood in the same party  
at the same election, where DPC meetings were held in secret, objectors had no right to be  
heard, the public were not allowed to listen to any development of anyone in Gibraltar. (**Hon.  
Chief Minister:** Hear, hear.) And yet, Mr Speaker – (**Hon. T N Hammond:** Poor excuse.) Poor



excuse? Well, Mr Speaker, let's try this one. There is a Bill before Parliament, which he should be  
445 aware of, which is called the Town Planning (Amendment) Act, which actually says that  
Government is going to allow its own projects to come to the DPC like every other project. Is  
that not good enough? (*Banging on desks*)

Mr Speaker, there seems to be no consistency or logic in anything that is coming from the  
other side of Parliament in these two days. I hope – and I am an optimist – that it will improve in  
450 the deliveries that we are yet to hear. (*Interjection*) It is almost like wishing we had back  
Mr Montiel and Mr Netto (*Laughter*) and all the others who used to entertain us joyfully in those  
long Budget sessions.

Mr Speaker, Mr Phillips announced to this House and to the people of Gibraltar that for the  
second year running the GSD was going to vote against this Appropriation Bill.

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**Chief Minister (Hon. F R Picardo):** He's not here.

**Hon. A J Isola:** But of course he is not here to learn a little as to why he should not. But at  
least when I listened to him I thought to myself, 'Okay, can we really try and ascertain a reason  
460 as to why?' He was not convincing, and I think that is probably in part because he is not  
convinced himself –

**Hon. Chief Minister:** He probably has not understood.

**Hon. A J Isola:** But the very arguments that he used were the same that were used by  
Mr Feetham last year, when he was, I have to say, far more convincing than Mr Phillips has been  
this year, and the Father of the House beautifully took this House through every single argument  
that Mr Feetham had put and explained to him and to the rest of us why it was wrong.

Yet Mr Phillips, in his unconvincing and shallow manner, continued, and what he said was  
470 this: 'This is the Big Lie Budget.' Well, he talks about our leader, the Hon. the Chief Minister,  
being a master of spin. Well, he had better start learning from him because Big Lie Budget is a  
little spin that he thought he would roll out – unsuccessfully, unfortunately for him. It says  
absolutely nothing, because what is the lie? Big Lie Budget: what is the lie?

He then says 'intentionally hiding the true debt of our people', 'it is opaque', 'the Opposition  
475 is handcuffed from scrutinising finances', 'the hidden debt', 'falsely misleading'. Well, there are  
two issues here, Mr Speaker. The first is that what is and what is not debt is defined in law, so  
what we have is what we have, and what they had for 16 years before is exactly the same  
system that we use today, that they used for 16 years and was used even before that. So what  
you define as debt is debt. There is no question about that. The argument used to be made by  
480 my Friend Mr Feetham, but I think he has given that one up. So, if debt is debt and what is not  
debt is in fact what is structured through companies or off balance sheet is not debt under the  
official terminology of debt, then surely what we are doing, and what they did for 16 years, is  
absolutely right. That does not mean that anything is being hidden or anything is opaque. We  
are using precisely the same system that they used in accounting with this Appropriation Bill as  
485 they did for the 16 years that they were there.

To say that we are hiding, that it is opaque, when we issue a press release informing our  
community that we have borrowed £300 million, when Mr Clinton can get up to this House and  
say, 'This is off balance sheet, this is off balance sheet, this is off balance sheet,' well, we have  
not done a very good job of hiding it if we had wanted to!

490 There is no intention to hide anything from anyone. It has been structured in a way that they  
should be very familiar with, because they almost invented it. And yet at the same time, when  
we issue press releases, when we make public the information on a very regular basis of what  
amounts are borrowed and by whom, it is 'hidden', it is 'opaque'. Mr Speaker, there is a GSD  
hash tag which says 'We deserve better' – I think we deserve better from the Opposition.  
495 (**Several Members:** Hear, hear.) (*Banging on desks*) I think the community of Gibraltar deserves

better from the Opposition. And I exclude, obviously, the hon. Lady. (**A Member:** Hear, hear.)  
(*Banging on desks*)

Mr Speaker, people in Gibraltar will remember the Hospital: off balance sheet. People will remember the car parks: off balance sheet. People will remember the power station there was going to be, but thank God we stopped it, so it is not off balance sheet too. Well, were those hidden? Were those opaque? (**Hon. Chief Minister:** Transparent.)

Mr Speaker, public debt is today exactly the same in its management as it was then, but this is the Big Lie ‘not when they did it’; it is only a big lie when we do it. With the greatest of respect, it is absolute nonsense. (**A Member:** Hear, hear.)

Mr Clinton then gets up and tells us that the school is going to be built and there is only a thousand pounds. We are pretty good at value for money, Mr Speaker, but not that good, and even he should know that! (*Laughter*) The hon. Member is being disingenuous because he knows, if he is the accountant that he thinks he is – until his bubble was burst by Mr Licudi earlier, before lunch this morning (*Laughter*) – that when you prepare the Appropriation Bill and the Estimates Book and the amount is either not certain because it is not fully defined or you are not yet sure how you are going to structure that funding, it is absolutely normal, and it is littered throughout the whole book, to put a provisional sum of £1,000. It is absolutely the normal way to do it – and they will not be surprised to hear they did it day in, day out, (**Hon. Chief Minister:** Absolutely.) because it is the right thing to do, and that is what we are doing. But Mr Clinton comes to Parliament and tries to tell the people of Gibraltar, ‘They’ve put a thousand pounds in – they’re just hiding it from us.’ Nonsense. Absolute nonsense. It is a practice and a procedure that has been used repeatedly over tens of years in this Parliament in the Appropriation Bill. (**Hon. Chief Minister:** Absolutely right.) (**A Member:** What nonsense!)

And then of course he comes and he tells us about the stealth of incoming fees. Stealth taxes: wow! So what does he mean? Surely if a man is worried about the amount of debt we have, which he says is a big number, surely he would want us to have more revenue, so surely he would welcome stealth taxes. No. But of course the truth is that there are no stealth taxes, because house rent, second increase in 35 years, of 3%. Is that a stealth tax? Landing certificates from £10 to £20 – first increase in 30 years: stealth tax. [*Inaudible*] increase, the first in eight years, and some since 1997: stealth tax. Tobacco licence fees, the first increase since 2005: stealth tax. Cigarettes, £1 per carton: stealth tax. Well, Mr Speaker, I cannot see anywhere in the Chief Minister’s brilliant address an example of a stealth tax. Maybe perhaps when we come back to Parliament after this sitting he can give us some examples of those stealth taxes.

He mentioned rates. The hon. Member should know that we actually do not manage the rates. The rates go with the net annual value, which has got nothing to do with Government’s interference with that. So, as cost of living goes up, as net annual values go up, so do rates go with it. It is an automatic process. Or is he suggesting we should stop that? Less revenue. What is he really saying?

Mr Speaker, the impact of Brexit on our business community is difficult to predict or quantify, as the moving parts that Brexit is comprised of are far from clear and continue to move in unpredictable directions.

The Hon. Mr Phillips –

**Hon. Chief Minister:** Who is now here.

**Hon. A J Isola:** – said ‘Brexit excuse’. Welcome. You know, Mr Speaker, if we did nothing else, because of Brexit, it would be understandable because it is the biggest singular challenge this community has faced in generations. And so to say that something is a Brexit excuse is to misunderstand or not understand at all the importance of Brexit.

And so, from my perspective, I have to say I am hugely proud of the work that the Chief Minister and the Deputy Chief Minister have done in all their work related to Brexit because it affects and touches my areas, which are those that affect the entire business community in

550 Gibraltar. To be told, as we have been, post-Brexit access guarantee in financial services, post-Brexit access guarantee in gaming – if that was the only thing that we got from those discussions which they have been having week in, week out over the past two years, that would be an achievement I would be proud of and everything else would have to suffer. But that is not the truth, as they know, because we have continued apace with everything else, as the hon. Members are fully aware.

555 As a consequence, we have continued to work, wherever possible, to maintain the business we have, whilst working to explore new opportunities and new lines of business which will increase activity in our community.

560 We have to accept that our new modus operandi will not work for all, and that there will be areas of change. We remain today where we were 24 months ago. We will work to deliver the very best results in the circumstances, working closely with the private sector in ensuring that our product lines across all areas remain relevant and fit for purpose in the new challenges and opportunities that Brexit will deliver and offer.

565 I have the privilege to work with the quite excellent executive team at the Gibraltar International Bank and am immensely proud of their work in providing our community with exactly what we asked them to do. Almost 21,000 accounts, increasing deposits and loans, a stable professional staff and an independent board of directors have delivered ahead of their own business plan a bank that will this year break into profit, provided there are no surprises. We must congratulate Albert Langston our Chairman and his board on delivering these results; and of course Lawrence Podesta CEO and Derek Sene COO, who lead the excellent team we are so fortunate to have at the bank. Our thanks are due to each and every one of them.

570 Mr Speaker, for our insurance community, Brexit remains an opportunity, as over 90% of Gibraltar's insurance business is with the United Kingdom; and with passporting rights from Gibraltar into the UK secure with the Chief Minister's work at the JMC, the effect has been to ensure that Gibraltar remains a unique alternative domicile for insurance businesses focused on the UK market.

575 We have two applications pending that are particularly interesting, because if authorised they will both have significant capital investment from day one. Whilst today Gibraltar has a number of very large insurance companies, the path to growth has, in most cases, come from organic growth over the last 10 to 15 years. The creation of new, highly capitalised insurers has been more prevalent in other insurance centres but would send out a very strong message that institutional investors have confidence in Gibraltar and its post-Brexit status.

580 Mr Speaker, there is a high degree of confidence in the insurance market. Currently, we are promoting the use of cell company structures, which will allow business continuity to flow through the post-Brexit transition.

585 Mr Speaker, Gibraltar Finance continues with its marketing strategy in the Far East in the insurance space. Structural changes to the Chinese insurance regulator in 2017 slowed our progress but we continue to gain traction and support. Relationships need both time and investment and so we will continue to travel to the Far East to articulate Gibraltar's compelling insurance proposition.

590 Finally on insurance, Mr Speaker, the rapid development of Gibraltar's FinTech sector offers other opportunities to create a complementary InsurTech hub and efforts are underway to promote Gibraltar to the InsurTech community.

595 Mr Speaker, we have continued to work with GFIA the funds association and the funds community in addressing their ambitions to update our legislative position and introduce interesting and innovative products in the new post-Brexit world of opportunity where a dual regime basis becomes possible. We are also looking at crypto funds and how best to better market these services. We continue to support in direct business development work with GFIA in their traditional markets in London and Switzerland.

600 Mr Speaker, the private client space continues to reinvent itself as it adjusts and prepares for Brexit. The challenges are obvious and we are pushing ahead with supporting this sector in our plans for this coming year.

This year has seen the introduction, on 1st January, of our innovative and ground-breaking DLT framework. Gibraltar plc has invested heavily in making this a reality and an incredible amount of work has gone into preparing and delivering these services.

605 Since January 2018, Gibraltar Finance has been delivering on a detailed and strategically formulated activity schedule, created to proactively drive home our very strong DLT message. We have researched and identified key markets and audiences and focused our marketing in these areas with some degree of success.

610 To date in 2018 this has resulted in attendances at the World Blockchain Forum in Miami; the StartUp Grind in San Francisco; the FinTech Week in Tel Aviv; a visit to Beijing, Hong Kong and Singapore, where we hosted two very successful events; the hugely renowned Consensus 2018 and Token Summit III, both in New York, where on both occasions I was invited to address the audience; Amsterdam for Money 20/20; Zug for the Crypto Valley Conference; and, of course, our traditional market in the United Kingdom, including London Blockchain Week and others. Our aggressive schedule will continue for the remainder of 2018 with conferences in Tel Aviv for

615 a Gibraltar Day event, San Francisco, Beijing, Shanghai, London and Latin America, and will include the second Gibraltar Finance FinTech conference here in October, full details of which will be made public shortly. We have also supported two private sector FinTech conferences in Gibraltar, the most recent being the Token Market summit which took place last week. Also in January of 2018, I addressed the Blockchain Technology Seminar in Davos, in the margins of the

620 World Economic Forum, at the invitation of the Global Business Blockchain Council.

We have of late been publicly welcoming some of the firms that are settling in Gibraltar – industry leaders such as Xapo, eToro, Huobi, Gnosis, Oxygen, RSK Labs, TokenMarket, Coinfloor, Covesting and Coindash, to name but a few – many more to come as we evolve as a centre for global enterprise in this field. We must also not forget the work being undertaken by GBX, as it

625 actively seeks a licence in the quest to become one of the world's first Blockchain exchanges. I have to acknowledge the support and work of all Gibraltar firms who have supported our development in this area, and for their relentless push with us in spreading the word.

In February 2018, we announced that we would introduce complementary but distinct legislation covering token sales. Working in partnership with the Gibraltar Financial Services Commission and the private sector, this complex work is in its final stages and should be before

630 Parliament in the very near future. I have already indicated to the Hon. Mr Clinton and Mr Feetham that I will share drafts as soon as I am able to, and then invite them to meet with the regulators and the people involved to better understand exactly what it is we are seeking to do.

635 We remain committed to protecting the jurisdiction and consumers in tandem, while providing innovative support to this nascent industry. Our vision remains one of attracting quality operators who will create long term, sustainable and mutually beneficial relationships.

Mr Speaker, the Financial Services Commission is actively processing some 35 applications for DLT licences – news on these is expected very shortly – with a similar number in the pipeline.

640 Our professional services providers are working as never before in providing quality advice and guidance to applicants and are raising their own game to meet the challenges that we face and meet the high standards we expect of them.

If all are licensed, this means 35 new businesses in this sector creating economic activity, employment and opportunity, and all created by ourselves as a jurisdiction.

645 There has also been spin-off in other areas of private client work with applications pending for e-money and, further ahead, more proposed banking licences. DLT initiatives are also creating a market for trust and company managers to provide their services. All of this translates into bottom-line revenue for our jurisdiction, which in turn benefits the entire community.

650 Mr Speaker, none of this work would have been possible without the support of the team at Gibraltar Finance under the safe and trusting stewardship of its CEO Mr Jimmy Tipping, whose knowledge and expertise in all things financial services is exceptional. I am most grateful, as always, for his work and that of his team, including Tim Haynes in London, who organise events and manage the offices, with no fuss and to our required standards of quality, effortlessly.

655 Exchange of information and UBO works continues smoothly and, I am pleased to report, effectively.

Mike Ashton has driven our insurance development with energy and enthusiasm, particularly in Asia and we are most excited about our prospects there, as well as of course our continued growth in the London market.

660 I must this year single out for special mention the work of Mr Paul Astengo. His efforts on the DLT front have been truly quite superb. He led the working group four years ago and developed the thinking which we are seeing succeeding today. He has led the work with the private sector and the regulator, and also the business development drive. He has spent most of this last year living out of a suitcase as he spreads the word around the world. Put simply, we could not have done this without him, and I and Gibraltar owe him a debt of gratitude, which I am happy to  
665 acknowledge today. (*Banging on desks*)

The Finance Centre Council is a valuable and important part of our jurisdiction whom we interact with regularly and extensively, and in this year of consultations on our Legal Reform Programme, they have really demonstrated their value. They add tremendous value to our work as we together shape the future of this sector and its legislative platform. My thanks especially  
670 to Peter Montegriffo, its Chairman, who is shortly to retire as the outgoing Chair, and all its members for their time and care – and as I mentioned before, Mr Speaker, especially in our consultation processes.

Our ability to sit round a table with the private sector and the regulator ensures that our decisions are informed and well considered. I am grateful to Samantha Barrass, the CEO, and her  
675 team at the GFSC, and of course the board, for their continued good work. We have together developed the DLT framework and worked on a multitude of other important issues in all areas financial services, and I must particularly mention Sian Jones for her wisdom and expertise on everything Blockchain and Crypto. We are also making good progress on the Legal Reform Programme and I am grateful to Ernest and Julian at the GFSC for their work on this project.

680 Dealing now with the gaming sector, which continues to be a key sector of our economy, the combination of the remote and land-based industries provides direct employment for some 3,500 individuals, with the bulk of those working in the remote sector. There are also a large number of supply chain and support functions that are dependent upon that industry.

685 It is undeniable that the Gibraltar-based remote gambling industry remains the most significant in Europe, if not the world, but it is now sailing into headwinds. These are created not only by the uncertainties of Brexit and challenges around EU market access, but also because of increased industry consolidation as companies look to scale up, drive efficiencies and deal with increased regulatory costs in new and existing jurisdictions.

690 Our two land-based casinos have also recently announced their own plans for shared operations. It is important that we retain both the *Sunborn* and the Admiral facilities, and an enormous amount of work and goodwill has been invested in taking this project forward.

695 Whilst the number of remote licences held remains around 30, further consolidation will mean that the number of B2C licences is again likely to reduce this financial year. However, interest in Gibraltar as a licensing jurisdiction remains, with the licensing team dealing regularly with pre-application enquiries and a small number of substantive applications. Both the consumer-facing B2C and B2B games supply market continue to grow in scale, if not in absolute numbers, but there has always been variation in numbers within an upward trend that has continued since 2011.

700 In March, and following discussions at the Joint Ministerial Committee, the Chief Minister announced, amongst other matters, that the UK has guaranteed Gibraltar licensees continued

access to the very important UK remote gambling market throughout the transition period and beyond. Gibraltar is the only jurisdiction to have received such an assurance. Much of the Gibraltar-based sector is UK facing and some 80% of UK remote betting and a very significant percentage of UK gaming is provided from Gibraltar to what is the EU's biggest gambling market.

705 We have made it clear that Brexit provides an opportunity to strengthen our operations with the UK, and our discussions with UK Ministers and officials have demonstrated that the UK does not want to see a shift in the critical mass of remote gambling operators away from Gibraltar. However, we can understand and will support our firms who are contingency planning and prudently assessing the political and business risks created by the nature and timing of Brexit  
710 being unresolved.

Looking at the issue from a traditional business risk assessment perspective, whilst the probability of a hard or early Brexit and not being able to access EU markets from Gibraltar remains low, in our estimation, the impact of such an occurrence would be high. That situation could arise in the coming months but is effectively being planned for in 2021. This means early  
715 decisions have to be made that will change some operations in Gibraltar. That is why we are working closely with our operators who are most immediately exposed to Brexit risk to construct a regulatory and licensing framework that is right for them and right for Gibraltar in terms of regulatory control and continued economic benefits for Gibraltar and all those who live or work here.

720 Our engagements have given us a strong degree of confidence that whilst operators may need to be flexible about the contingent location of some of their transactional technology, their people, both management and staff, prefer to be anchored in Gibraltar. They understand the personal and business benefits of being in this jurisdiction and we are working with them to develop alternate operating arrangements around technology, tailored to different Brexit  
725 outcomes and each operator's unique business model.

In addition, the Gambling Division is now working closely with Government and the GFSC on DLT and crypto currency proposals in the gambling space, as well as considering how it might support the economy by considering business plans for gambling start-ups where the management of those start-ups have themselves a strong industry and regulatory track record.

730 Mr Speaker, I am clear that Gibraltar will not lower its regulatory standards or become a brass plate jurisdiction for remote gambling, but nevertheless the new post-Brexit world requires us to be flexible, innovative and to take a balanced view on new business models and technology platforms. We should be prepared to be an incubator for selected technology firms and this requires a shift in mindset and more flexible legislation which widens the regulatory  
735 perimeter to include all firms employed in the provision of remote gambling services from Gibraltar.

There will also be a requirement to enhance co-operation with other gambling regulatory regimes, both EU and non-EU, to ensure that we remain at the heart of the wider remote gambling community.

740 I have previously indicated that the Government has been considering various models to replace the historic and essentially flat rate gambling charges paid by our licensees since 2005. This has proven to be a complex and challenging process with significant interest within and beyond the industry. For this reason we have consulted extensively with the sector. As a consequence, I can inform this House that Government has decided to roll out the arrangements  
745 for both new licence charges and new gambling duties with immediate effect. To delay implementation would mean a 12-month delay and this is not workable, as the first due date for this year is 1st July. In sum, the industry is being moved on to a charging model with substantially higher annual licence fees, typically £100,000 for each B2C licence and £85,000 for each B2B licence, with Gambling Tax paid only by the B2Cs on their gross receipts, both gaming  
750 receipts and betting receipts, at the very low rate of 0.15%.

As with any changes in tax modelling, there are winners and losers. My staff have been assiduous in ensuring those who are likely to pay substantially more have been kept abreast of

755 developments and indeed involved in the process, the reasons for the changes and how they will  
impact on them. Whilst no industry welcomes increased charges, they have appreciated the  
consultation and made their own adjustments. Conversely, those with likely reductions in  
charges have been less well informed so as not to encourage over or excessive expectations  
about reduced charges, and this model, which largely links charges to gross profit, will reduce  
the charges paid by many.

760 It must also be remembered that amongst our largest licensees are a number who have  
consolidated two, three and even four former licence holders in the interests of efficiency and  
global competition. Likewise, they and others are global suppliers and amongst if not the largest  
in certain markets and these charges are both fair and proportionate.

765 Again, I can assure the House that this new model is necessary and has been carefully  
developed to complement a constantly changing industry landscape. Ideally, the transition  
would have been initiated at an earlier point in the year and with more information available,  
but that detail will be provided in the days and weeks to come and I am confident that we have  
the right model and now is the time to introduce it.

770 Mr Speaker, our new Gambling regulator, Andrew Lyman, is now in place and he has been  
working side by side with Phill Brear to effect a smooth handover of responsibility. Andrew is an  
experienced man not just in regulation but also in the gaming sector and has already proven  
himself to be a safe pair of hands. I have every confidence in his ability to continue to hold high  
our excellent regulatory reputation in this important sector.

775 Phill Brear has gracefully consented to remain in an advisory role, dedicating himself to three  
key areas: firstly, to revive the review and amendment of our Gambling Act to make the  
regulatory regime fit for the future; secondly, the transition to a new gaming tax regime; and  
thirdly, an update of the industry AML/CTF code. I must thank Phill once again for his service and  
commitment to our gaming community. He has been a superb leader of our Gambling Division  
and a key player in our continued success these past 11 years. I am sure all Members will join me  
in thanking him and his wife Janet for their support of our gambling community.

780 Mr Speaker, turning to the Liaison Department, since the Department was created in 2013 it  
has operated as a support and problem-solving hub for the gaming and finance sectors. Lizanne  
and Tania deal with a wide range of services, ranging from fast-tracking employment permit  
applications to chasing up and/or expediting processes being managed by other Government  
Departments. I continue to receive thanks and compliments for the efficient work of this unit  
785 and I am most grateful to Lizanne and Tania for delivering this. The work of the unit will now also  
be extended to support our new DLT firms.

790 Mr Speaker, I turn to Commerce and the Office of Fair Trading. Even though the Office is only  
in its second full year of operations, I am very satisfied with its ability to meet the ambitious  
objectives and responsibilities set for it by the Fair Trading Act 2015. The team, ably lead by  
Francis Muscat, continues to be actively engaged on a daily basis to assist businesses to set  
themselves up in Gibraltar as quickly and easily as possible within the requirements of the Act.

795 In conjunction with the Gibraltar Federation of Small Businesses and the Gibraltar Chamber  
of Commerce, we are currently reviewing a number of areas of the OFT work to simplify and  
improve these processes. I am happy to report that an amended Bill has already been drafted  
and that an advanced draft of the proposed subsidiary legislation to replace the business  
licensing provisions of the Act has already been considered by the Chamber and the GFSB. The  
Bill will be considered only once Members opposite have had an opportunity to consider the  
draft regulations, which I have also discussed with Members opposite and will share with them  
in advance of that.

800 We have also recently issued a consultation paper touching on a number of business related  
issues and we look forward to engaging further with the Chamber and the GFSB on all of these  
matters. I am grateful to them for their open and frank relationship, even if we do not always  
agree.

805 Mr Speaker, the number of active business licences continues to grow at a steady rate. There has been an increase in excess of 10% of licence holders since my address last year, despite a substantial clear-out of the OFT's system seeing the revocation of approximately 400 inactive licences. This increase reflects not only the vibrancy of our economy and business community but also the positive steps taken by the OFT to engage with other GoG Departments so that there is meaningful inter-departmental communication to ensure that all businesses are licensed and operating on a level playing field. Like some Members opposite have mentioned, it is our intention to make this a smooth and easier process; we appreciate there are issues and we are in the process of tackling these.

In the past year, a significant part of the OFT's efforts have also been dedicated to its new anti-money laundering and counter-terrorism responsibilities.

815 As the appointed Supervisory Authority for Real Estate Agents and High Value Dealers under the Proceeds of Crime Act, the OFT has worked hard to produce and issue detailed and easy-to-use guidance notes setting out the manner in which the OFT will regulate each of these sectors in accordance with the Act.

I am happy to report that as the OFT matures, it continues to constantly develop and review its internal procedures to ensure it provides its services to the public efficiently and to the highest possible standards.

825 Mr Speaker, I turn to my responsibilities for the Royal Gibraltar Post Office. I must start by thanking the entire RGPO team for their continued work and dedication in meeting the needs of our community whilst at the same time managing a complete relocation of services to the new mail centre and parcel office at Mid Harbours. Despite the technical teething problems arising from this move, normal service has now been resumed.

830 The RGPO review is progressing well and I am pleased to say that there is a constructive and positive attitude in this process. I must thank Mr Gareth Flower, who leads the review on my behalf, for his excellent work and indeed that of the team at HR – Collin, Lyzanne and Nadine – who have excelled in knitting together all of the issues and the various permutations that have been considered throughout this worthwhile process. Their work has been invaluable. My thanks also to the shop stewards and Unite the Union for their continued involvement in the review and the efforts made in making the final outcome of interest to all parties.

835 Mr Speaker, I am pleased to announce that Gibraltar has been elected chair of the Conference of Commonwealth Postal Administrations. This is one of nine inter-government associated organisations, which places Gibraltar in the mainstream of Commonwealth activity.

To commemorate this special year for the UK and Gibraltar, a stamp was launched on the last day of the Commonwealth Heads of Government meeting in London in April of this year.

840 Mr Speaker, my thanks to David Ledger and Sabina Pitaluga, and especially to Mr Joe Brosco, who has been invaluable to my Ministry in working through the review I mentioned earlier. My thanks to all the teams at the RGPO for their patience with me and their continued hard work during the course of this year, and especially the shop stewards who have been heavily engaged in the process.

845 Turning to technology, ITLD has been busy implementing measures to further develop and enhance internal Government systems across the entire spectrum of public services. By way of example, speed cameras are now linked to an automated ticketing application, which has revolutionised the way traffic offences are captured in Gibraltar. The result is that our roads are safer than they have been and police resources can be safely redeployed to cater for other community needs.

850 From schools to fire services to UBO registers and exchange of information, to planning and to transport matters, ITLD have been working to meet the increasing demands of the use of more and more technology. Their work is often not appreciated, as they beaver away resolving problems before they arise. We shout when we have a problem but do not thank them when we do not, which is 99% of the time. My thanks to Tyrone and Jonathan for driving the team forward in these challenging times, as they are stretched every which way as we work with them



in delivering e-services. I am grateful to them and every single member of their team, who work day in and day out to keep our systems going. Their roles will become increasingly important as we embrace technology more deeply.

860 Mr Speaker, I turn to e-services. The Ministry of Commerce has been working tirelessly on the implementation of numerous platforms and digital services which represent the vanguard of becoming a truly digital Government and community.

865 Last year saw the introduction of the Procurement Source-to-Contract platform. All large Government tenders are now procured using the new system. The S2C software allows the Government to negotiate more value-for-money contracts and makes the procurement process more streamlined, standardised and efficient for both Government users and suppliers. Fifteen Government public service organisations are already on the system and the transition from totally manual to digital process has been virtually seamless. By digitising the purchasing process, the number of people required to deal solely with purchasing will be significantly less than with our current manual processes. Controlling officers will be able to be more involved in the day-to-day approval process for purchases, thereby resulting in tighter controls and savings. The investment in this type of technology is, frankly, a no-brainer. However, Mr Speaker, this is only the start. The Government has been working on two major projects which will start to bear fruit this calendar year.

870 Mr Speaker, eVolve is the name we have given to the Enterprise Resource Planning platform that we are implementing, which basically is the engine the Civil Service will run on in the not-too-distant future. The solution integrates core Government activity related to our systems, Human Resources and Payroll in a live environment. The system will enable core tasks to be automated across the entire Government process so that we can get on with more value-added work.

880 The other major project we are working on is Digital Services, which is about analysing core business processes and automating functions. At the moment, we are working with the GHA, the Employment Service and the Tax Office in order to bring some 32 existing services online. This is the first phase and the remaining services in these and other Departments will follow in the next phases.

885 Mr Speaker, we will continue to work to deliver real e-Government in a safe and sustainable manner and are reviewing our security systems and processes, including of course an evaluation of our cyber security risks and mitigating features.

890 The implementation of these systems represents a quantum leap forward for Government. Delivering e-Government is an enormous enterprise. We have expert support, an implementation team drawn from ITLD, the GHA, Treasury and HR, all working together to deliver these services for us. The team is led by Julian Baldachino, whose care and enthusiasm for this project is matched only by his deep knowledge of all Civil Service systems. He is a complete professional and a joy to work with and I have every confidence that his work will be appreciated for many years to come as e-Government is rolled out. He is ably assisted by Karon Cano, seconded to my Ministry from ITLD exclusively for this project and who is an understated and quiet expert in this field. My sincere thanks to them and the entire team.

895 Mr Speaker, I cannot conclude without thanking the staff at my Ministry for their continued support these past 12 months. Gareth, who joined me earlier this year, has already proven himself as a key player in the team; and Lourdes, my secretary, keeps me organised and, unusually, on time! I must mention Flavio Madeira, a long-serving member of our Department who has been unwell and is now recovering; and Karl Rose, who has stepped up to provide cover during this time. My thanks to them and the rest of the team for their work and support.

900 Mr Speaker, we live in challenging times. We are in good shape and the future is looking cautiously encouraging. Our partnership with the private sector across all areas is unquestionably bearing fruit, and they, as are we, are excited by the future. Government at this critical time is providing the leadership and confidence that our business community needs and

together we shall continue to prosper. Mr Speaker, there is no lie in this, or indeed in any aspect of the excellent work we are doing and will continue to do.

Thank you. (**Several Members:** Hear, hear.) (*Banging on desks*)

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**Mr Speaker:** The Hon. Neil Costa.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, as I stand to deliver my 11th Budget address as a Member of Parliament and my seventh as a Government Minister, it continues to be my privilege to serve our community. On this occasion, I set out my second Budget contribution as Minister with responsibility for Health, Care and Justice.

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On writing this year's address, I considered how best to detail the milestones and objectives that my various responsibilities have achieved in the past financial year. Every year I provide to the House an almost complete report, as it were, of all aspects of the business my various Ministries have conducted and intend to carry out in the financial year. It occurred to me, however – and it will, I hope, sincerely please Mr Speaker – that in the light of the many statements to the press, it would be of more benefit to provide an easily accessible link to the statements that detail manifesto pledges fulfilled and other achievements. Mr Speaker, should any member of the community wish to consider, they can go to the Government website at [www.gibraltar.gov.gi](http://www.gibraltar.gov.gi).

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As a result of providing a link containing the statements, I will address what I consider to be the most important projects that have been completed or unveiled. I will not enter into all aspects of any one project, as I dare say most members of our community will either have read or heard the news. I wish to stress that I struggled to decide which projects and improvements to exclude from my address. I therefore highlight to my many indefatigable teams that I thank each and every one of them and that no slight is meant if a particular measure has not been mentioned.

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The work that I started in late October 2016 to integrate Health, Elderly and Social Care, as the Hon. the Chief Minister directed me, continues apace and I will set out some of the steps that we have already taken to align care in these settings. Similarly, as Minister for Justice, I continue to be in a position to move quickly in drawing up legislation.

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Mr Speaker, I will commence with my responsibilities as Minister for Health. No one will doubt the huge strides taken to substantially improve access to our GPs. It is an important point to make that on a daily basis an average of 450 to 550 persons are seen by our fantastic cadre of GPs. The number of attendances on any one day, which can reach close to 600 persons, bears repeating and places in sharp focus the absolutely fantastic work carried out day in and day out by our GPs. I provide, Mr Speaker, a flavour of the most notable PCC reforms.

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On 27th December, GP walk-in clinics were introduced for the very first time to deal with the winter flu season. Within days, appointment capacity in the PCC was markedly improved, with an average of 48 unused appointments every single weekday. The appointment availability has never been seen in the past and certainly not in the winter months, and our primary care services more than effectively kept pace with the winter flu surge that created media-worthy difficulties in European countries.

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Nurse telephone results represents modern and well-established practice adopted in GP practices in the UK. Two qualified nurses were assigned to operate a telephone service, where patients are contacted to inform of routine clinical results, enabling patients to receive timely reassurance that investigation results have been entirely normal and, crucially, eliminating the need for patients to seek a further appointment with the GP.

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Arguably, one of the reforms most requested by patients was that of evening clinics. Two highly experienced and clinically excellent GPs were recruited and on 21st May of this year the evening clinics commenced, running from 5 p.m. to 8 p.m. on weekdays from Monday through to Friday. Evening clinics provide a welcome and seamless service to patients after they have left work.

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960 The interrelationship between A&E and the PCC has been very closely scrutinised to understand the reasons for the high number of patients attending A&E for medical issues that could perhaps be better managed in the primary care setting. It bears repeating that almost the entire population of Gibraltar has attended A&E at least once a year, compared to 30% of the UK population. As a result, two young and dynamic full-time GPs have been recruited to work in the See and Treat service – nurses and GPs working together to see patients as they walk in through the door.

965 Further, a fully digitised telephone system, known as the MyGHA Automated Telephone Service and accessed by dialling 2000 7007, was fully activated at 6 p.m. on Sunday, 3rd June this year. As at the time of writing, a total of 511 appointments have been successfully booked via the new system. The PCC has received overwhelmingly positive feedback as to the ease with which appointments can now be booked.

970 A general practitioner with special interest in substance misuse and addictions started work at Bruce's Farm every Wednesday morning from 30th May. Dr Taylor's role is not only as a highly experienced GP in the PCC, but also to work closely with the Drug and Alcohol Awareness and Rehabilitation Services to significantly improve recovery from substance and alcohol addiction. To mirror Dr Taylor's role in Bruce's Farm, Dr Flores dedicates Wednesday mornings to run a GP clinic in Her Majesty's Prison, thereby creating a greater level of continuity of care for not only prisoners but also for those who may be connected with Prison and Rehabilitation services.

975 On 1st May this year a very experienced local GP was recruited to establish and run an extensively planned Sexual Health and Family Planning service. Based in the PCC, this will be a Well Person Unit and will incorporate well-man and well-woman health screening as part of a comprehensive, confidential and non-judgemental family service. Our patients will have access to an experienced and professional source of advice to help them make informed decisions for their family planning and commences in September of this year. The aim of the Well Person Unit, encompassing screening clinics as well as family planning and anonymous sexual health advice, means that any person attending can do so knowing that their presence at the Unit will not indicate the reason for their visit. An entirely non-judgemental, confidential and anonymous service is an absolute must for this service to succeed.

980 Mr Speaker, the new Primary Care Centre and the new Children's Centre is one of the most significant projects in my privileged time serving as Minister for Health. I have been deeply honoured to announce, along with the Hon. the Chief Minister, that by July of next year works will have been completed to deliver a new and fully bespoke three-storey primary care and community centre in the grounds of St Bernard's Hospital. Access to the new PCC will be through the main hospital. The ground floor will have 15 GP clinics with nurse practitioner and diabetic specialist clinics, a district nursing office and nursing clinics including the lymphedema suite and a nursing observation and treatment area. The first floor will consist of a further 15 GP clinics and the specialist clinics for dermatology. The second floor will have seven dental clinics and a central waiting and play area for children waiting to see their dentist. This floor will also accommodate the more specialised clinics, which, by virtue of being on the top floor, will be slightly more separate from the bulk of clinics on the ground and first floors, allowing these specialist clinics a greater level of privacy and quiet during clinic hours.

985 Physically separate to the new PCC, but next to the hospital and in every way integrated with the hospital and new PCC, will be the new Children's Centre – a project very close to the hearts of us on these benches and perhaps one of the most voiced requests by our community. The Children's Centre will combine the full range of children's medical health services in an environment designed specifically with children in mind, staffed by specialist staff, general practitioners and community and allied professionals all dedicated to the youngest members of our community.

1000 This seminal dual project will create new, modern and, in our view, future-proof facilities. Further, primary care will work much more closely with secondary care and the synergies

1010 between the GPs and primary care professionals will be far better with their secondary care and consultant colleagues.

Mr Speaker, being able to announce this project, let alone the impressive list of reforms and initiatives in primary care, makes me deeply proud of the achievements of all the PCC teams and the incredibly hard work by all my healthcare professionals and medical advisers who have the care of their community central to everything that they do daily. From me, Mr Speaker, to all of them, and I am sure on behalf of the entire House, thank you. (*Banging on desks*)

1015 Mr Speaker, from primary care I move perhaps rather unimaginatively to secondary care. The GHA's work in this area has been guided by five overriding principles: the first is effective bed management, sustained bed availability and improved patient access; secondly, improvement and expansion of services, including the repatriation of services; thirdly, establishing and embedding clinical governance structures and systems; fourthly, returning the GHA to financial balance to ensure value for money; and fifthly, improving the patient experience and increasing community participation in formal GHA structures. Mr Speaker, I set out only some of the most notable reforms.

1020 A new computerised flagging system was introduced at A&E and the Primary Care Centre to notify staff of all serious medical conditions or disabilities and of any assistance required.

As part of the objective to improve the patient experience and increase community participation in formal structures, it gave me great personal pleasure to establish the Advocacy Council for Healthcare Users with Additional Needs. The Council is formed by key patient advocacy groups. The meetings have been very productive and represent a new chapter for the GHA and a wonderful opportunity to work even closer with our patients and service users so that we can improve and develop care services that we provide.

1025 The House knows that I am presently negotiating the contract with one tertiary care provider in Spain and negotiating prices with other providers in the neighbouring area to successfully obtain best value for money, quality and convenience for patients and their loved ones.

Since the 1997-98 financial year, the sponsored patients budget spend has increased from £1.8 million in March 1998 to £19.4 million in March 2017, which represents an average of a 13% increase per financial year. This past financial year, substantial work has been carried out to take back proper control of our sponsored patients' plans of care by GHA consultants. The critical importance of ensuring that our patients' care is fully managed by one of our consultants and liaising with all other professionals has had the welcome effect of resulting also in efficiencies of £6.8 million compared against the sponsored patients budget of last year.

1040 I am very proud to note that in the last financial year we have seen a marked decrease in sponsored patient spending for the first time in many years. It is the first time in the last 11 financial years that Sponsored Patients has not gone over budget and has come in at a surplus in allocated funds. The significant reduction in expenditure in respect of one particular Spanish tertiary centre is allowing us to reinvest and plough our money into our Health Service, as we should.

1045 I remind the House of the many services already repatriated, such as vascular surgery; renal replacement; keyhole bariatric and colorectal surgery; specialist shoulder and ankle surgery, including replacement shoulders and ankles; urology and haematology.

Sponsored patients' allowances were revised in December 2012 by my hon. colleague Dr John Cortes, where patients who were in receipt of a disability allowance were given an extra 50% of moneys that they were eligible to claim. On 1st July 2015 my colleague again ensured that the weekly maximum allowance for sponsored patients was increased by 18% from £427 to £504 per week, with a corresponding increase in the allowances for those staying at Calpe House. Today, I am pleased to announce an adjustment to the daily allowance paid to sponsored patients whilst overseas. At present, the patient and escort receive a daily allowance of £15, which increases to £23 when the patient is admitted. This will now change to a flat rate of £25 per day.

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Mr Speaker, at the GHA we are entirely committed to training our staff to the highest standard and to this end we have embarked on a programme to establish and embed clinical governance structures and procedures in the GHA. Various essential committees have been established at the GHA, all of which will contribute to the effective running of the organisation and ensure quality, patient safety and patient choice.

For me, the very heart of clinical governance must necessarily come from the feedback we receive from patients. In this respect, it is relevant to note that the GHA recently took on board all of the recommendations from the investigations carried out by the Ombudsman in his 2017 report. Many of these complaints could have been resolved quickly and efficiently by the GHA, and we failed our patients in not having done so. For every time we have failed anyone, Mr Speaker, I have no hesitation in sincerely apologising, for the GHA belongs to all of us and the systems we are trying so very hard to embed are to ensure that the system works immaculately for every single one of us. If I have said it once, I have said it a hundred times and I will never tire of saying it, that we must attend to each patient as though they were our own family and attend to every person as though they were our own flesh and blood. If we do not, the GHA will have to hear from me every time, until I stop receiving justified complaints.

As from January 2018, following the Ombudsman's recommendations, the GHA Patient Advocacy and Liaison Service reverted to its original system and handles all complaints in the first instance with the aim of providing a positive outcome before a formal complaint is filed. This change has already resulted in a staggering 40% decrease in the number of formal complaints in the first quarter of this year, compared to the same comparable period in 2016. In circumstances where the PALS service is unable to find a satisfactory solution, they themselves will register the formal complaint with the Office of the Ombudsman, even if the patient does not do so. Our patients, of course, can still continue to complain directly to the Office of the Ombudsman, entirely circumventing the GHA. This is because we are keen to receive advice on improvements in an open and transparent manner. We will never learn unless we act on warranted complaints.

Mr Speaker, I turn to bed management and whether or not it is possible, as I always maintained from the benches opposite, for not a single operation to be cancelled due to the lack of beds. The former administration certainly thought it was a fool's errand to even try. Let me remind the House of the charming, soft and kind advice provided to me in Parliament by the former administration. I quote:

What will the Government

– the GSD –

do to ensure that operations never have to be cancelled due to bed shortages?

Answer, 'Nothing':

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There is nothing that the Government can do to ensure that no operation will ever have to be cancelled because of bed shortages. Not in the GHA, not in the UK, not in the NASA Space Centre and not in the Houston Medical Centre. Nowhere.

The Hon. Minister, realising that perhaps the words were a little bit bruising for the young Member, decided to sweeten the concluding statement by saying:

When the hon. Member

– that is I –

has a slightly better, broader and deeper understanding of the health service about which he waxes lyrical at the moment, he will understand that it is a nonsense to call for a guarantee that no operation will be cancelled due to bed shortage.

1100 These were the words and the actions of the GSD. Well, Mr Speaker, this hon. Member, who has a bad, narrow and shallow understanding of the Health Service, has ensured that not one single operation – not one – has been cancelled because of bed shortages since 11th January last year, not even three months into his new post. But of course to achieve the seemingly impossible, one at the very least has to try, which the former administration self-evidently did not. It may be one of the numerous reasons why we were elected with a fulsome 70% of our brothers' and sisters' votes, and given that Members opposite may win the election in 20 years' time or so, they will have sufficient time to ponder these facts and their abject failure in this important area.

1110 It is important to note that the non-cancellation of operations due to bed shortages was continued notwithstanding the winter surge that resulted in 500 extra attendances from 22nd December last year to the 27<sup>th</sup> and increased admissions. Average bed availability was maintained during this critical winter surge period at 32 beds per night on average.

1115 More recently, our greatly enhanced bed management system, which incorporates weekly multidisciplinary and multiagency bed management meetings, packages of care in the community, hospital-based social workers and our new rehabilitation ward, has yielded remarkable results. In this respect I feel it is important to quickly provide the House with the statistics to illustrate the effectiveness of the new measures.

1120 There were 52 long-stay elderly patients prior to the transfer to Hillside. Following the transfer on 10th and 11th June, we had a total of 26 confirmed long-stay patients in St Bernard's. Following the second transfer of long-stay patients to the third floor of John Mackintosh Wing on 17th and 19th April of this year, we actually had an increase in the total number of confirmed long-stay patients to 29. In other words, despite 66 additional beds in bespoke residential facilities designed, built and opened by this Government, we still had 29 elderly patients at St Bernard's Hospital, confirming what I had said, that additional bed availability has to work hand in glove with fulsome rehabilitation efforts. Consequently, with the active ongoing early identification of potential complex frail elderly discharges, the ongoing active management of packages of care and the multi-disciplinary team rehabilitation service commenced in Captain Murchison Ward, we currently stand at the entirely reasonable number of 11 long-stay elderly patients in St Bernard's Hospital without having added any more residential home beds.

1130 In this area I must therefore confess that even I am truly impressed by the fruits of our efforts. As at 17th June of this year, on average, bed availability has been 70 beds every single night, with a high of 77 available beds on two occasions in June. This represents a profound and remarkable turnaround in the bed availability in the Hospital and is one of our proudest achievements to date. This has required very hard work and dedication by all members of the GHA ERS staff and extends to other agencies, including the Care Agency. I am very proud, therefore, of every single member of my teams and I am sure that the whole House will wish to commend their excellent work.

1140 Mr Speaker, I turn to the School of Health Studies, which continues to provide a wide range of educational activities across the GHA and which has a special place in my heart as it allows our people to work whilst studying for their dream careers. It is right that we should do all that we can to nurture our community to pursue their passions, and few careers require such dedication, commitment, compassion and competence as nursing. From the caring, gentle touch and kind word to highly skilled competence, nurses are the engines of any health setting and we are proud to be investing significantly in our different nursing grades.

1145 The School of Health Studies offers three-year degree programmes in conjunction with St George's University of London and Kingston University London. Our students study full time at

home, undertaking both clinical and theoretical teaching in various care areas. The programmes on offer include a BSc (Hons) in Adult Nursing. In addition, the School of Health Studies delivers  
 1150 Enrolled Nurse courses, Diploma Higher Education Nursing, and MSc Leadership and Management for Health Care Practice, in collaboration with Pearson Edexcel, St George's University of London, Kingston and the University of Salford. An extensive variety of programmes on continuing professional development is also delivered to staff at the School of Health Studies.

1155 Graduation ceremonies have taken place with the largest number of nursing graduates receiving awards in Gibraltar. All 14 pre-registration students graduated, with four achieving first-class honours. In addition, a further 10 professionals attained the level of BSc in Health Care Practice. Twelve enrolled nurses and members of staff from Occupational Therapy also received their QCF level 3 award, along with 17 healthcare assistants who received the Health and Social  
 1160 Care QCF level 2 award.

Mr Speaker, the following programme represents a personal coup for me, as I was continually told that it was impossible to deliver this degree at the School of Health Studies. Nothing lights a fire more under me to get something done than to hear the words that it is impossible to do – or, far worse, that it cannot be done because it has never been done before. (**Hon. Chief**  
 1165 **Minister:** Hear, hear.) As a result, it is with great personal satisfaction that I note to the House that the GHA will introduce a BSc Mental Health Nursing programme. The degree represents another exciting and hugely welcome milestone for Gibraltar, as this will be the very first time that a mental health nursing programme will be offered. The programme is being introduced to meet the needs of the ever-growing mental health care services in which the Government have,  
 1170 and continue, to invest.

Even further, Mr Speaker, the Care Agency is inviting applications for a three-year, full-time BA (Hons) course in Social Work, which will be delivered here on the Rock. This is also the very first time that a degree course in social work will be delivered. To this end, the Care Agency has been working with the Gibraltar School of Health Studies, Kingston University London and  
 1175 St George's University of London. In this respect it would be remiss of me not to thank my hon. colleague Miss Sacramento for having pressed me on this very matter. (**Hon. Chief Minister:** Hear, hear.)

Mr Speaker, I now turn to finance. As hon. Members know, the 2017-18 outturn for the GHA is £120.4 million, an increase of £1.9 million over the previous year. In 2017-18 we were – highly  
 1180 regrettably, although not for lack of trying – unable to meet our target, as some of the cost savings measures took effect late in the financial year. Let me tell the Hon. Mr Clinton that I feel the sting of the failure to come within budget far more keenly than he enjoyed pointing it out to me.

During the 2017-18 financial year, monthly financial meetings were held, where all main budget holders met with my hon. colleague, Freeman of the City of Gibraltar and Knight  
 1185 Commander Sir Joe Bossano, to action initiatives to manage our debt. These meetings proved enlightening and have had a positive effect on the managing of issues. The GHA will now establish subcommittees accountable to the main budget committee to obtain even more probity and value for money on expenditure. Historically, as the Hon. Mr Clinton knows, the GHA has increased its annual spend by circa 9.10% year on year. Without the positive influence of these meetings, therefore, the GHA would have certainly expended circa £130.7 million in this financial year. We have therefore drastically curtailed the historical over expenditure trend by circa £10 million and have only had a 1.25% increase on the 2016-17 financial end actuals. Not  
 1190 what I hoped to achieve, Mr Speaker, but certainly nothing to sneeze at.

1195 Further, it is important to highlight that in the context of the expenditure from the Consolidated Fund, the overall increase 2016-17 to 2017-18 was £14.6 million, of which the GHA only accounted for £1.7 million, demonstrating the effectiveness of the measures taken.

From a total of 41 other non-pay related recurrent accounts with an overall total approved budget of £50.9 million, 26% is allocated to GPMS, 28% is allocated to Sponsored Patients and a

1200 further 10% to the repayment of the lease and leaseback arrangement for St Bernard's Hospital at a recurring annual amount of £4.8 million. The remaining 36% of other non-pay related recurrent accounts is distributed amongst other clinical and patient demand-led budgets, with drugs and pharmaceuticals accounting for circa £4 million; this increase being mainly due to the high cost of chemotherapy medication.

1205 Mr Speaker, it is my pleasure to now turn to describe some of the more noteworthy advances in mental health. As the House will recall, the Crisis and Outreach Service was introduced within the Community Mental Health Team. The reform introduced an additional and very much needed tier of support for community patients outside normal hours.

1210 In conjunction with my colleague the Hon. Minister for Housing, whom I thank, the first supported accommodation initiative has been introduced. This initiative assists patients, previously admitted to hospital, to live independently.

1215 Mr Speaker, it gives me the greatest personal satisfaction to announce that a new and much needed service in the form of locally available Clinical Psychology for Children and Families is being set up to meet the increasing and expanding demands of children. It is envisaged that when at its full capacity this service, which will start in October, will be able to address the mental health needs of all of our children population and their families right here at home. The new Child Psychology team will be an integral part of the GHA Paediatric Neurodisability Service to ensure that all children, especially those with additional needs, are afforded timely and effective professional engagement by the comprehensive GHA Paediatric Multidisciplinary Neurodisability team. The Child Psychology team will also assist in the development of locally relevant, individualised care plans for children and their families, and to help all children be the happiest and healthiest they can be, and so growing up to be productive and valued members of our community.

1220 In summary, Mr Speaker, what my GHA teams have achieved in the last financial year I think is nothing short of remarkable, especially when we consider that we have spent virtually the same as the 2016-17 financial year, yet we have significantly increased the number of clinical staff, we have repatriated more and more services, meaning Gibraltarians can now access services locally, joint replacement operations have almost tripled, there have been no cancelled surgeries due to lack of beds and we have maintained sustained bed availability in St Bernard's Hospital. Moreover, as I had the privilege to recently announce in this House, we have achieved significant and hugely welcome reductions in all but one of our surgical waiting lists and are working hard to bring that laggard into line. All of this has been achieved by investing in our most valuable commodity, our excellent workforce, which is led by clinicians who are developing, empowering and supporting staff to carry out their work to the highest possible standard.

1235 In this important respect I take the opportunity to remind the House that the staffing levels at the GHA, of direct employment, have increased under this Government's term of office by 223.5 posts, ensuring the safest provision of care for all of the services repatriated. This is in addition to the expansion of our visiting consultant programme and the increase in the provision of existing services such as the Douglas Ferro Haemodialysis Unit, which now provides services from three days to six days per week, and the newly inaugurated Lionel Perez Cardiac Rehabilitation Centre, which boasts entirely new equipment and a refreshed and invigorated programme, all of which has already been announced. The GHA has also connected with other Government agencies such as the Care Agency, Education, Housing and Rehabilitation to provide truly holistic care to the people we serve.

1240 I am firmly of the view that the incredibly hard work carried out by the GHA staff in the last year, the return of the matrons to ensure the highest clinical and other standards on the ward floors, and the substantive leadership restructures at the GHA are but the beginning of a series of improvements. It has been my extremely good fortune to be surrounded by such excellent professionals.

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I also wish to place on the record my most sincere thanks to the Hon. the Chief Minister and Deputy Chief Minister and the Hon. Sir Joe for the countless calls, emails and meetings they have afforded to me in which they have provided me with their invaluable advice and support. I thank all of them and I am sure the whole House will also wish to thank the excellent professionals at the GHA.

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Mr Speaker, I turn to the Care Agency's Social Services, and I start with Adult Services. The overall aim of Adult Services is to provide the highest possible standards of service to those adults who are vulnerable as a result of health or social care needs.

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During the 2017-18 financial year, Adult Social Services received 847 referrals for social work and support, an increase of 240 referrals from the previous financial year.

Domiciliary care continues to be provided to assist vulnerable or elderly people at home. A new and robust reviewing system is in place to ensure care is provided to those in need. The implementation of this reviewing system has seen 390 individuals receive a package of care this year. This is an increase of 127 persons from the previous financial year with no increase to the budget.

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The implementation of a social work team made up of two social workers and a social work assistant based at St Bernard's Hospital has resulted in a total of 83 patients having been discharged with packages of care to support their rehabilitation and recovery. In turn, this has helped prevent failed discharges by ensuring persons can remain at home with the support they require.

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The Waterport Day Centre continues to provide an excellent and popular service to around 88 of our elderly citizens weekly, who have been involved in a range of different community events organised by the Centre's loving, kind and dynamic team.

Safeguarding awareness continues to increase year on year. In the last financial year, 41 referrals in respect of a range of different alleged abuse of vulnerable people were received and assessed. Additionally, training has been offered to safeguarding lead managers and investigating officers across the Care Agency and the GHA.

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Expertise and specialism continues to develop in the area of work with people who sexually offend. The Adult Social Service has received training in working with partners of individuals who commit sexual offences. This is because partners of sexual offenders can be positive influences in their lives and help reduce the risk of reoffending. Additional training has been provided in working with individuals with learning disabilities who display behaviours of concern.

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Further, developments have been made in the area of working with people with learning disabilities at the risk of being sexually exploited. Training and case consultation was provided in February 2018 using the Signs of Safety model. This model will be extended to vulnerable adults within the community in this financial year.

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Mr Speaker, I turn to talk about the work undertaken by the Child Protection Committee, which is responsible for co-ordinating with relevant organisations how they should best work together to safeguard and promote the welfare of children and young people and ensure that agencies provide an effective service. The Committee analyses trends in children's safeguarding issues to advise the Government on the development of appropriate services and resources.

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To ensure the Child Protection Committee's ongoing professional development, the Care Agency organised their annual training. Over 50 practitioners attended.

The Child Protection Committee has generated awareness on the dangers of sexting, and it is envisaged all schools will receive presentations before the summer break.

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Children's Services comprise a number of different services, providing for children and their families when in need of protection or support. As part of our manifesto pledges, the Family and Community Centre was inaugurated on 27th September 2017. This centre is a facility for our community, which aims to intervene and support families as early as possible. Since the opening of the Family and Community Centre there has been a steady increase in the development of different programmes and activities taking place for children and families, which are in line with the overall strategies for the Children's Service. These sessions have aimed to provide a

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welcoming and inclusive atmosphere where older children and young people are encouraged to take part in problem solving, activities and meaningful debates. The main focus during these sessions has been to provide children and young people with a space where they can be exposed to learning, self-awareness and develop community spirit.

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Mr Speaker, as the House knows, the Disability Service is made up of St Bernadette's Resource Centre, Dr Giraldi Home and several flats in the community. The service places great importance in ensuring its staff is equipped with the expertise and skills to meet the needs of its service users, and is continually committed in ensuring any training undertaken is specific to the learning requirements of its service users.

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The Disability Service ensures the highest standards of care for their service users, which ensures that all aspects of the person's care are considered and it combines both the medical and social care model.

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The Disability Service provides different types of accommodation to its residents according to their needs. Some of these properties are within the main residential services in Dr Giraldi Home, and others are flats in the community. Again, in this area the Disability Service works with their stakeholders, such as the Housing Department, so as to provide refurbishments in line with residents' needs.

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The person with disabilities is a person first and the disability does not define them. The Disability Service understands and promotes this; therefore, working in a multi-disciplinary manner is essential, as is working in partnership with other stakeholders. As such, the service has created an across-agency therapist committee and pathways of scope for services formed by occupational therapists, physiotherapists and other relevant practitioners in order to work together.

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Mr Speaker, I am very proud of the achievements of all the Care Agency teams and the incredibly hard work by my social care professionals who care so passionately for our community. From me to all of them, and I am sure on behalf of the House, thank you.

It is with pleasure that I turn to ERS. An Elderly Residential Services Medical Team has been formed. This consists of a consultant geriatrician together with three GPs who visit ERS every weekday. This allows residents to receive an enhanced continuity of care by a familiar clinician and aims at reducing house calls by GPs from the Primary Care Centre.

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The ERS nursing management together with the ERS medical team have reviewed and updated the existing minimum standards for residential and dementia care homes in Gibraltar. An inspectorate made up of senior nursing staff has been established and is tasked with visiting each of the sites. The inspectorate will seek to identify where there is room for improvement and ensure that any remedial intervention is undertaken. In June, an occupational therapist was employed to provide occupational therapy services across the ERS to meet the needs of the residents with the intention of improving quality of life and independence.

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Mr Speaker, the House will recall that earlier this year the ERS was able to open an additional floor at the John Mackintosh Home. The fully refurbished and dementia-friendly floor has resulted in capacity increasing from 54 to 70 residents. The Home boasts spectacular views, spacious bedrooms and common areas. The increase in capacity has also resulted in the releasing of beds at St Bernard's Hospital which will now be available for acute or planned admissions.

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We will shortly be implementing the outstanding parts of the Dementia Strategy and Vision. Some of these objectives of course have already been met, such as the opening of the new facilities, additional bed capacity, training on dementia, transferring dementia patients from an acute hospital to a dementia-friendly environment, dementia awareness and introducing dementia training to non-healthcare groups.

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In respect of Hillside and the Bella Vista Day Centre, whilst at these facilities service users are visited by a GP from the ERS medical team, staff from the Joint Memory Clinic, psychiatrists and associated healthcare professionals. These interventions mean, of course, that whereas previously a person living with dementia may have had to be admitted into hospital in a crisis,

1355 their situation can be effectively managed in their own homes with the support from a network of healthcare professionals and their own families.

Mr Speaker, I turn now to my Justice portfolio and I will commence with the Royal Gibraltar Police. The RGP has embedded its restructure, yet continues to reconfigure itself to meet existing and emerging challenges such as those posed by terrorism, which has led to the creation of an Armed Response Unit from existing resources. The ARU boasts a cadre of dedicated officers whose training and specialisations have increased to previously unachievable levels. A more insidious threat is that posed by cybercrime and the Government fully supports the RGP's efforts in this domain.

The RGP continues to invest in Gibraltar's future and therefore has maintained its school liaison officers. These officers continue to work closely with schools, youth clubs and other youth organisations. They deliver presentations to age groups, covering a broad range of subjects such as cyber bullying, sexting and drugs awareness. These officers are afforded specialist training and are regularly seconded to the RGP's Safeguarding Unit to deal with child abuse cases.

During the last financial year, the RGP increased its resources in this business financial area creating separate departments, the Financial Crime Investigation Unit and the Money Laundering Investigation Unit, that jointly make up the Economic Crime Unit. This unit is also developing a terrorism financing investigation capability.

The RGP's budget allocation in training has been substantially increased and has enabled the RGP to represent Gibraltar at international conferences across a variety of policing disciplines. The knowledge gained and the contacts established have served the organisation, and of course [inaudible] Gibraltar, well. Where possible, the RGP has identified and trained RGP instructors who can then deliver training locally at zero cost.

Following successful training, the RGP now has two fully trained crime scene managers. This, together with its increased pool of senior investigating officers, further enhances the Force's ability and resilience to deal with major crime scene investigations. In addition, these officers have now benefitted from training in post-bomb scene management, further expanding their skills set.

Government has made a considerable investment of over £165,000 to purchase the Livescan equipment and software that scans fingerprints electronically. This has improved exchange of information with other law enforcement agencies and the interrogation of external databases, enhancing the RGP's ability to perform effectively.

In sum, therefore, and whilst it is fair to say that Government's investment has served to enhance policing services, what is of inestimable value to our community is the capacity and capability we are building in our police services. A central tenet of policing, and indeed their core role, is the protection of life and property. Government's view is that our continued investment in this key pillar of society will enable the men and women of the Royal Gibraltar Police to continue to effectively do their jobs and keep safe the community they are a part of and serve. I am sure Members on both sides of the House will join me in expressing pride in our policing services.

In respect of our excellent judiciary, during 2018 the Rt. Hon. Sir John Laws was appointed as a new Justice of Appeal, increasing the complement of the Court of Appeal from five to six members. This increase will allow for more flexibility when forming a bench for our Court of Appeal sessions. Further, there continues to be no backlog at the Magistrates and Supreme Courts in respect of dates provided for criminal trials and for civil and family applications waiting for first hearing dates. As I have previously noted in the House, I continuously and closely consult the Hon. the Chief Justice so that, should the need arise, extra judicial resources can be put in place. I repeat once again, Mr Speaker, that as to date no such request has been submitted.

On 25th September Government engaged a Legal Profession Supervision Officer to work with the Registrar of the Supreme Court primarily on anti-money laundering and countering terrorist financing issues. This is a short-term appointment as the functions this officer is exercising will in

1410 due course be taken over by the Legal Services Regulatory Authority. On 1st November the Registrar issued guidance notes on anti-money laundering and combatting the financing of terrorism systems. There followed outreach programmes organised by the Legal Profession Supervision Officer and engagement with the profession in preparation for the Moneyval evaluation which will take place next year and which is being led by my colleague and indomitable workhorse the Minister for Commerce, the Hon. Albert Isola.

1415 The Gibraltar Courts Service continues to look at ways in which to improve their services and level of performance, supporting the judiciary and the legal profession, working with other stakeholders within the justice system to maintain a solid administrative structure through which the public can have access to a timely and efficient justice system.

I take this opportunity to thank our veritably independent judiciary, the Hon. the Chief Justice, the Hon. Supreme Court Justices and Registrar, our learned Stipendiary Magistrate and our Justices of the Peace for daily upholding the rule of law.

1420 Mr Speaker, I turn to matters regarding legislation. It has actually proved to be an incredibly busy year in terms of the primary and secondary legislation enacted. As a result, I have selected a hugely reduced number of enactments as no more than a flavour of the work that has been undertaken in this area.

1425 In February, Parliament passed the Proceeds of Crime (Amendment) Act. This Act expands the definition of 'unlawful conduct' within the Proceeds of Crime Act 2015 to include behaviour outside of Gibraltar by a public official, which constitutes gross human rights abuses of a person on the grounds that they have been obtaining, exercising, defending or promoting human rights or have sought to expose gross human rights abuses conducted by a public official, the so-called Magnitsky amendment. Any property obtained through this conduct will be subject to the existing civil recovery powers. This was in addition to a first set of amendments to the Proceeds of Crime Act, which updated our money laundering offences and made provision for moratorium periods, which may be extended by the court in respect of suspicious transactions.

1430 February also saw the publication of the Public Health (Human Tissues, Cells and Organs) (Amendment) Regulations, which makes provisions for Gibraltar residents to be able to register as organ donors. The UK transplant team will be contacted as soon as a potential organ donor is identified in Gibraltar, and this will allow for organs to be allocated to recipients on the UK transplant list. The UK transplant list also includes Gibraltarians.

1435 Following on from the work of my colleague the Hon. Minister for Employment and the Bar Council, this past year also saw the passing of the Legal Services Act, which represents the first major reform in this area for 50 years and ensures that our jurisdiction's legal profession is subject to more effective regulation. The Hon. the Chief Justice and the Bar Council are working hard to ensure that this Act may be commenced as soon as possible.

1440 In April of this year the Lasting Powers of Attorney and Capacity Act came into operation, making provision for lasting powers of attorney, advance decisions and introducing safeguards once mental capacity has been lost. The Act represents a paradigm shift as to decision making and to the care and treatment of those individuals who lack capacity. This legal framework empowers and protects those who cannot make specific decisions for themselves. It works hand in hand with the continuous efforts of the Government in increasing the awareness, early diagnosis and care for those with mental health issues and dementia. We must ensure that vulnerable adults are afforded, at a minimum, a certain level of protection. In turn, patients and their families will have greater peace of mind knowing that a person's wishes will be respected.

1445 In April, a Bill for a new Act to establish the office of Director of Public Prosecutions in Gibraltar was published. This is in accordance with one of the Government's key manifesto pledges, and I very much look forward to debating the Bill in this sitting of Parliament.

1450 Mr Speaker, the House will also recall that it voted unanimously to establish the Law Commission to receive and consider proposals for the reform of the law. The Law Commission is comprised of myself as the Minister with responsibility for Justice and HM Attorney General as

ex officio members, together with a panel of highly distinguished and high-calibre local experts in different fields such as education, the environment, financial services and the law.

1460 The Law Commission is presently engaged in examining eligibility for parole licences, which in Gibraltar is usually possible after one third of a custodial sentence has been served, and whether  
1465 the maximum sentence available in respect of certain offences in Gibraltar should be amended or local guidelines issued in this respect, so as to take account of differences between the UK and Gibraltar. These areas that the Commission is tasked to look into are matters in which I have  
1470 a particular and personal interest and which I know the public in Gibraltar are also keen should be properly and fully examined. At our last meeting, the Law Commission received evidence  
1475 from the Prison Board, the Probation Service and the Parole Board, and I wish to record my sincere thanks for their time and contributions, as well as my thanks to the Law Commissioners for also giving freely of their time on, I think, such an important endeavour.

1480 Mr Speaker, it is with great personal satisfaction to note that Government and the Bar Council agreed the reforms to the legal assistance regime, which were the subject of detailed discussions with the Bar Council and other stakeholders and are, in my view, a correct balancing between the need to significantly improve access to justice by increasing eligibility for legal assistance with the need to ensure that taxpayers' money is not used to fund unreasonable  
1485 cases. We have increased the thresholds for financial eligibility, raising the £5,000 limit for earnings to over £14,000 and increased the capital amounts that may be held by applicants from £500 to £10,000 and allowing the first £50,000 of equity a person has in their property to also be disregarded when working out capital owned. I have no doubt that this entirely new legal framework will decisively and significantly increase access to justice to members of our  
1490 community who most need it. Further, the introduction of the Duty Legal Representative Scheme, which will commence in October, will secure advice and representation to persons in custody 24 hours, seven days a week, thus guaranteeing arrested persons' human rights.

1495 Mr Speaker, the Gibraltar Law Officers are currently under more pressure than ever because quite apart from the usual volume of work and converting the relevant Government pledges into legislative frameworks, they have to contend with the legislative realities of Brexit that the Hon. the Deputy Chief Minister detailed. I wish to therefore thank them for their continuous dedication.

1500 It has thankfully, I am sure hon. Members will agree, been another uneventful year for HM Prison. The Prison Board continues to report a mostly relaxed atmosphere observed during their monthly inspections. Statistics in respect of prisoners' minor offences remain static at about  
1505 2.6 cases a month. Daily average inmate population figures for January this year stood at 47.1 prisoners. The average population for the last financial year stood at 46 prisoners, down from 53 prisoners in 2016-17.

1510 Last year, on average, 23% of the Prison population attended educational classes, 32% made use of the gymnasium and 17% attended vocational classes. Inmates also made good use of the two counsellors available to them and attended Narcotics Anonymous meetings with regularity. Ministers of the various religious denominations visited the Prison weekly and offered spiritual support and guidance to prisoners. Indeed, religious educational classes were popular and attended by a quarter of the population.

1515 Additional initiatives commenced over the last 12 months include meetings with the senior management at the Department of Employment with a view to identifying and encouraging potential employers to offer employment to those leaving prison, affording stability and financial support to ex-offenders and contributing to the reduction of the reoffending rate. I am pleased to note that already one employer has come forward and engaged positively with this  
1520 initiative, offering offenders an opportunity, with 12 offenders already having taken his offer of employment. Given the difficulties encountered by ex-offenders in such a small community, it is extremely gratifying to see such efforts being made, and the hope, of course, is that more employers will come forward in due course. (A Member: Hear, hear.)

1510 HM Prison is working closely with the Careers Section within the Department of Employment  
in support of individuals, identifying not just existing employment opportunities, but further  
training potential in the private sector. In addition, the Department of Economic Development  
continues to provide a framework in which training and employment opportunities can take  
place, including the provision of a counsellor for HM Prison. Further, those prisoners nearing  
1515 release are also offered an employability skills workshop together with face-to-face life  
coaching, enabling them to gain insights and clarity towards their future goals, an intervention  
that not only unlocks human potential but also prepares them for the working world. The  
management team of the Prison Service very much welcomes the early intervention  
strategy and is happy to facilitate potential employers through the Department of Employment  
with face-to-face interviews with those nearing the end of their terms in custody with a view to  
1520 offering gainful and meaningful employment within our community. Relatedly, during the last  
18 months a total of nine individuals had drug testing imposed as a condition of their parole  
licences.

The Prison is also trialling the use of tablets for prisoners. This exciting project has been made  
possible by the ongoing partnership between the Prison and a UK provider of specialist  
1525 equipment for use in prisons. These electronic tablets contain a wide variety of rehabilitation  
tools, inclusive of full educational courses in subjects such as mathematics, English, ICT and  
personal development. Inspirational videos, books and other material on a variety of topics,  
including health and nutrition, sport and preparing for employment, are included. An early  
survey of the trial showed that 78% engaged in learning, 67% engaged in personal development,  
1530 56% in maths, 44% in preparing for employment and 44% in ICT.

It is envisaged that the next stage of the trial will provide for the infrastructure works  
necessary to allow for remote connectivity and also for a greater number of prisoners to be  
involved. Such connectivity will also allow for prisoners to directly interact with relevant  
departments in the Prison when confined to cells. For example, prisoners would be able to  
1535 report a fault directly to the workshop department, or book an appointment with healthcare, or  
indeed make a complaint. It is a fine example of how technology can improve the lives of those  
in custody and indeed increase transparency and accountability of prison management.

Mr Speaker, it also gives me the greatest pleasure to report to this House that one of the  
salient issues for the service over this coming year is the implementation of the recently  
1540 conducted resources review. Prison management has been working holistically with staff and  
union representatives over the last three years to discuss and address historical issues. In this  
financial year, selection boards have been held and five prison officers selected to start. The  
resource injection will allow for a safer environment, better training opportunities for officers  
and also facilitate the introduction of new programmes. This might include control and restraint  
1545 training, effective searching procedures and general jail craft. The additional resources should  
also allow for better training in respect of specialisation.

Prison management remains committed to the ongoing rehabilitation of offenders, with a  
view to breaking the reoffending cycle and successfully reintegrating offenders back into society.  
I thank the Prison Superintendent, his deputy and all our prison officers for their magnificent  
1550 work. They truly represent the best of the public service, self-effacingly carrying out their duties  
with dignity and commitment.

Mr Speaker, the hon. Members opposite will not believe me, but when I had finished writing  
my speech I had hardly mentioned them at all. Then, as happens every year, I listen to their  
contributions and I feel duty bound to reply to some of their more outlandish comments.

1555 The Hon. the Leader of the Opposition says that the Hon. the Chief Minister is ignoring  
domestic matters on the altar of the excuse of Brexit. *This* is a Big Lie, Mr Speaker. In the first  
place, as the third Leader of the Opposition after Sir Peter Caruana, I appreciate that he needs to  
position himself slightly to the right of the kaiser in order to galvanise the social conservative  
grassroots of the GSD. I do not think that GSD diehards will forget any time soon that he stood  
1560 with the PDP that ensured that the GSD lost the election in 2011. It is not, as the hon.

Gentleman likes to say, an exaggeration or a myth to so suggest. *That* is a big lie. It occurs to me, Mr Speaker, that these days, to succeed and to rise to the very top of the GSD like froth, one must have first inflicted the most serious wounds imaginable on the party they represent. On Messieurs Azzopardi and Phillips, assisting in relegating the GSD not just to Opposition but to almost extinction – the hon. Lady may well lead them to political oblivion – they are not only welcomed back, but they have taken over the GSD lock, stock and barrel.

The Hon. Mr Llamas, who walked out of the GSD to become an independent, is rewarded by being appointed shadow important Government responsibilities. It is not a criticism of Mr Llamas, of course. Good for him for wangling his way back in to such important responsibilities – although I do reserve judgement and the right to comment should he vote against the Budget in this financial year. I say this, as only this year Mr Llamas was unequivocal that it was wrong to vote against the Budget. The Hon. Mr Llamas had to say this on the matter, and I quote:

It was my view, Mr Speaker, at the time that I had to put Gibraltar first and my party second. It was my view that voting against the Budget, however much I agree with the arguments put in favour, Gibraltar in the context of a Brexit backdrop needs to unite. Mr Speaker, Gibraltar at this point in time, needs parliamentarians to have faith and to support the Government of the day and to show a vote of confidence in Gibraltar, in its economy, in its workers and in its public service. Mr Speaker, unfortunately the main Opposition Party, the GSD failed to realise the implications of their actions or lack thereof.

Eloquent words, Mr Speaker, with which we entirely agree.

In any case, it is a nonsense to suggest that either the Hon. the Chief Minister or the Hon. the Deputy Chief Minister are ignoring the people of Gibraltar because of Brexit. It is quite the reverse, in fact. It is in order to secure the prosperity, the security and the stability of Gibraltar and the well-being of her community – them included – that our leaders are so almost single-mindedly dedicated in making sure they get Brexit exactly right. It is to get right the most fundamental question facing the people of Gibraltar today that the Hon. the Chief Minister and Deputy Chief Minister are working so hard, so efficiently and effectively, to make sure that the day after Brexit and the generation thereafter can all continue to enjoy today's prosperity, security and stability. No one can doubt their unceasing multi-faceted, multi-layered and multi-tracked diplomatic, lobbying, political and official endeavours in making absolutely certain that Gibraltar's position is at the very centre of the UK's negotiating position. The UK government's many reassurances to the people of Gibraltar are a matter of record and self-evidently the fruit of their labours. Only yesterday, as if to prove my point, the UK Prime Minister herself stated such commitments in the House of Commons. I have no doubt that Members opposite would have howled their disapproval if our leaders had not achieved such clear and unequivocal commitments to our country.

One thing, however, is clear, Mr Speaker, and that is that Members opposite will say whatever they think will afford them any political advantage whatsoever, and the last almost seven years is littered with the many inherently contradictory policy positions of the GSD, some of which I will expose now. The electorate, however, will not forgive them for putting petty party politics – the dreaded three p's – above the national interest. I, for one, am grateful to the Hon. the Chief Minister and the Hon. the Deputy Chief Minister, as I dare say are the vast majority of Gibraltarians, whether they voted for us or not.

In any case, it is preposterous to say that the Hon. the Chief Minister is ignoring domestic matters because of Brexit. What on earth does the Hon. the Leader of the Opposition think that Ministers do? What does the Hon. Mr Phillips think I do every day, if not to serve the public in my areas of responsibility? This office, Mr Speaker, is not full time: it is *all* the time. Although, of course, the Members' opposite accusation does make perfect sense if one considers that after 16 years of leadership under Sir Peter it would simply have been inconceivable for any of them to have done anything without the imprimatur of the then emperor. The many reforms that I have announced in my areas of responsibility alone, some of which I have set out today, are

1610 more than ample proof that our leadership here today trust their colleagues to work on their areas of responsibility and achieve the Government's pledges. But in any case, even still they are wrong, because notwithstanding their constant travel in our national interest, there has not been one single occasion where the Hon. Chief Minister and Deputy Chief Minister have not

1615 Further, Mr Speaker, I could not believe my ears when the Hon. the Leader of the Opposition said that we are 'failing to address the concerns of the vulnerable'. That, surely, *is* the Big Lie. Has he not read of the increased amounts appropriated in this financial year for elderly care, social care, the Royal Gibraltar Police and the judiciary? Has he not read in the Estimates the  
1620 millions of pounds being rightly spent on the most vulnerable in our community? Has he missed the statements on the opening of the Bella Vista Day Centre, Hillside Residential Home, the new floor at John Macintosh Home, the packages of care and home support for the most vulnerable in our community? Is he unaware that more than ever of our cherished elderly receive packages of care at home under this Government? Is he unaware of the excellent work conducted by our care workers and our social workers, who are taking care of our looked after children and our wonderful community at Dr Giraldo Home and St Bernadette's Centre?

1625 The statement that we fail to address the concerns of the vulnerable is as disingenuous as it is lacking in any thoughtful analysis. And in any case, all of this frankly is a waste of time. Surely the accusation does not lie in the mouth of Members opposite, as they have for the second consecutive year voted against the appropriations of moneys to pay for doctors, for allied health professionals, for nurses of all grades, for carers, for social workers, for domestic, industrial and catering staff and all the other panoply of professionals that are necessary to take care of the vulnerable, whom he falsely alleged we do not take care of. How does the Member opposite think – how do they think – that we can take care of one vulnerable person, let alone an entire  
1630 community if we decided to dock their salaries? It is rather as if having voted for the Budget for the past five years and to have voted for the Budget to pay for doctors, they have walked into the surgery of one of the doctors, disagreed with the manner in which they are doing their surgery and decided to dock their pay.

1635 Mr Speaker, it is just not serious politics. I can well understand that they cannot possibly agree on every single item of Government spending, of course not; but surely they do agree that we need the entire range of resources to safeguard, to protect and to take care of our vulnerable. If they agree that they are necessary – and how could they not? – then by voting against the Budget they are saying they are not willing to pay for their salaries. It is that simple.

1640 The logical course – and I do appreciate that trying to elicit common sense from Members opposite is a fool's errand – is to vote in favour of the appropriations to keep on the ventilating machines at St Bernard's Hospital, among many other essentials, and set out the reasons why they disagree with any item of expenditure. And it is not I who says so only; it is the Hon. Mr Llamas, who so eloquently exposed the position of the Government only in February of this year, as if they would have done what they have done every year, except last year, except that  
1645 the Hon. Mr Phillips' analysis was singularly and spectacularly bereft of any analysis, instead relying on wildly unsupported generalisations such as the unbelievably facile and utterly offensive statement that we are failing to address the concerns of the vulnerable.

1650 I will, of course, with the keenest reluctance, email paragraph 15 of his statement to every nurse, to every doctor, to every allied health professional, to every carer, to every social worker and to every police officer, so that it is made clear beyond peradventure, beyond any shadow of a doubt, that Members opposite think that *they* are failing the vulnerable. Or does he think that I and Members here actually go and administer IV drips to those who need our care? Does he not know that our job here is to vote for the appropriations of money, to allow the professionals to do their jobs, and get out of their way? Without the dosh, they cannot do the job. (**A Member:**  
1655 Hear, hear.)

**Chief Minister (Hon. F R Picardo):** Excellent. Excellent. Excellent.



**Hon. E J Phillips:** You might need [*inaudible*].

1660 **Hon. N F Costa:** It is they, Mr Speaker, therefore, who have failed our most deserving vulnerable members of the community. Let that be on their conscience, if they have any left.

1665 And his statement, of course, cannot be trusted or construed in any other way, because if Government is increasing the moneys that we spend on our wonderful professionals, if we are increasing their numbers, if we are increasing services, how can the hon. Member say that we are neglecting the vulnerable? It can only mean that it is to say that our professionals are not discharging their functions properly. The failure by the Hon. the Leader of the Opposition to afford this House any substantive analysis of what hon. Members opposite would do differently is compounded by the impossibility to divine the reasons for voting against the Budget, other than for cheap political theatrics. *That* is the Big Lie, Mr Speaker. (*Banging on desks*) (**A Member:** Hear, hear.) (**A Member:** Absolutely.)

1670 At paragraph 32 of his speech, the Hon. the Leader of the Opposition could not resist to briefly alight on the GHA action, notwithstanding the footage, thankfully recorded for posterity, of a Unite the Union official being less than circumspect in the language he used against some members of the GSD who shamelessly decided to politicise the action and who admonished them for trying to use industrial relations for less than noble partisan ends. Naturally, their actions backfired.

1675 Any suggestion that this Government would be involved in privatising the GHA or any aspect of the Health Service is as untrue as it is unjustified. *That* is the Big Lie, Mr Speaker. I refer the House to the statement of the GHA and Unite the Union of last year, where we were delighted to note that in addition to the 81 posts which had been successfully regularised, a total at that time of 57 adverts have been issued in respect of medical, nursing, ambulance, allied health professionals, consultant and non-consultant hospital doctor posts.

1680 Mr Speaker, the staffing levels at the GHA have never been higher, with an increase in overall staffing levels of direct employment rising by 25% over the last six years: 28 more admin support, 65 more medical and allied health professionals, nine more ambulance workers, 92 more nurses, 28 more industrials; 223.5 more people employed directly by the GHA.

1685 Not happy with vulgar generalisations which I have now explained why they are wrong, as all generalisations are innately – the Hon. the Leader of the Opposition then says, and I quote him again, ‘There are serious questions of value for money in the procurement of public contracts’, and yet took every conceivable shot when the GHA entirely properly awarded the management of the John Macintosh Home to the most competitive tenderer.

1690 This attitude is the Big Lie, Mr Speaker, and is just one manifestation of their inherently contradictory political discourse. This is because the former company charged the taxpayer more for two floors than the current operator charges the Government for three floors and an additional 18 beds. The current operator employed the carers previously working for the former operator: good for the public purse, where we can ask more for taxpayers’ money, and good for the residents, who will benefit from a total continuity of care. How can they believe anything they say, Mr Speaker?

1695 Then I heard the Hon. Leader of the Opposition say that we are not investing in the future. That is another big lie, Mr Speaker. Does the hon. Gentleman not hear himself speak? Has he not read any one of my statements on the School of Health Studies? Let me remind him. Since 2012, the School of Health Studies has seen 25 of our nurses qualifying as registered nurses, with eight further nurses due for completion in September of this year. Since 2012, 47 of our brothers and sisters have qualified as enrolled nurses, with an additional 17 qualifying in this year. Is he so blithely unaware of the facts on this one area, in which he professes so much concern, that he does not know, or does not care to know, that Gibraltar is well ahead of the UK in providing leading-edge training for health workers to enhance standards of clinical care? Learning while working, Mr Speaker: the very thing that the Hon. the Leader of the Opposition says we are not doing. That is another big lie, Mr Speaker. How can they believe anything that they say?

1710 In any event and to conclude, it is no exaggeration whatsoever to say that it is my distinct  
honour to discharge important responsibilities for my community and with my community. I  
relish every moment that I have the chance, along with my teams, to better, to improve, to  
change a system that can provide better care for our community, to make life better for all those  
1715 who come into contact with any of my services. My often repeated philosophy is that we must  
do at work what we would do for ourselves and for those whom we dearly love.

I wish to thank my Ministry staff who, day in and day out, bear the brunt of a sometimes  
bruising pace, a neurotic review of everything connected to my areas of responsibilities, my  
fiercely held view that lunch is for wimps and my emails before five in the morning and until I go  
to bed. They are truly a credit to the finest traditions of the public service: self-effacing, discreet,  
1720 committed, passionate, not afraid of disagreeing with me and telling me what is what, fun and a  
pleasure to work with. Indeed, I will go as far as to say that I am fortunate beyond measure to  
have been offered such a magnificent group of people.

And, of course, Mr Speaker, I wish to thank you, the Clerk Mr Martinez, Kevin Balban, Dani  
Garcia and Frances Garro, and of course, again, Simon Galliano for your kindness, patience and  
1725 assistance. Thank you. (*Banging on desks*)

**Hon. Chief Minister:** Mr Speaker, can I invite the House now to recess for 15 minutes.

**Mr Speaker:** Until six.

1730

**Hon. Chief Minister:** Until six.

*The House recessed at 5.41 p.m. and resumed its sitting at 5.59 p.m.*

**Appropriation Bill 2018 –  
For Second Reading –  
Debate continued**

**Mr Speaker:** The Hon. Samantha Sacramento.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Budget  
address is my favourite time of year. It is an opportunity to focus on the achievements of the  
past year and of course plan for the coming year. This is now my seventh address.

1735 I must say that in current times, and the challenges that lay ahead for our nation in the  
context of Brexit, and while the whole of the Government is involved in considering the  
implications of this, I wish to particularly thank the Chief Minister, the Deputy Chief Minister and  
the Brexit team for steering Gibraltar so avidly through these turbulent times, devoted, as  
always, to striving to achieve what is best for our nation.

1740 Mr Speaker, let me start with my housing portfolio and in particular with important  
announcements in respect of the building of affordable housing. The Government will, over the  
next three and a half years, deliver on its commitment on affordable housing. A total of 1,500  
new homes, as promised, will be built at the three locations that we have already announced on  
the Eastside, Waterport and Europort Avenue, despite the most acerbic aspersions cast by  
1745 Mr Clinton yesterday, an attack which is completely unjustified. Mr Clinton seems to have found  
a new role in attempting to be populist, and while Mr Clinton is trying his best to mislead and  
sow doubt, I can assure you that we are progressing very well with the new affordable housing  
schemes. Things have, of course, changed since the context of my Budget speech last year in  
which I was quoted yesterday. That was in relation to one scheme and we now have another.  
This is because we did not want delays with other projects to interfere with the delivery of our

1750 affordable housing. Mr Clinton is perfectly aware of this because we very clearly said so in a  
detailed presentation in September last year. Perhaps Mr Clinton needs reminding that  
Waterport Terraces took over eight years to be delivered by the GSD since it was first  
announced, or perhaps Mr Clinton also needs reminding of the OEM and Haymills fiasco in the  
GSD's poor planning in a desperate rush to build housing, which this Government had to rectify  
1755 at great cost to the taxpayer.

Design work on Hassan Centenary Terraces on the Eastside is very advanced and the project  
will proceed to competitive procurement by the end of 2018. This will deliver a total of 650  
homes over two phases with a target completion of the first phase for mid-2020 and the second  
phase during the first quarter of 2021. I can therefore announce that we are aiming to release  
1760 final designs after this summer and proceed to the sale of the flats very early in the new year.  
The design and development work for the other two estates is progressing well and will proceed  
in a sequential manner. The competitive procurement will follow as contract packages for each  
of the schemes are completed and issued. The target is to complete all of these affordable  
housing projects by 2021. Timings may need to be adjusted, however, as some phases rely on  
1765 sites being vacated – such as Bob Peliza Mews, which needs the Waterport Power Station to be  
decommissioned.

The pricing for the affordable housing schemes will be set for each project once the  
construction costs are known upon completion of the respective procurement processes. The  
Government's aim is, of course, to keep these costs as low as possible in order to provide the  
1770 greatest opportunity to those wanting to buy their new homes.

We are not, however, just focusing on the construction of the homes. We have changed how  
these will be allocated and the new priorities will make the process fairer to all. These have been  
announced numerous times. They will result in, importantly, giving priority to those who  
currently live in Government rental accommodation which would be vacated – and it is  
1775 important that we maximise the housing rentals returned to stock. These will be followed by  
those who are on the Housing Department waiting list.

We are also changing the terms on which these properties will be held, ensuring that they be  
exclusively for owner occupation at all times and, more importantly, how these will be sold.  
There will simply be no room for abuse or speculation for resale for profit, as the Chief Minister  
1780 explained yesterday. This is not the intention of the creation of affordable housing that is  
subsidised by the taxpayer. This is just not fair and will not be allowed, and we are looking  
closely at the underleases going forward to ensure that we have the maximum protection. We  
will also further control who is eligible to purchase resales of affordable housing, as the terms of  
the original underleases were relaxed in 2008 for Waterport Terraces and thereafter, and we will  
1785 return to the terms that were used in the original underleases for Montague Gardens and  
Harbour Views, which were stricter.

As we know, home ownership by way of co-ownership of affordable housing is what has in  
large part alleviated the housing problem in Gibraltar, and our commitment to continue  
providing for housing in this way means that we will avoid our community having to endure  
1790 housing shortages as we have had to historically. But as we know, it is not all about affordable  
housing as not everyone can afford to purchase accommodation. That is why we are also  
committed to our tenants in rental housing stock. More of that in a moment, but as you know,  
we are also committed to providing further rental stock.

I am delighted to announce that we shall be building further purpose-built accommodation  
1795 for the elderly. We are currently looking at different options as to optimal location for this. This  
is the best way to provide rental accommodation. When allocation priority is given to those on  
the pensioner exchange list, it means that for every flat built and allocated to existing tenants  
we recover a larger rental property. We are therefore essentially re-providing, but in a manner  
which offers not just better value for money in terms of construction but a much better quality  
1800 of life for our elderly residents as well. These purpose-built flats are entirely accessible and

promote independent living, and this is proved to have very positive results for our elderly community already.

1805 We have just come up to the first anniversary since the allocation of our wonderful flats at Charles Bruzon House and Sea Master Lodge. I have visited a number of times during the course of the year, including various social events that I have been invited to, and it gives me great pleasure and satisfaction to see how happy all tenants are, and the feedback is always incredibly positive. For many, the move has been life changing for the better.

1810 Given that we have had the introduction of these two new blocks and the recent upgrading of Albert Risso House, we decided to invest in a complete external refurbishment and reroofing of Bishop Canilla House, which also includes new lifts, in order to bring it up to the same standard as the other blocks aesthetically as well as to protect it from the elements, as we were receiving water ingress and dampness reports. The refurbishment will also increase the environmental performance of the building. The works have already commenced and are progressing well.

1815 In addition to meeting with the tenants' representative committees of these blocks for the elderly, I have also met with them all together in order to discuss issues that they share in common. Together with the committees, we are undertaking initiatives to promote active ageing within their living communities, and one of the things that resulted from those meetings was a request for us to waive Bingo Tax, so I am sure that everyone is delighted after the Chief Minister's announcement on this yesterday.

1820 There continues to be a great demand for housing for the elderly, and understandably so given the enormous positive impact that this has. The Housing Department is currently reviewing its policies in relation to accommodation for the elderly to make the allocation process even better.

1825 In addition to continuing to provide affordable housing and rental stock, it is also important that we preserve our existing housing stock for generations to come, particularly post-war housing. In 2009 the GSD, in a desperate attempt to raise capital, offered the sale of post-war housing rental stock. By offering to sell post-war housing stock to sitting tenants and family members, and even with provision to sublet and sell for profit, we lose valuable flats from rental stock. Indeed, regrettably, the criteria for sale was so loose that some who have bought do not even live in the flats, and incredibly – and it gets worse, Mr Speaker – some do not even live in Gibraltar. That means that, unfortunately, many of these flats sold are just lying empty in the estates. That is just unconscionable when there is such a demand for housing.

1830 People who purchased are starting to realise now that the deal was not a good one, not for them, not for anyone. It places obligations on the tenants who purchased to meet the costs of maintaining the common areas. It raised obligations for Government, even though we have sold them, because we retain the liability to manage and maintain the blocks for 12 years. It is not until 75% of each block is sold that Government can step out of the management and control of the flats and the building. This, Mr Speaker, when I give you the statistics, will show that will never happen. Indeed, the situation is so bad that many who have purchased have regretted having done so and many have approached me wishing to surrender the properties. Indeed, I have even been approached through a Member of the Opposition. Unfortunately, this was an ill-conceived idea from the outset and has served more damage than good, as a result of which we have lost 181 flats from the post-war rental stock.

1845 While the number of flats that we have lost throughout Gibraltar is relatively high, the cost of which re-providing would be much higher than the revenue yielded, the uptake per block as required is incredibly low. There are no blocks that are anywhere near reaching the necessary quota for the Government to step out, and even if the number of flats were to be taken globally per estate, for example, the estate with the highest uptake is Alameda Estate with a total of 53 flats sold in the whole of the estate, making it 29.9% of the estate. The estates with the lowest take up were Edinburgh Estate and Moorish Castle Estate, where three and four flats were sold throughout the whole estate respectively. Clearly no longer interest to purchase.

1850

1855 When this became apparent to me last year, the sale of stock was frozen while we could give  
the matter proper consideration as to the best thing to do. The only conclusion that could be  
reached was that this badly thought through scheme does not benefit anyone and therefore has  
to be stopped. To continue this and perpetuate it was just not economically viable for  
Government, for those who purchased or housing tenants, and worst of all prospective tenants  
and those on the housing waiting list.

1860 Mr Speaker, yesterday we heard Mr Clinton, the new Mr Populist, when he tried to insinuate  
that having stopped the sale of these properties was somehow tied into the investment of the  
new estates. It is nothing of the sort, and alas Mr Clinton is wrong again. Mr Clinton is being  
taught quite a few lessons today, in the same way as when he criticised the increase of rent of  
3%. Unfortunately, he did not seem to consider this an issue for the last two years. When we  
brought it up in the Budget speech initially in 2016 the Opposition were all for an increase in  
rent. When we debated it in Parliament in 2017 there was not a peep from the Opposition  
benches against the annual increase in rent. An annual increase in rent means that it is raised  
every year – surely Mr Clinton, as an accountant, had worked that out. Unfortunately, Mr  
Clinton, jumping on the populist bandwagon, had to complain about that as well, though he  
never thought that he had to complain about it on the two occasions that he had previously in  
1870 the Parliament. Indeed, Mr Phillips, in relation to the 3% increase, said it was not enough and  
wanted us to go higher. He said that a 49% increase was too low. That is in *Hansard* for everyone  
to see.

In relation to the preservation of our housing stock, my job is to look at the bigger picture of  
our housing needs and the demands for our community, and it would simply be unfair and  
wrong to allow to proceed with the further dissipation of rental stock. So, in addition to stopping  
the scheme, in order to redress the balance with the stock that has been lost, those who  
purchased will be given the opportunity to sell them back to Government, and everyone who  
bought these will receive a letter with an offer for them to consider. Furthermore, by selling  
them back to us, those who may be interested in purchasing the new affordable housing will, by  
virtue of surrendering ownership and returning to being a housing tenant and giving us vacant  
possession, automatically fall in the first priority criteria for allocation.

1880 Having heard Mr Phillips yesterday, you would be forgiven for thinking that the GSD are now  
the champions for housing. This could not be further from the truth, and any concern on housing  
I would say is a new discovery for the GSD as its importance was never on its radar before. I am  
so happy that they have discovered the forgotten estates after having forgotten them and  
neglected them for 16 years. But he is not fooling anyone, Mr Speaker. The GSD's track record  
on housing is nothing short of abysmal: it is tried, tested and failed.

1885 It is unbelievable, really, that they have criticised the major refurbishment works that we  
have undertaken to the largest of Gibraltar's housing estates – Glacis, Laguna and Moorish  
Castle – when everyone knows that during their tenure they were known as the forgotten  
estates. Estates that were left to rot, that were totally dilapidated, have now been transformed  
into totally new estates and will improve the living standard of the tenants. Yes, it has been a  
process, a long one, because it has been a project of great magnitude. It has been inconvenient  
at times, but it is certainly worth it.

1895 Moorish Castle is virtually complete and Glacis is also incredibly advanced and nearing  
completion too. In Laguna Estate, phases 1 and 2 are close to practical completion, with phase 3  
ongoing and scheduled for completion by June 2019. Mr Phillips made much ado about the lifts  
yesterday. This has been one of the last things to progress, but is now progressing well and  
according to plan. Out of the 71 lifts in the estate, 40 have already been commissioned and  
there will be a further eight commissioned by the end of August, making the installation of lifts  
1900 68% by then.

My last meeting with the Laguna Estate Tenants' Association was two weeks ago, when I met  
them and the Glacis Estate Tenants' Association with the Chief Minister. The meeting was very  
positive and we have established better means of communication between them and the

1905 Department and our links have been strengthened. One of the things that I pointed out to the  
tenants' associations at that meeting was in relation to works that require to be carried out on  
landings at Laguna Estate and that these were delayed and the delay was attributable to tenants  
not giving contractors access. Surprisingly, 40% of the tenants were denying access and this was  
1910 considerably delaying progress for everyone. I am grateful to the associations for liaising with  
the tenants on our behalf to avoid this in future. I would particularly like to thank all housing  
tenants and their representative associations for their invaluable collaboration and support  
throughout the refurbishment programme.

Mr Phillips says that the GSD are preparing a policy paper on housing. I wonder how many of  
the PDP policies will make their way into that. As you will recall, the PDP wanted to demolish  
1915 Moorish Castle Estate, (**A Member:** Ha, ha, ha!) an estate that we have invested in completely  
refurbishing and looks beautiful and which we and the tenants are justly proud of. Let those who  
live in the 184 households in the newly refurbished Moorish Castle Estate remember that next  
time he goes up there.

We will, of course, continue to invest in the refurbishment of our other housing estates, for  
1920 which we have a very organised medium- and long-term plan. In fact, Mr Speaker, in last year's  
Budget address I announced that we would be refurbishing the remaining blocks in Catalan Bay  
and painting them in very vivid colours to make our beautiful Catalan Bay even more pretty and  
reminiscent of Portofino. This year, before the summer, we completed the refurbishment of one  
of the blocks in a beautiful canary yellow, and as soon as the summer is over we will start  
1925 refurbishment works on the two remaining blocks. (**A Member:** Hear, hear.) Hopefully  
everything will be beautiful, ready and finished for next summer.

I must confess, Mr Speaker, that I do not understand what Mr Phillips means when he says  
that 18-year-olds should not join the housing waiting list. Why ever not? What exactly is wrong  
with that? Is he saying that because you are 18, you are not entitled to apply for housing?  
1930 Everyone who joins, first joins a pre-list for a year, and the rate at which applicants progress will  
depend on their circumstances, so perhaps it is Mr Phillips who needs to read it properly – and  
by 'it' I mean the process. Of course, when managing the waiting lists the Housing Department  
will be perfectly aware of those who have expressed an interest to purchase affordable housing  
and have no desire to rent. It is a question of management, so not only is that criticism not  
1935 justified, it just shows the little understanding that Mr Phillips has of the system.

The important thing when it comes to housing is to have good management of the lists,  
proper allocation and efficient turnaround of empty flats – none of these previously existed –  
and that is exactly what we are working on and are being very successful in this endeavour, I  
must say. Whereas in 2015 we had 127 allocations, we had 109 in 2016 and there were 312 last  
1940 year. Even with the 130 flats generated by the flats vacated by allocations to the elderly flats,  
the balance is still greater and continues to grow. In fact, we are doing even better this year  
because already, at the midway mark, we have allocated 125 flats. So that is the success story of  
housing and this success is a direct result of the implementation of various initiatives, initiatives  
which we have been working very hard on to develop.

1945 So, unfortunately, Mr Speaker, I do not think that Mr Phillips will succeed when he presents  
himself as the new saviour of Government housing tenants. He told us yesterday that it was the  
number-one problem in his clinics. Housing has always been a problem in Gibraltar, but  
unfortunately the problem was perpetuated by the GSD. We are catching up and thankfully the  
progress that we have made is very good and I am very satisfied with it. Maybe Mr Phillips'  
1950 understanding of the housing procedures is wrong because he bases his position on replies to his  
narrow questions in Parliament. In his short time as shadow of this portfolio he has not asked all  
the questions he needs to, so he has a very limited picture. In a way, he may be forgiven for that,  
but it would have been preferable if maybe Mr Phillips, if he really wanted to understand more,  
could have asked me directly. Unlike Mr Phillips, I grew up in one of our estates, as did every  
1955 single member of my family, so I know exactly what that means.

1960 He calls for an overhaul of housing. Like the reply given by my hon. Friend the Minister for Health, Minister Costa, my reply is the same: what does he think we have been doing? Of course we have been reviewing and overhauling housing. He should know better, because he knows that when I get something, if it is broken the first thing I do is try to fix it – and housing was certainly broken. Excuse the pun, but thankfully it is not broken beyond repair. In fact, I would go further, because the reason why I would say the overhaul in housing is so needed is because none of my predecessor GSD Ministers for Housing ever bothered to do so. Had they made an effort, then the review and the improvements may not be taking so long.

1965 We have made many changes, both at policy and operational level, and we will continue to do so. One important change that we are going to bring about is one that has been a long time coming. It may not be major in terms of allocation of properties, but it is important to a lot of people, and it is the change of nomenclature. Finally we will do away with the confusing RKB language, which means nothing to a lot of people, and we will substitute it for plain English and a description of a one-bedroom flat and a two-bedroom flat, instead of a 2RKB and a 3RKB.

1970 We are modernising all our procedures to make them more user friendly to our tenants – our customers. We encourage alternatives to cash payments of rent, particularly via the e-Gov portal, and we also encourage paperless e-billing so as to promote environmental initiatives.

1975 We are undertaking a review of the Housing Act, and there will be an important amendment to curtail abuse. Whereas the current Act precludes you from being a housing applicant if you own property in Gibraltar, we intend to extend this to include those who also own properties in Spain.

1980 We have also made great progress and established working protocols with other Government Departments, particularly so as to support vulnerable tenants and applicants. Mr Costa explained that to us a few moments ago, Mr Speaker. I will not repeat everything that he said, but it is an absolute pleasure to be able to be supporting the GHA, the Mental Health Services and Social Services in assisting them with the seamless provision of housing as soon as that is necessary. (*Banging on desks*)

1985 On arrears, Mr Speaker, the Chief Minister commented yesterday that making the right decision can mean making unpopular decisions. I think that, to start off with, holding the housing portfolio is quite an unpopular one; to have vigorously pursued arrears in the way that I have is even more unpopular. But if making me unpopular as a result of taking the correct decision is the result, then be that as it may. There is nothing popular, I can assure you, with tenants – at least those in arrears – in having to chase rent and not allowing people to make use of their parking spaces, for example, within estates because of their rent arrears, but it has to be done and it is being done.

1990 Speaking of arrears of rent, Mr Phillips had the audacity yesterday to say that the recovery of arrears this last year was appalling. For someone from the GSD, but more so its leader in Parliament, to say this simply beggars belief. The only reason we are here is because the GSD got us into this arrears mess and 80% of the arrears that we have were inherited from the GSD. (**A Member:** Shame!) Let me put this into context. When the GSLP left office in 1996, the balance of arrears was £655,031. This increased by a staggering 600% to £4 million when they left office.

2000 I commenced the recovery process and the initial recovery of arrears was much quicker initially. It may have slowed down in terms of financial recovery, but it is actually working better in other ways – and Mr Phillips would have known that had he asked me. The reality is that when we commenced the recovery of arrears, at its highest they reached just over £6 million. It is a real achievement that in a short period of time – and it has already been reduced by 20%, as we heard the Chief Minister say yesterday – we have reduced the balance of arrears by over £1,200,000. Of this figure, nothing has been written off and all this has been achieved with no additional personnel or Human Resource expense and no additional staff or overtime. Now this is the important figure, Mr Speaker. It is very significant that when we commenced the recovery of arrears, 2,474 households owed rent. As of today, whereas the financial figure has been

reduced by 20%, the figure of households in arrears has been reduced by 38% to 1,543. That is the real achievement because it means that we are reducing the number of people who owe.

2010 Mr Phillips called it appalling. What exactly about continuously recovering rent is appalling? What he said is sensationalist but really makes no sense. Mr Phillips does not seem to understand that a lot of those who are in arrears are people, not just numbers. The officials in the Housing Department dedicate many hours meeting these tenants, trying to assist them with the repayments of their arrears. The primary objective is to stop arrears from accumulating, and we have done that, clearly, by engaging more tenants. Separately, it is to reduce the existing  
2015 debt, and we are doing that too, continuously and consistently. In a lot of cases our tenants have genuine problems of hardship and we try to help them as much as we can. We differentiate between people who are able to pay rent and do not pay and are in arrears because they want to be, and people who do not pay arrears because they cannot pay arrears. We are here to help the latter and pursue the former. He can rest assured that we will pursue all of those who are in  
2020 arrears of rent, are in employment, can pay and do not wish to pay. They will be distinguished from those who genuinely cannot pay.

We have been giving people every opportunity to pay. To exercise our right to pursue the recovery of our debt in court right now would cost not only money but time and resources and we would rather resolve debts directly with tenants, as we are, until we reach the point when  
2025 we can no longer make any progress. I would much rather that the tenant spent money on paying the arrears and not on legal costs. Perhaps he thinks otherwise. The courts should only be used as a last resort, and for many I must say we are now reaching the last resort. Let there be no doubt about it: when the appropriate time comes and we are left with no other option, we will commence court proceedings against those who can pay and do not.

2030 Turning to my Equality portfolio, Mr Speaker, I am absolutely delighted with our progress and I can confidently say that insofar as the Ministry for Equality, this has been our best year to date. That, of course, only sets the challenge for us to improve even further in the coming year. This new Department has come a very long way in a short period of time. The real results are a testament to the dedication of the efficient and effective team in the Department of Equality.

2035 Our greatest success this year undoubtedly is the Disability Act. It has indeed been quite a watershed. This new legislation will serve to change the lives of people with disabilities in Gibraltar and it is right to say that the rights of people with disabilities have always existed in Gibraltar. The Disability Act endorses these rights by ensuring that public bodies and those discharging public duties take account of the inclusion of people with disabilities on an equal  
2040 basis to others. In addition, we have also recently introduced part R of the Building Regulations that make physical environments accessible. We heard Minister Balban this morning and he explained what that entails.

The law and these legal changes are, of course, important milestones for Gibraltar, but the real work is putting these into effect and changing hearts and minds for people to embrace  
2045 these principles. This is no easy task and can only be achieved through education and awareness raising. The Department of Equality has been very effective in delivering training to various target audiences on a range of matters on disability throughout the year. We see the results of this already and the visible changes to attitudes in Gibraltar.

2050 There is no doubt that the essential component of 2017-18 was the further increased awareness and training campaigns on disability organised and delivered by us. Indeed, many of the attendees have found the training so informative that they have participated in more than one of our training seminars.

2055 We must, of course, lead by example. The Department of Equality have therefore organised briefings on the Disability Act for all heads of department and senior Government officials throughout the public sector to ensure that everyone is aware of their responsibilities under the Act. A total of 128 senior officials have received the training already. In addition to the various seminars, the Department of Equality have also produced some information booklets which are



available in hard copy and electronically. We have offered so many training seminars – very useful and they have been delivered by both local and UK professional experts.

2060 On autism we have delivered various. The subjects have been ‘What is autism?’, ‘Parental strategies and managing behaviour’, ‘Adolescence and puberty’ and ‘Maximising communication opportunities for children and young adults with autism’. ‘Introduction to working with people with disabilities, learning difficulties and autism; good practices and strategies’ was organised for those who volunteer with NGOs such as Special Olympics, the Brownies, the Guides, the Dukes, Faith and Light, and so on. The training has been so popular that we have had to run it several times, and we have now commissioned a further more intense tier 2 training. The interest, Mr Speaker, is huge, I can tell you. In the last financial year, 567 individuals took part in the seminars on autism and learning disabilities. This included 369 professionals and frontline Government staff, 108 parents or family members and 90 volunteers. An additional 236  
2065 individuals have undertaken other disability awareness training. Of these, 42 are professionals or senior management and 194 frontline staff. I would particularly like to thank the volunteers who attend these sessions, not only for the voluntary work that they undertake in their organisations but for their enthusiasm and interest when they attend their training, which is usually held on Saturday mornings, so they even give up their Saturday mornings to attend our training.

2075 Furthermore, we are also delivering training on disability language and etiquette. This is something that we are now able to offer in house, as one of our equality officers undertook a train-the-trainer course so that he can offer the training himself and it is more cost effective and can be offered more frequently. So far, he has provided this training to the Gibraltar Bus Company and Calypso, all lifeguards and beach attendants and beach cleaning staff. The programme has started to be offered to civil servants and Government officials and we have a programme in place to deliver this to frontline staff in the public sector through the human resources departments. Previously, we had offered this training to public officers, particularly in the Tourism and Culture Departments, and to the private sector through UK organisation Attitude is Everything. Our aim through all this extensive training is to provide a holistic approach for the benefit of people with disabilities, so that they are free to enjoy everything that Gibraltar has to offer, just like the rest of us.

2080 All this training means that we are now much better equipped to develop better policies and strategies and others are more receptive to understand them and give them effect. To this end, the Ministry for Equality is working very closely with many Government Departments to improve practices and policies throughout.

2090 As a result of this learning and engagement, we have embarked on some very successful initiatives with the private and voluntary sectors. We now have, or had and will have, an Inclusive fair. We have been working with Cultural Services and the Self-determination Group for Gibraltar, making our fair more inclusive and sensory friendly. These innovations last year were extremely popular with families and were particularly beneficial to people with autism, epilepsy, visual and hearing impairments. We also last year, for the first time and also as a result of an initiative from the training, had an Inclusive session of the International Magic Festival in collaboration with its organisers Gibmedia. Gibraltar Leisure Cinemas continue to offer sensory screenings, another initiative that was born as a result of training and awareness that we provided. I wholeheartedly wish to thank all these private entities for engaging so proactively and making their services more inclusive, more welcoming and more comfortable for people with disabilities, their carers or families, and indeed everyone who has attended the training and in one way or another delivered to make Gibraltar more inclusive.

2100 Turning to race and religion, Mr Speaker, we have also worked very hard to deal with issues of anti-Semitism. Last year I was invited to attend the Auschwitz and Birkenau concentration camps by the local charity Learning from Auschwitz. As a result of that, I have been working very closely with the Minister for Education and my Department has been working very closely with the Education Department so that we can instil effective learning from the Holocaust to ensure that these values are taught in schools so that such hatred and such events do not occur again.

2110 As a result of this, while in Auschwitz, we met with a Holocaust survivor and a specialist  
Holocaust educationalist. We have since invited them to Gibraltar. They came over in December  
and delivered a talk, both in schools and to the public, on the Holocaust as part of the teaching,  
and it was very moving and very effective. It is so important that this message continues to be  
2115 communicated. Indeed, what we did was we recorded the event and it is available online with  
subtitles so that everybody can hear what the speakers had to say.

Turning to gender equality, Mr Speaker, again this year has been our busiest yet on that front  
too, and we have an extremely busy programme ahead. We are looking at initiatives both in the  
workplace and at social levels.

2120 The economic empowerment of women is important – of course it is – and we have  
identified that women in the workplace are at a general disadvantage. You will be aware that  
yesterday I announced the Ministry of Equality’s Mentorship Programme for Women. This is one  
of the strategies that we are developing in order to close the gender pay gap. We wish to inspire  
women to achieve their best in the workplace and encourage them also to aspire to leadership  
roles.

2125 I have worked with the Minister for Employment and the Statistics Office so as to update this  
year’s Employment Survey to analyse in more detail the gender pay gap.

Challenging gender stereotypes is an intrinsic part of our gender equality strategy. It is vital  
that we do so, particularly with regard to professions and career paths. There is evidence to  
show that gender stereotypes affect subject choice, with fewer girls taking maths and science  
2130 subjects, and consequently women are underrepresented in certain STEM fields. We are already  
working with the Minister for Education and the Department of Education and private sector  
entities to address that. I can think of another place, Mr Speaker, where women are  
underrepresented, but I know that my Friend opposite and I are both keen to see more women  
on these benches.

2135 We will also be offering training on unconscious bias, as this very often poses a barrier to  
progress on account of preconceived ideas and bias. Throughout the year we hold awareness  
and information events and these culminate in International Women’s Day in March, an  
awareness-raising event that continues to gather momentum, and this year was indeed another  
successful one.

2140 Mr Speaker, you will recall that very recently in Parliament we amended the Equal  
Opportunities Act to allow for breast feeding in public. I recall that the Hon. Mr Phillips asked me  
a question in relation to the compatibility of that Act and the rules. As I said at the time, I did not  
believe that they were incompatible and I am advised that they are not, because each piece of  
legislation has a different motivation.

2145 Another key strand of the Gender Equality Strategy is domestic abuse, where we have  
developed a national strategy to be rolled out over a five-year period. The strategy encompasses  
a number of new measures intended to eradicate domestic abuse in Gibraltar and provide  
support for both victims and perpetrators as well as their families. I am pleased to announce  
that as part of the strategy a number of professionals from the stakeholder Departments,  
2150 including the Department of Equality, the RGP and GHA, are currently undertaking a course on  
violence against women and domestic abuse.

Very significantly, last year we worked closely with the Department of Education and all  
schools to raise awareness of domestic abuse in the lead up to the awareness day in November.  
This was an incredibly effective initiative and I must thank, in addition to my staff who led on it,  
2155 all teachers and heads who were involved in promoting healthy relationships and respect.  
Prevention is key and therefore work carried out in schools is instrumental in embedding  
positive values and positive behaviours. It is important to continue to raise awareness.

Gender equality is not solely a women’s issue. It is, of course, something that affects men  
too. It is therefore important that we also mark International Men’s Day as a starting point for  
2160 raising awareness of issues. We have been doing so with Bayside School for the last two years

now and have already planned the initiatives for the coming year. We also plan to, this year, raise more awareness that affects our transgender community.

2165 Finally on equality, I wish to mention the issue of abortion – as Minister for Equality, as a woman in Government and one of only two in Parliament. Abortion is an issue for many women, and equally we must not forget that it is just as much of an issue for many men. As a Government, we are giving this matter very careful consideration to ensure that what we do is the right thing to do. We are listening to all the voices, as you would expect us to.

2170 While we consider what we will do in relation to the act of abortion itself, it is clear that our priority must be that abortions and the decision to do so must be a last resort and that those women considering them –

**Mr Speaker:** May I interrupt the hon. Lady? We are getting into deep water, and I do not think we should at this time on the Appropriation Bill.

2175 **Chief Minister (Hon. F R Picardo):** You have only got two pages left?

**Mr Speaker:** It is very difficult for me to judge how that can be relevant to the Appropriation Bill.

2180 **Hon. Chief Minister:** Well, Mr Speaker, if I might? I think, from what the hon. Lady has told me, she wants to reflect an aspect of the issue which might, first of all, have an effect on spending if a referendum were to be organised – I think the Lady wants to make that point; and second to reflect the aspect that relates to her Ministry of Equality and some of the work that they are doing there. I think it is just a reflection rather than anything else.

2185 **Mr Speaker:** I will allow it, but I want to warn hon. Members that we are not going to have a debate on that issue under the Appropriation Bill. Is that clear? Please carry on.

2190 I should add, of course, that I will be quite happy, whenever hon. Members want to bring a motion to Parliament, to debate the issue. It is not that I believe that the matter should not be debated in Parliament, not at all. It is just that I do not think that it is appropriate to have a wide-ranging debate under the Appropriation Bill.

**Hon. Miss S J Sacramento:** Thank you, Mr Speaker.

2195 As the Chief Minister explained, I am going through issues that relate to my Equality portfolio, and as I was saying, I think that it is important that all women who may be considering an abortion need to be fully supported and made aware of all their options. (*Interjection*) The matter, Mr Speaker, as you know, has been put to the Chief Minister and the Deputy Chief Minister as leaders of their respective parties, and they have put this to their respective executive committees and the matter is on the Chief Minister's agenda for discussion as a Cabinet item at next week's Cabinet meeting.

2200 Finally on equality, I turn to my role as the Chair of the Senior Management Board of MAPP. MAPP is the public protection board. The Hon. the Minister for Justice referred to it in his speech a few moments ago, so I will just explain that the multi-agency partnership is responsible for the assessment and management of risk posed by people who have been convicted of relevant sexual offences. This is an initiative that we commenced four years ago. We have invested greatly in the training of everyone who forms part of MAPP from the DRM's, the designated risk managers who are at the forefront and assessing offenders as to risk, to the management of these professionals at every level.

2210 Turning very briefly, Mr Speaker, since we are talking about acronyms and I have just referred to MAPP, I will now refer to one called GDPR. As Minister with responsibility for data protection, as we all know, GDPR was introduced on 25th May. We have introduced in our legislation and given effect to a European Directive on Data Protection. There has been a

considerable amount of work undertaken by the Government because of course we need to comply with GDPR, but the awareness work on this falls on the GRA and we have all be working very closely together to ensure that data protection is given effect.

2215

Mr Speaker, lastly, as you know, I tend to represent Gibraltar, together with my very good friend Mr Reyes, in CPA matters and we are very ably looked after by the Clerk of this House when we travel to the UK.

That just leaves me to conclude by thanking everybody, yourself and the Clerk and everybody in this House, and of course my staff, who I think, like the staff in the office of Minister Costa, know what it is not to have sometimes a lunch break – especially on a Wednesday when I am at the Housing Department. My staff are incredibly dedicated to the job that they have to discharge. Both of the portfolios that I hold deal with people who can be particularly vulnerable and I know that they are very dedicated to helping that sector of our community.

2220

Thank you, Mr Speaker. *(Banging on desks)*

2225

**Mr Speaker:** The Hon. Lawrence Llamas.

**Hon. L F Llamas:** Mr Speaker, it is once again a privilege to rise and deliver my third Budget address.

2230

During the last year, my insight into the community we serve has deepened. I have been able to continue helping and supporting the causes of those I can at times sympathise with, whilst at the same time try to persuade those who expect too much of a government to nurture an alternative perspective in which to contribute to society rather than take, take and take.

Before moving to address those areas of responsibilities I shadow, I shall touch upon initiatives I have led which to this day remain live issues.

2235

In education it was clear to me that in the so-called education revolution, what should be the biggest objective – that is to prepare a future for the generations to come – was being expedited for political expediency. Presenting a project of this scale without proper consultation with all the educational professionals and the community at large was, in my view and in the view of many, the wrong way to do this. I launched an education survey which gave all stakeholders the first opportunity – and for students, retired teachers and parents the only opportunity so far – to engage and put across views which they felt should be heard. But the Government have not wanted to listen. They have trail-blazed ahead with minimum consultation, in particular on the mega school campus – something they were quick to criticise when the GSD proposed it in the 2015 election despite the GSD committing itself to a full consultation process and, I might say, in a much better location.

2240

The Government are yet to convince the community and those of us on this side of the House on how it intends to manage the traffic and transport in the new schools which will accommodate, in the mega school, 2,500 students. They remain in consultation and have provided no details of any assessments made so far. Despite investing heavily in a Sustainable Traffic and Transport Plan, a document which I respect, the entire initiative could be undermined with the changing of locations of so many schools, and the Government have failed to seriously factor in the logistics of these decisions in a manner which can provide comfort to those awake to risk and emergency issues.

2245

Therefore, Mr Speaker, I am concerned when I have not been convinced by the Members opposite that they have really thought this through. In 2015 the Members opposite proposed a set of plans after having been four years in office. Twenty months later, after the last election, they announced a radical shift from those plans without proper consultation. The scale of the development of land will have consequences, as this will inevitably shape Gibraltar's future, together with the sale of land at Bayside, St Anne's and St Martin's being sold to one developer – for what, we are yet to find out.

2260

Finally, the Government has not been transparent with health and safety audits carried out in our schools. I strongly believe these audits should be published as a matter of good practice.

2265 In affordable housing I have worked to attempt to delve into the rental housing allocation  
process and the sale of affordable housing projects. It is right to ensure that rental housing is  
made available to those who need housing the most and cannot afford to purchase. I do believe  
and maintain, as has been publicly stated by Action for Housing, that during the first five years of  
2270 this Government the Government expedited the allocation to those who had been on the  
housing waiting list prior to 2011, regardless of the needs of those joining the waiting list after  
that date who were perhaps more worthy of being allocated a property. I must say in a recent  
meeting of this House the Minister for Housing stated that allocations were being processed  
with a focus on needs, and this is to be welcomed.

I cannot be as complimentary to the Government with the allocation process for the  
2275 affordable homes. After months of trying to obtain the statistics, the Government finally  
revealed that approximately 90% of flats sold by this administration had been sold on a 50-50  
basis. When compared to the GSD sales for their last affordable housing projects, on average  
only 25% of properties were sold on a 50-50 basis. It is true to say that the GSD did fail to  
adequately protect the re-sales of these properties in time, but this Government did nothing to  
2280 remedy that error, and in fact used the same lease documents as had been used in the past,  
exposing these projects to abuse. I am glad to note that they will be at least taking measures to  
limit abuse in the latest phase of affordable housing, but we are talking about affordable  
housing which should also be sustainable for generations to come. How can it be sustainable for  
this community to firstly allow applicants, regardless of income or need, to purchase at the  
2285 percentage of their choice, committing the taxpayer to foot the percentage which remains with  
the Government but then to go and obtain a mortgage with the Gibraltar International Bank,  
which is also subsidised by the taxpayer? This is a dangerous policy, insomuch as it fuels the  
culture of expectation and all the associated perspective that comes with this.

I have also tackled tourism incentives. The Government launched the Year of Culture  
2290 campaign; however, the beach night markets and open-air cinema events, which could have  
provided so much, have not yet been announced – perhaps they will be announced in the Hon.  
Minister Linares's intervention. I do believe that this would have assisted in building our tourism  
offering as well as providing local entertainment to residents.

In public parking, I commend the Government for having recognised the need to enhance  
2295 physical accessibility at Midtown car park. It showed a breakdown in inclusive planning, but I am  
glad that the Government acknowledged this and remedied it and provided adequate signs to  
assist users.

I believe that at this stage of the Gibraltarian story, as we look forward to tackling the  
challenges ahead with dedication and determination to succeed that we establish a commitment  
2300 to each other and a sense of ownership in these challenges – the failures and the successes. But  
foremost we must be clear with the people we represent. We must be clear as to why decisions  
are made the way they are, why we need to work to foster and develop a keener community  
sense of responsibility, ownership, sustainability, honesty and accountability. We need parties to  
say it as it is, plain and simple.

2305 When the GSD proposed such policies during the last election, Members opposite were quick  
to describe our sustainable and prudent policies as austerity. Today, they are called investment.  
Let's not spin this anymore. No party has developed a magic wand. If we need to raise revenue,  
explain to the people why. Let's not promise not to raise electricity to prove a political point, but  
raise rates and any other thing instead. The fact is that administrations can levy any of the  
2310 revenue sources to create additional revenue to fund their financial commitments, but they  
should just be open and sensible about it.

Mr Speaker, the Government also told us how they had struck a fantastic deal with Neon  
Angel, an agent for MTV, for the staging of the music mega festival. They argued that these  
agents would be able to bring out better acts at reduced rates. Well, I am yet to understand how  
2315 that has been achieved, given the Government have refused to answer any questions regarding  
the value of the contract given to Neon Angel in order to know how much money has been

2320 spent on the acts themselves as a whole. This community has spent a gross £5.6 million on the last Music Festival, a record high in expenditure with a record low in ticket sales, and the commercial interests of the agent have been placed before the interests of the community as we are simply blocked from scrutinising such expenditure. The Government said the reason for not going out to tender for the last and forthcoming events was the need to take the festival on to the next level and work with international media partners. I have concerns as to the explanations given and feel that we are paying more for less.

2325 During the past year I have also had the opportunity to represent this community at a Commonwealth Parliamentary Association UK conference on public accounts. It was enlightening to see how the Westminster Parliament operates with regard to government expenditure, whether direct from the government or via government-owned companies. This Government has taken off balance sheet borrowing to a whole new level, one which we the Members on this side of the House and the electorate at large have no insight as to how our  
2330 finances are being managed – worse still, not even the Principal Auditor, an office which I trust would go beyond the auditing of accounts but assess the value for money of Government projects funded and delivered through these company vehicles. We are talking about hundreds of millions of pounds pumped through Government-owned companies such as GJBS. In fact, even in the Budget presentation uploaded to the Government website after the Chief Minister’s  
2335 address, when you click on the segment relating to Government-owned companies the breakdown of information stops at the first hurdle. I would like to ask the Chief Minister if he will commit to lifting the lid on these companies and on all off balance expenditure and debt, so that we on this side of the House and the people we represent can access and scrutinise the decisions made by this Government.

2340 Now turning to my areas of shadow responsibilities, in health and care I must stress that the open door policy the Minister for Health shares with Members across this House is exemplary. On many occasions, all that has been required is a WhatsApp or quick email to resolve certain issues. I am extremely grateful to him for this, as it is this sense of co-operation which we have been elected to do. Despite any differences, we must work on cross-party issues and attempt to  
2345 not politicise areas, as far as possible. I strongly believe that health is certainly one which we should steer away from politicising.

The facilities up at Hillsides and Bella Vista have got off to a good start. The feedback so far is extremely positive. It is therefore right to commend the Government for delivering these facilities. (*Banging on desks*) It must now expand and improve. However, I do feel for those  
2350 residents suffering from the same disease in less adequate facilities such as Calpe Ward and Cochrane Ward. I understand we are making the best of what we have available and it must be acknowledged, but we must now focus on finding the residents of these wards made residential units to a more suitable location, in time. In this area we must think long term and plan long term.

2355 In mental health we must do more in order to support persons suffering from mental health in obtaining employment and supported housing, though I do welcome the one property that has so far been made available for this purpose. Persons with mental health are at times just as limited in taking care of themselves as, for example, are elderly persons or persons with disabilities who do qualify for domiciliary care.

2360 But we must also develop a strategy to tackle undiagnosed and deeply rooted, camouflaged mental health issues which only become apparent after the sad loss of life. I congratulate GibSams and all those who are giving of their free time for this cause and all those who are helping in their #itsoktotalk campaign, lifting the stigma associated with mental health. I congratulate the Minister for Education on the deployment of resources into our schools. I  
2365 believe we must survey our community with the hope of uncovering the drives and issues affecting our community. Naturally, it is best for this initiative to be Government led, and if the Government decides to take it up I do not have to say that they will find across the floor Members willing and available to help.

2370 One of the issues facing the Health Service has been the abuse or inappropriate use of the Accident and Emergency department. I was quick to welcome the Government's introduction of two part-time GPs for evening clinics, adding to the walk-in clinics that have been previously introduced. I look forward to seeing the service grow and hopefully educate people in non-emergency situations, yet in need of medical assistance, a more adequate platform to access.

2375 The appointment system at the Primary Care Centre has challenged many administrations in the past. Will we ever get it right, I wonder? There will always be pros and cons. The fact remains that in the last nine years when I have personally had to interact with the Primary Care Centre, regardless of the system in place I have been able to find an appointment. However, the difficulty is reported to arise when you require a specific doctor to ensure that there is continuity of care for specific causes. I do not believe that this has been yet resolved and continues to be a problem amongst the community.

2380 The Government has recently introduced the telephone appointment system and I look forward to assessing this further and establishing the real value of this service, but after six years of awaiting e-Government I would have expected a more modern approach, synced with e-Gov and personal portals to access e-appointments, e-prescriptions, e-sick notes, etc.

2385 Mr Speaker, I look forward to the investment being made in our health infrastructure with the paediatric centre and the new Primary Care Centre together and also learning on the annual cost that this will represent. However, we must also look beyond the aesthetics and investigate the low morale amongst permanent staff, who I do not doubt are valued by all the Members of this House and the community at large but yet feel undervalued.

2390 The care sector has become more and more dependent on supply labour workers, with the percentage growing to over 40% of the workforce in many areas. We acknowledge the need for short-term supply labour workers, but there are many workers who are no longer short term but rather becoming a vital part of the public sector. Whether the reasons for not employing permanently are a consequence of Brexit or the long awaited e-Government or any other reason, we should be told; more importantly, the community should be told. There is no reason that I can think of why these workers cannot be employed via short-term contracts, cutting out the agency fees under which they are employed, affording the worker a fairer deal, including working conditions such as annual leave, sick leave and parental leave. The Government announced in March this year that it would not tolerate zero-hour contracts as part of the supply workforce it subcontracts. However, taking a step further into short-term contracts would mitigate any breakdown in continuity of care and, as I have just said, enhance working conditions.

2400 The GSLP committed to no privatisation, but what we are seeing across the public sector is an osmosis of privatisation. There are employees of Government agencies being transferred out to make way for supply workers. We fundamentally disagree with this policy.

2405 In my first Budget address I focused on the need for a Care Quality Commission platform. In March this year the Hon. Minister Costa stated that he was looking into this. Although not mentioned in his speech today, I do look forward to learning more about the progress being made in this regard.

2410 Mr Speaker, I look forward to actively working with the Minister for Health and Care on policies which will carry cross-party support, the first of which will be to seek the option to register miscarriages prior to the current viability date of 24 weeks.

2415 The GSD is also actively considering the current abortion legislation and whether or not it needs to be reviewed. We shall not be rushed into a decision given the emotive and sensitive nature of this debate. I will say, however, we are focusing first on the underlying reasons why abortions are sought and how best to tackle these reasons in order to reduce such situations.

2420 With regard to drugs and rehabilitation, the introduction of a specialised GP in drug addiction is to be welcomed. Addiction is a health matter, and the closer we work between the rehabilitation team and the health team, that will provide a fundamental link, but we must also focus on a successful secondary care plan in this sector.

2425 We must do more in terms of supporting recovering addicts in seeking employment and stability in their lives. During the next year I shall be campaigning for this, but also campaigning for a more rigorous strategy on recreational drugs amongst our youth. The Chief Minister will find cross-party support on this issue and I would invite him to include Members on the opposite side of the bench to make a contribution in this area. We fully support the need for a drugs strategy which is evidence based and the idea of a survey amongst students in order to establish what exactly the challenges are and how best to tackle them.

2430 With regard to medicinal cannabis, this subject has come to the fore of media attention following the recent case in the UK of Billy Caldwell. The Chief Minister is currently undertaking an exhaustive consultation process. We look forward to receiving the outcome of this process and the GSD remain committed to following the recommendations made by the medical professionals. With regard to the cultivation of cannabis, the GSD is grateful the exportation of this seems to have been disregarded and a non-narcotic version of the plant is being considered for the potential benefit of local patients.

2435 Mr Speaker, with regard to e-Government, I look forward to a new digital tax office, but six years on I would have hoped we would have been closer to digital citizenship by now. Individuals and businesses alike are crying out for a holistic system under one roof, from taxes to health, from education to employment. This project is extremely exciting. An efficient and real-time interaction with public services is to be welcomed, but I remain curious as to why, for example, fibre in schools has been outsourced on a lease to Sapphire whilst having a Government Department able to carry this sort of project.

2440 I must bring to light several complaints that have been brought to me by the residents of Bishop Canilla House, who claim to have been caged in by scaffolding for the last four months without any works being carried out on that scaffolding. This shows a lack of planning and consideration for our elderly in this regard. I have written to the Minister but I am yet to receive a reply.

2445 Also, I must recognise and state regret at the 337 reports of domestic abuse from January to May 2018. When compared to the last complete statistics online for the year 2014 of 177, this represents a comparative increase of 348%. No doubt the Mrs Gibraltar pageant has done a brilliant job in raising awareness; this could be one of the contributing factors in the significant rise. The Minister for Equality recognised this when it came to the fore on social media last November, announcing a domestic abuse strategy to be rolled out in the first months of 2018. Sadly, this has not happened yet, but I hear that it is in the pipeline ... It has happened, but it is not clear.

2450 In supported employment I am glad to note from the Hon. the Chief Minister's annex speech his commitment to the equalisation of annual leave and sick leave for persons in supported employment. I do remain conscious of the need to have stronger and better resourced supported internship programmes.

2455 Mr Speaker, last year I publicly spoke about my rationale for supporting the Budget, and further why I felt able to vote differently to the GSD. There is no need to re-ventilate that statement. What I will say is that this year we have had a proper internal debate and discussion and the collective decision is to vote against the Budget on the points which have been made before by the Hon. Mr Phillips and Mr Clinton.

2460 The Hon. Chief Minister said that the Opposition have been crying wolf year on year. I must say that that applies to all oppositions locally and internationally. More recently, after the 2011 Budget address when Sir Peter Caruana was Chief Minister, the Leader of the Opposition back then, the Hon. Mr Picardo, was quick to record a vlog with the hope of scaring voters and planting the seed of distrust and doubt as to what Sir Peter was saying on the state of the economy, who he named as being addicted to debt. It is the same rhetoric year in and year out, regardless of the administration in power.

2470 Fear will not drive the minds of investors. Investors will not factor in the voting decisions of politicians, for they are experts in their fields and they will be able to decide how to invest,



2475 where to invest and predict the return on their investments independently. However, what will  
factor into their decision making is the transparency and good governance of the Government of  
the day and it is this very issue which is regrettable in this Government's policy. I sincerely trust  
– and I mean it – that no Gibraltarian would ever want to intentionally jeopardise the economic  
future of our nation, more so those who stand for election and have earned the trust and  
respect of the electorate, but it is entirely up to the Government to come clean with its people  
and lay the cards on the table. Without knowing how well or how bad we are performing, by  
2480 keeping a separate set of accounts behind closed doors, we are indeed blinded as to the true  
state of affairs.

Mr Speaker, once again I will end by thanking you and the parliamentary staff for the diligent  
work provided throughout the year. *(Banging on desks)*

2485 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, talking about collective responsibility, I  
think we all have a collective responsibility to ensure that we support the right team tonight in a  
few minutes when England take on Colombia, and I therefore move that the House should now  
adjourn until tomorrow morning at 9.30 in the morning

2490 **Mr Speaker:** The House will adjourn to tomorrow morning at 9.30.

*The House adjourned at 7.18 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 9.35 a.m. – 1.05 p.m.**

**Gibraltar, Wednesday, 4th July 2018**

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# The Gibraltar Parliament

*The Parliament met at 9.35 a.m.*

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

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

## **Appropriation Bill 2018 – For Second Reading – Debate continued**

**Clerk:** Meeting of Parliament, Wednesday, 4th July.

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

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, this is my 19th Budget speech and my seventh as a Government Minister.

10 I will begin my speech by giving a synopsis of what has been achieved over the last year in relation to my areas of responsibility. These are Culture, the Media, Youth and Sport.

15 Mr Speaker, the Gibraltar Academy of Music and Performing Arts (GAMPA) has had another successful year. GAMPA is housed at 63 Flat Bastion Road. I am pleased to report that they have already outgrown those premises due to their huge success. GAMPA can now boast nearly 400 students. It is currently outsourcing space in South Barrack Road Recreational Rooms as well as the drama studio and the music room at Bayside Comprehensive School. Therefore, given its huge success, the Government has decided to allocate more facilities to GAMPA. I am pleased to announce that the Old Sisters Quarters beside St Bernard's Middle School will be made available to GAMPA. This newly refurbished building is expected to be ready this month. The premises will provide much needed space as from September.

20 In our 2011 manifesto we conceived of a scheme known as Learn an Instrument. This has taken the form of a campaign which promotes certain instruments which children might not necessarily be aware of. This year teachers of the Academy toured all first and middle schools in Gibraltar. They used what is known as the Charanga Music System, which encourages, excites and innovates digital music teaching and the learning of it. They have been able to recruit students to attend the academy on a regular basis.

25 The Academy has held a great number of performances and other initiatives, which include drama, choir singing and orchestral music. In the third term of the year 2016-17, from April to June, they participated in and organised 12 events; from September to December, in the first term of the 2017-18 year, they were involved in eight events; and in 2018, this year, from January to June they have been involved in 12 more events. Mr Speaker, a very successful and busy schedule.

35 GAMPA continue to work very closely with the Parasol Foundation in order to develop the Parasol Foundation Scholarship Programme. This programme has been designed to help the next generation of musicians and actors to develop and to have teaching contact and preparation time. The Government is pleased that the programme has been renewed for another year. Six scholarships for excellence and promise and for beginners who show potential have been offered. Further scholarships have been awarded to students who qualify under financial

40 hardship rules. This goes to the heart of our philosophy as a Government: no child should be left behind due to financial constraints. Ensemble scholarships have also been awarded in order to develop children's ensemble skills. The objective is to have such students eventually as a youth orchestra. I would like to take this opportunity to thank the Parasol Foundation for the partnership they have established with GAMP.

45 Another part of GAMP's development programme has assisted Bishop Fitzgerald and Notre Dame Schools' learning support facilities and St Martin's Special School. This is through the provision of eight hours once a week of drama therapy with a fully qualified drama therapist. The Academy, as well as the Government, feels it is our duty to provide performances, opportunities and workshops to children from all backgrounds and intellectual abilities. So much, Mr Speaker, for ignoring the vulnerable. This programme is working very well.

50 The Academy is now an official examination centre which caters for students locally as well as from the surrounding areas. The Associated Board of the Royal School of Music exams have been held in Gibraltar for decades under the management of the College of Further Education, for the last three years these being conducted at the Academy, which at the moment has the best facilities. It is a great opportunity to offer all our local students the chance to have better examination conditions. These exams have also included Trinity Rock and Pop, which have proved to be very successful, and the Trinity College London drama exams.

55 Mr Speaker, I now move on to Gibraltar Cultural Services. They organise and supervise many events for and on behalf of the Ministry of Culture. Some of these events are carried out in conjunction with other Ministries. This has been the case with the first ever and most successful Youth Open Day which took place together with the Gibraltar Youth Service. The Literary Festival happens in conjunction with the Gibraltar Tourist Board. Also, together with other Government Departments, a street art project has been launched as part of the Government's urban renewal and regeneration policy.

60 GCS this year, on behalf of the Ministry of Culture, has commenced some new initiatives. They have launched the Youth Arts Jamboree as part of our cultural development programme. The aim is to create cultural, heritage and youth leaders of the future by providing a platform dedicated to young people. The first ever Artisans Christmas Market at Line Wall Road Boulevard has been organised. They have organised or supported other cultural development programmes, including the Fitness Gallery and the History of Art films at the Leisure Centre, amongst other events.

70 GCS is in the process of organising a number of retrospective exhibitions. They organised one depicting Gibraltar's fashion scene through the decades. This was a huge success and featured many local designers such as the late Johnny Pearce and the late Eduardo Viotto amongst many other individuals in the local fashion scene. They further organised Gibraltar's presentation at the Island Games 2017 in Gotland. The presentation was held to promote the Island Games that we will be hosting in Gibraltar in 2019. They are currently working to launch, in January 2019, an exhibition that will celebrate the life, works and legacy of Gibraltarian Elio Cruz. Works have also started for the July 2019 Island Games exhibition that will celebrate Gibraltar's participation at the Island Games from 1987 to date. This will be organised in conjunction with the *Gibraltar Chronicle*. All these exhibitions are part of our Government's ongoing cultural development initiatives.

80 GCS has been instrumental in promoting what is this Government's policy of exporting our culture to the rest of the world. We have now established a number of annual events which help local artists exhibit their works abroad. Such is the case with one of our artists participating annually in competitions at the Royal Academy summer exhibitions. The Gibraltar-Berlin Art Residency project will take place for the third year this month. This will see a Gibraltar artist taking up an art residency in Berlin, and a Berlin artist doing a residency in Gibraltar. This will lead to a book and an exhibition that will be launched in October at the John Mackintosh Hall. We have also supported four local artists to exhibit at the Bermondsey exhibition which was organised in London in October last year. Our latest endeavour is supporting and promoting a

90 cultural exchange between the Government of Gibraltar and the Diputación de Cádiz. This will see 18 Gibraltarian artists exhibit at the Diputación and works from the Diputación coming to Gibraltar's Gustavo Bacarisa Art Gallery in February/March 2019.

GCS is also charged on behalf of the Ministry with organising a number of annual events and festivals during the year. This includes GibTalks, which has proved to be extremely popular; the 95 Spring Festival featured the Young Shakespeare Company, who were especially flown over from the UK; and the ever popular Calentita. The list of events includes the autumn programme. There is a whole list, but I just mention the international art competition, the literary and poetry competitions, the Drama Festival and classical concerts, amongst others.

GCS has been working on updating the cultural register in line with current child protection 100 policy, as directed by the Child Protection Committee.

The Government, through GCS, has been able to acquire 30 new artworks for the Government's art collection. Most of these works are Gustavo Bacarisa originals and others were produced by many local artists.

GCS does not only organise events but is also charged with maintaining and looking after 105 cultural premises. On this front we can see how all the assets that they manage have been transformed. This includes the Mackintosh Hall and the Library. Ince's Hall has seen new light installation and all the facade has had structural works and a general facelift. The Central Hall, the Gustavo Bacarisa Art Gallery, the Fine Arts Gallery at Casemates, the GEMA at Montague Bastion and the Mario Finlayson National Art Gallery have all seen improvements.

110 Mr Speaker, the Government remains firmly committed to the development of culture locally and to exporting our arts at an international level. Therefore, as the Minister for Culture, I am delighted to confirm that Gibraltar Cultural Services, on behalf of the Government, will establish a Cultural Development Unit during this financial year. The Unit will introduce training programmes for cultural officials, groups, coaches, performers, administrators and persons 115 involved with our culture generally. It will support cultural organisations, develop generic cultural educational programmes and, most importantly, organise training in cultural leadership. It is imperative that we produce programmes that sow the seeds for the creation of cultural leaders in the future, in the same way as we do in sports.

Apart from GCS, the Ministry itself has organised many events during the past year. These 120 include events like the Jazz Festival and the darts tournament.

Mr Speaker, I will tackle Mr Clinton's contribution in relation to Gibraltar Calling, but before that I will tackle the contribution from Mr Llamas. Frankly, it does not make sense. Don't they talk to each other? Mr Clinton and Mr Llamas do not seem to be on speaking terms with each other. On the one hand Mr Llamas accuses me of not giving him enough information, then he 125 says that we have spent £5.6 million on MTV Gibraltar Calling. Has he read the Estimates Book? That is not the figure in the book at all, so where is he getting this figure from? When he said that last year we had a downfall on ticket sales, where does he get that information from? I would like to think that he is not getting into the habit of the GSD of saying porky pies: lies.

Mr Speaker, before I close on a purely cultural part of my address, I must also reply to the 130 Hon. Mr Clinton following his comments on the MTV Gibraltar Calling Festival. It is clear that Mr Clinton does not like the Music Festival; he has never liked it. Unlike the thousands upon thousands of Gibraltarians who turn out buying tickets every year, every year even more, and turn up to have a good time, Mr Clinton probably prefers a good book and some classical music. That is his choice. As a liberal, I would say do what you want. I like good books and classical 135 music too; however, I do not let that colour my judgement.

The hon. Member has explained about the cost of events. I would like to take a few moments to explain the value of the event as opposed to the cost. First and foremost, the expenditure includes £400,000 of moneys that had been spent on MTV Gibraltar Calling for 2018, i.e. the deduction in the Estimates Book from £2.5 million to £2.1 million this year. The following are 140 reports from MTV that monitor the reach of all of their programmes through adverts, marketing, social media outlets, etc. These also have a value in monetary terms. Social media value by

artists using their Facebook, Twitter, Instagram and Snapchat accounts is estimated to be £306,000. Commercial value, monitored by exposure per minute of the Gibraltar Calling brand on Channel 5, 10pack and Comedy Central is worth £142,157. MTV has made a comparison with other of its programmes dedicated specifically to festivals. MTV Ibiza got 4,512,003 views, which have a value of £383,520. MTV Presents V Festival got 6.1 million views, with a value of £518,528. MTV Varne Beach got 3.5 million views, with a value of £297,709. And MTV Gibraltar Calling got seven million views with a value of £593,305, and on the general UK programming on other platforms the value is £255,464 – therefore, a total of nearly £1.3 million, exactly £1,296,926. That is why, though the expenditure this year has been higher, it has been worth every single penny spent.

The, as they say, ‘greatest Gibraltarian of all time’ used to tell me when I was on the other side, ‘You know, you’ – he did not even address me as ‘the hon. Member’ – ‘you know the cost of things but not the value.’ That was in relation to the disastrous Royal Theatre, where they spent, the cost was £10 million and the value was zilch because it had nothing to speak for it.

Mr Speaker, I now turn to my responsibility regarding the media. This is likely to be the most significant year ever for our national broadcaster, GBC. It is expected that late next year they will move into brand new premises at South Jumpers Bastion. Radio Gibraltar celebrated its 60th anniversary in February this year. GBC TV marked its 55th year in 2018. Despite their consistent service to our community, GBC has never been able to operate from adequate facilities, but it is time for change, and going forward our national broadcaster will operate from a state-of-the-art facility. GBC’s management team is fully focused on the relocation project. Design work is now at a very advanced stage, with the start of construction imminent. The new Broadcasting House will include two television studios and four radio studios, as well as two video-editing suites and two voice-over booths, together with studio and transmission control rooms, technical areas and functional office accommodation. Estimated completion of this project is towards the end of 2019 or early 2020. This financial year much of GBC’s investment in technology will be linked to the relocation project. Although ongoing equipment replacement continues, this necessarily impacts on the new systems being installed at the new Broadcasting House. The Corporation’s engineers and specialist consultants from the UK are devising plans of action to ensure that the existing facilities are able to continue broadcasting, with a seamless transition to the new building.

Gibraltar Freeview Ltd, which also falls under my responsibility and which operates the digital TV and radio transmitters, is also planning its own relocation of their systems from South Barrack Road to the new Rosia Road location. In a project of this magnitude, I am ensuring that all interested parties work together to arrive at the ultimate goal of having the best broadcasting facilities possible for GBC’s employees and the community as whole.

Notwithstanding the relocation project, GBC continues to inform and entertain local audiences. GBC maximises its budget to provide consistent programming for viewers and listeners. In addition to this, GBC News, GBC Sport, GBC Television and Radio Gibraltar are very active on social media platforms and via their website and apps.

Mr Speaker, TV programmes that can be highlighted from the past 12 months are the Gibraltar-related travel show *Inspired by Madeira*, the local history programme *In their Footsteps*, the local natural history series *Rock Explorers*, the *Viewpoint* series and notably its public debates, the *City Pulse* community show, the live FIFA World Cup Gibraltar qualifiers and numerous Christmas, New Year and Easter specials. There has also been an array of major outside broadcasts. These have covered events such as National Day, New Year events and the Three Kings’ Cavalcade, amongst many others.

Radio Gibraltar has not stood still either. It has refreshed its sound, co-ordinating with its diamond jubilee, and ensured it is present at a variety of public events through its community roadshows.

The GBC Sports Awards were deservedly expanded this year, with this having become a much looked forward to event by our local sports fraternity. As the Minister for Sport, I am delighted

195 that GBC should recognise the achievements of our outstanding sports men and women, and I  
take this opportunity to congratulate all of this year's winners.

Mr Speaker, another highlight of the past 12 months was the GBC open day. It raised a massive £127,000 – a true testimony to the generosity of Gibraltar's businesses and general public.

200 The community rallies around GBC every Christmas, practically as one large family, to raise funds for deserving local projects. GBC's employees deserve a very big thank you for leading on this and making it such a success.

Mr Speaker, we are proud of our television and radio stations, which consistently deliver, and so I have no hesitation in paying tribute to its management and staff for their passion, dedication and high editorial standards. It is not easy, given how expensive the media business  
205 is, while having to compete with such larger foreign channels available locally.

GBC's Chief Executive assures me that work is already underway on programming for the next 12 months and beyond. There are several series in pre-production and the broadcast rights have been acquired for the live coverage of Gibraltar's games in the new UEFA Nations League in September and October this year and the Euro 2020 qualifiers next year. Plans are also in hand  
210 for comprehensive coverage of the Gibraltar 2019 Island Games.

One innovation that will happen shortly is the introduction of closed captioning of TV programmes on air. For some time now, GBC has provided subtitles for the hearing impaired via its website, with this now being extended to programmes aired on television. Improved technology has meant that with a reasonable investment, systems are being upgraded both at  
215 Broadcasting House and the Gibraltar Freeview Ltd digital multiplex for most local programmes on their repeat showing to include closed captioning. Although this will still be bound by a 24- to 48-hour delay in the production of subtitling from the initial broadcast, the move will soon provide Gibraltar's hearing-impaired community with a much enhanced opportunity to follow many of GBC's local programmes via the TV service.

220 I am confident that with the resources made available to GBC, and as the Corporation works towards moving to their new premises, Gibraltar will continue to benefit from and enjoy their own local TV channel and radio station.

I now move on to my responsibility as Minister for Youth. In the past year, the Youth Service has continued to reach out to our community. The service has increased its face-to-face work and has reached out to other Government Departments, agencies and NGOs in order for them  
225 to work together to improve services for young people in our community.

The Youth Service is committed to personal professional development and constantly continues to update the skills of all its employees by offering them training. One of the courses the staff experienced was a very successful and inspiring day of personal professional development training that focused on personal well-being at work.  
230

Safeguarding Children and Young People is paramount and the Youth Service is part of the Child Protection Committee. The Youth Service has increased its commitment to support child protection in Gibraltar. The Youth Service will continue to work towards the Signs of Safety model by being committed to taking a multi-agency approach in managing safeguarding issues and placing the welfare of young people at the heart of everything that they do. One of our senior youth workers is a member of the Safeguarding Children sub-group and a trainer for the multi-agency team. We can now say that all those working with children and young people go through a stringent process of vetting and training.  
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The Youth Service has continued to provide projects to all clients who attend the clubs – projects that develop young people's artistic, photographic and film skills, and programmes which involve residential camps. These camps develop a great number of life skills and enable young people to disconnect from technology-driven modern-day society. To this end the Youth Service have organised a great number of camps in the hinterland, where they have enjoyed outdoor education with a 'back to nature' theme, exploring and learning about the wilderness,  
240 bush craft, nature and survival. I would like to take this opportunity to thank the Luce  
245

Foundation for help in funding these trips. On their return, young people who attend give a presentation to the trustees of the Luce Foundation highlighting the impact and the benefits of the trip to them.

250 The Youth Service is also involved with the community by participating in our annual cavalcade and producing floats, by getting involved in the Clean up the World campaign and by helping on flag days by raising funds for charity.

255 The Youth Advisory Council has been expanded to include the RGP, the Education Department, the GHA, the Care Agency and the Drugs Co-ordinator. This aims to develop a more co-ordinated approach between Government Departments and agencies when dealing with young people's issues.

260 The first ever Youth Day was celebrated in March this year. This new initiative was jointly organised between the Youth Service and the Gibraltar Cultural Services as part of their Youth Arts Jamboree month. It was a day to celebrate young people's achievements and for them to see what is on offer to develop themselves as individuals. The focus for next year's event will centre on forming a working group comprised of young people to make all the decisions and event planning for their day.

265 Meeting with young people and talking to them is vital. We now have a youth forum, renamed by them as the Voice of Young People. They are currently working on a directory for young people for them to know where they can source different services. This Voice for Young People does two things. Firstly, as the name now suggests, it gives young people a voice with which they can bring up whatever subject or concerns they may have. Secondly, it gives me and others present in the meeting an opportunity to understand their concerns. The Government can then solve the problems that they are encountering or implement their suggestions, which in most cases are sensible and, more importantly, are feasible.

270 Mr Speaker, ever since the Youth Service and the Royal Gibraltar Police signed a memorandum of understanding, both organisations have built and established a professional relationship of trust. They have made significant progress in many areas that have improved our service to young people and the community. As an example, a significant number of people have benefited from the RGP's joint funding through their Charities Committee of a residential weekend away. This will be held in October and it will allow young people to build positive relationships with their neighbourhood police officers and with the youth workers. Youth and community workers have also supported the RGP new recruits by providing training regarding working with young people in our community.

280 I am happy to say also that the Girl Guides' hut at the nature reserve is nearing completion. This hut, or centre, will be a great asset for the Girl Guides, who do an extremely invaluable work with young girls. This project had been in the pipeline for nearly 15 years. It had been presented to the previous administration and they did not think it a worthwhile project. We will continue supporting groups that work with young people, as do the Duke of Edinburgh, Scouts and now we have added St John Ambulance. The support is in the form of an annual grant given to them for the excellent work they do.

290 Mr Speaker, I now move on to my responsibility as Minister for Sport. As the House knows, the Gibraltar Sports and Leisure Authority is tasked with the running of all sports-related matters. This includes the management of the Bayside Sports Complex, the swimming pool, playgrounds and parks. Part of the Bayside complex has been sold to the GFA in order for them to develop the national stadium. The GSLA will retain the hockey pitch, the Tercentenary Hall and all the pitches and grounds west of the complex, which include the Boathouse, the Padel tennis courts, the tennis courts, the jet-ski enclosure, the climbing wall and the Stay and Play Centre.

295 A programme of upgrading and refurbishment has been taking place. On the hockey pitch, for example, the watering system had been malfunctioning for an extended period of time and this resulted in increased water consumption, so investigations and upgrades were approved. This included the reconfiguration of the system's overflow and return valves to include the



recycling capacity of the tanks. It also included the installation of new dosing pumps to sterilise the water recovered from the pitches themselves. These works were completed in August 2017 and have resulted in a total saving of £30,010.46 up to and including 31st March 2018. Aside from the obvious monetary saving, the system now recycles approximately 65% of the water and is in line with the Government's green policies.

Mr Speaker, all three Padel tennis courts have undergone a substantial upgrade. All three received new artificial turf, a much-needed lighting system and the installation of competition-grade perimeter fencing. The advice and suggestions of regular users were taken on board. This is one of the GSLA's most popular facilities and it has now increased in popularity further still as a result of the investment undertaken.

The Boathouse, which now houses the Island Games 2019 office, was given a much-needed facelift. It is now used regularly by many associations and has become the hub for the organisation of the Island Games.

The current red metal girders and fencing at the front of the Tercentenary Hall spectator stands render the first four or five rows unusable or at best offer extremely restricted viewing. These will be replaced by appropriate glass panelling, ensuring that spectators will have a full, unrestricted view in future.

At the swimming pool all works at the plant room are now complete and the modernisation of the system has meant that there is no longer a need for a weekly outsourcing of backwashes, chemical level controls and other related tasks. The existing maintenance agreement was therefore no longer required, resulting in a saving of £65,000 per annum. In addition, extra savings have been experienced through the reduction in chemical consumption, which is approximately 50%; and water consumption, approximately 40%. In effect, this means that the capital expenditure required for the upgrade has been addressed.

As with every financial year, the parks and playgrounds under the GSLA's remit have continued to receive relevant repairs and upgrades. The playgrounds at Chilton Court housing estate and Catalan Bay received major upgrades. The GSLA team are also constantly fixing and maintaining all the park equipment on a rolling basis.

Given the recent sale of the Victoria Stadium and in particular the Victoria Stadium Sports Hall, there is a need to provide a second covered area in the Bayside Sports Complex to meet regulations in order to host international netball events. The provision of a cover over the multi-use games area (MUGA) will not only address this issue but will provide an extra indoor area for all users during the normally wet autumn and winter months.

Works have already started on providing the Gibraltar Cricket Association with outdoor cricket nets. These will be retractable in nature and will make use of an area that was currently used for storage. This facility will replace the old permanent nets, which now lie within the footprint sold to the Gibraltar Football Association. The fact that the nets are retractable will mean that the GSLA gains an extra facility to use for schools, associations and other community-use activities.

GSLA management raised serious concerns regarding the staffing levels at the GSLA swimming pool complex. After an extensive review of the swimming pool complex it was decided to move to a three-shift system. Therefore, the GSLA opened two vacancies at grade 5 pool manager, initially. These vacancies were advertised internally with two Sports and Leisure officers as the successful applicants. Five other vacancies for pool operatives/lifeguards, grade 13, were also advertised as per standard protocols regarding recruitment from within HMGoG agencies, authorities and supply workers. The result of the recruitment is that the facility has now moved to a seven-day week offering, an extended service to the general public.

HMGoG, via the GSLA, have been involved with all the events held at the complex, both at a logistical as well as at financial level. These included UEFA Futsal International matches, the Gibraltar World Pool Masters 2018, the World Snooker Gibraltar Open 2018 and the Euro-Hockey Club Challenge II Men, to name but a few.

350 In addition, the GSLA offers logistical support and facilities for local sports associations to complete their league and development programmes. This support is offered throughout the year. They also assist schools in fulfilling their PE curriculum, both at the Bayside Sports Complex and at the GSLA Swimming Pool Complex.

355 The Summer Sports and Leisure Programme 2017 once again improved on its previous year's attendance. Five hundred and twenty seven children were registered with the main arm of the programme, namely the Sports Train and Stay Play programmes. The Sports Train offered sporting and leadership activities every weekday morning for 7- to 14-year-olds. The Children's Corner offered appropriate sport and recreational activities three days a week for 5- to 6-year-olds. The family evening sessions noticed a marked improvement in attendance, with sessions attracting groups totalling 80-plus on occasions.

360 The Stay and Play programme offered sport, physical, arts and leisure activities for children with disabilities five days a week. This element in particular needed to review its scheduling given the significantly higher attendances, and with this in mind the temporary staff complement has been increased for the upcoming programme.

365 In addition, the Care Agency was actively involved in the induction training programme for 2017, adding to the quality of delivery whilst safeguarding the interests of leaders and users alike.

370 The GSLA also worked in partnership with sports associations – 27 in total – to provide a wide range of sports coaching courses and taster sessions for children and young people. Other positive leisure providers also contributed to the programme, these being the Ministry of Culture, the Ministry of Heritage, the Ministry of Environment, the Gibraltar Health Authority, the King's Bastion Leisure Centre, Childline Gibraltar, St John Ambulance and the Gibraltar Kennel Club. Such is the success of the programme that the sponsorship arrangement with NatWest has been extended. I am therefore glad to report that NatWest will again be supporting the programme during 2018. The programme for 2018 was only launched last week. The  
375 Government is grateful to NatWest for their continued support.

Once again, HM Government has supported local sports associations and athletes when travelling abroad to participate in official international competitions. This has been done via the Gibraltar Sports Advisory Council. In addition, sports development initiatives were supported. More so than other years and given the uncertainty that Brexit conveys, special consideration was given to attendances at congresses and annual general meetings. Active involvement in the dealings of international governing bodies has and will become one of the most important aspects of international membership.

385 As per the previous financial year, individuals who presented cases for financial support under the elite category have been supported after applications were considered on a case by case basis.

390 As Minister for Leisure, another of my responsibilities is that of King's Bastion Leisure Centre. I am happy that after three years being run by Leisure Management Services, the centre has gone through great improvements. They have managed to maintain the revenue for 2017 very much the same as 2016, with significant increases in the fitness gym. This is due to the fact that it is well maintained and well run on a commercial basis. The fitness gym and the recreation rooms have had ceiling panels installed, as the paint used to flake off due to dampness. The revenues are the same, despite the fact that membership fees are well below the market value. The games arcade has seen, during the last three years, a vast improvement in both sales and the quality of the equipment. Several new arcade machines were installed including a virtual reality Extreme Rides simulator. A very large LED panel screen, 15 m long by 2.8m high, has been  
395 installed at the back of the bowling lanes to enhance the area and also to generate additional revenue from advertising for 2018.

400 By having a full-time maintenance team, many improvements to the Centre can be achieved. They have had to do a considerable amount of painting and repainting because of the historical nature of the building.

Mr Speaker, when the Centre was built under the previous administration, there were hardly any environmental considerations to the manner and form of the construction. So much for 'this Government does not do enough for the environment'. This means that the electricity costs are exorbitant. I know that the hon. Members do not want to hear this. To this end, glass panels to the roof were fitted with sun reflector screens to help keep the temperature lower, particularly during the summers months, and also to save on air conditioning electricity costs. Other parts of the roof have been replaced, due to the poor original design which has given the Centre problems for many years. An automatic glass door was fitted to the entrance of the tunnel. New LED lighting was installed on some of the arcade vaults as well as an LED strip in the passage leading to Commonwealth Park so that the entrance is more appealing.

In 2018 the Centre's main project will be to replace all of the bowling equipment – including pin setters, ball returns, lanes, new scoring system – with brand new equipment ahead of next year's Island Games. All the costs are factored in to the legacy of the Island Games project. We will also be installing a cashless card system whereby visitors to the Centre will be able to use a card which they can credit at one of our on-site kiosks. They will then be able to pay for all the services that we offer with the same card. This includes the arcade machines and the counters in the bowling, fitness gym and ice rink; all will be fitted with readers.

Mr Speaker, all other entities at the Centre are doing well. Boyd's is now a great place for functions. Just 4 Kidz is becoming ever more popular and the Leisure Cinemas is not only bringing the latest films to its screen but it is also having live performances from the heart of London's theatres. We are therefore hopeful that in the next two to three years the upward trend will continue. For this I would like to thank the management of LMS and all its workforce, who have really made the difference. They have contributed to its success. Thank you too to the entities that are part of the Centre – like Boyd's, like Rock Bastion, like the Leisure Cinemas – for being able to work together for the good of the Centre as a whole.

Mr Speaker, I propose to start my summary of all that is being done in preparation for the 2019 Island Games. I would like to take this opportunity to welcome to Gibraltar the International Island Games Association Committee and all the delegates from all the 24 Islands who will be with us for the next four days for their annual general meeting.

When I first thought of presenting to Cabinet the prospect of hosting the Island Games, the operative word that came to my mind was 'legacy'. This is how the London Games were sold to the citizens there. The hon. Member probably does not agree with that, about the legacy, but never mind – he can have his laugh: he who laughs last, laughs best.

I am obviously very grateful to all my Government colleagues who have embraced the concept and are actively working to be able to fulfil this goal. This is a collective goal and never in the history of Gibraltar has a Government invested so much time and effort in sporting projects than the GSLP/Liberal Government. This is going to be transformational.

I also ask people to be patient in the final year before the Games. Yes, there will be disruptions due to construction and preparation for the Games, and even during the actual Games, but in the long run this will be good for Gibraltar.

I can inform this House that all the sporting projects are on budget and on time. At Lathbury, we have a football/rugby pitch, an athletics eight-lane track and field facilities, a 52 m Olympic-size swimming pool, and parking spaces and stores underneath the whole of the complex.

At Europa Point we will have a multi-purpose hall as big as the Tercentenary Hall at the Bayside Complex. We will also have squash courts, a darts arena and indoor nets, as well as dormitories for visiting teams. There will be treatment, changing and conference rooms, as well as bars, cafeterias and facilities. This will be the home of rugby, squash, cricket and darts. It will be used by all indoor sports, such as netball, basketball, Futsal, badminton, table tennis, etc.

The Special Olympics complex is one which is dear to my heart. So much for not looking after the vulnerable. This complex will be transformational for many reasons. We are looking at facilities which will be fully inclusive in every way. The aim is also to provide sheltered employment there, and the complex will have state-of-the-art facilities for all.

455 The shooting range at the North Mole, together with offices, car parking and storage space, is progressing well. These will also be state-of-the-art facilities which will be ready for our Island Games but which will continue to be used for many years into the future.

The student accommodation at Europa Point, which I am leading on, is on track. Again, this will not only be used for the Games but it will be used in the future for students at the University, which is virtually next door.

460 Mr Speaker, the Government has a duty to be positive and to invest in the well-being of our community. This is what we are doing by hosting the Island Games in Gibraltar next year. The benefits are huge. From the outset we focused on delivering the best Island Games ever. When I have travelled to other such Games over the years, I have been stopped and praised by people who remember the Sunshine Games that Gibraltar hosted in 1995. Hosting an Island Games is a great honour and I can say now that the response I have had to date from everyone in our  
465 community has been truly exceptional – not so exceptional on that side, I might add.

The members of the Gibraltar Island Games Association Committee are giving of their own time and expertise to organise the best Games ever. They are using the model of the Jersey Games. Therefore, the first thing they did was to form a company which would be managed and run by the (GIGA) Gibraltar Island Games Association. The company now employs three full-time  
470 employees: the Chief Executive Officer, Games Director and Logistics and Planning Director.

Further, we have a number of subcommittees which are dealing with all aspects of the organisation. These include finance, legal, accommodation, transport, volunteers, commercial operations, security, Games operation, ceremonies and media. Each subcommittee has a team that work on their own remit. They report on a regular basis to the company. We also have  
475 regular meetings with all collectively, to co-ordinate with each other. I would like at this point to highlight that all the members of the subcommittees are doing this work on a purely voluntary basis. On behalf of the Government, I would like to thank them all.

The Island Games office at the Sports Complex Boathouse is the heart of all the organisation of the Games. Things are moving very well and at a fast pace. I am extremely happy at how  
480 everything is coming together on the organisational aspect. I have thanked everyone for the work that they are doing. However, I must single out one person for a special thank you and that person is Linda Alvarez. She has put her organisational skills and expertise to very good use.

I would also like to tell all our citizens that soon we will be launching a number of initiatives in relation to the Games. The Games belong to all of us. We must all take on ownership of the  
485 Island Games. We will be asking for all in Gibraltar to show what they are really made of as a community and to engage in whichever form they feel they can contribute. The Games should bring us all closer together.

The benefit of the Games goes even further. It will showcase Gibraltar as a forward-looking society and it will expose the beauty of our country. It will also benefit our economy due to the  
490 fact that we will have 2,500 athletes, coaches and officials on our shores for at least eight days. All our business and commercial entities will benefit. Many of us will enjoy the sporting programmes that we intend to put on during the Games.

All the work we are doing to create this legacy will not only be in bricks and mortar in the form of the facilities. The legacy will also take on the form of an industry. This sporting industry  
495 can be developed further once the facilities are in place. We are already working at using these wonderful facilities to attract sporting teams to come to Gibraltar. We want them here not only to compete against us in tournaments but also to take time training and preparing themselves for the professional arena. Gibraltar will be well placed to attract this sort of market. This will then be a win-win situation, since we will not only host them to spend time and money here, but  
500 we will also be able to learn from them as to the training schedules, nutritional aspects and the lifestyle of a professional sportsman. So I will end by saying to everyone in Gibraltar: let's get involved in the Games and be a part of it.

Mr Speaker, I want to close my address this year by saying thank you. I would like to thank all members of the Youth Advisory Council, the Youth Forum – now named the Voice of the Young

505 People – the Gibraltar Sports Advisory Council, all the cultural groups from the arts, drama, photographic and dance fraternity.

Thank you also to all the members of the governing bodies of the sports who are involved in delivering the state-of-the-art facilities which will leave a lasting legacy well after the Island Games has passed. I am grateful to the organising committee of the Island Games, who do this  
510 without any financial interest; the team at AKS and at Orfila's that are producing all the architectural and technical designs for all the sporting and cultural projects with which I am involved. Thanks to all those at Technical Services who help me steer these projects.

Thanks also go to the staff at Gibraltar Cultural Services, at the Gibraltar Academy of Music and Performing Arts, at Leisure Management Services from Kings' Bastion Leisure Centre, at the  
515 Gibraltar Sports and Leisure Authority, at GBC and, last but not least, at the Youth Service.

Mr Speaker, thanks to you and your staff at the Parliament, and last and definitely by no means least, my staff at the Ministry of Culture without whom I would not be able to implement all the positive policies and manifesto commitments with which I am involved.

Thank you, Mr Speaker. *(Banging on desks)*

520

**Mr Speaker:** The Hon. Edwin Reyes.

**Hon. E J Reyes:** Mr Speaker, sir, today I deliver my 11th address to this House in what is known as the Budget session, and throughout all of these 11 addresses, on whichever side of the  
525 House I may be sitting, my contributions under the section dedicated to sports and leisure have always been the most enjoyable at a personal level.

On sports-related matters I wish to commence by saying that I am a firm believer in unity, wherever possible, for the benefit of Gibraltar's greater interests. I am glad to see that Government continues with the long-existing policy to assist all local sporting bodies to  
530 overcome any foreign Government's politically inspired attempts to block our membership of international sporting bodies. The antics and shameful actions taken, above all by our neighbours to the north, are starting to wear thin and I pray that slowly but surely other sports governing bodies will judge Gibraltar's applications on their own merit and not allow themselves to be coerced by our neighbour's unjustified and often unscrupulous arguments. *(Banging on desks)* In the recent past, we Gibraltarians have rejoiced together in respect of landmark  
535 achievements, namely the acceptance of the Gibraltar Football Association as a full member of UEFA and then FIFA. The policy of assisting other sporting associations will certainly continue to receive the Opposition's wholehearted support and I sincerely wish other sporting associations – such as rugby, amongst others – all the very best in their continuing battles to gain their respective international memberships, which are rightfully and legitimately theirs. *(Banging on desks)*

Mr Speaker, the GSD Opposition wishes the Gibraltar Football Association all the very best in finally having its own national stadium. It is particularly gratifying to hear that the stadium will now definitely be sited at the Victoria Stadium, a location first promoted by this GSD. **(Two  
545 Members: Hear, hear.)** *(Banging on desks)* It seems that where there is a will there is a way, and therefore the GSD was not wrong from the outset in choosing the Victoria Stadium as the best site for a UEFA and FIFA fully approved facility. The terms and conditions settled between Government and the GFA in agreeing upon a lease means that the GFA will become the custodians of our much loved Victoria Stadium, and therefore we will offer our full support to  
550 the GFA in this respect because there have already been more than enough delays in ensuring home matches are played at home – that means within Gibraltar itself. It was indeed a far more viable and attractive option for local sports lovers to attend and support our teams last week, who were playing their first qualifying home matches for the season 2018-19 in respect of the Champions League and Europa League qualification competitions.

I am sure this House is unanimous in wishing our teams participating within the Europa League all the best in their second leg games. *(Banging on desks)* Both Europa FC and St Joseph's

have so far attained a one-all draw, so there is certainly everything to play for in their imminent games to be played this week in order to obtain qualification onto the next stage.

560 Our representatives in the Champions League, namely Lincoln Imps FC, proudly gave local supporters a day to remember by winning their initial match in the qualifying preliminary round against La Fiorita Montegiardino from San Marino. However, despite a very commendable effort, luck did not accompany us and they lost the next match against Drita from Kosovo. We now wish the best of Gibraltarian luck to Lincoln Red Imps FC for their forthcoming international game, which will be within the Europa League setup. (*Banging on desks*)

565 The forthcoming developments at Victoria Stadium should see an improvement to football facilities in Gibraltar. However, despite the fantastic and ambitious project to be undertaken by the GFA which will see the main pitch upgraded to an UEFA Category 4 stadium – all, luckily, at the GFA's expense through secured funding grants – there is still a great need for additional training facilities if our future generations are to aspire in any way to improve their overall standards. It breaks my heart to see so many Gibraltar-registered football teams having to go  
570 over into Spain in order to be able to train in preparation for local and international matches. Indeed, more facilities are very much needed if we are to continue to aspire to progressing on to second rounds and beyond of the qualification stages in respect of the European Champions League and the Europa League itself.

575 The GSD continues to believe that, alongside the new upgraded facility which will soon be enjoyed by the football fraternity, there is still a great need for extensive training facilities in Gibraltar to cater for participants at all levels and in numerous sports. These facilities should ensure that the introduction and development of our youngsters into the world of sports, very often arising from our schools' curriculum and sporting clubs' commitments, are equally catered  
580 for. It is the duty of the Gibraltar Sports and Leisure Authority to make these facilities available for our general public at large who wish to partake in sporting activities.

The £16 million which become available to Government from the premiums paid by the GFA should be used wisely and in close consultation with all relevant sporting bodies across the board. This should ensure, as far as reasonably possible, that Gibraltar continues to produce  
585 worthy local athletes and develops its wide-ranging sporting talents, often with results which make many of our sporting opponents in official competitions envious of our rather consistent good results.

Many Gibraltarians are currently heavily involved in carefully planned training sessions with the aspiration of proudly representing Gibraltar at the 2019 Island Games, which will for the  
590 second time in the Games' history be held in Gibraltar. I am sure I again speak for the whole House as we offer our collective best wishes to all forthcoming participants who, through their committed efforts, will hopefully yet again make us proud of our ever-growing sporting fraternity.

New sporting facilities are currently under construction, as explained by the Minister, and  
595 planned to be completed in time for the 2019 Island Games. These facilities will serve Gibraltar beyond the Island Games itself, and therefore it is essential that full consultation takes place with the pertinent sports governing bodies to ensure that both the present and immediate future needs of the sporting fraternity are met. The old Victoria Stadium sports hall now comes under the lease purchased by the GFA, so it is essential that facilities hereto provided under this  
600 roof are re-provided in convenient locations. The Tercentenary Sports Hall itself has over the recent past proved extremely useful and popular to many sports participants and I wish the same degree of success in respect of the new facilities to be built. It is of utmost importance that the needs of sports participants are met in the new facilities being built, without cutting any corners.

605 With your leave, Mr Speaker, I would like to repeat an offer I made last year, as well as the year before that, during the Budget debate. Although I am a firm believer that individual sports governing bodies should be allowed to manage their own affairs with no political interference, I once again urge the Minister for Sports, in his capacity as Chairman of the Sports and Leisure

610 Authority, to take a particular interest to ensure that publicly owned facilities are used in a fair  
manner for the benefit of all sports lovers. There is both a duty and a moral obligation for the  
Sports Authority to ensure that, where desired by a club or individual citizen, membership in  
their relevant local governing body is open to all in an equal and fair manner. I offer myself to sit  
down and discuss with the Minister for Sports possible avenues which may be looked into in  
order to set up a special independent body tasked with matters pertaining to and requiring  
615 arbitration related to local sporting issues. Some disputes have been dragging on for far too long  
and now I am hopeful that, by working together with all affected parties, solutions can and  
should be found.

Mr Speaker, I wish to reaffirm my personal convictions that through the collective celebration  
of social events participating Gibraltarians contribute towards reinforcing our identity, culture  
and history as a people and a community. Both the performing and fine arts fraternities always  
620 prove themselves to be very proactive within their own specialised areas and I take this  
opportunity to congratulate all the groups and individuals who have done Gibraltar extremely  
proud through their international participations – and, I am pleased to say, in numerous cases  
even getting top awards. It is always a personal and collective pleasure to be able to say how  
625 proud we are of the international achievements of our fellow Gibraltarians.

During their last term in office, Government purchased both the Queen’s Cinema and the  
Queen’s Hotel sites for the development of a theatre and related activities. There are somewhat  
mixed feelings among the local community as to how these sites will be developed and at what  
cost. Government announced through its 2015 election manifesto that a lot of progress on the  
630 design of the new Queen’s National Theatre had been made in order to make the old Queen’s  
Cinema a venue for touring productions. It went on to say that, now that preliminary land-use  
designs had been finalised, they would continue to work with the committee of local drama  
experts to finalise the internal designs and facilities required, alongside exploring the possibility  
of commercial use of the theatre complex facilities. This now seems to be yet another matter  
635 which still remains to be addressed ‘shortly’ – whenever ‘shortly’ may be. Could it be that after  
such a short period of inactivity the Committee of local drama experts no longer exists?

Government has set aside in this year’s Estimates £2.1 million in order to subsidise a two-day  
mega concert. However, the forecast outturn for last year in respect of this event has turned out  
to be £4.4 million and it is now confirmed that we had an actual expenditure of £3,485,441 for  
640 2016-17. Given the costs of running the mega concert of the last two years, I would love to know  
how this year it is estimated it will cost slightly less than half of what the 2017 mega concert  
turned out to be.

But coming back to the Queen’s Cinema site, I sincerely hope that the development of this  
site will be real value for money and that our local culture, in the widest sense of the words, is  
645 enhanced. Local performers often may be heard to say that if we can afford so many millions for  
a two-day event, then surely our local performers, entertainers and audiences are entitled to ask  
for a theatre which is fit for purpose and available throughout the year.

Mr Speaker, moving on now to educational matters, I wish to start by citing from a passage I  
very recently came across. It says:

Children must be able to play, study and grow in a peaceful environment. Woe to anyone who stifles their joyful  
impulse to hope!

650 With this in mind, I cannot stress enough the need to ensure we get it absolutely right when  
planning and building facilities which will serve our children’s educational purposes in  
preparation for adult life.

Much has been said in respect of Government’s projects for the re-provision and expansion  
of our school buildings. For our pupils’ benefit, I wish to recommend that decisions taken, or to  
655 be taken shortly, should be based above all upon feedback received from the professionals in  
the field, namely classroom teachers themselves. Unfortunately, very recently – in fact, a month

ago – the Gibraltar Teachers' Association highlighted that to date they have felt ignored and not consulted on the majority of the educational reforms that the Department of Education has embarked on.

660 Teachers, who wish to bring closure to the new school building debate, stressed that they continued to disagree with the project, citing the high levels of congestion in the Waterport area, the difficulty in evacuating the buildings in case of an emergency, the potential for unhealthy competition between the schools, difficulties in behaviour management and pastoral care – bullying, etc. – as issues of grave concern which they hope that Government considers  
665 carefully in order to mitigate potential negative impact that co-location may have on the education and well-being of pupils.

Through feedback received from teachers I fully empathise with their frustration, in that there is no forum or structure for the classroom professionals to share ideas, concerns or expertise in a meaningful way. Teachers go on to say that very little information has filtered  
670 down to them on plans to align key stages, introduce vocational education and provide a co-educational environment in the secondary sector. I look forward to seeing how the Minister for Education ... whom I am told acknowledged there had been an unfortunate disconnection between his Ministry and teachers and I sincerely hope he will address this issue in the immediate future with a view to making amends. Given that teachers have reinforced the need  
675 for and importance of vertical communication on the current and future reforms in education, I sincerely hope that their voices are heard if the vision being acted upon by Government is to succeed. Again, I fully empathise with the teaching profession who, on the issue of co-location, feel a golden opportunity has been lost to explore different models within the constraints of the land available to achieve an optimum educational solution. Teachers feel that the issue is not  
680 just about what is being provided, but about what could have been produced had there been more meaningful consultation with classroom teachers themselves.

As both a teacher and a past President of the Gibraltar Teachers Association, and someone who still has educational matters extremely close to his heart, I extend a recommendation to the Minister for Education to listen to and work as closely as possible with classroom teachers, albeit  
685 alongside his management teams. Classroom teachers want to be part of any process that changes our education system and want to be involved in meaningful consultation before final decisions are taken. Surely the way forward proposed by these professionals can only but contribute to the well-being and best possible future of our children. This is something which I hope we can all agree is paramount.

690 Through their latest feedback, the Teachers' Association claim that we know that at present the majority of their members would be in favour of key stages alignment to coincide with the year in which pupils are scheduled to move from lower to upper primary, and likewise from upper primary to secondary schools. These realignments seem to make logistical sense in respect of providing teaching and learning resources which the schools necessarily require.

695 I would like to take this opportunity to also recommend to the Minister that in their plans for building and resourcing of new schools careful consideration be given to current trends in respect of developments in school curriculums. An example of this is the recent initiative already taken by one of our locally based private schools, which now offers computer science at both GCSE and A-Level. It is courses like these which will serve to prepare today's pupils to become  
700 the skilled workforce which Gibraltar will need tomorrow. Indeed, the future will be dominated by digital technology.

Likewise, Mr Speaker, the GSD have in the past raised the concept of modern apprenticeships and we still believe we need to offer more in this field than we currently provide. Those pupils who do not wish to pursue an academic future need to be provided with the opportunity of a  
705 modern apprenticeship programme, which if properly structured has the same standing as higher education. We need to create a gold standard for an apprenticeship programme, so that employers have confidence in the system. The time for investment is now, not just in formal



academic education leading towards entry into higher education, but also in the co-ordination of training and skills through vocational courses that carry international accreditation.

710 Mr Speaker, desiring only the very best in respect of the forthcoming educational reforms, I cannot but end by reinforcing that the views of the professionals in this field must be heard and acted upon. There is no better formula for success than to cultivate a sense of ownership amongst all tasked with the education of our children.

715 Before I sit down, Mr Speaker, I, like many others, wish to take this opportunity to thank you and the staff at Parliament for the courteous and professional manner with which you deal with all Members throughout the year.

720 But in this year in particular, it is the 50th anniversary – that is, dating back to 1968 – that today's Minister for Education, Dr Cortes, and today's Shadow Minister for Education, namely myself, first became your humble pupils. Fifty years ago, when some Members of this House had not even been born, we, as mere students, young and naïve, learned a lot from our evergreen deputy headteacher. Mr Speaker, I am sure Dr Cortes and I still value all the careful and patient advice that you offer us.

725 As the Minister, mainly the lead or the head of delegation in the CPA set up, already mentioned yesterday, we have got to thank our Honorary Secretary, Mr Paul Martinez. He is very patient in the way he prepares our travel arrangements, the way he puts up with our needs, quite often working against the clock.

730 It has been a real pleasure that Members on both sides of the House have been able to work together on Commonwealth Parliamentary Association matters. Above all, it has been a pleasure to support the head of delegation, whoever that person may be at the time, to put forward and gain international Commonwealth support in our aspirations to self-determination and, above all, against the bullying tactics by our next-door neighbours.

735 I hope that the next few years will see us growing in success in the CPA. We have hosted CPA conferences in Gibraltar before and I believe the hon. Lady may soon be able to announce that perhaps there may be other minor CPA things happening. If that is the case, then she can rest assured of our support.

740 Mr Speaker, when we come to write down our memoirs of the CPA, I am sure the Clerk will help to jog our memories. We have been through thick and thin together: the hon. Lady and I have had good laughs riding on a tuk-tuk in Bangladesh but we have also had sad moments when we have been mugged in the streets of Cameroon. But it is all part and parcel of the daily life of a parliamentarian! (*Laughter and banging on desks*)

745 **Hon. Chief Minister:** Well, Mr Speaker, on that convivial and exciting note, I wonder whether we might recess for 20 minutes to allow Mr Reyes and Dr Cortes to take an apple to their teacher and for most people to catch up on this morning's magnificent edition of *Panorama*, which will help to set in context the next couple of hours of the debate.

**Mr Speaker:** The House will recess for some 20 minutes.

*The House recessed at 10.58 a.m. and resumed its sitting at 11.20 a.m.*

**Appropriation Bill 2018 –  
For Second Reading –  
Debate continued**

**Mr Speaker:** The Hon. Daniel Feetham. (**Several Members:** Hear, hear.) (*Banging on desks*)

750 **Hon. D A Feetham:** Well, Mr Speaker, it is the first time that I rise to acclaim from both sides of the House!

This will be my 11th consecutive Budget speech, four of which I have delivered as Gibraltar's first Minister for Justice, one as deputy leader of my party and five as Her Majesty's Leader of the Opposition.

755 It has been a great privilege for me to have been able to serve the people of Gibraltar during that time and I want to thank everyone who during that time has helped me in my political journey over those and previous years, including those who have done so from an apolitical perspective, such as public servants in Departments that I have served and of course members of staff here in this Parliament, who have always been tremendously helpful.

760 Many thanks also go, Mr Speaker, to you, with whom exchanges that we have had have been almost as enjoyable as my exchanges –

**Mr Speaker:** I would like to think we have a special relationship. *(Laughter)*

765 **Hon. D A Feetham:** Indeed we have, Mr Speaker! Those exchanges have been almost as enjoyable as my exchanges with the Hon. the Chief Minister over the years, **(Hon. Chief Minister:** Hear, hear.) even if less acerbic, Mr Speaker.

I also want to extend my gratitude to the former Speaker of this House, Haresh Budhrani.

770 During my first Budget speech as Leader of the Opposition I said that the Opposition would never make political capital against the Government at the expense of this community or without clear foundation in truth or fact, but that what the Government could not do was equate its own narrow political interests with the interests of this community. They are not the same, Mr Speaker.

775 I am not going to stand here and pretend that on every issue the Opposition under my former leadership fell on the right side of that very difficult line separating party-political partisanship from what is in the best interests of the community, but on this issue, on the issue of the public finances of Gibraltar and the absolute mockery that the Government has made of these annual debates and the extreme economic re-engineering of the way the public finances of Gibraltar are managed, operated and indeed presented, we have been absolutely right and I am proud of the work that the Opposition has done in this respect. *(Banging on desks)*

780 We have been firm and there is no doubt that we have acted in the best interests of Gibraltar, a firmness that has included walking out of this House when the Government refused to answer questions on how the money in Credit Finance Company Ltd had been spent –

785 **A Member:** And properly [inaudible].

**Hon. D A Feetham:** – and it also involved, for the very first time last year, voting against these Estimates of Revenue and Expenditure. It was the right decision to take last year and it is the right decision this year *(Banging on desks)* and I can hold my hand on my heart and say that if I had to do it all over again, despite the steep personal political price that I would be made to pay for that decision, I would do it all over again without any hesitation *(Banging on desks)* because the logical consequence of our discourse in relation to public finances – that the Government is undertaking extreme re-engineering of the way our public finances are managed, operated and presented – the logical consequence of that is that we cannot vote in favour of these Estimates of Revenue and Expenditure.

795 That is not only my view, Mr Speaker: it is the view of the Chief Minister, because it is he who said to us for the very first time – and he was right and I was wrong on that occasion – he was the first one to say that the logical consequence of our position in 2016 was that we ought to vote against the Budget. *(Interjections)*

800 I was extremely hurt, Mr Speaker, by the contribution of the Hon. the Father of the House. Such was the venom *(Interjection and laughter)* of his criticisms of my speech last year that a

former Government Minister sent me a text that said: 'Are you the only Member in opposition?  
*Te va gastar el nombre!*

805 All those years, Mr Speaker, that I spent as Leader of the Opposition empathising with the  
Hon. the Father of the House – empathising - a quality that the hon. Lady who laughs, to my left,  
said that I lacked, and reiterated time and time again that I lacked. Buckets full of empathy  
directed at the hon. Member in all my speeches from this side of the House when he was tearing  
his hair out at forming part of a Government that was spend, spend, spend, funded by debt,  
debt and more debt. I told him to join our side because he would feel more at home here than  
810 there.

When the Government had clearly lost its way, moved away from GSLP core values that *he*  
had invented, it was I who called for a return to the rainy day fund policy of the hon. Gentleman.

815 When he appeared on public television, explaining the fact that there had been huge  
overspend across Government Departments and saying that his colleagues had been hypnotised  
by consultants, I congratulated him from this side of the House, saying that he was the only  
Member of the Government – (**Several Members:** Brainwashed.) brainwashed, that's right that  
he was the only Member of the Government – who had managed to resist the insidious and the  
pernicious effect of those brainwashing consultants.

820 When the overspend on the mega concert reached £1.4 million in 2016 and £1.5 million in  
2017 – this year it is going to be £2.6 million – the Hon. Mr Clinton and I took a leaf out of his  
book. We became disciples of him and we said, 'We are not taking tickets for the mega concert  
at taxpayers' expense.'

825 **Chief Minister (Hon. F R Picardo):** Clinton never did. You always did.

**Hon. D A Feetham:** I even, on one occasion, said that he had become the only non-  
champagne-drinking socialist on the Government benches –

830 **Hon. Chief Minister:** Until we put the duty up! (*Laughter*)

**Hon. D A Feetham:** – and this year I would have said to him, congratulated him indeed, that  
he was the only socialist on the Opposition benches unaffected by the increase in duty on  
champagne. Indeed, when I could see that every single Member of the Government was thinking  
collectively, 'Oh, my God, there goes the price of bubbly!' he was stoic in his sedentary position.  
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**Hon. Chief Minister:** It gives me flatulence. That is what flatulence does.

840 **Hon. D A Feetham:** And then, Mr Speaker, when on Monday night I was wallowing in self-pity  
at having my affections and my empathy rejected by the Hon. the Father of the House, it  
suddenly dawned on me that the true target of his criticisms was not me but the leader of his  
own party, (**Several Members:** Hear, hear.) (*Banging on desks*) because when he says that the  
public sector has become unsustainable, that not keeping to budgets is in conflict with the policy  
of the Government, it is an indictment of what has been occurring on the Government benches  
for the last seven years. (**A Member:** Hear, hear.) (*Banging on desks*)

845 Indeed, I also came to realise that it was an invitation by the Hon. the Father of the House for  
me to point the political cannons at the Chief Minister, because in using the term 'unsustainable'  
and in talking about 'not keeping to budgets' he is echoing the very criticisms and the very words  
that I have uttered from this side of the House as Leader of the Opposition in my main criticisms  
of the Government in the five years that I was delivering speeches from this side of the House.

850 Therefore, Mr Speaker, because I have tremendous affection for the hon. Gentleman, the  
Father of the House, and because that is not incompatible with his desire for me to point the  
cannons at the Chief Minister, I am now going to do precisely that.

Unfortunately, I have had to rewrite my speech and I have had to be far more detailed in the criticisms of the Government than I would otherwise have been. What I want to do, Mr Speaker, is to trace today for members of the public the inherently flawed, the woefully contradictory and indeed duplicitous nature of the hon. Gentlemen's economic discourse and indeed their policy that they have pursued since 2010 – not only 2011; 2010, when they were in Opposition – and why the hon. Gentlemen opposite, except for the Father of the House, I have to tell him, cannot be trusted when it comes to anything that they utter on the public finances of Gibraltar. I am going to explain and trace for members of the public why we have ended up in a situation where these Estimates of Revenue and Expenditure and the numbers they contain can no longer be trusted as a complete indication of the economic health of this community.

As the Hon. the Leader of the Opposition said during his erudite and impressive intervention on Monday, (*Laughter*) backed up ably by Mr Clinton as he always does, these books – indeed not only this book but every single Estimates of Revenue and Expenditure going back to 2013 – represent and provide only half of the true picture of what the Government has spent during that time and what the Government has borrowed. The other part, or £772 million worth, is hidden away in Government-owned companies in respect of which the Government refuses to answer questions. That is a complete break with the past, and the reason for that is that the hon. Gentlemen opposite were so desperate to get elected in 2011 that they set in motion a series of events that has led them to systematically destroy the ability of this Parliament to properly analyse the public finances of Gibraltar. (*Banging on desks*)

Members of this House will recall, and members of the public will recall, that in 2011 the hon. Gentlemen fought an election on two wholly contradictory bases. The first was that the public finances of this community were in a ruinous state and the public debt was dangerously high. That is what they were saying in 2010, an argument that he continued after the election because on 18th January 2012 he appeared in a special ministerial broadcast on public television with a national statement saying that there was a 'serious public debt problem', a 'serious public finance problem' and a £100 million black hole hidden behind an 'impenetrable curtain'.

Of course, there was only one problem with that discourse, and it was this: that if it was right, the prudent, sensible and reasonable thing for hon. Gentlemen to have done was not to have fought an election on the basis of a spending manifesto. Or if they did, in the same way as a month after that General Election he made that ministerial statement, he could have then said to the people of Gibraltar, 'Well, look here, the GSD have this mountain of debt hidden behind this impenetrable curtain and we cannot now fund the manifesto that we have promised.'

Mr Speaker, make no mistake, no one in the history of Gibraltar politics has promised more than the hon. Gentleman promised in 2011: £750 million in capital projects; a freeze on rents, rates, electricity; donating every single last penny of Government surpluses to Community Care. There has never been a higher-spending Government than the Government that the hon. Gentleman led from 2012 to 2015 and the one that the hon. Gentleman the Father of the House talks about unsustainability and talks about having to keep within budgets.

Of course, even in a benign political community such as the community that we live in, the contradiction of being broke in 2011 and then spending money like confetti was not lost on some seasoned political observers, because in late 2012 Christine Vasquez asked the hon. Gentleman to explain how it was all possible in the light of what he said barely 12 months earlier, and his response was that he had cured the problem!

Mr Speaker, it is of course not sensible to suggest that the public finances in 2011 were anything other than sound, but even with the soundness of those public finances it was simply impossible to pay for their manifesto out of Government revenue or through the Government's own ability to borrow directly. We simply did not have £750 million in the bank to spend and we did not have the capacity to borrow, as a Government, £750 million in order to pay for the capital projects that he had promised at the election.

The true reason why we find ourselves debating only half of Gibraltar's public finances today is that he wanted to deliver on a manifesto that was simply not deliverable without the kind of

905 shenanigans – because that is what they are, Mr Speaker – that we have seen over the last seven years of their term in Government. It is the Chief Minister’s pursuit of winning the 2011 election and re-election in 2015 that has led the Government down the road of opacity and has made it necessary for the Government to disable parliamentary scrutiny of the public finances of Gibraltar.

910 This is what he did, Mr Speaker. He started by transferring Government debentures, which rank as Government debt, into the Gibraltar Savings Bank. And I have to say I felt a little hurt by the Hon. the Father of the House implying that I did not understand that not all the Gibraltar Savings Bank debentures came from the Gibraltar debentures. Of course I do! You only need to look at the Public Auditor’s report – 121 in the latest one that he issued, and indeed it has  
915 formed part of my address in previous speeches. The reality is that the Gibraltar Savings Bank debentures in March 2011 were £27.6 million, and according to the Hon. the Father of the House are just less than £1 billion today. Of course, prior to March 2012, transferring debentures from the Government to the Gibraltar Savings Bank would have reduced gross public debt – indeed it did – but it would not have allowed the Government to use the money in the  
920 Gibraltar Savings Bank to pay for its manifesto commitments or Government expenditure. He knows that. On the contrary, it meant that the Government had less money to spend.

I will explain that. Every time a Government debenture was paid so that that money could then be reinvested into the Gibraltar Savings Bank, it involved a reduction in cash reserves of the Government. So, if you had a debenture holder of a Government debenture to the value of  
925 £30,000, when that was transferred into the Gibraltar Savings Bank it involved a dual process. The first was the Government paying, out of its own money, £30,000 to the debenture holder, satisfying the debt owed by the Government to that debenture holder. He then transferred that money into the Gibraltar Savings Bank, but by doing that, every single time there is a transfer there is also an equal reduction in the cash reserves of the Government. Indeed, that is why at  
930 the same time as the Government was reducing gross public debt by transferring and converting Government debentures into the Gibraltar Savings Bank debentures, cash reserves went down – from £234 million in December 2011 to £86 million in March 2013 and £73.2 million in March 2015. Not all of that is going to be explained by the transfer of those debentures, but certainly a large part of it, Mr Speaker.

935 It also had the effect of increasing net debt, and the consequence of that was that the Government also had less capacity to borrow, because it will be recalled that, at the time, our net debt ceiling, or the debt limits of this community – the Government’s debt limits – were pegged to net debt as a proportion of recurrent revenue. So, every time the Government put its hand in its pocket and paid out of its cash reserves for a Government debenture so that that  
940 could be transferred into the Gibraltar Savings Bank, it had the effect of increasing net debt and it then meant that the Government was nearer to the legal borrowing limit. And indeed throughout 2013, 2014 and 2015 the Government was dangerously close to the legal borrowing limits.

So the Government, as a consequence of this policy, did not have the cash in the bank –  
945 indeed, it had accentuated a problem with cash in the bank – and it did not have the capacity to borrow to pay for its manifesto commitments. So what the Government then did was amend the Gibraltar Savings Bank Act in March 2012, taking out the requirement that all investments in the Gibraltar Savings Bank be limited to cash deposits or their equivalent. In other words, prior to 2012 the proceeds of debentures in the Gibraltar Savings Bank had to be invested in cash or  
950 their equivalents, very safe form of investments. After that date, and as a consequence of the amendment that the hon. Gentleman made, which we opposed from this side of the House, Gibraltar Savings Bank debentures or the proceeds thereof could be invested in anything.

Whilst I was already foreshadowing in 2013 the fact that the Government was gearing itself up to using the proceeds of the Gibraltar Savings Bank debentures to pay for its manifesto  
955 promises, or at least Government expenditure, what I did not know until days before the 2013 by-election was that the Government had not only changed the law but set up a company called

Credit Finance Company Ltd into which it caused the Gibraltar Savings Bank to pay £400 million, which was then used to pay for the commuted pensions of civil servants and loans to third parties, amongst other things which have traditionally been an expense of the Government. And whilst the Father of the House, in his usual style of attempting to conflate the arguments, says to us, 'But this book contains the pensions that we pay to civil servants and it has doubled in the last few years,' of course it does, Mr Speaker, but the commuted pensions of civil servants is an expense of the Government and it would have otherwise been reflected in these Estimates of Revenue and Expenditure if they had not taken the decision to allow Credit Finance Company Ltd to pay for it. We do not know what the balance of that money, that £400 million, has been used for, save for this.

What we do know is that about £300 million – easily said, but think about it: £300 million – of that money in Credit Finance was then paid to Gibraltar Investment Holdings Ltd as a loan to that company, a Government-owned company that is at the top of the pyramid of all Government-owned companies and which the Father of the House rightly explained in this House had traditionally been used in order to fund the cash requirements of all Government-owned companies, save perhaps for GJBS, which he told me was self-funding. So, hey presto! By a miracle you have an injection of £300 million into Government company coffers without the Government having to borrow directly; indeed, without the Government having to make a contribution from its own cash. And then they have got the audacity to say that that does not distort the public finances of Gibraltar.

Let's think about it. If they had not injected £300 million from the Gibraltar Savings Bank into Credit Finance, into Gibraltar Investment Holdings Ltd, and the Government wanted, if it had the money – it did not have the money, but if the Government wanted to make that injection, it would have had to do so itself, which it is not doing because it is doing it via Government-owned companies and the money in the Gibraltar Savings Bank.

But what is extraordinary about this is that for a Government that issues press releases about everything and anything – and I exempt the Hon. the Father of the House from this as well; for anything and everything they issue press releases – they said absolutely nothing about the fact that they had set up a company and injected £400 million from the Gibraltar Savings Bank into it, which then had £300 million being injected into the company, Gibraltar Investment Holdings Ltd, that has always been used by successive Governments to fund the cashflow requirements of Government-owned companies.

No wonder that in 2012 contributions to the Improvement and Development Fund from the Consolidated Fund ... The Improvement and Development Fund, for those listening, Mr Speaker, is the fund that has traditionally been used by the Government in order to fund Government projects; the Consolidated Fund is the fund into which the Government pays all its revenue. Well, in 2012, contributions into the Improvement and Development Fund from the Consolidated Fund were £181 million, whereas the actual for last year was £25 million and the forecast outturn for this year is £26 million – 13% of what it was in 2012.

This is financial engineering of the most extreme kind. They have completely altered the way the Government funds its programme and the way the public finances are structured, and without a political mandate to do so.

When he was accusing the GSD of being addicted to debt and of the public finances being in a ruinous state whilst at the same time promising the lollies to everybody, he did not say to the electorate in 2011, 'But I am going to do it differently – I am now going to be using the Gibraltar Savings Bank and I am going to be using Government-owned companies in order to do so.' He did not say that. We only found out about all of this because I asked him the now infamous question in this House, 'Has the Government directly or indirectly provided any kind of financial assistance to the owners of the *Sunborn*?' and he said no. And as I was walking down Main Street one day, somebody took me to one side with a lot of mystery and said, 'That's not the truth – have a look at the company that owns the *Sunborn* because there's a mortgage in relation to that company.' And then I –

**Hon. Chief Minister:** Who was it?

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**Hon. D A Feetham:** Well, I am not going to tell you who it was! Mr Speaker, please! (*Laughter*) I know I am charitable nowadays, but that is just going to the extreme. Actually, he would be surprised if he knew who it was.

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As a consequence of checking the company that owns the *Sunborn* and seeing that there was a mortgage registered in favour of Credit Finance Company Ltd – that is how we found out that the Government had transferred £400 million from the Gibraltar Savings Bank into that company. Talk about lack of transparency! That a Government fails to inform the people of Gibraltar before and after a General Election – well, nearly after, because it was on the dawn of the by-election in 2013 – that it was going to be funding its projects and its programmes using Gibraltar Savings Bank money and Government-owned companies is appalling, it really is.

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What is worse is that this had to have been planned before the 2011 election. It had to be planned, Mr Speaker, because you do not change the Gibraltar Savings Bank Act three months after you are elected, as they did in 2012, and you do not start shifting Government debentures into the Gibraltar Savings Bank and then use Gibraltar Savings Bank money to transfer £400 million into Credit Finance and then £300 million into Gibraltar Investment Holdings if it was not planned. It must have been planned.

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When I ask the people of Gibraltar and the people listening to this debate who are you going to trust on this issue, I ask them to ask themselves this very simple question: do you think that you were not entitled to be told about this in 2011? And the answer inevitably must be a resounding yes.

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But it does not end there, because this modus operandi – that is what it is, a modus operandi – was repeated in 2015 and they kept the electorate in the dark about their true intentions during the 2015 General Election. There was a huge sense of déjà vu on this side of the House when the first two months post that election the Government changed the legal borrowing limits without having told the people of Gibraltar they intended to do that in 2015.

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Not only did they do that, but then during the Budget a few months later the Hon. the Chief Minister announced for the very first time that the Government, through a Government-owned company, had borrowed another £300 million – mortgaged all the housing estates in Gibraltar – and they failed to tell the people of Gibraltar that in 2015.

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The consequence of that is that now our combined public debt is well over £1.2 billion; £1.2 billion as a consequence of two ‘Oops, I forgot!’ moments in 2011 and 2015.

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And it is even less transparent now than it was in 2015. In 2015 the Government published a little table which the hon. Gentleman in his New Year speech in 2015 described as a balance sheet for Credit Finance Company Ltd. It was nothing of the sort, but since 2016 they have refused to publish even that – *how* the money in Credit Finance is being spent – and the result is this: that we have a gross public debt owed by the Government directly of £447 million, but an extra £772 million debt in Government-owned companies that we know of, which the Government says is not debt.

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Again I ask the people of Gibraltar: is that a debt that this community, Gibraltar, owes? They may well hide behind us there, as the Hon. Mr Isola hid behind what he said – ‘What we have is what we have’ – and he said the legal debt is £447 million, hiding behind technical legalities. But when you strip away those technical legalities and you ask the question how much does the community truly owe, the community truly owes more than £1.2 billion. And we do not know, because they refuse to tell us, how much of that £772 million in Government-owned companies has been spent or is in cash – in other words, what is the cashflow position of the community likely to be in the future and what can or cannot we afford as a community in the future.

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We do not know what part of Government expenditure – in other words, the cost of running the Government – is being paid for by the proceeds of this hidden debt and therefore whether the Government is or is not running its account on a surplus of revenue over expenditure. What we do know is that even without that extra credit card that the debt in Government-owned

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companies represents, there has undoubtedly been over the last seven years an approximation between recurrent revenue and recurrent expenditure, and next year there is, as the Hon. Mr Clinton has said to you in his address, a predicted budget deficit, something that we have been concerned about over the last five years because undoubtedly there has been an approximation between the recurrent revenue and recurrent expenditure.

1065 Mr Speaker, the hon. Gentleman said, 'Well, debt has to be properly invested; there is no problem with debt as long as it is properly invested,' and, 'Accumulated debt is bad for the community if it is not used for the benefit of the community.' But the problem is that we cannot see and this Parliament cannot see how this money is being spent. It cannot properly assess, even by their yardsticks, whether this debt is properly deployed and properly utilised or not.

1070 The Hon. the Chief Minister said, 'Well, we are investing in the public sector for the benefit ... and remembering the sacrifices of the evacuation and the referendum generation,' and he then said, 'And I prefer to make sure that we are living within sustainable means' – I think he said – 'rather than raise taxes.' But, Mr Speaker, does he not realise that in fact debt is deferred taxation and what the hon. Gentleman is doing is saddling future generations of this community with monumental debt? And we cannot properly see how that debt is being paid: *that* is the problem with this Government's economic discourse.

1075 Mr Speaker, I now move on to speeches from other Members of the Government that we would like to focus on. The Hon. the Deputy Chief Minister (*Interjections*) rightly pointed out that there had been 10 briefings, in relation to Brexit, of the Opposition. Indeed, I recognise that and I also recognise, for the avoidance of any doubt, that the Government is doing all it can in a very difficult situation. I hope that, as we recognise that, they would also recognise that if we had been on the other side of the House we would, in our own way, have done exactly the same – in other words, done whatever we could in order to safeguard the position of this community.

1085 But there is a significant difference between how we would have approached it and how they have approached it, because although they have briefed us on 10 separate occasions in relation to what they are doing in relation to Brexit, that is a far cry from what they should have done in the public interest, which should have been to work with the Opposition (**A Member:** Hear, hear) (*Banging on desks*) in order to ensure that there is a road map to best protect this community.

1090 In 2013, when I first became Leader of the Opposition, a role that I do not serve in today, (*Interjections*) I brought a motion to this House in which I called on the Government and the Opposition, three years before the referendum – we did not even have a date for a referendum – calling on us to work together in order to set out a road map for how this community approached Brexit if it happened, because even then I was concerned certainly that it could happen, even though I thought that it would not. Despite the fact that that motion that I brought to this House was approved unanimously by the House with amendments from the Chief Minister, not once did we meet from 2013 to 2016 in order to discuss these issues. That, I think, is a reflection of the way that the Government approaches these matters, which is briefings fine, but the reality of the situation is that the Government does not really want to work with this side of the House in order to produce a road map that is in the best interests of this community.

1100 Mr Speaker, I turn to some of the comments that were made by the hon. Lady, Minister Sacramento. She said during her intervention that it was wrong for the GSD Government to have allowed and to sell Government properties to sitting tenants. That is what she said, but doesn't she realise that just before the 1996 General Election, which the GSLP lost, they had committed themselves to selling Edinburgh Estate, and that when the GSD got elected in 1996 it ensured that Edinburgh Estate went into the housing stock? Does she not realise that? And does she not realise that we may have sold flats to sitting Government tenants, but what we did not do was hock and mortgage Government housing estates? Does she not realise that also? (*Banging on desks*) And when she said, 'Housing has always been a problem but a problem that they created



1115 and one that was at the low end of their priorities', does she not recall that we built at Bishop  
Canilla House; Mid Harbours, the first rental estate in Gibraltar since Varyl Beg, was constructed  
in the 1970s? Doesn't she recall that? Doesn't she recall that Edinburgh House – they would  
have sold – we made sure formed part of the housing stock? Does she not recall Waterport  
Terrace and Bayview, Nelson and Cumberland?

1120 How on earth she can say that the GSD did absolutely nothing for housing is really beyond  
me, and when you start losing arguments is when you start overstating your case, as did the  
Hon. the Minister for Housing during her intervention. What she should do is to make sure that  
her own manifesto promises in 2011 are kept to, because in 2011 they promised that they would  
make sure that everybody on the pre-list and on the housing waiting list in 2011 would be  
homed in four years if they were in Government, and there are still 178 people waiting for their  
homes. That is what she should do. (*Banging on desks*)

1125 Mr Speaker, I now turn to one of the areas under my shadow responsibility, financial  
services. This is one area where the Opposition is not going to make financial services  
susceptible – as indeed the gaming sector – to the normal cut and thrust of politics. We accept,  
and I have again no hesitation in recognising, that the Hon. Minister Isola is doing everything  
that he can in relation to this particular area, and I congratulate him for the effort that he has  
1130 put in over the years that he has been holding that position. (**A Member:** Hear, hear.) (*Banging  
on desks*)

1135 There is no doubt that this is an area where Brexit is causing the most uncertainty and  
instability and there is also no doubt, in my view, that that uncertainty is not being helped by  
what the CEO of the Financial Services Commission, Samantha Barrass, described on  
18th December 2017 as 'a new approach to enforcement by the FSC'. It follows statements that  
she also made to the *Insurance Times* that any criticism that Gibraltar is a light-touch regulator is  
outdated, with her comments being widely interpreted as a criticism of the regulatory regime  
under her predecessor.

1140 I want to make absolutely clear that the comments that I am about to make are not in any  
way, shape or form a criticism of the Government. I recognise that the FSC is independent of the  
Government, but I am under a duty to reflect in this House any concerns that I perceive in the  
finance centre and amongst professionals in relation to the enforcement regime being adopted  
by the FSC. That is my duty and that is what I intend to discharge today.

1145 Gibraltar has always had a very well-regulated financial services and insurance sector with an  
approachable regulator focused on risk and outcome. It is one of the reasons why professionals  
have been able to market Gibraltar so successfully as a business-friendly jurisdiction and indeed  
a jurisdiction of choice in a number of areas.

1150 There is no doubt in my mind, however, that this new approach to enforcement is harming  
the jurisdiction at a critical juncture, and there is considerable disquiet in the finance centre in  
general with what is perceived to be a testosterone-fuelled enforcement regime which may  
discourage new investment and may lead to existing operators questioning their place within  
the market.

1155 There are many excellent and impressive professionals working in the Gibraltar Financial  
Services Commission; indeed, the vast majority fall into that category. I also recognise that their  
job is a very difficult one indeed. If businesses fail, it is human nature to look for scapegoats and  
inevitably questions will turn to whether regulators could have done more to identify problems  
at an earlier juncture and prevent those failures or investor losses, but there is a balance to be  
struck post-enterprise.

1160 This new enforcement policy has, to many, become a runaway train, Mr Speaker. It has been  
described to me, by people who are measured and reasonable, as Taliban in its approach. I have  
professionally acted for and against the Gibraltar Financial Services Commission over the last  
18 years and I have never seen a profession so concerned by this new approach to enforcement.  
It is reflected in the statistics for last year alone – the last time that I asked this question in this

1165 House – when there were 10-fold increases in appeals to the courts from decisions of the Gibraltar Financial Services Commission.

I said recently that one area where the FSC needs to think carefully whether its new enforcement strategy is good for the jurisdiction is in the use of inspectors under section 8 of the Financial Services (Information Gathering and Co-operation) Act 2013, where a skilled person report will do just as well and is far less intrusive. The power of inspectors is phenomenally intrusive. An inspector can question employees of a firm on oath and will have unimpeded access to confidential information. Refusal to co-operate is a criminal offence. It has been traditionally used in cases of fraud and carries with it a considerable reputational stigma. Indeed, the power to appoint inspectors is not new. In relation to insurance companies it has existed in the Financial Services (Insurance Companies) Act 1989 for many years. However, because of its draconian nature, it has seldom been used in the past.

The one critical distinction, however, between the 2013 and the 1989 Act is who pays for the cost of an inspector. Whereas in the 2013 Act the regulated entity pays for the cost of an investigation, under the 1989 Act it is the Gibraltar Financial Services Commission that pays for it. The position can be usefully contrasted with the UK, where it is the regulator that bears the burden of paying for the cost of an investigation. Since the introduction of the 2013 Act, the FSC has made it absolutely clear that any appointment of inspectors would be made under the 2013 Act rather than any supervisory Act where the FSC would be forced to pick up the Bill. It is a decision that is driven purely by cost and the attraction of having wide, intrusive powers.

Mr Speaker, in any system of regulation that values the constitutional rights of regulated firms to privacy, you simply do not opt for the more intrusive and expensive option simply because a particular regulatory tool gives you more power. Constitutional rights should only be trumped where it is necessary and proportionate or a less intrusive power cannot be used instead.

One of the most important distinctions between an inspector and a skilled person, which is the other power that is available to the FSC, is that where a skilled person is appointed the regulated entity has the ability to negotiate the cost of a report directly with the expert, and it is not unusual for a cap on fees to be agreed. That offers regulated firms considerable protection against costs becoming uncontrollable. In the case of an inspector, it is the FSC that negotiates costs with the expert without the approval of the regulated firm. In my experience, the FSC agrees an hourly rate with the inspector, often a team, without insisting on any cap on fees. The costs run in the hundreds of thousands of pounds, and in some cases over a million. That is a huge burden to bear for regulated firms. I suspect that some of these appointments have been made under the 1989 Insurance Act, where the FSC had to foot the bill. There would be outrage by taxpayers if it became public that the FSC had agreed to open-ended engagements of this sort without any cap on fees.

There is also an overreliance on experts from the UK rather than Gibraltar, who are not familiar with this jurisdiction and are phenomenally expensive. As a Gibraltarian I find the notion that inspectors need to be UK professionals, with a token local added in the team just in case the natives complain, deeply concerning. We have all in this House chosen to make this community our permanent home, and when Mrs Barrass and some of her recent recruits from outside the jurisdiction go, we will continue to live here. They will no doubt go somewhere else and make a living somewhere else; we will not.

What I want to see is firm but fair regulation that does not discourage investment or make existing operators question their place in the market, which is the feedback that I am receiving about this new enforcement policy on behalf of the FSC.

I am really grateful to this House and to you, Mr Speaker, for the indulgence that you have given me in allowing me to reply to some of the Ministers opposite and their interventions, and again I want to thank everybody in this Parliament, the public servants in this Parliament, for all the hard work that they do in making sure that we are properly taken care of.

1215 Thank you very much, Mr Speaker. *(Banging on desks)*

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I rise to address this House to deliver my speech in my third year as an independent Member of this House.

1220 I would like to start off by thanking you, Mr Speaker, for your usual direction and attention whenever I have needed guidance, which has always been a great comfort to me in view of the fact that I work alone in this House and usually need more steering than other Members, who enjoy a party structure and the mentoring of a seasoned leader. I also take this opportunity to thank the wonderful staff here in this House, who are always readily available to help me with whatever I need. Frances, Kevin and Daniel, led by Paul Martinez, thank you all.

1225 Mr Speaker, it has been common for the Budget speeches in our esteemed House to be read out in a rote manner, with all the figures of balances and increases or decreases in funding etc. being presented in a matter-of-fact manner. However, these figures and percentages often miss the reality of what is truly happening in our so-called robust economy. I have often felt – and now hear often from many of my constituents, both local business persons and individuals – that there are areas of the economy that have been forgotten and issues within the economy that need addressing.

1230 Let me start with the lack of an overall strategy. To be honest, this comment would require a review of our economy over the last 20 years and its transformation from MoD based to finance and gaming based, but I will summarise by saying that given the changing priorities of both private companies and global organisations like the OECD, surely our dependence on the above-mentioned pillars of our economy urgently needs reviewing. What has been needed, and is needed now, is a multi-faceted strategy that looks to the future of work and technology and how these two will be impacted over the years to come.

1235 It is also crucial to conduct a study of Gibraltar's Gini coefficient to get a clearer picture of the inequalities of this economy. With the announcement of GDP per capita at US\$111,000, just under GBP85,000, our growth is commendable. However, when the minimum wage is roughly £14,000 per annum one questions the true equality of our economy. If our GDP is shot up by a minority of extremely wealthy individuals, we must know. We will not get a true reflection of the state of our economy until we are aware of how to fix its income inequality. Equally, it is important to identify the areas which will give us a sustainable and secure source of income and will work well into the future. You would think a socialist Government would be interested in levels of inequality and planning ahead for the economy of the next generation. At present, this is not evident.

1240 As for public expenditure, where does one begin? The last six years have seen unprecedented growth in public expenditure. There are many in our society aware that, at present, Government is the source of increasing business and trade, and I have spoken to many who raise their concerns.

1250 Given that Government last year, and this year once again, increased the Social Insurance costs by 10% in two consecutive Budgets, questions are being raised as to whether this increase was and is justified in contrast to the inflation rate and also given some of the less essential services that Government are currently providing. Most importantly, many have asked as to the Government-owned companies that are now playing ever-increasing roles in some sectors. I here refer to GJBS, Mr Speaker. The company is a fully Government-owned company, as I understand it. It was set up by the GSD to carry out construction projects for Government when other companies had let the Government down, but today it appears to be a company that works for the private sector as well, and this appears to give them an unfair advantage over other competitors.

1260 That is just one of the Government-owned companies I mention. There are others. (**A Member:** Hear, hear.) In the latest figures we can see that there seems to be an annual recurring funding of Government-owned companies to the tune of £25 million. I understand that how this is distributed is not fully laid out in the Government Estimates. On page 165 there is only a single

line referring to this amount. Will the public at large know where and how this money – their money – is being allocated in this matter?

1270 Carrying on in the line of Government expenditure, it also appears that there are some areas where priorities are lacking. Our postal services are now costing the public purse in the region of £9 million per annum. In most countries the postal service actually makes a profit. In contrast, our Tax Office, in much need of a facelift considering the vital role it plays in our public funding, only receives just over £2 million. And of course there are stories of how many individuals are now receiving assessments from over five years ago and given sometimes a month to come up with any shortfall, and face fines in the event that these amounts are not paid on time. As for those fortunate enough to receive a rebate, well, they have had to wait similar times for these funds to be returned. Often it is the most needy of our citizens who pay for this shortfall.

1275 I must also mention one other area that troubles me and has come to light recently, and that is the recurring cost of the Prison Service. I know that we have a dedicated team of officers taking care of our prisoners. However, many of our prisoners have been interned for, at times, petty crime. At present there are about 55 to 60 prisoners and the cost of keeping them there is this year expected to be just over £3.2 million, approximately £53,000 per inmate per annum. I believe that this is a rather high figure and would like the opportunity to know more about how we are dealing with this issue, not just on a financial level but also on a human and compassionate level.

1280 Mr Speaker, I must move on, but these are just a few pointers on the state of public finance that I believe need to be addressed. I must now move on to key sectors.

1290 Turning to construction and housing, I will not bring up the GJBS matter now, as I have already mentioned it. I will here bring up the issue of how Gibraltar is being transformed physically and how the construction industry has of course boomed. There are many reasons for this and it appears from my understanding that demand for property in Gibraltar at present outstrips supply. This has led to a massive increase in developments for sale in the mid to upper price brackets that seem to be selling out even before the ink on the sales brochure is dry. However, we are in a crisis. There is a need for social housing like never before and it is the most vulnerable of Gibraltar who are suffering the worst. As an independent MP who juggles all portfolios, I can safely say that 90% of the cases that come to me are coming to me with housing issues. The waiting list for Government housing for one-bedroom flats is now over 600. Action for Housing have recently made public that some of our most vulnerable elderly members of society will not live long enough to see the day when they will be able to live in a decent home of their own. The rental market of apartments in Gibraltar is closer to London prices than ever before and there are locals who want to rent locally and are being forced to find accommodation in nearby Spain; this despite the massive expenditure on structural projects by the present Government. It is time for a serious review. The present Housing Act is in need of review and must not penalise landlords when it comes to social housing.

1300 Also on the issue of housing, I was gravely concerned to hear after a fire in an Upper Town estate that there are no fire retardants in communal areas of Government estates. A dog, which later died in the fire, averted the tragedy by alerting the building to the fire. I then raised questions in Parliament about this, all to no avail. In the wake of Grenfell, I believe we owe it to this community to provide the maximum health and safety standards to those residents living in Government estates who largely depend on the state for support. We are indebted to them to furnish them with adequate health and safety measures in communal areas and I urge Government to reconsider implementing such means to our Government estates as soon as possible. We should not have to rely on the heroism of pets to rescue the population of our estates.

1315 But back to the Budget. The wholesale/retail sector of Gibraltar has been a key sector of Gibraltar's economy ever since it provided goods and services to the garrison that was established in the 1700s. It has evolved in one way or another to provide for the local community and also for the visiting tourist. However, there are challenges in this sector and you

1320 have already seen the report made public by the GFSB. In the UK not a day goes by without  
some news of retailers and traders going under. Government would do well to support this  
sector, not necessarily with subsidies but with time and support to ensure that our offering is  
good for both locals and visitors alike. A review of import duties, the tariffs and the manner in  
1325 which they are being collected is well overdue. In addition, our local business entrepreneurs are  
keen to know that their interests are also being considered when discussing Brexit with the UK,  
and not just the passporting issues that are affecting the finance and perhaps the gaming  
industry.

Mr Speaker, I know that this Government is investing heavily in the DLT/Blockchain space as a  
potential area of growth, and of course when one looks at how exciting this space is on a global  
1330 level it is totally understandable. However, it is important that we look into the net benefits for  
Gibraltar as a whole in this industry and not just the privileged few. With this in mind, it would  
be a good time to make public what net effects are expected for the local population, and  
particularly with regard to our well-educated youth demographic, and ensure that there is a  
level playing field.

1335 Turning to gaming, the gaming industry appears to have been a boom for Gibraltar, but one  
of the costs of the gaming industry has been the massive influx of staff from abroad and the  
subsequent rise in rental rates in Gibraltar substantially affecting the local population in terms of  
long or short-term rentals. I alluded to the housing problem we are facing in Gibraltar earlier.  
This Budget fails to implement specific measures to tackle the very unique needs of our  
1340 economy, particularly with regard to many of the by-products it creates. Given that the income  
generated from this industry is an annual £13 million, would it be possible to allocate some of  
these funds to the building of the much needed one-bedroom homes that our society so  
desperately needs?

Turning to the Business Licensing Authority, the Business Licensing Authority was set up in  
1345 order to regulate and possibly protect the local businesses from unfair competition. It was  
supposed to do away with the cumbersome and possibly illegal – in the eyes of the EU – Trade  
Licensing Authority. From my understanding, it has not been effective in the protection aspect,  
with many businesses from Spain and other countries able to trade and provide services without  
the licence required. There has also been a lack of regulation and enforcement from my  
1350 understanding, and I ask Government whether they are aware of the difficulties that local  
established businesses are having and whether the BLA is actually fit for purpose.

With reference to taxation, I mentioned taxation earlier when I addressed the needs of the  
Tax Office and my opinion that it was one department that needed more attention, but I now  
refer to the tax code. More particularly, I refer to the complexity of the code and the two-tier  
1355 based system. Is this two-tiered system still fit for purpose? And if so, how?

On another note in this area, I mention the two special tax categories of CAT2 and Hepps. My  
question is whether these categories to create wealth have worked for Gibraltar and where have  
the benefits been seen; also whether they are fit for purpose in today's world, because the  
world has changed substantially in terms of financial equality, and so have the public attitudes  
1360 and perceptions regarding wealth inequality. It is estimated that 1% of the world's population  
controls over 85% of the world's wealth. In terms of Gibraltar, we cannot escape how the asset-  
rich individuals are doing well, and better as time goes on, as compared to many in Gibraltar  
who are not doing as well and seem to find no opportunities in this respect. We have in Gibraltar  
one of the highest GDP per capita, but we need to balance out that most Gibraltarian citizens do  
1365 not currently fit into that higher level. So the question then is: who does? There seems to be no  
acknowledgement of this reality in the Budget, or any measure to placate this socially pernicious  
phenomenon.

Mr Speaker, with regard to the environment, I am glad to see that Government is giving the  
environment the attention it deserves and that this year's Budget has implemented green  
1370 measures for our community. I also take this opportunity to thank NGOs like the Nautilus Project  
for raising awareness on the dangers of plastic and lobbying tirelessly in order to influence

Government to adopt such green incentives. There is no doubt that their initiatives and achievements have been worthy in this field. However, it is important that the citizens of Gibraltar understand that our economic growth and the unprecedented construction growth come at a price to our environment also. There must come a time when we need to take stock and decide that there is quality in good air, more greenery and less traffic.

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As most of you will be aware, not so long ago a group of people and I founded a political movement, Together Gibraltar, based on the premise that we need more engagement from the general public in political affairs. Together Gibraltar has continued bridging this divide between people and power, and has proven a very effective tool for me to take the pulse of the community. The movement has allowed me, in the absence of a party structure, to understand the concerns of many members of our community, and one of the issues that Gibraltarians give most importance to is the quality of our air and the degradation of our environment.

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After a public meeting with an expert panel, I presented a motion in Parliament with a variety of initiatives to improve air quality, alleviate traffic pollution, revamp our waste disposal and create a long-term renewable energy plan. I also suggested the creation of a cross-party platform to supervise the overhaul of the environmental agenda, such that election cycles and varying manifesto commitments could not deprioritise the issue. Only consistent efforts and parliamentary consensus can guarantee the level of commitment this issue requires. We need the 20- to 30-year vision, the targets and governance structures in place such that this remains a priority but never considered in isolation of the economic growth. I am still in discussion with the Minister for the Environment about the motion and will continue to be proactive on the issue.

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Mr Speaker, the creation of Together Gibraltar is perhaps my proudest contribution this year to the political landscape, and I say this with joy and an enormous pride in this community. The western world needs to do more to seduce its citizens, especially the young, into having an active role in politics and social issues, as it is proven that influence makes our societies better. While Gibraltar's economy booms and our GDP grows, our community stagnates in the advancement of the rights of women and minorities. And while more and more ambitious capital projects transform our geography, our green legislation and our efforts to improve our environment and mitigate climate change bear little to no fruit. While new, innovative sectors are introduced to our economy, we fail to make a comprehensive, honest effort to implement real transparency and accountability in our jurisdiction.

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We have ample evidence of this. Women in Gibraltar, inspired by the *#metoo* global movement, have started demanding social victories that were achieved across Europe decades ago. We are seeing the fruits of people power unfolding before our very eyes, as active members of the community unite to demand the advancement of the civil rights agenda. I am sure many more agendas will follow, and that this level of empowerment will have a very positive impact on our community.

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Together Gibraltar has allowed me to make even stronger and closer ties with the other active collectives in our community. I have worked very closely with two collectives in particular, supply agency workers and private sector pensioners, both collectives who currently feel mistreated and marginalised by Government. We must not forget that a mark of a functioning society is when all stakeholders of the nation are represented. This is most salient in the case of the worker, the bedrock of any economy. It cannot be denied, however, that these collectives suffer from significant mismanagement, which has left many individuals and sectors in unstable situations. For example, in the health sector, external recruitment agencies are offering short-term contracts and undercutting wages, diluting the workforce and shutting out the employees who are contracted centrally.

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There are several examples of exploitation, miscommunication and lack of foresight with regard to industrial relations by the current administration. For starters, the back-door privatisation of the care service, together with a general policy of reducing costs by privatisation of key sectors of public service, is damaging the morale of health workers. This is something I

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1425 pointed out in Parliament as far back as October 2016 when I illustrated the discontent and low  
morale on behalf of doctors and professional healthcare workers, warning at the time that this  
would undoubtedly have an impact on the quality of care received by the citizens of Gibraltar. It  
is, of course, important to be prudent and efficient in hiring, but our public health system must  
be prioritised as a vital service, and not a playground for privatisation. The morale of our  
healthcare professionals is fundamental to the quality of healthcare we receive. If we are to  
1430 continue to improve this and other vital services to the community, the conditions of our public  
sector workers and the general quality of our employment must be protected.

And this problem is far from limited to the health sector. Across the board there are more  
positions taken by recruitment companies with workers on limited contracts, while the worker  
who has done their hours for several years may still be on a temporary contract, lacking rights  
and benefits and not being able to plan ahead in his or her life, when they should be made  
1435 permanent. To make matters worse, this privatisation process has been executed in a manner  
that is less than transparent, which further raises concerns as to the motivation behind this  
dramatic policy turn by a socialist Government in name. And what came of the Future Job  
Strategy that was hailed in the New Dawn manifesto? Have recruitment agencies replaced this  
once popular initiative? The youth are our future and current workforce and they require  
1440 security and long-term planning.

Similarly, older generations are concerned, especially those who worked in the private sector.  
Promises have been made to private sector pensioners but very few have been delivered.

1445 While it is important to welcome the progress made for those at the bottom of the income  
bracket, it is also important that we do not allow those who have contributed to the growth of  
our private sector – from which, let’s not forget, we fund most of our public spending – to retire  
on what is effectively a subsistence wage, light years from the well-earned pension packages of  
the public sector.

The Private Sector Workers and Pensioners Association have lobbied and campaigned for  
1450 over a decade, and I joined them this year in the demand for dignified living pensions. We said it  
then and I will say it again: it is an absolute ethical necessity that the promises made to our  
elderly on this issue are honoured. This is a collective made up of old age pensioners, our  
parents and grandparents. They are the people who have worked tirelessly to build our nation  
and our economy, who have contributed dutifully to the common pot and who now feel cast  
1455 aside by their institutions. The Gibraltar Socialist Labour Party/Liberals will be in dire need of a  
change of name if things do not change soon. They are introducing market logic to state  
apparatus. Conservative governments in the UK will be proud when they find out that we are  
implementing similar policies here in Gibraltar under this so-called socialist Government.  
*(Banging on desk)* I have a fan! *(Interjections)* We’ve rekindled, Mr Speaker!

1460 In his Budget address the Hon. the Chief Minister said part of living longer is about living  
healthier, and if we want to protect and provide quality of life to our ageing population, ensuring  
dignified pensions for all is a must.

Continuing with the health agenda, it is unfortunate to have to report that mental health  
issues are a great concern in this community, and that despite the steps being taken by  
1465 Government and NGOs to improve mental health services, there is still a lot of work to be done  
on this matter. There is a great deal of concern in this community about the increasing number  
of cases and the lacklustre way in which they are being managed. In young persons in particular,  
for example, one in three calls to Childline last year was related to mental health, with 12% of  
calls relating to suicidal thoughts, something which sadly reminds us of this Government’s failure  
1470 to date to fulfil their 2011 manifesto pledge of appointing specially trained mental health  
counsellors in schools.

However, Mr Speaker, I must, on the other hand, take this opportunity to thank my good  
Friend the Hon. Neil Costa at the Ministry of Health for his and his team’s – especially Ms Evelyn  
Cervan’s – sheer diligence and attention in servicing the needs of my constituents who, of  
1475 course, in what is generally widely classified as the most important Ministry of all, often have

extremely serious and time-sensitive issues and crises. Credit has to be given where credit is due and I am proud to thank the hon. Gentleman here publicly for assisting me to assist others, which is the reason why I am here in the first place, and his facilitating this challenge for me is something which I and the bucket loads of constituents I have brought to his attention are indeed eternally grateful for. Nevertheless, unfortunately, despite the sterling attention I and my constituents have enjoyed on a patient by patient level, I am sorry to report that the systemic issues at the GHA continue, largely due to poor communication and the aforementioned backdoor privatisation. The GHA walkout earlier on in the year should have been enough to serve as a warning; however, we have seen no signs of a change of policy.

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1485 Similarly, I was sorry to hear little by way of developments by the Hon. Minister for postal services regarding the Post Office review which has been ongoing for over a year. In this time, good people, young and old, are working without contracts, without rights, without benefits, some for a period of five years already, while being loyal to the Government and continuing to provide a good service while they hope for permanent positions someday, so they can get on with their lives. We are talking about mortgages, we are talking about family planning, we are talking about general wanting to move on and grow the ladder in their lives – and this is just not right.

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1495 On the issue of the latest cannabis developments to grow the plant locally and export, it is no secret that I have been campaigning for the plant to be used locally to relieve pain in sufferers ranging from Parkinson's to epilepsy. I am sorry that to date the Government has not gone far enough to regulate using cannabis in a medical capacity and I urge them to consider placing regulation as a matter of urgency, given its medicinal properties and the fact that every day that goes by, patients are suffering when they could be easily helped if Government allowed for this non-toxic substance to be available as another ailment on the market.

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1505 Mr Speaker, on the subject of smoking, I would like to welcome the announcement by the Ministry of Health for making the GHA and all ERS premises smoke free as from this coming October, and I take this opportunity to implore on them, for the third or fourth time since I first raised the matter, to make smoking illegal in children's play parks. The image of toddlers and children picking up cigarette butts from the ground in my 'pushing the stroller' years, as well as the visual of adults smoking in a kids' zone, does not escape me and I will keep reminding this House of the need to enforce legislation to this effect until we achieve it. All that the hon. Gentleman the Minister for Health needs to do on this matter is extend the legislation due to come in in October to play parks as well as the GHA and the ERS.

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1515 On other notes relating to the Health Ministry, even though it doubles up with transport a little bit, on the promised much-needed zebra crossing by the Hillside residential facility the people of Gibraltar would welcome updates, as it is imperative that the people of this community should have it easy and safe when crossing to and from visiting their vulnerable family and friends at the Hillside residential centre.

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1525 On the Education portfolio, it is no secret that on this side of the House all Members agreed with the lack of consultation and communication between Government and stakeholders on the very topical subject of the new schools, in particular the secondary schools. A few months ago Together Gibraltar held a public poll online to assess the most pressing issues for its members. Education and particularly the future of the new co-ed comprehensives was by far the most popular option. As of today, many vital issues – such as the challenges of key stage realignment to TLR restructuring, the pay structure and the general logistics of the co-ed revolution – remain unanswered, concerns which should have been allayed long ago considering the stage in the construction of the new secondary schools.

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1535 This issue created such a commotion that, if you will recall, Mr Speaker, in February the GSD and myself joined forces in order to communicate the message loud and clear that the Opposition was and is united in our concern for the way in which the new schools project is conducted, something which I think I can safely say we are all still monitoring closely. Teachers had come to us separately voicing serious grievances with regard to a consultation process



1530 which was being executed in a careless and disdainful manner. As a result, the collective felt  
helpless, ignored, and at times marginalised. Government responded to our grievances by  
issuing a statement commending the Government for the open and transparent process of  
discussion which it has already engaged in with the teaching professionals and support and  
administrative staff. This lack of empathy, this lack of self-criticism, is definitely not conducive to  
delivering an education revolution worthy of its name, and I hope there is a clear change of  
stance that allows for proper consultation going forward on this issue, because jeopardising the  
1535 future of our education system and the return on such a massive public investment for the sake  
of ticking the box of campaign promises is not responsible government and both the educational  
professionals and the wider community understand this.

1540 Also on education, our special needs education mums and dads have reported many  
concerns about the inadequate facilities currently provided to our special needs children at  
St Martin's School, and although I know, and I am excited for the overhaul that we await, I urge  
Government to prioritise their needs and sensitivities in the interim period, also allowing for  
consultation with parents and teachers, who granted are best placed to assess the current and  
future needs of these children.

1545 Mr Speaker, I will not dip into the subject of abortion, as the public will be very clear by now  
where I stand on this sensitive issue in light of the conversations going on in our community, but  
I think it is important for you to know that Together Gibraltar has written to the Chief Minister  
and will be meeting with him in the weeks to come to discuss how this issue has been  
considered by his Cabinet and his executive, and move forward from there.

1550 Turning to the culture portfolio and in particular the MTV Calling Festival, I made a clear case  
in Parliament earlier on this year about the epic fail that was the worldwide MTV branding effort  
through the international media space. It was proved unequivocally through official statistics  
and figures, despite the noises on the other side of the House, that viewing figures were  
nowhere near what was apparently bargained for. So, given this reality, I urge Government to  
get it right this year, and that if we are going to remove a project of this size from our own  
1555 home-grown organisers who have proved to have done it so well in previous years, to at least be  
honest with the public about the limitations of this branding potential and to cease projecting  
the show as one with a captive audience in the billions – because it just is not so, Mr Speaker.  
Alternatively, we could just forget about the whole MTV hype and return the project to our  
Gibraltarian pioneers who had the vision in the first place to grow and nurture this festival to the  
1560 success that it has become. *(Interjection by Hon. S E Linares)* It is never too late to put your  
hands up and do things properly.

**Mr Speaker:** Order, order. I call upon the Hon. Steven Linares.

1565 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

**Mr Speaker:** The Chief Minister, you see, can always reply tomorrow on your behalf, so there  
is no need for you to say anything across the floor of the House.

1570 **Hon. Ms M D Hassan Nahon:** Mr Speaker, turning to our youth, I visited all the main youth  
centres earlier on in the year, and although some of the premises could do with a facelift here  
and there, most importantly I am pleased to report that our youth workers are doing a brilliant  
job in stimulating and caring for our youth and I am proud of the systems they have and  
continue to put in place in order to maximise the potential of our young ones.

1575 One thing I must flag up, however, is that in the Moorish Estate Youth Club there are some  
grave issues of health and safety, with one exit of the club dramatically leading on to a main and  
busy road. This has me really concerned and I implore on Government to find safer alternatives,  
as I dread to think what could happen to a child or teenager if they were minimally careless on  
exiting while a car drives by. Also, the kids and teens there were begging me to have a word with

1580 the Minister because they have missed being able to use their park and football pitch for years, due to building equipment being parked there. I know we brought this up in Parliament, Mr Speaker, and I was grateful for the Minister's answer at the time, but I would ask the Government to prioritise them and return to them these facilities as a matter of urgency.

1585 In the Justice portfolio and on the subject of legal aid, I take this opportunity to congratulate the Minister for Justice on the latest reforms and look forward to witnessing them first hand through the many constituents who have come by my office without a clue as to how to fund their cases. On their behalf, I thank him and hope the reforms as published will make a sizeable difference to their access to justice.

1590 And on another note, where the Prison Service is concerned, in March of this year vacancies came out for the Prison Service with eight applicants reaching the interview stages in April. Since then, the Prison Service staff are waiting to know how many new recruits – as agreed with staff, union and management – will be employed this year and when will the start date commence. So I would ask of the Justice Minister to kindly inform the Prison staff as soon as possible as to what agreements have been put in place.

1595 As an independent MP it is also my duty to flag any indication of political bad practices and raise awareness about them to the general public. There have been several examples of these situations throughout the year, some of which are still unfolding as we speak. The Calpe House controversy saw me confront this entire House, without an ounce of support from either Government or Opposition, about the many flagrant inconsistencies surrounding the purchase  
1600 of the new Calpe House property in London. Instead of heeding mine and others' concerns in the light of the substantial abnormalities surrounding the purchase, I was subjected to yet another exercise of manipulation and demagoguery of the kind we are only too used to in this House. For flagging and investigating these signs of bad practices, I was accused of trying to destroy one of Gibraltar's most important charities, when nothing could have been further from the truth. Yet  
1605 again we find our very own brand of perverse political meta-language at work. People must know, and must not be manipulated into thinking otherwise, that public inquiry, political checks and balances, or any form of lawful and well-intentioned attempts to audit and scrutinise public institutions should always be welcome and encouraged.

1610 It is the rot that plagues institutions in the absence of this scrutiny that threatens not only to destroy people's faith in that particular institution, but also their belief in the entire system. This, hon. Members of Parliament, is what we now call disenfranchisement, and it is a global phenomenon that threatens the most essential social consensus of our societies. Demagoguery, hypocrisy, party political Manicheism, plain and simple dishonesty – all these expressions of disingenuity are a grave threat to our social contract. In the age of information,  
1615 any attempt to engage with the general public that is not honest and transparent is simply irresponsible – yet attempts to crush all forms of dissidence are commonplace in this House, I am afraid.

1620 I have led on other issues of morality in financial services, which affects professionals on both sides of the House and outside it because Gibraltar has to show that we are at the forefront of good practices and compliance moving forward, and I will not hesitate to speak out whenever I feel our international reputation is at stake.

1625 In *Democracy in America* Alexis de Tocqueville stated that 'the health of a democratic society may be measured by the quality of functions performed by private citizens'. Fortunately, change is happening. Today, many in our community have understood their responsibility and are executing functions of the highest quality. The future of our democracy has never looked healthier.

1630 In light of my interpretation of the Budget in broad terms, I voice my criticisms today unequivocally. However, I will be voting in favour of the Budget. The GSD Opposition, I am afraid to say, were opportunistic last year and are opportunistic again this year. When we vote in the Appropriation Bill, we vote to maintain and fund our essential services. I may have all the reservations in the world, but I cannot vote with the cynicism of the GSD Opposition, who seem

1635 to want to strip back essential spending and cause political mischief on the way. Further, Mr Speaker, let me just say that responsible governance is not austerity; it is investing in the most vulnerable. I cannot vote alongside a party that appears to offer a piecemeal alternative, so today I am voting in favour of the Appropriation Bill whilst also offering an authentic alternative – a progressive one, not a regressive one.

Exactly today is five years since I first stood for a political position in political office in a by-election, alongside the hon. Gentleman across the floor. I have learnt many things. Most of all, I have learnt that politics can be, and often is, quite terrible – the antagonism, the interests, the unaccountability – but the fact that politics can be terrible is exactly why we need to change it.

1640 It is common to analyse modern political history in broad economic phases. Post-war social democracy recovered nations ruined by war and created the strong middle class by public investment, but crises of stagnation gave rise to neoliberalism, with Reaganites and Thatcherites filling the mainstream narrative of financial independence and rampant individualism. This got us as far as the 2008 Crash, teaching us that promoting greed also promotes desperate inequality. Today we sit on the brink of a new phase, waiting for a new narrative – a post-neoliberal narrative, one that is honest with the successes and shortcomings of globalisation, one that is sober about the link between finance and politics, one that is indignant at the disunity caused by inequality. A new politics appears to be universally desired, whether in Europe or America.

1650 The only way to climb above this precipice is to be bold. We must embrace democratic resurgence. We must welcome the new generation of voters with an analysis that reflects their concerns: housing, employment, rights. If we fail to do this, our democracy will be caught in political stagnation. If we succeed, we will begin to usher in a new Gibraltar. A progressive vision that is representative of the people, not the elites. Yes, we are proudly diverse, but look around you in this House: have we done enough to enfranchise members of our community who might not be lawyers, who might not be white, who might not be male, who might not be financially comfortable? No, no, no and no, Mr Speaker. As unstable as global politics currently is, it has challenged our perceptions of apathy. It has challenged the infallibility of the status quo. It has even challenged how we see politics at its core. Politics can be frustrating and it can be terrible, but if it was not terrible I would not spend my time here trying to offer a new path. Our people are clamouring for it. They are the new path. Politics is currently terrible because it is tired. It has not represented the people in any deep way for a long time now. It is terrible because it is the establishment. It is not us, it is not we, the people; it is them the elite, them the ‘barristocracy’, thinking that they are in a courtroom at every session of Parliament – (*Interjections and laughter*) them, the men.

1660 When politics is we the people, it is progressive. It is moving forward with a bold march into the future, unafraid of fighting corruption, unafraid of tackling the housing crisis, unafraid of a Gibraltar fit for the interests of the people. And it does not start here, it starts out there, and out there more and more people want a new vision. Out there, more and more people want to see a democratic resurgence. Out there, we are seeing the beginning of a change that will give Gibraltar progress in here, and in turn will progress Gibraltar out there.

1675 The times they are a-changing, Mr Speaker. Time for change, as the Members opposite promised in 2011. More importantly, the people now know that change is possible. We used to hope for change, but now we know we can make the change and it is time to come together and offer our people a new deal for the 21st century Gibraltar.

Thank you.

1680 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the person who wrote the line ‘the times they are a-changing’ became a Nobel Prize winner, and in doing so he had said, ‘I’m a poet, and I know it. I hope I don’t blow it.’ I will follow that view, I hope, tomorrow at 10.30 in the morning, when I expect to reply to all hon. Members.

I move that the House should now adjourn to then, given the clamour that there is outside to be able to buy lottery tickets for the Christmas draw. *(Laughter)*

1685

**Mr Speaker:** Before I adjourn the House, may I say that I often used to hear, here in the House, that great politician that was Peter Isola say that politics was about *de bono publico* – about the public good. If it is not about the public good, it certainly ought to be.

1690

May I thank hon. Members personally, because I think that the remarks that I made last year about the length of speeches have been very much taken on board. As a result, I think that speeches have been this year much more relevant and much more cogent, so I thank you all.

1695

I would also like to thank you, on behalf of the members of my staff, for the very kind remarks that they have made about the service that they give. I have also been thanked myself and I think I should tell hon. Members – which they probably know – that being in love, as I am, with this job, I would do it even if I was not remunerated.

The House will now adjourn to tomorrow at 10.30.

*The House adjourned at 1.05 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10.33 a.m. – 2.40 p.m.**

**Gibraltar, Thursday, 5th July 2018**

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# The Gibraltar Parliament

*The Parliament met at 10.33 a.m.*

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

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

## Appropriation Bill 2018 – For Second Reading – Debate continued

**Clerk:** Meeting of Parliament, Thursday, 5th July 2018.

5 **Mr Speaker:** I call upon the Chief Minister to exercise his right of reply.

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, one must start the day as pleasantly as possible when dealing with something as important as the appropriation of £625 million. How can one not start at least by saying happy birthday to Mr Clerk, who is 59 today. (*Banging on desks*) I understand that all hon. Members, whatever side of the House they may be on, have something to look forward to this afternoon at least, as I am told that there is cake. (*Laughter*)

10 Mr Speaker, the House is meeting today, exactly five years to the day since the hon. Lady and the Hon. Mr Isola contested a by-election. It is the by-election that the Hon. Mr Feetham referred to in the context of some of the debates that we are still having five years on in respect of Credit Finance Company Ltd – just to set that in its historical context – but I think it is absolutely right also to congratulate the hon. Member on half a decade of service to the people of Gibraltar, in particular in the important role that he is carrying out these days.

15 Mr Speaker, I want to start by dealing with matters which have been ventilated in this debate in respect of the public sector, because I think it is absolutely right and proper that we start by recording that this appropriation is, in the main, an appropriation in order to ensure that the public sector in Gibraltar continues to have the ability to function. It is an appropriation – in other words, a taking of the money necessary to run the administration. The administration is not the 10 people sitting on this side of the House, Mr Speaker; it is us together with, most importantly, the almost 5,000 public servants of the people of Gibraltar, whether civil servants or in the public sector generally. It is them – not just us, but in particular them – that deliver the services that this community enjoys, that collect the funding that is the recurrent revenue of the Government of Gibraltar. It is the public sector in Gibraltar that deserves the recognition of Gibraltar for the work that they do and it is the public sector in Gibraltar that those of us who will vote for the Budget will be voting to fund. (**A Member:** Hear, hear.)

20 Mr Speaker, I want no one to think that there is anything other than fulsome support on this side of the House for the Gibraltarian public sector. On this side of the House every civil servant and every public sector employee of the agencies, the authorities or the companies of the Government of Gibraltar – which Members opposite set up – enjoys the full support of this Government.

25 Mr Speaker, I am the Minister for the Civil Service. I believe in a strong Civil Service. It is important that people understand that, because the Civil Service is a hugely important part of what Gibraltar is today, not just because of the numbers of people employed in it but because the Gibraltar we know is delivered by civil servants and public sector workers and what the Civil

Service will enjoy from this Government is support, support, support – because a strong Civil Service, strong public sector, is the backbone of our administration. They are the ones who deliver the policies. They are the ones who make government happen. That is why Sir Joe Bossano was absolutely right that it is important that we are able to protect that public sector, because we cannot afford that they should be anything other than protected and strengthened, strengthened and enhanced.

I want to thank there, Ernest Gomez, who retired in January of this year as Chief Secretary of the Government of Gibraltar and who was Chief Secretary with me from the December in which I was first elected, for the work that he did in strengthening the Civil Service and taking it away from political control as it had been, something that we on this side of the House had no intention of trying to exercise.

I want to welcome and congratulate Darren Grech for the work that he will no doubt do as the new Chief Secretary of the Government of Gibraltar. I am very excited to see how Darren intends to build on the work that Ernest Gomez has done. Ernest Gomez did that work very largely supported by Frank Carreras and Joey Britto, and now Darren Grech is taking that forward for a new generation. When I appointed him, I said I wanted somebody who would be able to endure for more than a decade, somebody who would be the transition between one Chief Minister and the next – although I sincerely hope and believe that both those Chief Ministers will be of the same political complexion and ideology – because the Civil Service provides that continuity between administrations, and whoever the next Chief Minister of Gibraltar will be, she will no doubt be a socialist.

I think it is hugely important that it is therefore clear that with *this* Government in administration, with *this* Chief Minister as Minister for the Civil Service and the public sector, there will be no cuts in the public sector. That is not what is on the cards, Mr Speaker. There will never be any cuts in the Civil Service or in the public sector whilst I am Chief Minister. Efficiency, yes. Cuts, no. Proper control, yes. Austerity *à la* GSD, never. But there will be no waste either and I know that that is what controlling officers will help us to make sure is the case and how we will deliver efficiency, because they have all committed to that, to the control of waste. That is what we are saying and that is what civil servants and public sector workers are saying too. But we will never fall into the Clintonian trap of saying that Civil Service pay is not deserved in some way or that it is just based on relativities, although we do agree – and that is why I have announced it – we do agree with many civil servants and public sector workers that the actions of the former administration in creating so many administrations, so many authorities and agencies and companies, created an upsetting of relativities etc. which must be addressed. That is why, for the first time since the Bunkle and Roberts report of 1983, we are going to carry out a review of senior Civil Service pay.

Mr Speaker, we gave the public sector, the Civil Service in particular, something new when we were elected. We gave them relief cover, which means that every post is filled when somebody is not in post, when somebody is away. We are going to now move to leave aside the employment agencies that the GSD started to use in their time and we are going to move to fill the vacancies in the Civil Service with our commitment in respect of the complement of the Civil Service intact as it was when we were elected, and are going to do that working with the unions that have representation in the Civil Service. That is how we will work to deliver a much more modern, a much more efficient, a strengthened and enhanced public sector and Civil Service in Gibraltar.

Gibraltar's political circumstances are such that we have to pause for a moment to think of this. What would happen if a weak government were elected – if an extraordinarily weak government were elected? We have seen that in Europe. There have been moments when governments have been elected which have been unexpected, that have happened almost by a roundabout side-wind and nations find themselves where the government in effect cannot govern. Well, Mr Speaker, if that were to happen, the Civil Service would become the last line of defence. In other words, because Gibraltar is politically constantly under attack, perhaps more

90 than most nations, we have to have a stronger backbone for our administration than perhaps most nations do. And in that event, if I have one legacy when I leave as Chief Minister – and I hope I will have more than one – it is that I will leave a strong, strengthened, enhanced public sector, and Civil Service in particular, that will be able to see Gibraltar through any such eventuality.

95 Mr Speaker, dealing with the things that we heard more generally from Members opposite, we have not really been involved in a debate in the past three days. You see, in a debate one says something and the other side gives you a different opinion to what you have said based on what you have presented. That is what a debate is about. But in most instances, what we had –  
100 aside from Mr Feetham, who, as usual, left nothing to be desired in the context of his contribution, which I will come to later – what we had was prepared speeches. ‘Here’s one I prepared earlier’ is what hon. Members might have said when they reached for their speeches. None of them took into consideration the things we were saying in order reply to them. The tell-tale was that we announced that we were going to do some things only to hear in reply, in purported response, them calling on us to do things we had just announced we were going to  
105 do. That is not a debate. At Question Time what hon. Members want to do is debate, and in debate hon. Members just want to read us their requests that we should do things. Well, hon. members perhaps should feature – perhaps the Hon. Minister for broadcasting might care to propose this, given that the proceedings of Parliament are transmitted on GBC – perhaps they should feature in a renewed *Blue Peter*, where they can produce the one that they prepared  
110 earlier.

Really, so much has been left to be desired in the contributions that were made, so I am going to make some references to demonstrate that in the context of the things that we announced and that they then called for. In fact, one of the things that is most telling is that even in areas where we are not making announcements, where we are in effect providing  
115 explanations for things that they have said, or explaining the finances – Sir Joe Bossano in particular gave the usual tour de force, explaining issues and dealing with contributions that they made in the past, explaining why they were wrong – we face then the same baseless accusations in reply without taking consideration of the things that were put to them.

I was a little taken aback, Mr Speaker, by the lack of imagination that hon. Members displayed, indeed in the way that they even characterised their accusations. The Hon. the current incumbent Leader of the Opposition could not think of a new label for his address. The Big Lie Budget, he said this was. Well, I suppose he knows that that is the label of the 1972  
120 General Election – the aftermath of which this House is still dealing with, Mr Speaker, with you and Mr Bossano! (*Laughter*) It is the unimaginative label that Mr Feetham chose for the 2015 General Election. They used it in 2015 to deliver the worst possible election result in a two-horse race in the history of Gibraltar. (*Banging on desks*) It had been used in 1972, and what original thought comes into the mind of the current incumbent Leader of the Opposition to use the same unimaginative label, the Big Lie Budget? But they used that phrase, that three-letter word which we try and avoid in this House. They used it in the way that you have not ruled is improper and I  
130 have made no objection; but they used it, so I will use it too. I was surprised that Mr Phillips decided to go down that road, but perhaps I should not have been surprised at his lack of original thought, his lack of imagination. Perhaps I expect too much from him, but I suppose, like so many others, I was destined to be disappointed.

Or what about the other phrase that appeared during the course of the Budget – *j'accuse* – which is what Mr Clinton decided to pursue. '*J'accuse ...!*', Emile Zola's famous headline in the Dreyfus Affair: 1898, Mr Speaker, 120 years old! But nobody was surprised that Mr Clinton should be living in the late 19th century (*Laughter*) and that he should have gone back two centuries for a phrase that he thought might fit, and the fact that he might be lacking in original thought and imagination also was of no surprise to anyone.

140 Mr Phillips went back 46 years for his theme; Mr Clinton went back two centuries for his theme. I am going to pursue that approach, Mr Speaker. I am going to go back, in describing this



book and the things in it. In describing the good book that we are debating today, I am going to go back two millennia and I am going to tell them the things that St John is alleged to have said. I am going to tell them the truth, and the truth will set them free.

145 I know that one of the things that is in vogue is to go back to vinyl records, but scratched vinyl records are not popular even now and they are not going to become trendy by becoming scratched vinyl records. But the way that they keep going back to 1972, to 1898, it was almost as if we were being treated not to a modern *Newswatch* of events – we were being treated to a Pathé News reel of budgets past, or a pathetic newsreel of budgets past, over and over again.

150 When the Chief Minister sits down and the Leader of the Opposition gets up, that is a moment of important political set piece and the person who gets up has to be up to the task. But what a total damp squib we were treated to. It is important, Mr Speaker, that I set out clearly for those preparing the *Hansard* that I am saying damp *squib*: it ends with a ‘b’, not with a ‘d’. We are not in calamares territory. We are in the territory of a squib, which is something  
155 that fails ignominiously to satisfy expectations, an anti-climax or a disappointment, as defined in the English dictionary. Apparently, a squib is a form of firework, usually cylindrical in shape, with a paper fuse at one end which provides a mild explosion. Well, Mr Speaker, as you can imagine, when it is damp it does not go very far, but nothing should have surprised us.

Mr Phillips, when he became the current incumbent of the post of Leader of the Opposition –  
160 which I do not know how long he will hold for – gave an interview on *Viewpoint* and the next morning and the next day there was not one headline taken from it. The Hon. Mr Feetham when he goes on television usually makes headlines – usually for reasons, I have to point out, that are less than honest and entirely disagreeable etc. – (**A Member:** Hear, hear.) (*Laughter*) even a beige colonial book-keeper when he goes on television tends to make a headline, but for the  
165 incumbent current Leader of the Opposition to go on *Viewpoint* and give a half-hour interview and for there not to be one headline or piece of news even after the interval on *Newswatch* from what he said demonstrates exactly why we should not have expected anything other than a total political damp squib of a speech when he got up to reply on the Budget this year.

Mr Clinton, of course, was no damp squib. He was more like a wet squib, entirely soaked: the  
170 firework that just did not go off. But after Mr Phillips’s reply one can see why it was that the current leader of the GSD, who described Mr Phillips as his subordinate on television – ‘I have appointed Elliott as my subordinate’ ... Appointed – these are the things that happen in the GSD. Nobody is elected or voted for; people are appointed. Maybe that is why the current leader of the GSD decided that he had to go to the GRA to persuade them that in the event of the Chief  
175 Minister making a ministerial statement it should not be the current incumbent damp squib Leader of the Opposition who should reply, it should be him, because if the moment came when a ministerial statement was required and if there was a requirement for a response because the circumstances in which a response is warranted were to be made out, I think even the current leader of the GSD felt that the damp squib would not persuade many. And so all of the  
180 hullabaloo that we saw from the current leader of the GSD engaging the GRA etc. was all because of what he knew would happen when Mr Phillips was destined to reply to something.

But these are Brexit moments, Mr Speaker. Gibraltar cannot afford damp squibs. We have to be serious in our approach; we have to be engaging in our approach. And each of them – like  
185 every other public servant in Gibraltar and every other civil servant in Gibraltar actually does and we do on this side of this House – each of them needs to do a full and effective day’s work with no excuses. They are earning too much money just to come here once a month and ask us a few questions. They need to do more, and that means stopping the hypocrisy of things being okay when they do them and not okay when we do them. They are paid too much for something as shallow and facile as that.

190 But of course the Hon. Mr Feetham, as a Manchester United fan, seems to have inherited the Mourinho style in this respect: when the team succeeds, it is down to him and his magnificent tactics; when the team fails, the players are not giving of their best. (*Laughter*) Well, Mr Speaker, at least I am satisfied that the public are seeing straight through all of them, Mourinho in

195 particular. All of their assertions are falling on deaf ears. Their hope to represent everyone – everyone – *that* has been their downfall, that which they accused us of in 2011. They used to say, ‘The GSLP wants to be all things to all men.’ They have tried to do that too, Mr Speaker, that which they accuse us of, the mote in their own eye. They have sought to run with the hares and hunt with the hounds.

200 However much I might have disagreed with Sir Peter Caruana, the former Leader of the House – the putative greatest Gibraltarian of all time, according to some – if there is one thing you cannot say about Peter Caruana, it is that he tries to be all things to all men. There are some men with whom he has absolutely no truck and some men with whom he has truck, but not everyone.

205 You cannot say about Joe Bossano that he is all things to all men. Joe Bossano is now a knighted political Marmite, Mr Speaker: you love him or you hate him. I would have him on toast! (*Laughter*)

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** No chance of getting toasted!

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**Hon. Chief Minister:** No, indeed, because I love him so much!

Trying to be all things to all men just does not work, but it is typical of them to accuse us of that whilst trying to do it themselves.

215 This GSD is a shadow of its former self. The sun has now fully set on the story of the GSD. In their desperation to appeal to everyone they have appealed to absolutely no one. They are devoid of substance, devoid of original thought, devoid of principles, devoid of talent, of vision or of sense of duty to this community. They are, Mr Speaker, a void – and that is what people will do, it is clear to me, when it comes to the next election: avoid them.

220 It has become increasingly obvious that they are driven by personal ambition. There is bitter infighting which is not even hidden behind a curtain, there are power struggles going on which manifest themselves in rapping during the course of debates in this House, and they are unable to keep even a handful of the people who made that party great in the days when it was beating us in general elections. They cannot keep them as part of any *esprit de corps* to go forward. And it is not as if there is any white knight on a white charger in the wings trying to save the GSD. That knight slipped into the sunset in 2015.

225 On the economy, what have they said? Nothing. What contribution have we had from them on where the economy should develop or not develop and how to better improve the public finances? They have had a row with us about what is in the book and what is not. They have not told us what they think could make Gibraltar better, what they propose we should be doing to improve Gibraltar. None of that. And on our public finances they are wrong, wrong, wrong. On the economy they are weak, weak, weak, to such extent that anybody watching their performance in this House who is a voter will realise that their salaries are wasted, wasted, wasted.

230 And so, Mr Speaker, I am going to turn now to deal with each of their speeches in order of importance. I am going to deal with the independent Member last, not because she is any less important but because she is independent and she spoke last, but the rest of the speeches I am going to deal with in the order of importance in the context of this debate, given what they have said.

240 I will start with the speech that clearly, however much of a wet squib, was designed to lead the Opposition in this debate, and that is Mr Clinton’s. Mr Clinton came here looking for problems. People, when they come into debates, tend to say, ‘I am here to be constructive’; Mr Clinton may as well have started his debate by saying, ‘I am here to be destructive.’ He does not want to look at what is in front of him, he has no interest in the good book; he is trying to look for what is not in the book. He does not want to believe anything is positive. He is not about to project any of the things that we are doing. In fact, he does not want to see any project

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prosper. I think he would say no to everything proposed to him if he were ever to become Minister for Finance, which is the post that he covets.

He has said that the Minister for Finance should not be the Chief Minister. I am surprised therefore, Mr Speaker, that he went for the leadership of the party, because the person who is  
 250 leader of the party stands to be Chief Minister and he would have had to appoint somebody else, by his own standards, to be Minister for Finance – probably a lawyer. So the accountant would have been Chief Minister and the lawyer would have been Minister for Finance. Okay, that’s logical! But he would say no, as Minister for Finance, to anything a Chief Minister might propose to him. You see, I think he sees himself as an all-powerful Chancellor of the Exchequer.  
 255 Can you imagine him, Mr Speaker, as Chancellor? I think all hon. Members would think that he would be probably the worst Chancellor in the history of chancelleries around Europe because he would say no to absolutely everything. He has had nothing positive to say about any project we have undertaken. Can you imagine it, Mr Speaker?

Minister for Education in the Cabinet: ‘Minister for Finance, we need to build new schools.’

260 Minister for Finance: ‘Accountant says no.’

‘We need to build a new Primary Care Centre.’

‘*Buzz.* Accountant says no.’

‘We need to build new facilities for the Island Games.’

‘*Buzz.* Accountant says no.’

265 Mr Speaker, accountant says no, accountant says no, accountant says no. He has not said yes to anything! No imagination, no vision whatsoever. But imagine, in that fictional *Mad Max* world where they might have won a general election a thousand years from now:

‘Please, Chancellor,’ says the Chief Minister, ‘we need to build more affordable homes.’

‘*Buzz.* Accountant says no.’

270 You cannot build families without homes and you cannot educate children without schools. You have to build them, you have to build them to the standard and they have to be to the standard required. Accountant says no, a bit like *Little Britain* and ‘Computer says no.’ But it really would be a little Gibraltar then, wouldn’t it? No progress whatsoever, no development whatsoever, no growth whatsoever and not going anywhere. Gibraltar and their Chancellor Roy  
 275 Clinton: accountant says no.

We need more homes for our people. We need more schools and better schools for our children. We need new primary care facilities. We need to provide better services. Accountant says no is not the answer. He would crush our people’s ambitions under his abacus. The 1970s colonial book-keeper would replace the engine of our economy that is the GSLP/Liberal  
 280 administration with a GSD engine that only has reverse gear. He would not take us back to the future; he would take us back to the past, to 1898, and indeed *j’accuse* Mr Clinton that that is where he would take us, back to the 19th century. He might shadow Heritage, but that is not a reason for taking us back in time! (*Laughter*)

I think the problem is that he sometimes does not see what is in the book. He *loves* the book.  
 285 It is the good book for him. He wants more in it, more pages; he wants a longer thing to read. But he does not even look at what is in it. He asks us for accounts of this and of that, and then he does not look at the accounts, as the Hon. Gilbert Licudi MP demonstrated the other day in his very effective prosecution of him in respect of the accounts of the Gibraltar University. Although there are things in the book, he does not see them and he makes negative assumptions in order  
 290 to replace his failure to understand, and he does that by creating the view that there is somehow something unsavoury going on. Of course, Mr Speaker, he is a man in his early 50s who has retired as a bank manager and has qualified as an accountant, and so people give him – or gave him – an element of credibility, they gave him a chance: ‘Oh, if Roy is saying this, there must be something to it.’ Now we have demonstrated, and today I will further demonstrate, that  
 295 he does not deserve that credibility because, every time, he prefers to infer something negative rather than seek to understand it. And so I am going to go through Mr Clinton’s speech in great

detail to show that every single assumption that he has made is wrong, every single one of them. Not one of them is accurate; all of them are wrong.

300 Mr Licudi completely demolished him on the University, but then he went on social media when I posted Mr Licudi's demolition of him, and put up a rather pathetic riposte that said, 'Oh, Licudi wasn't dealing with recurrent, he's only dealing with capital.' Even that pathetic response was wrong, and that demonstrates there is no humility in the man, because if he has read anything, as I will demonstrate, he will have realised he was wrong and he should have just said, 'Fair enough, no problem – read the wrong line, got it wrong.' I will probably come to that later  
305 in my speech, Mr Speaker, because I want to go through other aspects of what he said that were completely wrong.

Really, with Mr Clinton it is a question of turning up for a football match and then deciding that he does not like the rules of football and he wants to play handball on the football field, or, like Columbia, who turned up to wrestle against England a couple of days ago, not abide by any  
310 of the rules. In the end the arc of fairness bends towards justice. Justice prevailed and England won, and I will show today why, if you turn up to play the rules of Gibraltar politics under the Gibraltar Constitution and the Public Finance (Control and Audit) Act, you cannot change the rules when it comes to interpretation.

This session, this appropriation, is about *this* book, not anything else; *this* book, under our  
315 Constitution and under our Public Finance (Control and Audit) Act. Mr Bossano has shown in his intervention that this book is prepared in the same way as it has been and the things that are not in it were not in it before. I will have to do an element of that also, taking other examples which Mr Bossano did not take.

This is the Appropriation Debate: let's give it its full name. The word 'Budget' is shorthand. It  
320 is about what we appropriate, or take, from the income that we have to run our affairs as a nation, and what we appropriate is in this book. In other words, of the £650-odd million that come in, the £624 million that we take from it is here. We cannot appropriate more than comes in, and that, if we did, would be what might produce a deficit, not the novel definition of deficit that the hon. Gentleman had to conjecture in order to try and persuade anyone that we were  
325 heading for anything other than surplus.

Of course there are things outside the book as well, sure there are, but they are not hidden. How could they be hidden if he knows all about them because we told him about them? In their case, when they were in Government and those who were not in Government at the time – Mr Feetham was, Mr Reyes was – were cheerleaders for those who were in Government, except  
330 Mr Phillips, who was a detractor of them then in the PDP, when they were in Government outside of the good book there were car parks, there was going to be a power station and a hospital. Were they hidden? Well, they were as hidden as the car park that we have done, the schools that we are doing and the power station that we have done. In other words, not hidden at all. They were just as hidden then as they are now.

335 Mr Feetham in 2003 said he was against the PFI. He has been consistent in that from 2003 every time that Sir Peter has not been in the room, (*Laughter*) and I will come to an analysis of that, Mr Speaker, later on. All the others have blithely gone along with having things outside of the book – car parks and power station etc. When they did it, it was fine; when we did it, it is hidden. But do they see that there is actually a complete and utter symmetry between what they did and what we did? They invented it!

I think they have to continue to pursue this line – although Sir Joe really indicated to them why they should not – because if they did not say that, what would they say? It is very difficult to give an Opposition speech that says, 'We congratulate the Government because unemployment is down to record lows. We congratulate the Government because tourist arrivals are up. We  
345 congratulate the Government because of the work that Minister Isola is doing and how fantastically well the international bank is doing. We congratulate the Government for the work being done on the estates and for lowering the arrears. We congratulate the Government for the magnificent sporting facilities.' Mr Speaker, it is impossible. At least they congratulated the

350 Government, rightly, for the work that the Deputy Chief Minister is doing on Brexit and some of the work on air quality that John Cortes is doing – at least some of them did; some of them criticised it too. I recognise how difficult it is, given the reality of what we face them with and they have to invent something, but to continue to go down the same scratched record every year and that scratched record actually is the thing that they used to do themselves, denies them any credibility. If they do not make up a spurious argument, they have got nothing to say.

355 Of course there are Government companies – surprise, surprise – we inherited them. Of course we have borrowing – surprise, surprise – they introduced the concept. The borrowing is used for capital projects – surprise, surprise! I will demonstrate to them how they did that too and they were cheerleading at that time. (**A Member:** Rent-a-Goon's.) They have gone from cheerleaders to doing the rhumba of depression because of exactly the same music. The difference is that we are preparing the accounts of all the companies, which they did not  
360 prepare. We are catching up on some since 1996. Yes, we are late. Of course we are late: we are two decades late on the ones that they stopped providing since 1996 because we had to rebuild the accounts; and we are late on some of the accounts for some of the companies that we formed – yes, true. But should we stop everything because we have not published the accounts?  
365 Because we have not published the accounts of the companies of the companies that they did not provide accounts for, we should stop all activity just to satisfy one man's curiosity? Curiosity killed the cat and it is going to do for Mr Clinton's credibility. So should we stop the new schools and should we stop the Primary Care Centre etc. because we cannot satisfy Mr Clinton's curiosity? Of course we should not, because our community matters more than his curiosity,  
370 even if accountant says no.

We are almost there with all of the years of Credit Finance Company Ltd. It is not for lack of trying that we have not been able to complete the accounts, but the problem is that the economy that we are dealing with, the economy on which they have made no proposals, is firing on all cylinders. That means that accountancy practices are very busy indeed. The first few  
375 months of every financial year they are very busy with statutory deadlines for the banks and for insurance firms. They are busy because they have more business than ever, busy because Brexit has not destroyed business, which has stayed in Gibraltar. These firms do their statutory work ahead of anything else, and when they have done all this and they have resumed their work the accounts of Credit Finance Company Ltd will be ready.

380 I can assure him, Mr Speaker, that he will have the accounts filed in Companies House by the time we resume after the summer. And because it is a large company, the full accounts will be available to him, save for the first two years when it was not a large company, and then he can knock himself out. It will be balance sheet porn for him. (*Laughter*) He should not give us a blow-by-blow account of what he sees there (**A Member:** Ooh!) because we will have filed them, so  
385 we will know what is in them. I do not know what it was that went through the hon. Gentleman's squib there... [Gasp].

On Gibraltar Capital Assets, I understand he has had a conversation with one of the Government's advisers and he is satisfied with what is going on in respect of those accounts. On Gibtelecom the accounts have required an assessment of the pension scheme, and that is why  
390 they are delayed. On the Gibraltar International Bank, the magnificent accounts that they are going to file are ready. They are all in good time, so everything is going exactly as it should, subject of course to the underlying delay to the group of Government companies because of the two-decade delay that we have inherited from them. We will give the Opposition what they are required by law, which will be therefore much more than we ever had access to in respect of the  
395 same companies when they were in administration. We are, you see, Mr Speaker, a new dawn in that respect, but their night still casts a long shadow because it was *his* decision not to file the accounts.

But we are not here, not to discuss those accounts; we are here to discuss this book. This is where the appropriation comes from. *This* book is what deals with the recurrent income and  
400 expenditure of the Government and, as Sir Joe showed, it covers everything it has always

covered. That is what the House needs to assess. In fact, in respect of recurrent activity, there is precious little in the companies; precious little! *They* created the Bus Company – GJBS has been there not since the GSD, since the GSLP – and the Airport, Mr Speaker. Other than that, there is no recurrent income in the companies. That is it. And they put that outside of the book too. They  
405 put the Hospital outside of the book, they would have put the power station outside of the book and outside of the book they would have raised the cost of electricity to pay for it 5% a year for 20 years, 100%, or – as people remind me every time I say that on Facebook – more, because of the compound interest that that would have attracted. The car parks they put off balance sheet and the affordable homes, because the affordable homes have always been outside of these  
410 estimates. The first instance was the Hospital. The housing are large infrastructure assets; they have never been put through the I&D, and a good thing too. Doesn't he know, or has he forgotten, or has the lack of corporate memory denied them the ability to understand the importance of the case against GRP in Madrid? Maybe he does not know – that is why Mr Phillips speaks from complete ignorance.

415 When the GSD were in administration they marched off site a Spanish contractor at Waterport Terraces. The liquidator of the Spanish contractor is suing the government for many tens of millions of pounds in Madrid – suing GRP, of course, because the housing is done through a company, not here; otherwise the claim for many hundreds of millions of pounds would have been against the Government for a Spanish liquidator. It is a good thing that the  
420 liabilities of the companies are not the liabilities of the Government, and if there was a Government guarantee for the liabilities of the company, hon. Gentlemen would know, because they cannot pretend that the companies have guarantees of the Government because the Government cannot guarantee constitutionally and under the Public Finance (Control and Audit) Act without coming to the House for a guarantee.

425 So we have done exactly what they were doing. The power station: tick, just like them, in a company. The car parks: tick, just like them, in a company. The houses: tick, outside the book, through a company, just like them. And now the schools are going to go outside of the book. So what? I have told them already. I told them in answers to questions that we would make an announcement as to the financing of the schools when we had finalised the details of it. Well,  
430 Mr Speaker, isn't it obvious? This is hardly a mystery, although frankly he is casting himself a little bit like Inspector Clouseau here, creating mysteries when things are straightforward. We told them the schools that are being built at the site of the new comprehensives are going to cost £52 million, so where is the secret? It is true that that £52 million is not reflected in the book, but I have told him we are not doing them through the book, just like the cost of the car  
435 parks that they did, the cost of the power station that we are going to do, the cost of the Hospital etc. It is that simple. [Their virtue, in having done it that way they pretend is our vice for doing exactly the same thing.] In fact, when we debated it – again, because we have debates with them at Question Time, not at debates time – the Hon. Mr Feetham did an analysis to attack us for doing the schools too efficiently at cost. The sum total of the GSD attack on the  
440 new comprehensives and the financing of them was to say, 'You're building too cheaply. Are you sure you're going to build it for this?' In fact, Mr Phillips yesterday said, 'It is going to cost £75 million. It is not going to cost £52 million, it is going to cost £75 million because it is not fitted out,' and Mr Feetham did one of his alchemic calculations and said, 'You're building for less than £1,000 per square metre. This is not possible, surely, because nothing has ever been built this  
445 efficiently before.' So, in fact, there is efficiency here, no mystery. I am not Agatha Christie writing a mystery book for the hon. Gentleman. He is no Hercule Poirot exercising his little grey cells. He is more a Clouseau, bumbling over himself even when the evidence is just in front of him.

450 Given that he presents himself as a financial guru, the expert on public finance etc., it was so poor of him to get up and deliver one that he had prepared earlier in the light of the statement that Joe Bossano made going exactly to the core of what he was going to say, that he demonstrated that he is no expert at all; very poor indeed, ignoring everything Sir Joe had said.

And indeed, Mr Speaker, if any of this company borrowing outside of the book were a valid premise on which not to support the Budget, on which to vote down the Budget, then it would  
455 have been just as valid a premise on which they should have voted down all of the GSD Budgets from 2002 when capital expenditure starts to be channelled by company borrowing under the GSD. What happens in each of those Appropriation debates? The GSLP votes in favour of the Budget. I will provide that in detail when I come to respond to the hon. the spiritual leader of the Opposition's speech, that of Mr Feetham.

460 I am going to go now, in more minute detail, not just through the concepts of what Mr Clinton has said but through the actual detail. He asked me for answers, so I am going to give him the answers, but he is not going to be very happy when he hears them; he is going to be very embarrassed, I think. In doing so, Mr Speaker, I will uncover that this is no Big Lie Budget, but that theirs was a big fraud reply. I will show that his theories are twisted and that they are  
465 designed to twist the figures, and in that way it is his approach which delivers the financial trickery of which he – disgracefully, in my view, and unfairly – accuses all of those officials who prepare the numbers that go into the good book. So I accuse him, Mr Speaker. *J'accuse* Roy Clinton of being a transparent political fraud of the highest order and I am going to prove it. I am going to prove that he and Mr Feetham are of course entitled to their misguided opinions,  
470 but what they are not entitled to do is to make up the facts as they go along. That is twisted, that is trickery and that is political fraud.

One thing that will become clear is that although Ms Hassan Nahon wants to exclude white male lawyers from this House, it seems that Mr Clinton would love nothing more than to be a white male lawyer, given his attempts to build a case against the Government, although I think  
475 he tried to argue like an unconvincing middle-aged Rumpole and he tied himself in knots. There is nothing worse than an accountant trying to be a lawyer – or a lawyer pretending to be an accountant, to be fair. Only a very special creature could command both of those disciplines, and he is not one of them.

His first lament was that there is no Finance Bill: 'There is no Finance Bill,' he said, 'so I have  
480 no time to consider what has been announced as a Budget measure.' Well, if that were a good reason to vote against the Budget, a very good reason to have voted against every single GSD Budget. There has been no Finance Bill in this House with the Budget since 1996. This is what he said:

Indeed, we in this House today do not have the ability to debate or vote on those Budget measures as all that is before us is the Appropriation Bill. If we had a proper Finance Bill, Standing Orders would allow for a reasonable recess to enable the Opposition to digest the measures and prepare a considered response. Evidently, Mr Speaker, the Government has no interest in scrutiny by the Opposition and regrettably there is not a great deal we can say about what he has announced today.

Mr Speaker, let's be very clear: there is no democracy in the world where the Government  
485 turns up for a Budget with pre-printed drafted measures, because to do so would impact on the measures themselves. Duty is increased almost retrospectively, otherwise we would be giving importers an unfair advantage. Of course it is a surprise, because if there were a leak – if we produced a Finance Bill for discussion – then the exchequer, that of which he wants to be chancellor, would be deprived of revenue. If we were to do that we would be accused of not  
490 looking after the taxpayer's interests. The Budget is intended to be a surprise, in the United Kingdom, here and everywhere else. The public speculate about what might go up and what might go down and only a handful of trusted advisers know for certain what is going to happen. That point is so straightforward he is embarrassingly wrong. Or does he think that in any other parliament in the world people are given advance notice of a Bill that says tobacco will go up by  
495 50p and not see MPs rushing out to get a carton of 20 and fill their cars with diesel on the Saturday or Sunday before the Chancellor announces the Budget?

Then he moved on to the issue of Budget expenditure and he said:

Total recurrent revenue peaked at £655.7 million in March 2017 and we now see the outturn for March 2018 to be lower at £635 million; and yet recurrent expenditure as a proportion of revenue ... is growing from 88% in 2017 to 94% in 2018, and in the estimates for 2019 to 96% ... This is a worrying trend that does not allow for much of a buffer should Government revenue suffer a downturn next year ... And in those percentages I have included already the £25 million that is appropriated to finance Government Companies ...

500 Thank you for recognising that we do that, which was never done by the GSD – give  
£25 million to fund the companies that they set up. We started doing it in our first Budget after  
re-election in 2011, demonstrating therefore that there were companies that needed money.  
And if he does not believe that, he should read the doomsday memo I received from Dilip  
Dayaram.

505 He says the threshold between the Government's income and the Government's expenditure  
'is going to go from 88% to 94%, and I am very worried about that, and next year it's going to go  
to 96%. I'm very worried about that, that ratio from 88% to 96%. I am very worried about that.'  
Keep in mind the issue of that 88% ratio, Mr Speaker, and he says it is worrying because it is  
going to 96% ratio.

510 Governments are prudent. We underestimate revenue and we overestimate expenditure.  
That is how you do these estimates to ensure that you do not come a cropper. That is not novel.  
Even a rookie accountant should know that. But if you look at the last 10 years' estimates and  
compare to the forecast, you will see that Government usually exceeds the gap – always, every  
year – by some margin. In other words, Government revenue is usually more than estimated –  
that is why we have estimated conservatively – and Government expenditure is usually on or  
thereabouts. In the time we have been in government we have made, on average, 141% above  
515 our estimates. That means that our outturn was almost 2.5 times the estimated surplus when it  
comes to revenue. I am not saying that Mr Clinton is wrong to be cautious – he is right to be  
cautious; we are cautious too – but what he should not do is to try and mislead or twist in doing  
so. That does not mean that next year will be a fabulous year. I do not know what sort of year it  
is going to be, we will see towards the end of the year, but we on this side of the House at least,  
520 and I think everyone in our community perhaps, except him and them, hopes that it will be a  
very good year indeed. What we do is we apply a consistent approach, a consistent formula to  
estimating and forecasting; and if we get it wrong, we get it wrong, but what we should not  
allow is that somebody should try to mislead and manipulate the figures. That is what he has  
done. He has manipulated the figures in order to get to this idea of a ratio of 88% going to 96%,  
525 and I will demonstrate that.

530 Manipulating the figures is like massaging the figures, that thing which Mr Phillips in one of  
the banker phrases that he has regard for decided he would accuse me of: massaging the  
figures. Well, Mr Speaker, he is about to find that the only masseur in this House is Mr Clinton –  
and he did not give us a very happy ending in the massage that he pretended to give the figures.  
He tries to argue that the revenue is becoming unbalanced: 88% ratio, 94% ratio, 96% ratio. This  
is a geeky point, but it is important to understand it and it is important to show how he got it  
wrong – embarrassingly wrong, in fact. He uses the average margin of ratio over 22 years to say  
that there is a worrying trend that does not allow for much of a buffer. That is how he gets to his  
ratio of 97.7%. In fact, what he is trying to do is baffle us all. With his crooked calculator what he  
535 is trying to do is to look for an outcome that will somehow paint the worst picture of the  
economy. He obviously thinks that all the rest of us are intellectually bereft, or that we will be  
overpowered by his magnificent prowess. But we are not, Mr Speaker. It is a simple calculation  
of averages and percentages. What he tries to do is to try and misdirect the eye of fellow  
Members of the House and of the community.

540 Let's remember what he said: 'recurrent expenditure as a proportion of revenue ... is growing  
from 88% in 2017 to 94% in 2018, and in the estimates for 2019 to 96% ... a worrying trend that  
does not allow for much of a buffer ...' Those are his words, Mr Speaker – direct quote. This is a  
complete, fraudulent, manipulation of the facts. It is not correct because he does not compare  
like with like. You see, when he quotes the 88% for 2017 he is quoting the ratio for the forecast



545 outturn – (Hon. R M Clinton: No. Actual.) No, forecast outturn, and as I have said previously, we  
always underestimate revenue and we overestimate expenses, as any prudent accountant does.  
Therefore, estimates laid before this Parliament for the year ending 31st March 2017, for which  
he quotes 88%, actually reveal a 97% ratio. He has got his numbers wrong. He has got to get out  
550 the crooked calculator again. He has got his numbers wrong, so for 2018, the outturn for that  
year is indeed 94%, but the estimate when it was laid before Parliament for approval actually  
projected 97%. So if you want to find a trend and you compare apples with apples and pears  
with pears and you do not take a melon and compare it to a *chirimoya* (*Laughter*) the trend that  
you see is this: for the financial year 2012-13, 96% ratio; for the financial year 2013-14, 97%  
555 ratio; for the financial year 2014-15, 94% ratio; for 2015-16, 97% ratio; for 2016-17, 97% ratio;  
for 2017-18, 97% ratio. Can he see the trend? Or shall I spell it out for him? There is no jump in  
ratio from 88% to 94% and then 96%. There is almost a metronomic, steady, consistent ratio of  
96% to 97%: metronomic, consistent, prudent, cautious; no jump from 88% to 94% and then  
96%.

560 So was this a rookie error again? Or is this actually an attempt at public deception? Well, he is  
no rookie anymore. He has been here for three years, so I am no longer going to give him the  
benefit of the doubt. We can no longer incline towards thinking that he is making mistakes. We  
have to incline towards thinking that this is an attempt at public deception.

This is hardly the worrying trend that Mr Clinton suggests, because if you look at the ratio in  
565 the times when he was a cheerleader for the GSD, the ratios were still 96%. In 2004-05 the ratio  
was 99%; 98% in 2005-06. It carries on in the mid to high 90s. In fact, if they had contributed  
£25 million to the companies in expenditure, their ratios would have been off the 100% chart. So  
he had better get out the crooked calculator again and start doing the numbers and not pretend  
to say that there are ratios out there which should scare people, because the trends that he  
calculated are wrong. The trends are wrong. He needs to stop trying to fraudulently deceive  
570 people, which is what he is trying to do, especially given the huge deficit that they left us in the  
companies, a real deficit – in other words, when there is not enough money, not a surplus,  
which is what he calls a deficit.

And then he moved on, with even less luck, to an analysis of the Consolidated Fund. He said:

Mr Speaker, I was shocked to see that for 2019 the Government is actually projecting ... a budget deficit

– a budget *deficit*, he said –

of £19 million, *without* taking into account its contribution to Community Care *even* at its 2018 level of  
£15 million.

575 This is a continuation of the attempted public deception, a continuation of wanting to pull  
not the wool, the whole sheep in a jersey over people's eyes. Once again, Mr Clinton's Inspector  
Clouseau tried to play with the figures and tried to turn something that is transparent and  
positive into a negative, untrue mystery. By no stretch even of Steven Spielberg's imagination, or  
of the numbers as elastic as he might want to make them, are we projecting for a deficit of  
580 £19 million, or any deficit at all. It is just not there. If he thinks it is, he should have gone to  
Specsavers. To say the contrary is to turn Mr Clinton's Budget reply into what it is: the Big Lie  
Budget reply. We are projecting for a *surplus* of £24 million. That is how surpluses are measured.  
The surplus is added to the opening cash pile and the remaining cash is applied to the I&DF and  
gifted to Community Care. To say there is a deficit is utter nonsense, so much nonsense that  
585 there is no definition of deficit even in the *Longer Oxford English Dictionary* of 20 volumes –  
which is my prize possession – that can be relied upon to make out the case that he advances.  
He is getting quite nervous now, Mr Speaker. His fingers have gone, he is holding up the book,  
he is getting shaky. He is calling black white – or, in his case, he is calling black beige. He is  
deceiving in the face of the facts.

590 Take the last year of the GSD, the year 2011-12. They projected for a surplus of £21 million  
and they projected for a contribution of cash after the surplus of £86 million. By Mr Clinton's  
newfound measure, the GSD would have been projecting a deficit – a GSD deficit – of  
£64.5 million. If we apply his calculation to their book, the GSD went into an election year with a  
projected deficit of £64.5 million. Does he now understand how foolish his point is? The knight  
595 would not be pleased to see his final financial legacy to the people of Gibraltar to be a Clintonian  
definition of deficit of £64.5 million. Is that seriously what he is saying? Of course he is not  
saying that, Mr Speaker. Nobody can interpret the figures in that way and we will not allow  
them to distort the figures in that way either, but it shows his complete and utter transparent  
hypocrisy.

600 He is supposed to be, in the presentations that they do of him, a shrewd accountant: he  
should know the difference between surplus and cash. And as we have explained previously, the  
obligations to the Ministry of Defence under the land deals require us to pay now those  
developers and contractors who are building the homes that we deliver under the lands deal,  
although we will receive the income in respect of the tenders of the properties sold in the next  
605 financial years. But that was Sir Peter Caruana's land deal and his timing, by the way. We are  
performing on their obligations. As I told the House earlier, that means next year when the  
estimates are prepared you will see a large cash receipt anticipated in the year 2019-20 – not  
this book, the next one – when we sell the properties out to tender, and then there will be no  
need to contribute spare cash into the I&D. I said in my speech there was this two-year effect. I  
610 could not have been more open about it, but I should not be surprised that he ignores it,  
Mr Speaker, because he even ignored everything that Sir Joe Bossano said about the companies.

Then he went on to the Improvement and Development Fund. He said this, as if he were a  
political Pontius Pilate:

the Improvement and Development Fund ... has signed a death warrant for this Budget if it needed one.

This is because:

in 2018 it is being emptied such that from an opening balance of £7.9 million it is being left with nothing more  
than £319,000.

615 This was, Mr Speaker, as much nonsense as everything else that he said: a 'death warrant'  
with £319,000 left in the I&D. In fact, I almost feel uncharitable for having accused Mr Llamas of  
doing the in-and-out dance – in, out, in, out, and shake it all about – in politics, because the  
person I should have accused of doing the dancing is Mr Clinton. He is doing the Twist all the  
time, every time he gets his calculator out, what he does is the Twist. He tries to twist every  
620 single figure, or at least he is trying to bend everyone round the twist trying to concoct an  
absolutely untrue and nasty argument about the estimates.

The first point I will take to disabuse people over the trickery he attempted is to explain the  
I&DF. I am sorry that I have to explain it, but unfortunately it seems he does not understand it.  
The Improvement and Development Fund is a fund the Government uses to meet capital  
625 expenditure. This will be relevant to the explanation I give him later in respect of the University.  
The balance of the Improvement and Development Fund at the end of the year is added to the  
Consolidated Fund and forms part of the Government's total cash reserves. So it does not really  
much matter where the cash rests, be it in the Consolidated Fund or the Improvement and  
Development Fund; it is the total of both of these funds that make up the cash reserve. Has he  
630 got that? But because now he says that this is the death warrant of the Budget, I am going to  
have to explain it.

He said so much about the cash reserve being left at no more than £319,000 in the I&DF that  
he has tried to pretend it is a problem. Well, what happens every year is that unless there is a  
capital profit in the form of land sales or another capital item, is that an amount of money is  
635 transferred from earnings to fund the long-term capital items. It is the equivalent of a family

taking an amount from their salary and using it to refurbish their kitchen or bathroom, a one-off thing they are going to do. It is not something they do every year, they do it on a one-off basis; that is why it is capital – it is not an annual event.

640 We inherited an Improvement and Development Fund in December 2011 at £337,000 – death warrant territory, by the definition of Mr Clinton, but of course the death warrant should not be for this Chief Minister, it should be for the knight that he eulogised. The end of that year it was supposed to be at £750,000 – not £7 million, £750,000. In the two previous years the balance for 31st March 2011 was £500,000, death warrant territory; but in December 2010 it closed at £124,000, double death warrant territory. And the Minister for Justice then was the  
645 Hon. Mr Feetham, Gibraltar's second Minister for Justice – as I will explain in a minute, not the first. A hundred and twenty-four thousand pounds: double death warrant territory, because if death warrant territory is £317,000, what is £124,000? Does he want to kill Sir Peter twice for that? Low balances in the I&D are nothing new and nothing that should sign the death warrant of a Budget, as Mr Clinton has sought to so dramatically put it. And what happens in the  
650 following years shows my Government's prudence, Mr Speaker.

Mr Clinton should know it was the GSD that entered into the lands deal with the MoD, so we acquire land from the MoD but before we get it we have to build them homes for their people because their people are living in the properties that we are going to take. So, in 2012-13 we receive some plots of land, which are not residential, in some other areas and we get some land  
655 sale value in, but then we have to start building. We receive £11.1 million in that financial year and during that year we spend £0.9 million in what are known as 'relocations'. So, at that time we had received £10.2 million more than we had paid out, but in order to ensure that this £10.2 million was not spent on things which were not the MoD lands deal obligations that we had, my Government made the prudent decision that the money should be left in the  
660 Improvement and Development Fund. (**Hon. Sir J J Bossano:** Ring-fenced.) It was ring-fenced for the purposes of meeting the obligations of the lands deal which they entered into. And so the closing balance in 2012 - 13 was £10.7 million: £124,000 under them, £10.7 million under me.

The work then continues, and so by 2013-14 a further £4.7 million of sales, of the less large parts of the MoD estate which we acquire, but we spend another £2.3 million, so the balance of  
665 works over receipts of income etc. was £12.6 million, which stays in the Improvement and Development Fund because my Government makes the decision to ring-fence the money in there, to be prudent and to ensure that we can deliver on our obligations. The same happens in 2014-15 and 2015-16, where the I&D grows further to £14.1 million and £19.4 million respectively, reflecting that obligation and where we are on sales versus the cost of building  
670 those relocated properties for the MoD.

And then the balance starts to shift. In 2016-17 we are doing more work but we are receiving no properties by this time, so we are doing no sales. But this was planned for, it was designed to be that way – and they planned it. We inherited that and that timeline. What we did not inherit was the obligation to keep the money in the I&D; that was our decision, but they planned the  
675 works – the period of the works and the handover of properties and when those would come – with the MoD and we adhered to it. So it cannot be a surprise to them unless they are not talking to each other, unless they do not know what the GSD left hand was doing now that the GSD right hand is complaining about it.

So, rather than top up the I&D Fund we run the balance down, because that is what the  
680 money was there for. The money was there for the building of the MoD relocation, so that is what the money is being spent on. And so the estimate for the year ending 2018-19 is that the Government will have spent £59.4 million on the facilities at North Front and will have received at that point £23.6 million, because it is when the MoD move to those new properties that we have built that we then get the properties that we are selling. That is why it is not necessary to  
685 keep funding the I&DF, not for any other reason. The Government has used the fund in the book as a tool to ring-fence and keep tabs on the money, on this specific project, and show and monitor for ourselves and for the House how the balance of the payments to the MoD is going.

At the end of this year, if everything goes according to plan, we will have spent £35.8 million more in delivering the relocations than the Government has received by way of revenue. I said as much in my speech. I told him there would be that two-year effect, but we also expect the revenue to come in the year 2019-20 to correct the imbalance – and we would have expected an accountant to understand that. Sometimes the flows do not occur in the same financial year, especially when you are building, but it is a commitment by the GSD in their last MoD lands deal which is contributing to the reducing cash whilst we continue to project for a surplus. It is no death warrant; it is the honouring of the agreements that they entered into. In fact, the balance of cash is made up of both the Consolidated Fund Balance and the I&DF balance, so it is either a rookie error or it is a mischievous accountant trying to distort things. In fact, Mr Speaker, I think now I have demonstrated that he should not call himself Rooke on Twitter, he should call himself Rookie – he should add an ‘i’ if he wants to have any credibility left, because better a rookie than a crook.

But given that the above balance is not really an issue, if £319,000 in the I&DF is a death warrant, what does he think about the £500,000 it was in 2011 or the £124,000 that it was in 2010? Is he going to turn a Nelsonian blind eye to that? If reducing it from £7.9 million to £319,000 is the death warrant, then the bubonic plague must have hit the I&DF in 2011 because in 2010, where I have told him the closing balance was £124,000, it reduced from an opening balance of £85,281,000 to £124,000, a reduction in the year of £85 million. How many death warrants does that deserve by his standards? We did not seek a death warrant, we did not disown the Budget, we did not distort it; we voted in favour.

What is happening is that the results that we are producing are too good and hon. Members opposite do not want to comment on them favourably; they just want to rubbish them and so they want to concoct trends and they want to concoct death warrants. The irony is he tries to turn our success against us. He turns a huge positive into a negative, or tries to. It is typical, but there is no chance, Inspector Clouseau, that you are going to get away with that. There is no mystery to resolve here. It is straightforward and honest, like people at the Treasury and the Ministry of Finance who prepare the estimates, straightforward and honest people, and those are the things he tries to twist.

Mr Speaker, he should listen carefully, I will say this only once: he is trying to cook the books. He takes the largest forecast outturn surplus ever produced in this Parliament, of £75 million last year, and he tries to identify a ratio that suits his purpose of 88% of expenditure over revenue. Next, he takes the forecast outturn for the year gone by with the Estimates Book that is before the Parliament for approval, an estimates book which he in any event had concluded was not worth voting for. And so a year with a very creditable surplus of £36 million higher than the ones that they ever declared, but of course does not produce the result that the £75 million one produces in ratio terms, he says produces a ratio which is unacceptable.

Mr Speaker, what you have there is the start of a sequence that shows what he alleges is the worrying trend, and then he tries to establish that and says we are going from 88% to 94% to 96% etc. But that I have demonstrated is also not true, so neither the death warrant nor the ratios. There is nothing here to warrant any of the concoctions that the hon. Gentleman is doing.

In fact, Mr Speaker, he is so embarrassed he is hiding behind a newspaper. He has not got his favourite beige *Financial Times*, he has got the magnificent *New People* in this House, (**Two Members:** Hear, hear.) (*Banging on desks*) and there is nothing better to honour the memory of Juan Carlos Perez than to see a Member of the GSD, who banned the *New People* from No. 6 Convent Place, reading the *New People* in this House out of sheer embarrassment and wanting to hide his face because the beige-pink pages of the *FT* would not do so.

But if he has the obvious transparent contempt that he has for me and for my people, and supposedly for the people of the Treasury and the civil servants, and he thinks he has these supposedly superior abilities as an accountant, he just could not believe that we would be delivering these results. The narcissist in him could not see beyond the end of his nose, Mr Speaker, so either he has not bothered to work out these ratios, he has not bothered to work

740 out the issues in the I&D before 2010-11 or he just wants to do anything he can to persuade  
someone, somewhere that this economy is going to crash – he is almost willing it to happen –  
but the evidence just makes it impossible for him to persuade anyone. If anything, what we  
show is consistency of approach – because this is not Congo, as he put it, in an obvious clearly  
745 racist slur designed to cast aspersions; this is a mature democracy where things are done  
properly. Our civil servants, our Financial Secretary, our Treasury, our Ministry for Finance, all of  
them act properly and they are the ones he is attacking. Perhaps, Mr Speaker, what has  
happened here is that he is scarred by his own experience. The last time someone gave him a  
consistent return year on year of 12% and his bank invested, we know what happened: he sent  
750 all the money to New York and it never came back. I should remind him that our estimates are  
delivering metronomic consistency.

Mr Speaker, consistency is a good place to start talking about his contribution in relation to  
the University. As the Hon. Minister for the University explained, the position is not as  
Mr Clinton alleged. Instead of us tripling the cost from £500,000 last year to £1.5 million, what  
has actually happened is that the contribution to the University has decreased from £1.9 million  
755 to £1.5 million, a decrease of 25%.

I see he is reading the back page now, Mr Speaker, which is a particularly good part of that  
newspaper. I assume he is just looking down and listening out of sheer terror at what is coming  
next!

760 He keeps asking us for the accounts of companies, he keeps asking us for those, but why does  
he want them? What does he do with them? Because either he does not understand them when  
he gets them or he just tries to twist them for his own objectives.

For the record, Mr Speaker, the accounts for the first full year of the operation of the  
University cover the year 2015-16 – in this case, it is 1st August to 31st July each year – and they  
are available to the general public on the University's website. They also include the first period  
765 of incorporation. From the first period, in July 2015, £441,951 was spent by the University in its  
recurrent expenditure, and that can be seen on page 17 of the accounts under the heading  
'Financial Review of the University'. I have the accounts here. If hon. Members cared to look at  
page 17 they would see exactly the amount I am telling him: £441,951. That amount came  
entirely from Government funding and came from within the figure of £6,000,792 of funding for  
770 the University by the Government.

There are different accounting periods here, Mr Speaker. Some of them end in March; ours  
and the University's one ends in July. But you can see this if you look at page 178 of the  
Estimates Book under the actual column heading for 'Funding University of Gibraltar'. The  
balance of the money was spent on the refurbishment of the premises and other capital items –  
775 like equipment etc. – typical of something being set up.

The next period for the University was the first complete year of accounts, the year ending  
July 2016. The University opened in September 2015. During that year a further £1.7 million  
were the total running costs. Despite the accounts covering a full year, anyone with an  
accounting eye would understand that there are costs for the period of operation that reflect  
780 less than a year. During that period, according to the University's accounts, the Government  
contributed almost £1.8 million to recurrent expenditure of the University with a significant  
amount contributed to finalise the construction of the building before the whole thing opened.  
If we take the Estimates Book for this year again under the 'Funding of the University' you will  
see that we contributed £1.8 million. It is on page 176. If you add £6,796,613 contributed by the  
785 Government in 2015-16 and the £1,807,387 contributed by the Government in 2016-17, you  
come to a total contributed by the Government to the University of £8.6 million. That is when  
the estimates were debated last year.

At that time, in this debate last year, Mr Clinton knew that the University was open – of  
course he did. He knew the University had started trading – we all did. Indeed, he could see for  
790 the first period of account, from the University's published accounts, it needed £1.8 million to

run that first year of operation, which was less than a year. Their accounts, the University accounts, say two things:

Direct grant funding from HM Government of Gibraltar represented the bulk of the University's overall income.

That is under 'Grant funding' on page 18. And under the heading entitled 'Looking ahead', it says:

The University expects that it will have a continuing need for support from the Government after the original £10 million appropriation is fully utilised in order to be able to meet the ambitious expectations that have rightly been placed on it and maintain financial stability.

795 But remember, Mr Speaker, their accounts are to July and that therefore the 2015-16 University accounts were available *before* the last Budget session. He did not have to ask for them from us; they were online.

The accounts of the University online say this:

The University's budgeted expenditure for the year to 31st July 2017 will be kept within budgeted levels of grant income tuition fees.

800 In other words, the University needed the same amount from the Government – which, as we have seen from their accounts, is £1.8 million.

805 So, with all of that information which was in the public domain etc., how did Mr Clinton think that £½ million under the recurrent head was going to be enough? What did he think last year we were giving them? A third of what they needed? A quarter of what they needed? What did he think the £1.4 million under the I&DF was for? Did he think we had been able to defer payment of the capital costs of the University when it had opened in September 2015? It had been open for some time. He knew the capital costs had been paid. He knew they were in the region of £6 million. But he has such an insatiable desire for accounts that when he gets them he does not seem to want to read them or understand them. Maybe he is just a hoarder of accounts and does not actually bother to read them. Then, when the Estimates Book is presented, he votes against it. But then when he picks up statistics, he has tried to discredit the Government by saying we are tripling the cost of the University.

810 All of this, Mr Speaker, you might have said, 'Well, it was all a confusion, everyone's entitled to have an off day, maybe he made a mistake; nobody's pretending they are perfect – even Mr Clinton's not pretending he's perfect.' But we have to look at what we actually said to each other last year, because all of these things I have referred to are accounts that he may have seen or may not have seen. What did we say to each other?

815 This is Mr Clinton's question last year on Friday, 8th July in this debate, in the Committee Stage and Third Reading:

Thank you. Mr Chairman, the last item down the list is the University of Gibraltar. I see a further amount of £3.25 million required for this coming year and £6.7 million for last year.

Is this to cover capital, I presume it is capital cost, is this part of the overall £10 million funding originally announced to the university and is it envisaged that this will be the final amount that the Government will be contributing towards the university.

And perhaps as a final rider, has the university provided any financial information to the Government as regards its funding requirement?

Mr Licudi, DPP, then says this:

this is just a balance of £10 million which I had announced would be contributed by the Government to the university. We have made some capital expenditure and there is a contribution to the university which is ultimately going to reach £10 million and that represents the balance which is payable in respect of that £10 million which had been previously announced.

820 Up to there, he can still rely on the fact that all of these things may have just led him to have an off day. But of course, Mr Speaker, as those of us who have been in this House with him know, he does not leave it there:

Mr Chairman, thank you very much for that. Is there any reason why the full £10 million was not paid up front?

There are some interjections there, Mr Speaker – I suppose it is Mr Bossano fainting at the thought of just giving somebody £10 million without accountability.

825 Mr Licudi says:

Simply because it was not necessary. The university did not need £10 million up front. It was originally a Government project and we were spending money on the project as and when we were required to spend those monies on the capital expenses and then on the recurring expenses once we started engaging staff.

The university then became a statutory body and has become an independent institution and we now have a contribution to make to the university as and when they require the money, up to the £10 million which we had indicated we would be contributing.

So there Mr Licudi had talked about the £10 million covering the recurrent. Up to there I would even now be prepared to give him the benefit of the doubt in respect of having missed it. What did the Hon. Roy Clinton say last year on 8th July in this debate at the Committee Stage?

830 The next thing he said – ‘by the mouth dieth the fish’, as we say in Spanish:

So, Mr Chairman, would I be correct in saying that the £10 million would cover both the capital cost and initial running costs of the university and how many years would that cover in terms of running costs?

Well, Mr Speaker, he says therefore in that question, ‘Ah, so the £10 million goes to recurrent as well as capital, does it?’ and the Member of the Government that is not transparent, that does not give information, that is hiding things, that does not deserve support for its Budget, says this:

Mr Chairman, that is correct. It covers the initial capital costs and the running costs of the university on the basis that it is a contribution to the University of Gibraltar Limited.

As I explained when we launched the project, and in particular we brought a Supplementary Appropriation Bill, I seem to recall in respect specifically of the £10 million and I explained exactly how those ... were going to be split up.

We anticipated that there would be largely around £6 million in setup costs and an initial recurrent costs for the first year and the opening phase, and then approximately something like £2 million a year. So the £10 million was always intended to cover the initial start-up phase the first year and then two more years of operation thereafter.

835 ‘Thank you very much, Mr Chairman,’ said Mr Clinton.

So now you see it is impossible to give him the benefit of the doubt and think that he did not know specifically that the £10 million contribution actually was also to cover the recurrent costs of the University. He specifically said so. He might say, ‘Well, look, fair enough, you got me – I forgot.’ I could not be clearer that appropriation of £10 million was for both capital and  
840 recurrent expenditure. He knew it because he asked and he was told. Although the House had been told before he was here, whilst he was here, less than a year ago he asked that specific question and he had it answered.

But yesterday, or the day before, in answering the demolition job of his credibility that the Hon. Gilbert Licudi DPP – I mean MP – did on social media, he posted this:

The Minister for the University needs to attend one of its accountancy courses. Doesn’t he know the difference between capital spend and recurrent expenditure? Last year’s capital spend was £1.4 million and £500,000 recurrent expenditure. This year estimated recurrent expenditure is £1.5 million.

845 Ouch! Oh, ouch! Oh, Mr Speaker, especially after the accounts I read him from the University, which he has got, and in particular his own words – ouch! Credibility self-immolated! We do not

need Gilbert Licudi to destroy his credibility – he has just done it himself. Talk about a grubby Facebook post, Mr Speaker. At least he does it in his own name; we will give him that much.

850 He must feel so embarrassed and deflated. How embarrassing must it be for him to hear me read his own words, which demonstrate that what he posted is so entirely incorrect, and in front of all his sycophants he has been shown to have got it completely wrong. The financial guru got it wrong on something as simple as recurrent and capital, on something as close to everyone's heart as the University, with all the accounts that he asked for, for everything, available, and his own words have demonstrated that he got it wrong. Double *ouch!* because he fought back and  
855 did not say, 'Sorry, got it wrong, let's move on to the next thing.' Double credibility-smashing incident. Inspector Clouseau is on the ropes now, totally lacking in credibility.

Let's move on from that particular embarrassment. Another point from the Improvement & Development Fund:

other than £1,000 ... there is no ... provision for the cost of the construction of the eight new schools which, as the Government has already disclosed, just the new comprehensives will cost £52.2 million in this financial year.

860 Another reason, apparently, not to vote for the Budget, as if the use of token provisions – one line of £1,000 – were something new this year and unsurprising. But this is a token provision, which is the common way of opening a line, as we say, to ensure that you can spend on a project and then you can determine how the project is going to be finally booked. It has always been used in that way. It forewarns the House that there is going to be that expenditure. And that expenditure may then not go through the book – it may be done in the way that they  
865 did it, through companies – but the initial expenditure may go through the book. It is normal. It has been done for years. So how can he say that because there is no provision for the cost of building the schools in the full amount – a balance to complete, in effect – this somehow deprives the Government of credibility? He knows that we have not gone to tender for some of the other schools, not yet. We have said that we are going to go for competitive quotes in  
870 respect of the other schools, so how can we put in a figure if we have only got the figure of £52 million? In fact, they have already worked out per square metre what it is going to cost without the fitting out. How can there be a mystery? I have said when we have finalised the financing options we will announce it, so how can this in any way deprive the Estimates – this good book – of the credibility needed to support it?

875 We have signposted that we are doing something, it is there in the book, we have said that we are thinking of doing it in another way and we have said we will announce it when the time comes. What is the difference with the Estimates for 2009-10, where there was token provision for a number of things? There was token provision for borrowing. In fact, there was token provision for borrowing which is something that does not display itself physically. So, if I say I am  
880 going to build schools and I say there is a line in and I am going to do it in some other way and I will announce how I am going to do it, I have said it and hon. Members know. But even if I did not say it, when I move Customs and I flatten the plot and Casais starts to pound, something is happening; and if there is a sign that says 'Building your vision' and it is the schools, they know what I am doing and they can then ask me, 'How are you going to fund it?' and I will say to them,  
885 'I will announce it when I am ready.' But what about the 2009-10 Estimates Book, which has that token provision – which they seem to be so objecting to these days – in respect of borrowing? Borrowing is not physical. Borrowing does not require piling outside of Varyl Begg. So you put a token provision in of £1,000, then you do a borrowing and nobody sees it; it is a metaphysical thing. But do you know what the forecast outturn was, Mr Speaker, for that £1,000 token head  
890 which the GSD in their Estimates for 2009-10 put in? Do you know what it was? Pop quiz – £189 million of borrowing. A head went from the token £1,000 to £189 million. From a position of gross debt of £200 million at 31st March 2009 end of year, the increase was by £189 million more, almost double the previous year. They doubled the gross debt in one year and they did it by filling a token head of £1,000, and at that time Mr Feetham was the second Minister for



895 Justice in Gibraltar's history sitting as part of the Government. That is what his party did. The  
hon. the greatest Gibraltarian of all time – according to some, Mr Speaker – did that and they  
did not complain, but they do now in respect of something which is physical, which is  
announced, of which they know the price and on which I have said I am going to make an  
announcement. Zero credibility. Inspector Clouseau fails to get his man again.

900 And then on the use of companies, Mr Speaker, as if this were something new. Joe Bossano  
gets up and gives them a brilliant thesis, explaining why it is absolutely right to continue doing  
that which they invented. *He* gets up, he ignores everything he is told, does not debate, just  
delivers the one he had prepared earlier. He is just so failing to engage that it is disrespectful to  
Sir Joe Bossano.

905 There are, in broad terms, three groups of companies. The passive holding companies – GAR  
Ltd, GCP Investments and Gibraltar Land Holdings Ltd – hold assets. Little change there between  
this administration and the previous administration. Active companies, the ones that carry out  
activities: the Gibraltar Bus Company, Gibraltar Air Terminal Ltd, GJBS, Gibraltar Car Parks Ltd  
and King's Bastion Leisure Centre Ltd, all of them in place before December 2011. I am pleased  
910 to see one of the people responsible for King's Bastion Leisure Centre Ltd, and for everything  
that that leisure centre does, in the House today, Mr Speaker – very welcome he is too.

The companies have not changed much. Many of them are funded directly by contributions  
from the Estimates Book, such as Gibraltar Industrial Cleaners or Gibraltar General Construction  
Company Ltd. They are funded from this overall contribution of £25 million, which is deducted  
915 before the surplus is calculated. Mr Speaker, that is important. I have declared a surplus of  
£36 million this year, as high as any surplus they ever declared before. If I had been Sir Peter  
Caruana, I would not have deducted £25 million before declaring the surplus. In other words,  
the surplus would have been £61 million under the GSD.

Mr Speaker, the 50-50 construction companies, which are there to construct the affordable  
920 homes: there is nothing new being done that was not invented by them, and in time immemorial  
nobody else has suggested that omitting these from the book is somehow financial alchemy, no  
one has said it is trickery – until Inspector Clouseau arrived on the scene trying to solve  
something that is not a mystery.

Car parks, well, they built car parks in this way with the rental income meeting the  
925 expenditure. We refinanced their loans on the car parks and got a better deal. We built a bigger  
car park but we also put a coach terminus in it which produces income. And in fact, if we had  
sold all of the parkings – Mr Phillips and Mr Clinton bought some; they might have bought more  
– it would have been cost neutral at Midtown.

And then there is the power station, Mr Speaker. Is it that building a power station funded  
930 through a company is somehow wrong? Well, they were doing exactly the same thing with the  
increase in electricity costs coming. That, however, was different in one particular way: it was  
completely secret that they were going to do that. They had said nothing in this House. That was  
not off balance sheet; that was off everybody's lips. When we arrived at No. 6 Convent Place we  
were told to pack our bags, to go to America on a roadshow with a particular bank to sell debt in  
935 Gibraltar to pay for the power station and raise the cost of electricity 5% a year for 20 years.  
Literally, get elected: step 1, doomsday memo, 'There's no money'; step 2, 'Pack your bags,  
we're going to America to raise money for the power station because that's what Sir Peter was  
planning to do the morning after the election.' That was secret, Mr Speaker. That was not  
financial alchemy, not worth supporting their estimates on. Maybe it is because they were going  
940 to do it. When they do it, it is fine, and when we do it, it is fraud.

We have taken the same line they took. We do not say that this is in any way a fraud, except  
we are not going to be raising the cost of electricity, and we have done a much better deal than  
they have done because we are going to have a loan repaid over a 12-year period. So nothing  
much has changed, Mr Speaker. The big offence, apparently, is we are going to put schools  
945 through this mechanism – but it makes a lot of sense to do so, and in fact some of the schools  
will also produce income because we are going to sell parkings under the schools, because

950 people in those areas want parkings. It makes a lot of sense to do this. Why is this so wrong? What is different to what they were planning to do? Or is it that he just did not know the party that he was joining? Does he not know what legacy it is that he is supposed to be defending? Did he really not look at what was happening? Is he so green behind the political ears that he is left to allege fraud – which is in effect what he is saying – in respect of the things that *they* did? Not the things we are doing; we did not invent them. Or the acquisition of the off balance sheet PFI funding, where they bought a hospital for £8.5 million and we are still paying and will be paying between £35 million and £40 million for it? At least Mr Feetham was always against it every time that Sir Peter was not in the room. But although Mr Feetham was entirely consistent in the defined circumstances I have illustrated in respect of being against the PFI, the current leader of the GSD was in the Cabinet when it was done. Maybe it was not much of a Cabinet then, maybe there was not much collective responsibility, but the current leader of the GSD – not the current incumbent Leader of the Opposition; we do not know how long he is going to be allowed to do the job for – was Minister for Health until 2000 and then, after that, Minister for Trade and Industry and Financial Services and was in the Cabinet when the allegedly infamous PFI deal was done. That was the first off balance sheet company borrowing that was done. Is that therefore now something that is wrong, despite the fact that they did it then and they invented it?

965 When they do things, Mr Speaker, we have to accept it is right; when we do it, it does not reveal the whole picture and we must vote against the pay of civil servants and we must vote to close down the Hospital. He turns everything that they did and was a virtue in their hands into a vice and a sin that must be punished into our hands.

970 He took great succour from the report of the Chamber. The report of the Chamber says that there should be an independent assessment because there is a dispute, apparently. Well, there is no dispute. They have just said that that which they used to do they think is wrong now. What the Chamber is doing, in my view, is like admitting that there is a dispute in relation to the sovereignty of Gibraltar or British Gibraltar Territorial Waters just because a Spaniard has claimed them. The Chamber report, before it says what he says it says – the sentence before, which he has shamefully failed to read, and if he were honest he would have read it – says this:

This administration, like the one before, has evolved a system of legal off balance sheet loans that have resulted in Government's account becoming somewhat opaque.

975 Because he said so. But they say in recognition that it was done by the administration before and they say it is legal, something which I note he and Mr Feetham have not attacked this year. They spent a number of years saying that this was illegal. After four or five years of hammering into them that they were doing it too, they have stopped saying it is illegal, but now they are still saying it is not proper. Even the Chamber recognises it is legal. This cannot be a genuine dispute. It cannot be anything other than, at its best, hypocrisy, or at its worst political schizophrenia, because you see, Mr Speaker, there is absolutely no drizzle for him to concern himself with. It might just be a bit of dandruff on his glasses, Mr Speaker, that he is confusing for drizzle. There are no two sets of books. There are two sets of principles: the ones they apply to themselves when they are in government and the ones that they apply to us. But this is not the Congo and we are not the boys from Brazil. What is clear is that if he were ever to become Minister for Finance, all this economy would get, all of our people, the only thing they would get from him is a no after no to every single project: 'Accountant says no' would be the answer to every request for funding in our community.

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990 I want to deal with Mr Feetham now, Mr Speaker, and leave the political carcass of Mr Clinton to fester, but before I start, given that he was the one who introduced the fact that they were going to vote no to this Budget, I want to remind people – everyone listening, every public servant, everyone who draws an emolument from the Crown – that everyone will be paid after 1st August, thanks to us voting for this Budget and Ms Marlene Hassan Nahon. Everyone will be treated in the Gibraltar Health Authority on the basis of direct universal medical

995 coverage, thanks to the vote of the Members of this Government and Ms Marlene Hassan Nahon. Every fire will be put out, thanks to the funding of the fire brigade because of the 10 votes on this side of the House and Ms Marlene Hassan Nahon. And it is not frivolous to say this.

**Minister for Health, Care and Justice (Hon. N F Costa):** Of course it isn't.

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**Hon. Chief Minister:** What if two Ministers had to go and travel and one Minister became ill? Mr Speaker, if we were not able to pass this Bill before 1st August because of their indulging their desire to vote against the Budget, there would be no money for salaries. We would have a Government shutdown. Or, if they had their wish and they had backbenchers the total sum of whom could outvote the executive, we would have no appropriation. What if I ask three  
1005 Ministers or four Ministers to go outside into the antechamber for a coffee when the time comes to vote? What would they do? What if they were the ones that had six and I had five because of ministerial illness etc? Would they then really so blithely say, 'Oh, we're going to vote no'? They are saying no as a silly gimmick. It is a show. It is gesture politics. They do not really mean no. No means yes when they put up their hands. They want to see the funding continue but they do not want to put up their hands. It is very dangerous to say no when you mean yes, **(A Member: Absolutely.)** but like everything they do, they say one thing and they mean another. Black means white – or black means beige. Their words and their actions are set on a completely divergent path. It is like their words and the truth, they never meet.

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So today, Mr Speaker, I will be asking that you call a division, so that history once again records exactly how everyone votes in this House, so that every civil servant knows who voted to pay them and who voted not to pay them, so that every patient knows who voted to treat them and who voted for them not to be treated, so that every child and every teacher knows who voted that our schools should open and who voted to close down our schools, so that every  
1020 police officer and every customs officer knows who voted to fund the law enforcement agencies and support the rule of law and who did not, so that everyone in our community knows who voted for the continuation of functioning Government and who voted to shut it down. But I guess there is one silver lining, which the Minister for Justice will not like: every prisoner will know who voted for them to be released and who voted for them to remain incarcerated. And every single Member of this House and every single person in this community will know that I am not making it up, that I am not just saying it as a catchphrase, because when it comes to the division they will hear Mr Clinton say no. The accountant will actually be on our television screens: 'Accountant says no.'

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Mr Feetham, however, of course was as eloquent as usual. You cannot deny the passion is still there, the fire under the six pack is still there. *(Laughter)* He built this great house of cards. Of course our common senior partner, a fantastic and honourable man who deserves the support of everyone in this House, always used to tell me that there was a QC in Gibraltar who used to build an edifice of eloquence in his cases – which I think Mr Feetham is trying to emulate – but that the way to beat him was to go for the bottom card because that is where the  
1035 fault lay, that is where the mistake and the logic was wrong. And that is what the hon. Gentleman has done: the usual morass of eloquently explained contradictions.

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I thought it started a bit like a valedictory speech, saying thank you to everyone who had helped him in his career etc., thanking us all for everything. Dr Jekyll had arrived in the room; Mr Hyde was not far behind, of course. But he was doing his valedictory on the same day that he was telling *Panorama* that he is thinking of staying in politics. *(Laughter and banging on desks)* So fair and foul a day I have not known, Mr Speaker! *(Laughter)* But then it started to flow. The Big Budget Lie reply started to flow.

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Let's take the first easy one. If I show, just like Mr Licudi showed with Mr Clinton, that he misled or lied or in another way was wrong, then how can they believe anything else that they say? Mr Clinton has the disadvantage that his political carcass is now entombed below  
1045 Mr Licudi's demolition job yesterday and the tank I have driven over his credibility today. So let's

start seeing where Mr Feetham lies in his new role as just the spiritual leader of the Opposition rather than the de facto current incumbent.

1050 The first thing he said in his valedictory was that he wanted to thank everyone who had helped him as Gibraltar's first Minister for Justice. He was not Gibraltar's first Minister for Justice. The first Minister for Justice in Gibraltar's political history was the man he calls the greatest Gibraltarian of all time – only he calls him that (*Interjection*) – who, in a ministerial statement in this House from this position, said on 26th February 2007 that he would be sworn in as Gibraltar's first Minister for Justice until the election. And so he was, Mr Speaker; I  
1055 remember the spectacle. But he repeats all the time that he was Gibraltar's first Minister for Justice – 'When I was first Minister for Justice ...' – although he was not the first Minister, he was the second Minister for Justice. It is about repeating a lie often enough so that people will believe it. He might have been the first Minister for Justice that had no other ministerial responsibility. He was Gibraltar's first and only dedicated Minister for Justice, because I suppose  
1060 the man he calls the greatest Gibraltarian of all time had worked out that he could only really do one thing at a time, whilst every other Minister for Justice Gibraltar has had since then and had before him had other responsibilities. Mr Caruana had other responsibilities, Mr Licudi had other responsibilities and Mr Costa has other responsibilities. So it is true that he is the only Minister for Justice Gibraltar has had who could not do more than one thing at any one time. That is  
1065 characteristic of the way that he builds the argument: 'I was Gibraltar's first Minister for Justice.' Well, you were not Gibraltar's first Minister for Justice – you have got the number one and the number two confused, and that goes through the rest of your speech: *all* the numbers are confused.

1070 He says he would never make political capital at the expense of the community! I am sorry, I am just remembering the last election campaign. But that is exactly what they are doing. They are doing it now, just like they were doing with the LNG nightmare and all the rest of it. They are misrepresenting reality to the whole of the community and to the international community, and that is bad for Gibraltar – although Mr Llamas, in a moment of his characteristic political honesty, said international investors do not listen to us; we can do what we like, they are not  
1075 listening. That is making political capital at the expense of the community. In other words, he does the exact opposite of what he says he is going to do.

1080 He says he is not going to pretend that the GSD is always right, but he says that on the public debt and the economic re-engineering they are right in identifying what we are doing and that that is completely wrong and improper and therefore it is right to vote against the Budget. He cannot take another position. Having been persuaded hook, line and sinker to accept the facile arguments that Mr Clinton put to him last year, and having taken the GSD from supporting Budgets to not supporting Budgets, what could they do? When the time came to decide what to do this year, they had to defend voting no because they either sacrificed themselves and voted yes, having voted no, or they sacrificed Mr Llamas, who is the one who is going to have to  
1085 change his vote. It was obvious what they were going to do and they had to somehow conject an argument to defend that, but in doing so – I am going to go for the bottom card in the house of cards that he created – did he miss, as he prepared his case ...? I do not mean to move him to tears, Mr Speaker. I do hope it is more a contact lens malfunction.

1090 **Hon. Sir J J Bossano:** It's the eye watering.

**Hon. Chief Minister:** It's the eye watering, yes. (*Laughter*) (*Interjection by Hon. D A Feetham*) I certainly hope not, Mr Speaker.

1095 Didn't he miss that the re-engineering happened between 1996 and 2011? He cannot have missed it. Like Mr Clinton when I read him his extract from the Committee Stage and Third Reading last year which demonstrates he knew the money was being used for recurrent spending in the University, he knows that the re-engineering happened under the GSD because he complained about it. When he was the leader of the erstwhile and putative Labour Party he

1100 used to say, and as he has said in this House, 'I have always been against the PFI.' So he cannot pretend that the re-engineering happened after 2011 and use that as the new putative reason to vote against the Budget – except, of course, when the man he calls the greatest Gibraltarian of all time was in the room he was sctum. But maybe now he also has to once again pretend that he was not against the funding in 2003 because his new leader, the current leader of the GSD, was a Minister when the funding was entered into, let's not forget, and there was collective responsibility even if there was not collective decision making, and a new hospital opened in February 2003 when the current leader of the GSD was a Minister and the funding was arranged when he was a Minister. That was PFI off balance sheet lending which we are still paying for and we have £35 million to £40 million to pay for. Mr Clinton was not there, but the current leader of the GSD was and he was in Cabinet – or whatever it was that they had in the Government – from 1110 2007 to 2011. He was a Minister when the Government of the GSD committed all of the mortal sins that he has complained of in the past 24 hours, all of them. I guess it makes sense because he has described himself as the fallen angel of the GSLP. We do not describe him like that, Mr Speaker, but just to make sure that we stick with the biblical allusions, what I have heard him described as in the GSD is as Judas – who is not one of the fallen angels but one of the disciples – 1115 not as an angel at all. He must see himself as he described himself to us during the Question Time, as a fallen angel, because fallen angels fall to hell and there they commit all sorts of deadly sins, including the deadly vice of company borrowing to fund capital expenditure.

And how deadly is this sin? Well, Mr Speaker, it is a mortal sin because it is mortal for his political credibility. In his first part financial year as Gibraltar's second Minister for Justice in 1120 2007-08 – remember, the election was on a dark, dank October morning in the middle of the year – a total of £50.3 million was spent on capital projects that year, £50.3 million on capital projects; £26.8 million was in the book; £23.5 million was spent through companies, almost 50-50. A mortal sin. But he did not vote for that Budget, because the Budget happened in June-July and he was elected in October-November. He was chairman of the party or something, I think. 1125 They give themselves nomenclatures by appointment in that party to give themselves – (**A Member:** General Secretary.) General Secretary, a very socialist name for a right-wing party! (*Laughter*) Yes, indeed, General Secretary. But I will not impute that to him, because he did not vote for the Budget. I assume that, given what we hear about collective responsibility in Cabinet in those days, if you were not in the Government how could you have control of that if you were 1130 just in the party? So I will not impute that to him. It was almost 50-50. The majority was spent through the I&D; a little less was spent through companies, but almost 50-50 – 46.7% was the ratio. But he has the temerity of accusing us of inventing the funding through companies of capital projects. He was General Secretary of the GSD but he was not in the House for that Budget debate, so let's put that to one side. If it was such a deadly sin and he should not be seen 1135 anywhere near it, he was not here when they did the PFI of the Hospital in 2003 and he was not here when they spent that amount, that 46% ratio through companies he was not responsible for because he was not sitting here at the end being told to shut up, as we used to see him – carrying just one portfolio he does not have that responsibility. But at least he knowingly joined the team that he knew invented it, because he had complained about the Hospital in 2003. He 1140 knowingly joined the team that invented it.

The following year, 2008-09, he was in this House for the Budget debate, so what happened to the fallen angel in the financial year 2008-09? It is the year of the financial crisis. He voted, as a Member of the Government, for that Budget in that Appropriation Bill. So did we, from there. In that year £80.2 million was spent on capital projects, £32 million was spent through the I&D 1145 through the book, £48.2 million was spent through the borrowing of Government companies, 60%, and he put his hand up and said yea to that, and for exactly the same reason he says now that he has to say nay to our Budget. That is what he calls the structure of companies and the funding through company debt of capital projects, the re-engineering of public debt.

Isn't he embarrassed when I point these things out to him? He has made a complete and 1150 utter fool of himself with these arguments. If he were in court, Mr Speaker, I think by now, with

1155 those two examples, the judge would have made a costs order against his client – and I think it is going to get a little worse. It is not going to get any better, because I am going to continue the analysis for him. He would have dismissed the case and made a costs order against him for advancing the case for not voting for the Budget. This is an analysis he should have done for himself – he has got all the books – before he made the arguments that he made.

1160 In the financial year 2009-10, when he was still Gibraltar’s second Minister for Justice, the spending on capital projects was £109.8 million: £39.9 million through the I&D, £69.9 million through the companies. I know that they are not very good at maths, especially their financial expert, Mr Speaker, so I have worked out the ratio for them: 64% of all the funding for all the capital projects in the financial year 2009-10, when he was Gibraltar’s second Minister for Justice, was funded through Government companies through debt. **(Hon. N F Costa: Shame!)** So, if anybody re-engineered the public finances and the economy of Gibraltar by introducing the concept of funding capital projects through company debt it was not us.

1165 It is like that terrible moment when your opponent turns up with an authority that you have missed: your spine goes cold, parts of your bladder open and your bowel does not behave itself. I assume that is what he is going through, Mr Speaker, because he should have checked all of this. Before he allowed the Hon. Mr Clinton to persuade him, he should have checked all of this – although I think I have detected something of a change, because they have moved from saying that all of this is illegal to now just saying that they do not like it and they are not going to vote in favour of it; a huge change, because they spent a lot of time trying to persuade people that the Government was acting illegally by doing exactly the same things that they had done. They could not dare to say it was illegal whilst Sir Peter was in the room because they would have been accusing him of illegality, but when Inspector Clouseau first comes on the scene he decides that there must be a crime and decides that there must be an illegality and it was all illegal and unconstitutional for a while, and then all that went away. I still remember the Hon. Mr Clinton on a *Viewpoint* programme where he is put against the ropes and the interviewer asks him, ‘But Mr Clinton, it was all being done in your time as well – is it illegal?’ and then, on *Viewpoint*, on television, in a recorded interview, he says, ‘Well, no, I just would prefer it done another way’ – an admission that their whole argument on legality and illegality was not worth the saliva through which they had uttered it. This year it is not illegal, it is just a travesty, Mr Feetham tells us, and re-engineering. But we are accused of all of this, this re-engineering.

1175 So the analysis I have done up to now for financial years 2007-08 and 2009-10 amounts to £240 million, of which £141 million was spent through the companies, 59% over two years in the way that they describe now as a terrible travesty and a vice. Mr Speaker, as it compounds itself the judge in that courtroom would have been dismissing his client’s claim that it was right to vote against the Budget and would be making a costs order against him personally on an indemnity basis – **(Hon. N F Costa: Wasted costs.)** wasted costs on an indemnity basis – because in 2010-11 £108.2 million was spent, £59.5 million through the I&D and £48.7 million through the companies, again the same vice, the re-engineering that they complained of. And in 2011-12, the last year, £157 million – £93.5 million through the companies, £63.9 million through the companies – a continuation of the practice that a man who describes himself as a fallen angel says is devilish and demonic.

1185 Well, I do not know if he has kept a tally, but if he had he would have found out that in the time that he was Gibraltar’s second Minister for Justice a total of £505.9 million of spending on capital projects was done through the companies by the GSD in those financial years – £254.2 million was spent through the companies by the GSD, Government projects funded through Government company borrowing; £254.2 million as a percentage of £505.9 million is 50.25%. More than half of the funding was done through Government company debt: financial trickery, re-engineering. As they say in Spanish, Mr Speaker, his face should fall of shame. *(Interjection)*

1200 To make matters worse, they made no contributions to the companies. They were leaving them unfunded on a year on year basis, and these companies also had recurrent costs; hence

the eventual £100 million black hole. That is why we declare £25 million every year for the companies. That is why my surplus is not £61 million this year, it is £36 million.

1205 Mr Speaker, let him do another calculation. I bought him a calculator some years ago: if he is truly leaving politics, could he pass it over to Mr Clinton? He really needs it; it is not a crooked one like the one Mr Clinton has at the moment. It is quite an easy calculation. It is 25 by seven, 175. That is the amount of money that, just through annual contributions, we have paid to the Government companies every year before declaring a surplus, since we were elected in  
1210 December 2011: £25 million every year to the Government companies, £175 million. There it is. No financial trickery. The vice of re-engineering debt was something that they devised and then it was a virtue and not a vice.

Mr Speaker, the judge now, having heard all of this, would say Mr Feetham has not just incurred a wasted cost order on an indemnity basis; he has advanced such an unsustainable case  
1215 that it is clear that he was trying to mislead the court intentionally, which would be contrary to the overriding objective of litigation in the Civil Procedure Rules and he would have himself not just a court order – I reckon that he should be ordered not to represent clients again or be in contumelious contempt of the court for having intentionally attempted to deceive it, and be sent to chokey for a little while to purge his contempt in the Prison that he himself built no  
1220 doubt with Government company debt.

All joking aside, Mr Speaker, it is that bad. It shows that when they accuse us of something it is something that they were doing themselves. He said I was the architect of all this, but he sat next to the architect of all this and called him the greatest Gibraltarian of all time, and his current leader – I do not know what he calls him, Mr Speaker – was part of the team that started  
1225 it.

But this is fine, this is normal, this is gesture politics, but it is a gesture that got him into a lot of hot water. Doesn't he realise that what really did for him politically was the foolish decision to follow the Hon. Mr Clinton's lead and vote against the Budget? That is what pushed Mr Llamas out when he was at his weakest moment. Their final gesture last year; that is what did for him.  
1230 And it hurts me a lot because he and I have been in politics against each other for years and it was down to me to finish him off – and he finished himself off and did not give me a chance of finishing the job I had started. People say that the hon. Lady finished him off when she said that he was using false identities on Facebook, and other people say no, it was Mr Llamas who finished him off because he left at that very difficult moment. It was actually the Hon. Mr  
1235 Clinton, who perhaps is wiliier than we all think, who finished him off, because he is the one who persuaded him to go down the road of gesture politics and vote no, for a Budget that everybody has always voted yes for, on the most spurious basis that gets thinner and thinner every year.

I am very disappointed, Mr Speaker, because if it were down to him and me, one of us would finish the other off, not one's own political suicide, like we saw with him – although if there is a political Lazarus, he is making a bid to be it. This gesture politics of walking out of the House like he walked one day, gesture politics of voting against ... But even for the erudite presentation that he gave us, which was of course wrong from the bottom up, there was not unanimous support on his side of the House because the hon. Lady of course did not bang the table when he finished his speech. But she was not the only one. I detected that another Member of the  
1240 GSD team was also rightly not banging on the table and sticking, I think, to his intellectual guns – but I will come to Mr Llamas in a moment. It is clear Mr Llamas has accepted the collective decision but he does not think it is right and I think what he said yesterday made that quite clear.

I think they are quite embarrassed by now, Mr Speaker, because they know they have been caught out. They know that all of the allegations of re-engineering they have pushed towards us are what they are responsible for.  
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In that context I suppose he was trying to deflect emotion when he said that he was hurt by the contribution of the Hon. Father of the House. Well, we know that he does hurt very well. I really genuinely think that the Oscar for a performance of a purportedly retiring politician should

1255 be given to him for the performance we saw last year. He does hurt very well. Last year he  
 pretends to resign as Leader of the Opposition; this year he comes and gives what looks like the  
 most Leader of the Opposition-ish speech we have heard from that side of the House. *Much*,  
 much better, no. Much, much, much, much better than the current interim incumbent. And then  
 1260 he tells us in his *Panorama* interview that he will see what he does, he is considering his  
 position. You see, he took a position in front of the cameras with tears in his eyes and then he  
 moved that position on in his *Viewpoint* interview and he has moved it forward a step again in  
 his *Panorama* interview.

It was clear to me last year, and I shared my view with many friends, that all he was doing –  
 because I know him as if I had given birth to him, and I think he knows me the same way  
 1265 (*Laughter and interjection*) – was pretending to flip the fall guy at the next election. How does  
 this work? It is very simple. I think he has confirmed it to me. He is slowly moving himself into  
 the situation where he is going to be prevailed upon to stand for election next time round:  
 ‘Reluctantly my family have agreed ... The party has asked me ... My experience ...’ etc. I sincerely  
 hope he does stand for election – he knows how valuable a tool I think he is for us. He is going to  
 1270 do it because he expects that they will lose the election, then the leader who will have led them  
 to lose that election will have lost three elections, two of them with one political party which the  
 current incumbent Leader of the Opposition shared with him and one of them as leader of the  
 GSD, and then he will say, ‘Well, now you have to put your leadership up again,’ and then he will  
 be prevailed upon to stand for the leadership again, (*Laughter*) against Slim Shady and anybody  
 1275 else who might stand. (**A Member:** Hear, hear.) Well, you never know with Slim Shady – he  
 might not make up his mind in time. (*Laughter*)

Good luck, Mr Speaker, to all of those who decided that they would not go off and form a  
 new political party because they had been promised by the powers that be that Feetham was  
 gone and that Feetham would not be in the line-up at the next election. So unfair to be talked  
 1280 about like that when you have given so much to that party, as he has – even his soul, because he  
 did sell it to them. Mr Speaker, it is so unfair that they are acting in this way, but it shows you  
 what a special kind of political party the GSD is and what a special kind of politician he is. In most  
 parties the crisis arises when someone leaves, not when someone stays! (*Laughter*)

He had an Oscar last year for tears of a clown and he can have an Oscar this year for saying  
 1285 that he was hurt by the Father of the House. Coming back to the good book, he does try and play  
 that tactic of the prodigal son wanting to return in some way and try and drive a wedge between  
 the father and son in some way being the prodigal and wanting to return, but how can he  
 pretend to do that? How can he say that he has been hurt by the Father of the House when he  
 kept his hand down and his mouth shut when the time came to vote for the Freedom of the City  
 1290 for Sir Joe Bossano? (**Two Members:** Hear, hear.) I really thought that he might have stood up  
 for himself then, put ambition behind him and voted to give Sir Joe the Freedom of the City  
 immediately. If he had done that, I would have said he was not going to stand at the next  
 election. He did not. It is clear to me that he will and it is clear to me that he will be a candidate  
 for the leader of the GSD again in the future. I look forward to the return to battle, Mr Speaker.

He said he was a disciple of Joe Bossano. Well, at least he is starting to work out that he is not  
 1295 the fallen angel, that he is Judas, because if you are a disciple of Joe Bossano and suddenly you  
 stand against Joe Bossano and you still kiss him when you see him – well, we know what  
 happened at Gethsemane. Instead of all of that – because I think if he were genuine in all of this,  
 his would be the case of longest political unrequited love in history – I am not going to go down  
 1300 the road of more biblical allusions about the disciples; I am going to stick with the first one I  
 made. I have told this community and this House the truth and the truth will set them free.

But then he went on to the thinnest political ice anyone has ever gone on when he told us  
 that the biggest problem that the community faces is the fact that we have grown the public  
 sector and he accused us of creating this problem. Let’s be very clear: the largest growth in the  
 1305 public sector in Gibraltar’s history happened in his time in office in that period when he was  
 Gibraltar’s second Minister for Justice. Doesn’t he remember? Those were halcyon, crazy days in



2011. The Employment Survey for October 2007 shows the public sector at 4,234 people. By March 2011 it was 4,427. By December 2011, March-December 2011, at the end of their last nine months in office, it had gone up to 4,804 – that is to say 377 people in nine months. The public sector grew 8.5% in nine months when they were in office.

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Mr Speaker, I am told the stories. I am told it was an unending queue when he was the second Minister for Justice and he did unemployment clinics in his office. Of course Luis Montiel did not see anyone – he was down at Europort having coffee; somebody had to do it. So I suppose he de facto did two jobs, even though he only carried the name of one. In the four-year period when he was Minister in the GSD the public sector went up 570%, 11.9%, but in the nine-month period when he was giving people jobs to try and get them to vote GSD, it went up by 8.5% alone in that period. And he comes here to accuse us of that. *J'accuse*, Mr Speaker. I suppose it is a question of attack is the best form of defence, or not seeing the mote in your own eye.

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It is true that, as usual, he did not disappoint. He delivered a Leader of the Opposition speech on the public finances, on the Civil Service, on the public sector; and I suppose, although I disagreed with everything he said, he had to, he had no choice, because of course although he said that Mr Phillips's contribution was erudite he did not really mean it, he just had to say it. I suppose given one fib, a hundred fibs. It was the worst Leader of the Opposition speech this House has ever heard. I will deal with it in a minute, but come on, for him to say it was erudite was to push even his credibility to breaking point.

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Mr Feetham has the passion and the fire under the six-pack but I did not get any of that the minute I sat down and somebody else started to reply. I say it out of jealousy. *(Laughter and banging on desks)* The one thing he has that I want, Mr Speaker! *(Laughter)* But to say that we are making a mockery of this debate is as untrue as everything else that he has said. A mockery is twisting the figures and I have shown they are the ones twisting the figures. Joe Bossano has shown they are the ones twisting the figures. We show it every year, Mr Speaker. We break down what they have tried to do. But at least I thank him for one thing: he moved us on a little bit from the Facebook post of September 2011 to the ministerial statement of January 2012. I suppose if I stick around for long enough I will get to work out what he thinks of my first Budget in June 2012.

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He said this: 'never been a higher-spending Government than the GSLP between 2011 and 2012' and he said that this has not been lost on anyone, in particular the public. I suppose not, but they must agree with what we are doing, whether it is what we are doing or what he interprets us to be doing, because they gave us 68% in the election and they gave him 32%. But the projects are there, Mr Speaker, they are going up and there is no bankruptcy. There was no bankruptcy in 2013, no bankruptcy in 2014, no bankruptcy in 2015, in 2016 – I think by 2017 he said there was not going to be bankruptcy. So there are no shenanigans, Mr Speaker. Or if there are, they are the same shenanigans as I have demonstrated that they were up to.

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They said the one difference is Credit Finance and the commutations of the civil servants. Didn't he pick it up in the subtle way that Sir Joe said it that it is paying the commuted pensions of public servants, not just civil servants, including a former Chief Minister? There cannot be anything wrong with that – no, otherwise former Chief Ministers would not be lending themselves to something which is a shenanigan. What we are doing with Credit Finance and what we did with Credit Finance was exactly the right thing to do for businesses, for hotels, for Gibraltar as a finance centre. And Credit Finance made a lot of money from it – although supporters of the hon. Member used to write to the press saying that we were going to lose Gibraltar's money on the rust bucket that they thought we were floating in, and then when it was there they said it would not make money, and now that it has repaid its outstanding and Credit Finance has made a lot of money in interest, they say nothing about it.

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They said that the Government in fact had said nothing about the formation of Credit Finance. In fact, Credit Finance was shown in the book in 2012-13 and there was a press release

about it replying to his statement of January 2014. We said this – I am going to read it verbatim, Mr Speaker:

FEETHAM BROADCAST A TISSUE OF LIES

1360 – dated 21st January 2014, the apex of the fun that we were having with each other in public life –

The New Year Message by the Leader of the Opposition has served to confirm yet again that he says the first thing that comes to his head without bothering to analyse the consequences of his statements beforehand. He also behaves as if he has no knowledge of the actions and policies of the GSD Government of which he was a part until the end of 2011.

– we have told him all this before, Mr Speaker –

The result, as the Government will go on to show, is extremely embarrassing both for him and for the party that he heads.

Below is a summary of the some of the statements that Mr Feetham has made with answer from the Government in each case.

Mr Speaker, I am only going to deal with two – I think we made 10 points:

1. Statement: [Mr Feetham says] No announcement in Parliament or outside it of formation of Credit Finance Company Ltd.

This is wrong. Credit Finance was shown in the chart of Government companies presented in the approved estimates of revenue and expenditure for 2012/2013 which were published in July 2012 after being discussed and approved unanimously by Parliament.

2. Statement: Sunborn loan: Chief Minister had lied although it was a Government owned company that provided the loan and not the Government itself.

This is wrong. There is a clear distinction in law and in practice and in form and substance between the Government, on the one hand, and Government-owned companies, on the other. Indeed, it is a distinction that the GSD themselves used to make when they were in office. For example, when questions were put to them about money spent by the Government on legal advice or legal drafting, the answers given referred only to the work of the Government and not to the work of Government-owned companies.

1365 Mr Speaker, they make us repeat the same issue every year because they make the same points every year. If they were repeating their degree I think they would have been kicked out of university by now for coming back with the same thesis every year and getting it marked down – on facts, not on opinion, because you can have your opinion but you cannot make up the facts.

1370 If he does not want to stop being a glutton for punishment, so be it. I have explained that the accounts of Credit Finance are almost done, but this is just the same old debate again, nothing new to say, replaying their old Budget speeches, the ones which were not successful and all ended in tears. They need to give a little bit more to this community. They need to look again at their arguments. They need to come back with deeper analysis. They need to work more.

1375 The worst accusation that ever comes out of his mouth is that I complete manifesto commitments despite Brexit, or I complete manifesto commitments despite the doomsday memo, so what he is accusing me of is of keeping my word to the public in Gibraltar. He turns every virtue into a vice. If I had not done what I had said in the manifesto he would be accusing me of not doing what I had said in the manifesto. This is the politics of lose one way or lose the other, but I enjoyed his spirited and mis-argued contribution as usual, Mr Speaker. If he stays to save Gibraltar from me, as I think he was indicating yesterday in *Panorama*, I may just have to stay to save Gibraltar from him too. I could see that the edges of his mouth were foaming, Mr Speaker – rabid, as usual; passion, there it was. I do hope he has not become one of the wolves that he was complaining about.

1380 I was surprised he fell for the point that the Government is somehow predicting a Budget deficit. I think he knows enough to know that that point in particular is particularly bad, as made

by Mr Clinton, and nobody will believe it. He is just allowing himself to be bewitched by the Hon. Mr Clinton. He has turned into his political Pied Piper and leads him astray.

1390 He moved on to say that he was going to deal with other matters that he wanted to  
comment on, just like a Leader of the Opposition, and that is when the House became a bit of a  
pantomime. Oh yes, he is! Oh no, he isn't! In spirit he is still the Leader of the Opposition, but his  
current portfolios are Justice – which he had said in an earlier article he was going to deal with –  
the emergency services, fire, Customs, the Prison, the Police, civil rights, equality, exchange of  
1395 information, financial services and gaming. Apart from financial services, which he went on to,  
he did not say anything about those. He said nothing about civil rights, gaming, justice – he had  
advertised he was going to say something – the Prison, equality, exchange of information, but  
like the party leader that he still sees himself as being, he talked about Brexit. Well, he accepted  
– and I am graciously going to thank him for it – that we are doing everything that can be done in  
respect of Brexit; the second time he has said it, or the third time he has said it, I think  
1400 demonstrates he is genuine about that by saying it on more than one occasion. But he said he  
would have wanted to be more involved in it – if they had been in government they would have  
involved us more. Well, look, all the evidence is to the contrary, because apart from Brexit the  
biggest challenge is probably joint sovereignty and in joint sovereignty we were not involved at  
all by the party led by the greatest Gibraltarian of all time, including the man who is now the  
leader of the GSD and is asking us for more involvement. There was not even a select  
1405 committee. Now at least there is a Select Committee and briefings and we ask you at the end of  
each Committee meeting is there anything you think we should be doing and you do not say that  
we should be doing something that we are not already doing. But again it is obvious they say  
one thing and they do another, or they now say one thing when they did another.

1410 But there is one thing that is clear: of all the things that Daniel Feetham is, he is no damp  
squib and he is no wet squib either. We may be chalk and cheese, but neither of us I think is a  
damp squib and he should take that as a compliment from one gladiator to another, although I  
see myself as a bit more of a chess player than a gladiator.

1415 It is not for me to defend the Financial Services Commission in this House or indeed to  
denigrate the Financial Services Commission in this House or any other independent statutory  
body, but he said things which I think he said believing them to be genuinely a concern for  
people in the sector and I thought it was right that he should bring to this debate, given that the  
FSC is funded from this House, those concerns so that they should be heard and they should be  
on the record.

1420 I did think he was going to say more about the return of the other prodigal son, Mr Llamas,  
but I think he must have been prevailed upon to say nothing; otherwise, I am sure there might  
have been further resignations and other histrionics.

1425 One thing he said last year, Mr Speaker – which I have been meaning to take up with him  
since then – in his Oscar performance was that one of the things that had made it very hard for  
him and one of the reasons he had to resign was that he had had to do 14 hours of work a day in  
Budget week. He couldn't take it. Well, Mr Speaker, I say to all of them opposite: if you cannot  
do 14 hours of work a day, don't bother auditioning for any of these jobs, this one in particular  
but *any* of them – that one for sure! (*Laughter*) The *Hansard* should reflect 'points at the Father  
of the House' at that point, Mr Speaker. Fourteen hours a day is what I call a walk in the park. I  
1430 would call it Sunday if I could. Expect to be up at 6.30 in the morning at least and don't expect to  
be asleep much more before midnight, and expect to be working every waking moment of the  
day – and if you are Joe Bossano, you consider six hours of sleep laziness. I do not think Sir Peter  
Caruana worked any less, except perhaps without the Blackberry, which is my way of working.  
That is what we are talking about. This is not nine to five, Mr Speaker, it is not even nine to nine,  
and so if anybody thinks that 14 hours is a hard day, this is not a job that they can hack. They  
1435 should find a day job; they should stick with it. And what I am saying is also true of senior civil  
servants who work at the same pace as Government Ministers and are giving everything they

can to ensure that Gibraltar is able to succeed and continue to prosper in these difficult moments, because many of them work at exactly the same pace as Ministers.

1440 Mr Speaker, after telling us it was his third Budget speech, Mr Hammond seemed to get everything else that he said wrong. (*Laughter*) I did not know which Trevor we were going to be treated to, which particular episode we were going to watch today: 'Trevor and the drama of the exploding gas plant', or 'Trevor and the drama of the exploding water pipe on the school site, that did not explode', or 'Trevor and the social media predictions of flights that would not land and yet they did land', or 'Trevor and the drama of the terrible Budget speech where fines have  
1445 gone up by 39% - oh, no, they haven't'. And fortunately, Mr Speaker, we got the latter, 'Trevor and the drama of the terrible Budget reply'. Nothing much to say and quite poor even by his standards.

1450 He started by complaining about air quality. I suppose it is all the gas on that side, all the hot air. But he did it in the year that we are shutting down diesel-burning power stations – and we are the ones shutting them down because they were going to produce a diesel-burning power station. In the year he is complaining about controlling traffic and parking which is designed to deliver less traffic, he argues for air quality and at the same time he argues for more parking so that we have more cars circulating, and yet he criticises us for a new power station that is not going to burn diesel and is going to be better for air quality. Is he saying that he would have preferred the diesel-burning stacks at the entrance to the Upper Rock when he is talking about  
1455 air quality? He does not understand the air quality science at all and he gives credibility to Verdemar and those who come to Gibraltar with Verdemar. He should stop playing into the hands of those who are here to try and hurt Gibraltar.

1460 And then he complains about the location of the air quality monitors. He asks do we need a monitoring station in the north district. Well, do we need one to tell us that air quality is going to improve when we are about to shut down a power plant open in your time, 35 years ago, and replace it with a new power plant with best-available modern technology burning LNG? You might say it is a view that he has that we should have an air quality monitoring station in the north district, but the locations of the existing air quality monitoring stations were determined  
1465 by them when they were in power. It is nonsense. He failed to make any changes to his speech despite the fact that John Cortes had given him information about the 15% decrease in emissions over three years – 27,000 tonnes less of carbon than in 2014 – and how air quality in 2018 was looking even better. Say 'I want to do more' but do not ignore what has happened.

1470 Clearly he does not trust our data experts, given what he said about them, but they are the same data experts that are used by the UK government and by the European Commission. Good enough for the Commission, good enough for the UK government but not good enough for Trevor Hammond, although they are good enough for John Cortes and all of his team who have degrees in this subject. Who should we listen to? The people they listen to? I do not suppose they want us to listen to the people who told them about the great explosion that there might  
1475 be at the Port.

1480 And what about the electrostatic precipitators? Does he really think that we would not fit them if we thought that they were going to do some good? Genuinely they are no good in gas power stations because there are no particles emitted when the gas is burnt. The electrostatic precipitators move particles and it is gas that we are going to run them on. We are not going to run them on diesel. Unless there is a crisis in gas there will be no diesel burning, and even if we burn diesel in those engines there will be a lot less emissions than there ever have been from the engines that we have today and the engines that they would have had. What would their alleged financial guru Inspector Clouseau have to say about spending money on electrostatic precipitators which we are not going to be using? 'Accountant says no. *Buzz*', no doubt. Even  
1485 now they are trying to make people fear the new LNG power station, questioning the technology and the reduction of emissions, which is much more than is required.

And then he says we are moving children into the area. Well, I do not know whether he has got the geography of this right. We are moving girls west a few hundred metres, we are moving

1490 boys southwest a few hundred metres and we are moving the power station west the same  
 number of hundreds of meters and the emissions from the power station will be zero now. So  
 who is going to do something that is somehow going to endanger our children? What we are  
 going to do is close down the grimy old diesel power station before we move our children there.  
 Or does he really think that anybody would believe the underlying accusation that we do not  
 care about our children and the children of Gibraltar generally? That is the underlying  
 1495 accusation. You cannot say the words that the hon. Gentleman uttered without meaning that we  
 do not care about our children. I will take any sort of allegations not seriously, but that is an  
 allegation to take seriously. That point is callous and wrong.

1500 Then he moves on to say, 'Well, the LNG power facility is just water under the bridge.' I was  
 grateful to him for saying that, Mr Speaker, because it demonstrates one thing. It demonstrates  
 that they were never genuine in their concerns about the LNG power station, because if they  
 were they would still be seriously trying to stop it.

1505 But his latest ruse is to say that people cannot walk because it is too noisy. That is what he  
 said: it is not pleasant to walk anywhere in Gibraltar because it is too noisy. Well, look, I walk in  
 the mornings, Mr Speaker, when I do not have to be here or need to rush somewhere else. It is a  
 very pleasant experience. I walk past building sites; I understand why they are there. I walk past  
 cars and I look at people sitting in them as I get to my destination more quickly – some of them  
 magnificent second hand Audis powered by diesel. It is not unpleasant. All well and good to talk  
 about walking, but it is too noisy. It is as if he wants to live in a Miss Marple village with  
 Inspector Clouseau and him ignoring the realities of modern everyday life.

1510 He said – and this took the Crawford's Digestive – that the noise is sponsored by the  
 Government. Well, if there is a law that allows the Government to make noise outside of normal  
 working hours, it is a law that we have not relied on. I have not signed any certificates under that  
 law. It requires projects to be brought here. He was the chairman, I think, of the party opposite  
 when they passed that law in Government. It is called the Construction (Government Projects)  
 1515 Act 2009. At that time the greatest Gibraltarian of all time, according to them, was Chief  
 Minister and Gibraltar had the benefit of its second Minister for Justice. That Act says:

'construction work' shall be construed widely and includes the carrying out of demolition, building, engineering or  
 other operations in, on, over or under land or sea;  
 'Government projects' are defined to include construction projects being undertaken by or on behalf of the  
 Government or any company or other entity wholly owned and controlled by the Government;  
 'the Minister' responsible means the Chief Minister;  
 'restricted hours' means any time or times during the day or night during which any other law applicable in  
 Gibraltar curtails, restricts, prohibits or sanctions the causing of noise, vibration, ambient airborne matter or any  
 other source of nuisance or the execution of construction works for any other reason whatsoever.

1520 And what they passed into law under clause 3 is the right of the Minister to sign a certificate to  
 allow noise and those other nuisances to continue. That is what they did. It is the opposite of  
 what he says. The GSD is not concerned about noise pollution; the GSD passed a law to allow the  
 GSD Government to do *more* noise pollution. Is he saying that the GSD now opposes that Act?  
 Am I going to see a Private Member's Bill to repeal that Act come from him? That is what he  
 would do, and if he does not, credibility zero on noise as much as on emissions and as much as  
 on LNG. Credibility zero, Mr Speaker.

1525 He said that it is all very well and good to promote electric vehicles, but a Tesla costs  
 £100,000; not everybody can afford a Tesla. Well, Mr Speaker, when I demonstrate that they are  
 wrong about things which are so basic and so easy to determine it becomes obvious that it is  
 difficult to believe them when we deal with other matters. A Tesla Model S, the one that the  
 Chief Minister's car is, does not cost £100,000, it costs £55,000 – half. That is the Model S – we  
 do not have the top of the range. It does go to Malaga Airport and back, by the way. The Model  
 1530 3 is expected to start at £35,000, one third of what he said it costs. He cannot even be trusted  
 with the price of a car! He is not even a used-car salesman – he cannot sell you a *new* car, Mr  
 Speaker!

1535 And then he says, 'Well, people need to be encouraged in the direction of cars.' Has he seen my measures, Mr Speaker? But he did not reply to them, although I read them out to him. My measures are in paragraph 208 in respect of fuel. One of things he said was that diesel is still so much cheaper at the pump than petrol. That is what he said. Not only does he get the price of the Tesla wrong, he then says the price of diesel at the pump is cheaper than petrol. I had just sat down and read him paragraph 208 of my speech. I had said this, Mr Speaker:

from midnight tonight duties on the importation of diesel will be increased by 12p per litre, from 25p per litre to 37p per litre; duties on the importation of diesel premium will be increased by 11p per litre, from 23p per litre to 34 per litre; duties on the importation of Unleaded 95 will be increased by 6p ... to 35p per litre; and duties on the importation of Unleaded 98 will be increased by 5p per litre, from 29p per litre to 34p per litre.

1540 Petrol is not anything other than the same or cheaper than diesel. In other words, diesel is more expensive than petrol. Diesel is 37p per litre, diesel premium is 34p. Petrol is 35p or 34p. How could he get it so wrong? If he gets it wrong on stuff as basic as that, how can we believe anything else that he says? All of these errors need to be pointed out.

1545 He says that parking is harder now. Well, Mr Speaker, it is harder for some; it is easier for others. A lot of beneficiaries of the residential schemes are very pleased indeed with the schemes. They do not write it on social media, they write to the Minister and tell him how pleased they are, many hundreds of them. But of course the zones are something that they are sometimes trying to take credit for. They say that they planned them and they were going to do them, and then they try and pretend to side with people when they are complaining about them. Are they going to undo the parking zones if they are ever elected? I suppose if they are  
1550 going to decry the policies of the GSD that they represent, because they had planned them too ...

1555 He asks whether in 2030 foreign vehicles will still be allowed in Gibraltar if they are diesel powered or not. Well, I made provisions as to registration of diesel vehicles, not as to the ability to be imported on a daily basis by individuals, but I would expect they would still be allowed. But is he trying to make the point in favour of better air quality or against? He needs to make up his mind one way or the other.

1560 He asked will buses still be diesel. Well, I think not, Mr Speaker. I genuinely think not but I do not know. I am not going to predict what is going to happen in 12 years' time. If he wants to know, he should ask whoever is the Chief Minister at the time. She will be in a better position to tell him and her headquarters are likely to be at Watergardens even then.

And they say that we are not pursuing an underground car park at Alameda. I have already told them that we are reconsidering that because we met with GONHS and we met with the ESG.

1565 The issue of whether projects go to the DPC is in the Bill; it is before the House. So how can he then make the point seriously that we are doing no environmental impact assessments for the schools? What is he playing at? Is he trying to oppose the schools at any juncture? And the purported broken pipe – a good reason to try and turn the community against the project when it was not even that? Why do they want to stop the schools? The Department of the Environment has assessed both the dumping of rocks at Coaling Island and the schools. The  
1570 Heritage Trust have actually worked with the Department of Education on the Old Mole Head and on the issuing of a heritage licence for that, and the Botanical Gardens are fully engaged in developing green areas so there is swiftness in all the schools, a positive environmental income. So how can he say that the environment has paid the price of neglect by John Cortes? Nobody can believe that, Mr Speaker. Zero credibility, no, less.

1575 I think it is just that he thinks that he is an expert ... An attractive photograph of a blue-tit on a Sunday afternoon does not make one an expert on the environment, let's be clear. So when he attacked the green roof at the Engineer Road car park what he did not know was that the car park's green roof was doing exactly what it was intended to do, even though it may have gone brown, because it is a green roof but it does not actually have to be green – like Green Party

1580 voters are not green. (*Laughter*) It provides a habitat for wild plants and birds. But he just does not get it, Mr Speaker.

And then he went on to cleanliness and attacked the staff of Master Services, who obviously are the butt of his criticism. Mr Speaker, having said that, he did say something about cronyism which is not even worth replying to, but how can somebody talk about cronyism and then talk about the cleanliness of Gibraltar when the Master Services contract was given for 20 years by them without tender, to their people, to their supporters? That is cronyism.

1585 He says Gibraltar is dirty. Well, that is why we went out to tender properly for a new contract, so that the men and women of what was Master Services are given the tools that they need to do the job, because if you do not give somebody the tools they cannot do a job – and we expect a marked improvement and they have our full support in delivering that. In fact, I should say they are not getting the materials, although we are paying for them.

1590 He talked about the abandonment of buildings, including this building. Doesn't he know that there are more refurbished buildings in the Upper Town now as a result of the work we have done as landlord ourselves and with private landlords, and 45 section 37 notices have been issued in the past year by an urban renewal officer? And this building needs a lick of paint – he uses that as an example in the Budget debate? More money has been invested in this building by us since we were elected than has been invested in the 200 years before since it was built.

1595 The private landlords who refurbish their property are doing a magnificent job. That was our policy; that is why we pursued the sale of Government's pre-war stock for those purposes. He has just become a political Nimbyist of the worst sort.

1600 He fell short, for a moment, of blaming us for traffic accidents, but then he went on to blame us for less people crossing the Frontier in 2012 and 2013, as if we were José Manuel García-Margallo and Mariano Rajoy personified. Or is it that he is suggesting that the five-hour queues, the four-year queues that we had did not have an effect on tourist expenditure and people coming into Gibraltar? He said the slump coincided with the arrival in government of the GSLP. Well, it coincided with the arrival of the government of the Partido Popular in Madrid. But he ignores the fact that the tourist expenditure is up 20% this year – more hotels, more arrivals. He is just trying to make up an argument.

1605 I am not going to throw back in his face that there might have been diversions because although the radar is now fixed the air traffic controllers are not trained and sometimes people may have had to go to Malaga, as *Panorama* said: 'The radar's down and you need to be retrained.' I am not going to say that we have lost a tourist or two and it's your fault. Let's be human. Let's understand that things happen which are outside of our control.

1610 He said we need targeted investment, and then when we make targeted investment like the Skywalker Sky Bridge they criticise that too.

1615 And then he became the defender of clamped tourist vehicles. Is he really arguing for a return of the GSD's days when locals are targeted for fines and clamping – or rather for fines, not clamping – and foreign vehicles are not clamped and get away with it? Is that really what he is arguing for?

1620 He said we do not want Mickey Mouse projects, like the person who wrote the Upper Rock report. What does John Cortes feel about that? John Cortes was the person who wrote the Upper Rock report and said he did not want Mickey Mouse projects, and he thought that the Skywalk was a very good idea because he is the one who commissioned it. I hope that makes the point clear to him that he got it completely wrong and he ended up making a monkey of himself. Oh, and by the way, the current interim Leader of the Opposition joined us at the opening of the Skywalk and I think thought it was a magnificent opportunity to see that excellent investment.

1625 The Fire and Rescue Services have had investment in new vehicles at the Airport and in the city service. He said nothing about that, but he said that we have to build a new fire station. If he ever gets into government, which I certainly hope he never does, and the Chancellor of the Exchequer, Mr Clinton, is there and he asks him for a new fire station, I think he will get the

answer I predict: 'Accountant says no. *Buzz.*' So I do not think they stand much of a chance with them.

1635 Mr Speaker, I am conscious that it is 25 to two in the afternoon and that you have been sitting whilst others have had the opportunity to come in and out, and I wonder whether you might wish to recess for a few minutes or you want me to continue with the contributions of other hon. Members.

**Mr Speaker:** It is, of course, not just myself but also the Clerk, so it might be a good thing if we are able to stretch our legs for a few minutes. We will recess for 10 minutes.

*The House recessed at 1.35 p.m. and resumed its sitting at 1.47 p.m.*

**Appropriation Bill 2018 –  
Second Reading approved**

1640 **Hon. Chief Minister:** Thank you, Mr Speaker.

Continuing now in my reply, can I just for the record confirm that the *Hansard* of the Committee Stage and Third Reading in relation to the University I was reading out earlier is of Friday, 8th July 2016 and not 2017, just to ensure that the record is very clear on that.

1645 I turn now, Mr Speaker, to deal with the contribution from the Hon. Mr Llamas. Of course he knows that I would have enjoyed his contribution last year more than I enjoyed his contribution this year, but I did not detect in his contribution any desire to be anything other than constructive in his approach, and I laud him for that because I thought he was careful and thoughtful in what he said and how he said it. And he was careful and thoughtful also to show the work that he had done as an independent and the work that he wanted to continue doing, 1650 he said, 'whilst I remain a Member of this House'. So, even though he developed some themes that we agree on and he developed some themes that we disagree on, he I thought did so quite fairly and quite honestly in the way that he presented that.

1655 He talked about the scale of development in Gibraltar having consequences. Of course he is absolutely right, it does have consequences. We say those consequences are homes, offices, jobs and growth. How else would we build more homes and provide more jobs? No development would also have consequences: less homes, less offices, less jobs therefore, and less growth.

1660 More reclamation would lead to even more building eventually on that reclaimed land. But he made the assumption that the land at Bayside, St Anne's and St Martin's will all be sold to one developer. He is making an assumption there. That is not something that we recognise. It is not something that we think necessarily is the case. It might end up being the case but it is not something that Government now recognises as if it were something that is about to happen or is being negotiated. So, in that sense I do not know. I assume he is not making it up. Somebody must have led him to believe that, but it is certainly not the situation that we recognise.

1665 Then I thought that I detected in the way that he presented his views in relation to the lease in respect of affordable housing what I thought was a fair, equitable and balanced criticism of the lease produced by the GSD for the Waterport Terraces and Cumberland Terraces style housing. There I thought there was actually quite a meeting of minds between the Hon. Minister for Housing who is developing the affordable housing, myself and the Government and him and 1670 the position that he was taking, and therefore I would assume that, for reasons I will come to ... I think he feels bound by collective responsibility but I think I detected support – as I detected, I think, from others also support – for the measure with the special stamp duty in respect of affordable housing.



1675 I thought he criticised the fact that there is an absence of beach night markets and cinema nights announced this year but I had thought that it was the GSD that had most criticised the fact that we were holding cinema nights in the park, Mr Speaker. If only they had heard John Cortes every morning after each cinema night when he saw the state that people left the grass in.

1680 Mr Speaker, he is somebody who has said in his House honestly and openly that he is what I might call a Caruanista. I think he expressed it this way in this House and elsewhere: he supports the policies and the direction in which Peter Caruana was taking Gibraltar. Well, Mr Speaker, in that case he will have been supportive of the analysis I have done of how capital projects were funded other than through the Improvement and Development Fund by that very individual he has expressed a keen support for. In fact, he decided to stand for election when Sir Peter left Parliament, saying that he was concerned about the direction we were taking Gibraltar in. I think I have demonstrated to him today that it is exactly the same direction in terms of the objectionable issue, according to them, of a corporate borrowing for capital projects for the Government that Sir Peter had embarked us upon.

1690 I was grateful that he welcomed the new dementia facilities, because as somebody who has a relative who enjoys the benefit of that I think it is right that everyone in our community realises how lucky we are to have them, but I did not think it was right to suggest that we do not also afford the very same high standard of care in Calpe Ward and the other wards down at St Bernard's. They are afforded exactly the same standard of care there as they are in all the other facilities.

1695 His speech was more balanced than the other GSD speeches. In fact, his speech did not feel like the new GSD speeches feel. I must tell him, I think I will miss him in this House as a rational independent voice trying to do good even when we disagree with him. At least there is another.

1700 He welcomed the fact that we have added GPs to Accident and Emergency, although he rightly pointed out that the Accident and Emergency unit at the GHA sometimes are abused by the community. It is an issue that vexes this Minister for Health, as I am sure it has vexed others. I thought his views of the Primary Care Centre were balanced.

1705 I am grateful for the support he gave us on the Drug Strategy and on medicinal cannabis, although I think he is wrong to say that we have stopped considering the exportation of cannabis. We have not stopped considering it; we have not been able to make a determination on something. It is something that has been put to us. We are not going to discard it, as he suggests that we should quickly discard it; we are going to consider it carefully and we are going to reach a determination – which may be to discard it but may not be to discard it.

1710 I thought it was wholly ungenerous for him to describe people as having been caged in at Bishop Canilla House. That may account for why I have not seen my wife's grandfather for so long. Clearly people are not caged in at Bishop Canilla House by scaffolding. People at Bishop Canilla House have been asking us to repair the roofs on their balconies. We have moved quickly to do so. The Minister has developed different options, and better plans are now going to be the ones that are going to be implemented, and I think the DPC has also had an influence there on some of the balcony views etc.

1715 The increase in domestic abuse being reported I think we all agree is a very good thing. I do not think any of us think that domestic abuse is on the rise; we think the reporting of domestic abuse is on the rise. Dealing with it is on the rise, and therefore I think we are all on the same page that these are things that must not be swept under the carpet in the community, for sure, but they must also not be swept under the carpet in any family either, and if somebody is suffering from domestic abuse they must report it – they will have the support and our law enforcement agencies now have the training also to deal with that.

1720 He explained why he supported the Budget last year and why he feels he cannot support the Budget this year and he really put it down to an internal debate and him being able to form part of the collective decision-making process, even though he did not tell us whether he agreed with that or not – which is fair enough as a collective decision taken, and that collective decision is

1725

the one that is presented to the community. I must say that I leave this debate thinking that Lawrence Llamas, if he could, would be voting in favour of the Budget, if he was free of a three-line whip to vote against. It is very strange that there should be a three-line whip to vote against a Budget.

1730 I really think that saying that the things we say in this House and the things we say to each other do not matter generally to investors is a little short-sighted. I think investors do look at what is being said, they do look at the arguments being put and some of them could feel that the circumstances for investment in Gibraltar are not made out because if some of the things that hon. Members were saying were true – and none of them are, as I think I have  
1735 demonstrated, in particular in the demolition of the credibility of the Hon. Mr Clinton's arguments – then that could be very negative for Gibraltar.

Mr Llamas has a brain, Mr Speaker; he has demonstrated that when he has been an independent Member of this House. He can look carefully, if not today in the heat of battle, at the *Hansard* of today, he can look carefully at the numbers and he can see that the things that  
1740 Mr Clinton has said, when you subject them to detailed scrutiny, are not true. He can take his calculator to the *Hansard* and he can look at the Estimates Books, which he can come here and look at, and he will then be able to see that they have all been sold a pup – if he will excuse the pun, given his particular interest in matters canine. In fact, at some stage we were told by other  
1745 fellow members of the GSD that that is all he was good at. I think he is good at much more than just matters canine. He can look at the *Hansard* and he can make up his mind for himself and he can see that they have all been sold a pup by Mr Clinton and he should not allow that Pied Piper to lead him also in a direction which is not a good one or a right one for this community.

I am grateful for some of the things which he said about the work that the Hon. the Minister for Housing is doing, because they were actually supportive of the work that she is doing on the substance and in particular in relation to the position taken in respect of parliamentary  
1750 questions recently, although I do think that Mr Feetham is taking a slightly different view to the position that Mr Llamas has taken about people's rights to be housed etc. I guess I should not be surprised to see Mr Llamas and Mr Feetham taking slightly different views.

Mr Speaker, the argument – I think this came not just from Mr Llamas but also from  
1755 Mr Feetham – that we are somehow selling all the MoD properties that are coming into our hands, and this is a sign of how the GSLP was acting with Edinburgh House etc. and Elliot's Battery, would be entirely to misconstrue the obligations of the Government which we inherited from the GSD under the lands deal. I think it is a point on housing but not a point that he made – I think it is a point that Mr Feetham made, because we are selling all of the walks in all of the  
1760 Naval Hospital Hill etc. because that is what balances the land deal that they did, which required the sale, to highest bidders at tender, of those properties.

Mr Speaker, last year, on 23rd February, when we were debating the motion and whether Mr Llamas should be a member of the Select Committee or not, Mr Llamas said this:

I do not wish to reopen the reasons for which I left and resigned from the party I once stood for. For whatever reason and from the party's own admission, there was a communication breakdown on such an important issue and on the analysis of facts, I had been left out of a decision-making process on such an important Bill such as the Appropriation Bill.

It was my view, Mr Speaker, at the time that I had to put Gibraltar first and my party second. It was my view that voting against the Budget, however much I agree with the arguments put in favour, Gibraltar in the context of a Brexit backdrop needs to unite. Mr Speaker, Gibraltar at this point in time, needs parliamentarians to have faith and to support the Government of the day and to show a vote of confidence in Gibraltar, in its economy, in its workers and in its public service.

Mr Speaker, unfortunately the main Opposition Party, the GSD failed to realise the implications of their actions or lack thereof.

He was right then, Mr Speaker. I think that he put Gibraltar first then and his party second  
1765 then. He is going to do, as an action, the opposite now. He is going to vote against the Budget,

that which he said amounted to putting party first and Gibraltar second. He should not let himself down. He should think very carefully about what he is going to do.

1770 He has been let down, actually, already by those who threw him back into the party by promising him the Earth. They promised him that he would have a guaranteed place in the line-up, I understand; now they are telling him it is not guaranteed for next time. They promised him that Mr Feetham would not stand, but we all know now, in the analysis that I have done on what he said to *Panorama* and *Viewpoint*, that he might.

1775 So I think Mr Llamas should be honest with himself. He is likely, in my respectful submission, to be leaving politics at the next election. He should do as good a job now and from now on as he has been doing in the time he has not been shackled by party politics. He should do it with honesty, Mr Speaker. He should not accept a dishonest three-line whip based on twisted and conjected arguments to vote against us, to vote against the Budget, to vote against paying the Civil Service, to vote against the way that Peter Caruana used to do things when he was Chief Minister. And he should be honest with the way that he exercises his vote. There are only 17  
1780 votes in this Parliament, in this community. We are a very privileged 17 out of 32,000. We have to be careful in how we exercise our votes here. He does not deserve to be made to go down in history as saying one thing one year and doing another thing another year. He does not deserve that; he honestly does not, Mr Speaker. Otherwise, he is going to have to spend his whole life wriggling off a hook that has been designed for him by his own people.

1785 'It was my view, Mr Speaker, at the time that I had to put Gibraltar first and my party second. It was my view that voting against the Budget, however much I agree with the arguments put in favour, Gibraltar in the context of a Brexit backdrop needs to unite.' Nothing has changed. The Brexit backdrop is still there. It is even more closely upon it. Mr Speaker, Gibraltar at this point in time needs parliamentarians to have faith and to support the Government of the day and to  
1790 show a vote of confidence in Gibraltar, in its economy, in its workers and its public service. He was right then. He should not let himself down now. He should think very carefully about what he is going to say when the division vote is called.

1795 Mr Speaker, as usual, Mr Reyes delivered one of the more convivial and less partisan interventions in the context of this debate, as he always does. We agree, of course, with him in respect of support for sporting associations. He had a whole House supporting him on that.

Then he started to move into whether the GSD was right or wrong in relation to Victoria and whether they were right first. Mr Speaker, they were entirely wrong as to the mechanism to deal with it. This was the point. They had a proposal for them, aka the Government, to develop Victoria that would have meant taxpayers' money going into the development of Victoria. We  
1800 know the cost is in the region of £30-odd million, which the GFA is going to have to spend there. I wager that if they had been elected and if they had a Minister for Finance who was not the Chief Minister, when he turned up for the money he would have been told '*Buzz*. Accountant says no.' That is why it was absolutely right to structure the deal as we have, and in order to do so you had to go and ensure that there was nowhere else, because UEFA would have preferred  
1805 it somewhere else, but having demonstrated to UEFA there was nowhere else it was possible to do a deal where actually the plan is developed and we get £16.5 million in, which then unlocks it for all other sporting associations.

Then his speech, when he started to talk about our football teams and what they were doing, became a little bit like one of those old *Match of the Day* reports. I almost expected him to move  
1810 on to Leyton Orient 6 – Liverpool 10, Arsenal 3 – Manchester 0, because he was really getting into that sort of rhythm. Of course we agree that we need additional training facilities, and the project that they were going to advance would not have had the amount of additional training facilities that we will have. My heart breaks too when people have to go to Spain. If they want to go to Spain, they can, but if they *have* to go to Spain they should not and all of the facilities that  
1815 we are developing will provide, I think, more than adequate training facilities also because we are developing for all sports but that does not exclude the GFA also, and a lot of what we are going to do is going to be providing also training facilities for other sports.

1820 But, Mr Speaker, if he thinks that he was going to get away with developing Victoria and developing additional training facilities in Gibraltar, the accountant would have been saying no to him every day of the week.

1825 I thought that he was actually unfair when he criticised us for using a VVIP facility because I think we have all used it at different times. I think it is good for us to meet there and it is good for us to have an opportunity to have a discussion. Criticising the facility has become a sport, now that Mr Clinton has been elected. Before, we all had the opportunity of meeting there and I think it discloses an element of hypocrisy.

Mr Speaker, we are listening to teachers in the education revolution. They are hugely important in this process. They are one of the most important factors: the teachers, the children, the professionals at the Department of Education working together, the politicians and all of the parties together are the ones who are going to deliver that excellent education revolution.

1830 He said that he empathises with the teachers in being against co-location and he thought that there was going to be too much competition between the schools. I think competition between schools is a good thing because I think it is healthy competition, and to say that they are against co-location means that they are completely ignoring the plans in their pamphlet at the last election for the mega school at Rooke, which was one school.

1835 Teachers will be fully involved in key stage alignment – that process has already begun – as they are in all other aspects of what we are doing.

Mr Speaker, I have one speech left to deal with on the Opposition benches. I think it is probably the least important of all those delivered, so I move on now to the damp squib.

1840 Perhaps I should have delivered the response I could have delivered before I heard him, which is what he did: he delivered a speech he had prepared before he had heard us. Again, this was the one he had prepared earlier and it was actually not very well prepared. It was a collection of soundbites and hypocrisies.

1845 He talked about the enclosure at the Music Festival – but he joined us there. I do not understand how somebody can actually argue against something they have done. Well, I suppose Mr Feetham is arguing against something he has done, because of the corporate borrowing, which is such an evil, when he was a part of the Government that did it; but he might be able to say, ‘Well, I was then under the leadership, under the thrall, of Sir Peter Caruana.’ But when you turn up yourself at an event at a particular enclosure, to then turn up and criticise yourself for it is really to take the damp biscuit. Isn’t he embarrassed to have criticised us for something that he did himself? At least Mr Clinton has the benefit of never having come to the Music Festival, to the enclosure, so if he criticises it I can tell him he is wrong and all the other things I tell him about that particular thing and the value of it etc., but he has never come before. Mr Feetham says it is terrible, but I think admits that he has been there and now has decided to change his mind. But the Hon. Mr Phillips does not even grace the debate with admittance that he has actually been there before criticising it.

1855 All he did was regurgitate quotes. ‘Big spender’ he said – well, I am spending on schools, on health, on education, on sports – but that we are not doing enough about Brexit. But hasn’t he just said that I am a big spender because I am spending on schools and education and sports and all the things that we are doing? What else should we be doing?

1860 I suppose seeing those distraught young men that he sees who want different jobs and do not know what to do – he should stop spending so much time with Mr Feetham and Mr Llamas, Mr Speaker. They seem to be the other two people who are distraught about the positions in which they find themselves.

1865 His speech was therefore contradictory. He delivered it without any panache or flair, but that is subjective. In fact, it was so shallow that after what I thought was another magnificent Budget for Gibraltar – which would have been countered, and it would have been good for Gibraltar to have it countered by a strong passionate Leader of the Opposition with an alternative view for how we should be spending – it almost felt as if this House had suddenly found itself beached

1870 upon a sandbank because the analysis was so utterly shallow, boringly so. He accused me of spinning, but he could not spin a plate.

1875 And then he decided to make an assessment of my life. He said it had been my *annus horribilis*. Well, I do not think he knows me well enough, Mr Speaker, to be that intimate in his view – we are not that close – but I have had a great year. We have had a new daughter, and that really does change your life; an absolutely magnificent year, as far as I am concerned, for my family. I am able to lead Gibraltar with the confidence of my Ministers and the public. It is a total privilege to be Chief Minister of Gibraltar. I have not had an *annus horribilis*. The only horrible thing this year has been the disappointingly flat an uninspiring speech with which my Budget speech was met when I sat down: no fight, no welly in him, Mr Speaker. It is fine – if he does not want to do the job, that is fine.

1880 Delivering the speech in reply to a budget is one of the reasons why the Leader of the Opposition’s job is the worst job in the world, because you have to prepare for it. It is very difficult. You have to react to something that is said. You have to have notes: if he puts up Social Insurance, say this; if he puts it down, say that. That is how you do it. That is how you prepare. He had not done any of that. But it is fine – if he does not want to do it, if his heart is not in it, that is fine, but do not pretend to do it.

1885 He said that we are doing nothing for young people. I am not even going to accuse somebody else of having written the speech for him, because given what I know of the characters of the other side, I think all of them would have done a damned sight better if they had written it for him. If it had come in on WhatsApp it would have been better. How can he say that we are doing nothing for young people? A thousand young people on scholarships and apprenticeships, of which there are a lot. Mr Bossano is blue in the face talking about the opportunities there are for young people – Mr Cortes also, and in Employment.

1890 He says, ‘What about the T-levels? Nothing has happened.’ Doesn’t he know, Mr Speaker, that the T-levels are due to be introduced next year in the United Kingdom? It is the new A-level. If he goes back to my speech when I first mentioned them, it is the new A-level for introduction in 2019. In the UK they are talking about delaying them. We are talking here to the GTA about how we introduce them to ensure that we introduce them properly. But how can he say that we have done nothing on the T-levels and we have not introduced them yet? They were not due to be introduced until 2019. Go on Google and do ‘T-levels’, Mr Speaker, and see when they are coming. Isn’t he embarrassed to be caught out on something as simple as that?

1900 He said that our contribution to Community Care was the lowest ever. Well, has he forgotten how low the contributions were in the time that they were in government? This is part of the argument of drizzling. They were zero so that the reserves would be depleted to zero.

1905 And then he went back to my arguments in 2011 on the per capita debt. Well, it is very simple. He can do the per capita debt calculation if he wants, going through all the company debt etc., now I have demonstrated to him that there was company debt then as well – so he might find it harder to sustain the argument, but if he divides £520 million by 32,194 people, he gets the answer for their per capita debt. If he divides £447 million by 32,194 he gets the answer for our per capita debt. It is down, Mr Speaker. If they want to include company spending, include all of that, well, let’s include all of their company borrowing as well, but what they cannot do is double count.

1910 The hon. Gentlemen say, ‘You have taken £300 million of loan, £300 million of borrowing’ £300 million of loan because they say that the investment on the housing estates is a loan, £300 million of loan. They put in that PF £300 million owed. Then they say, ‘You put £30 million into the Gibraltar International Bank, £30 million of borrowing.’ I say we have taken it from the £300 million. They say it is £330 million more of borrowing. No, it is not; it is £300 million of borrowing, if it is borrowing. They are doing that all the time. They are reaching a number because Inspector Clouseau is trying to bundle it all up with his crooked calculator and he is falling for it. He should have more respect for his own intellect and work it out for himself, and if he were working it out as if it were a claim for damages for a client he would know that he

would not be able to double count that £30 million – just to give him one indication of the many mistakes that they are making.

1925 But going back to 2011 and using my arguments is – I always take it as – the greatest form of flattery. Mr Feetham did it every year that he was Leader of the Opposition – he still has done so by going back to my ministerial statement of January 2012 – and he has now done so by going back to 2011. As I am not shy of saying about myself, it was obviously, in 2011, the most successful Leader of the Opposition speech in reply to a Budget in history, because I was the only Leader of the Opposition who delivered one Budget response to a Chief Minister and then took over from him – so he can knock himself out reading it every time he wants.

1930 Anyway, he says we should deliver more growth in jobs for Gibraltarians and less for Frontier workers – 800 jobs for Frontier workers, only 75 for Gibraltarians. Doesn't he look at the numbers, Mr Speaker? There are only 45 Gibraltarians actively seeking employment. How can we get 800 of them into work? We can all continue to try to make more of them, but at the moment they are not available. Doesn't it even click about these things?

1935 And we are not doing enough to train people for a digital future. Doesn't he read the *Chronicle* every morning? You cannot be in politics in Gibraltar and not read the *Panorama*, not read the *Chronicle* and not look at all the ... Doesn't he know that CyberCenturian saw the largest representation in the finals from Gibraltar than from anywhere else? Four teams were from Gibraltar – one of them the team of all girls who advanced the furthest out of a thousand-odd and then 500 in the finals in all of the UK? Are we not doing enough for digital education in Gibraltar? The teachers who are doing that in the schools are magnificent teachers, Stuart Harrison in particular and Ms Gordon in the girls' school. They are dedicating their time. They are really investing in these children. We are supporting them in doing so. The digital education is there. Come on! Try harder, make some valid points.

1940 I think people protect their brains from his speech by not listening. In fact, I think it is his speech that inspired Mr Hammond to talk about noise pollution and how terrible it was. How can you come here and talk about plans for housing and talk about the forgotten estates when your photograph is in a manifesto that says that your plan for Moorish Castle is to demolish it? How is he going to go to the now magnificently refurbished Moorish Castle when the election is called – if he stands for election – and give his face to people there? Not thinking, Mr Speaker.

1945 And then he says:

how is it right that when each of our children reach the age of 18, parents feel the need to put their names on the social housing list in order to slowly creep up an archaic system to have the opportunity to buy into the Government co-ownership or be allocated a Government flat in the future?

1955 Two points. It was the GSD that lowered the age from 21 to 18. It was 21 before; they lowered it to 18. He is complaining that people are doing this for their children. And second, parents are not able to put their children on the housing waiting list; children have to put themselves on the housing waiting list. So the Big Lie reply, Mr Speaker, is the reality of what we are dealing with. The lies were all in their mouths.

1960 Mr Speaker, I have to deal with the hon. the independent Member now by telling her that she makes a terrible argument for inclusion and equality by starting out trying to exclude white male lawyers. (*Interjection by Hon. Ms Marlene Hassan Nahon*) We should have as much of a chance as everybody else, no more but no less. The hon. Lady cannot start this debate in our community about representation with a blatant political apartheid. I feel discriminated against every time she classifies me, with her father and all the others, as people who are overrepresented as a class in this political debate.

1965 She says 'so much for our robust economy' and we should look at the metrics and there is a lack of overall strategy – well, how can there be a lack of overall strategy when we have almost no unemployment, when all of the things that should be up are up and the GDP is up every year; that we should conduct a study of inequality because the minimum wage is £14,000 but the average top wage in our economy is \$111,000 – well, because there are people who are on top

1970 wages and that inflates the average and there are people who are on middle wages and that  
 1975 inflates the average and there are less people who are on low wages. The average tells you that;  
 otherwise, the average would be much lower if there were a lot of people on low wages. But  
 look, I obviously agree with her in relation to the minimum wage. No other Chief Minister is able  
 to point to a record where the minimum wage has gone up by 25% – well, no Chief Minister  
 other than Sir Joe Bossano, because he introduced the minimum wage, so it went from zero  
 potentially to the rate at which it was fixed by the GSLP when it won in 1988.

1980 Then she accuses us of not planning for the future. How can we not be planning for the  
 future if we are investing in a thousand Gibraltarians every year to come back to our economy?  
 How can we not be planning for the future if Albert Isola is out attracting good business to  
 Gibraltar in the DLT and Blockchain space, in the financial services space, in the gaming space?  
 How can we not be planning for the future? You would be seeing a tapering off of employment.  
 You are seeing employment continue to rise. There are 28,029 people employed in our  
 economy. It is more than a record. The ratio of residents versus employees is completely  
 through the roof. At this rate, next year we will be hitting 28,500-29,000. If the growth  
 continues, in three or four years' time a Chief Minister of Gibraltar will say, 'There are 32,000  
 1985 people living in Gibraltar, or 33,000 people living in Gibraltar; there are 34,000 people working in  
 Gibraltar.' That shows you that our plan is working, but when we started there were 500 people  
 unemployed. Give us the credit for that. She needs to check her facts.

1990 We believe that she can eliminate the party on the other side, because they are such a  
 shower that if she gets her act together she can eliminate them from opposition and from this  
 House – but she has to get her act together. So she cannot say that GJBS is a company formed by  
 the GSD; it was formed by the GSLP, Mr Speaker. The GSD very often accuse the GSLP of having  
 formed GJBS, until they were of course elected. GJBS is a company that is there for the  
 Government of Gibraltar and for the people of Gibraltar. It is there to deliver some of the best  
 work in our construction industry. It is there to deliver whenever we need them to deliver on  
 1995 time and on budget. And at the time of the 2011 General Election Sir Peter Caruana turned up in  
 their yard and gave them a 16% pay rise overnight after the election had been called. That is a  
 shenanigan if ever there was one, Mr Speaker. I am not accusing her of any of that, but I am just  
 telling her the history of GJBS so that she is aware of these men and women who do such an  
 excellent job for Gibraltarians. They deserve to be recognised for the work they do and nobody  
 2000 should be suggesting that they do anything other than compete properly in the private sector.  
 And it is right that, although they are a Government company, they fairly and without advantage  
 compete in the private sector. They do not get all the jobs that they compete for in the private  
 sector. Some in the private sector do not like the fact that they are owned by the Government.  
 Some say, 'If I have a dispute with GJBS, they have the Government's deep pockets to take me to  
 2005 litigation,' so actually they lose work in the private sector as a result of being Government  
 owned.

2010 She talked about postal services costing us £9 million a year. We actually do not know where  
 she got that from. We have looked in the book. Under head 51, 'Postal Services', the cost is  
 £3.6 million. When you look at their receipts, which are in head 5, line 74, it is £1.8 million of  
 revenue, so the net cost of the Post Office is actually £1.8 million. We do not know where she  
 gets the £9 million from.

And assessments are no longer five years late in Income Tax, as she knows. We are bang up  
 to date now and we owe less rebates than any Government has ever owed before. We are about  
 two years into the process.

2015 She says that we are in crisis on housing. Well, Mr Speaker, we are not in crisis on housing.  
 We want to be able to deliver the projects we have almost ready to go, but we are fighting to  
 make them better, we are fighting to make them the best possible value for money. We are also  
 fighting to make them fair to taxpayers and to everyone who has already bought an affordable  
 home.

2020 But there was a crisis in housing in 1988 and the GSLP resolved it, and the housing waiting list by the time we left was 200, and we are determined to have what Pepito Baldachino always tells us is his greatest wish, which is for another Minister for Housing from the GSLP to get that total down from him because he holds the record, and we are pushing to achieve that and Samantha Sacramento is doing as much of a good job there as she is in dealing with arrears.

2025 She calls for a review of the Housing Act but I think we have already said that we are doing that, and for provisions of health and safety measures in common areas in rental flats, which ... the Hon. the Minister for Housing has got herself already into lemons territory in the context of actually taking people on because they have things in common areas etc. and she has done a very good job in order to be able to pursue that properly.

2030 I thought it was inelegant to use Grenfell as a way of hanging her hook in relation to the issue of housing. It is not necessary in Gibraltar to try and create panic or use that as a political tool.

We have announced reviews, for example in relation to Import Duty, and then she calls for a review of Import Duty. I think on those issues she needs to do more.

2035 She says she wants to see more young people involved in politics. I agree, but there are a lot of people involved in the young GSLP. If we can have more, of course we should.

And then she laments the final salary pension scheme, but she seems to forget that it was not us who did away with it; it was the GSD.

2040 She tells me to honour my commitment to private sector pensioner. I have. I am the only one who gave them a commitment and I have honoured my commitment; they just want more. Mr Speaker, we have given private sector pensioners who do not have a pension – or we have asked Community Care to give them and they have agreed to do so – the minimum wage per couple and 60% of the minimum wage per individual. They have come back and said that is not enough, they want £26,000 per couple. That is the latest meeting we had with them. They want £26,000 per couple. That is worse than unsustainable – it is impossible. And also remember that 2045 there are people in our economy who work and who do get pension funds for themselves and pay into those pension funds, and those who do not pay into those pension funds now want to be given £26,000 a year when they retire. And there are people who are civil servants who are in the final salary scheme and people who are public sector workers who are in the money purchase schemes, and those who are not and are not contributing should not be put in the 2050 position where they are as well off as those who have contributed. Nonetheless, I also entered into a separate commitment, which was to bring a Bill in respect of the creation of pensions of the private sector and that is now very well advanced and I expect to publish the Bill very soon, hopefully this year.

2055 Mr Speaker, how can she justify the idea that we are not socialists? Which Government has ever put up the minimum wage by 25%? None. Only the GSLP. And if we were not socialists we might not have hiked the duty on champagne.

2060 There is absolutely no question of backdoor privatisation at the GHA. In fact, one of the things that we are able to demonstrate is that in the GHA staffing levels have increased by direct employment by 25% over the last six years. In admin and support we are up 28, in medical and allied health professionals up 65, in ambulance up nine, in nursing up 92, in industrials up 28. The total is 223 more direct jobs in the Health Service in the time that we have been in government, so how can they sustain an argument in relation to privatisation? It is just absolutely impossible to sustain it.

2065 But look, I will tell her that I agree that there are moments when politics might *seem* terrible. She says we are trying to silence dissent in this House. Nobody is trying to silence dissent in this House but we are always going to be passionate in responding to someone who takes a view which is contrary to ours, and we expect passion back. There is nothing intended to silence dissent just because we are passionate in defending our point of view. Politics might be terrible. It does not feel terrible from this side of the House and it did not feel terrible when we were on 2070 that side of the House. However much we were battered, we always came back. We were honest in the positions that we took. I think that politics is the best profession. It is the



profession that enables us to deliver change, it is the profession that enables us to build communities, and what we are doing here is we are building. Just look around you, Mr Speaker. Politics done the way we do it is the noblest profession. We nurture the architecture of society. We build our community. That is what we are doing. And we are not an establishment, we are not a baristocracy; I do not identify with those words, Mr Speaker. It is absolutely wrong to think that that is what we are, because if she goes out into the streets with us she will see that we are not treated like the establishment by our people, and we would never accept that we should be.

The times they are a-changing. They are indeed, Mr Speaker. It has been very hard for us to achieve it, but the times they are a-changing. There is no Gibraltarian now who does not get a job if they want one. There is no Gibraltarian who is deemed unemployable by the Government. There is no Gibraltarian who is not offered a cleaning job because Gibraltarians do not want to clean – there are many Gibraltarians who want and need to clean and are able to clean, if that is what they believe they should do. Mr Speaker, the times they are a-changing. We are delivering that change. It has been hard indeed, but we are delivering that change.

Even the fact that she is seen on people's television screens when she delivers her speeches is a sign of the change that we delivered – as those who are incarcerated at Her Majesty's Prison know, given the work that we do with them there to create opportunities for them. I think she has had the information before from the Hon. Minister, but we are doing a lot, as is Joe Bossano, to bring back into the world of work those who might have found themselves incarcerated for a period.

We are doing a lot on outreach through the Community Mental Health team and there is already a two-bedroom flat in the community for this purpose; and a lot of mental health service is being provided now for children, which we are working on.

On the Prison recruitment, Mr Speaker, I understand five people have already been selected and the human resources manager will soon be communicating to those who have been selected that they have got a job.

Well, Lady and Gentlemen, I think I have been able to demonstrate that a lot more rigour is required if you are going to come to this place earning almost £40,000 – by the way, you get the full public sector pay rise at your pay rates – to criticise on behalf of the community and not even check your facts. Hon. Gentlemen on this side in particular need to be careful because, without wanting to insult Mr Speaker in any way, in the old days in shorthand they used to say that if Hassan and seven monkeys stood for election they would win. So hon. Members need to be careful that she does not stand with at least six monkeys or better, because they might find themselves in a very difficult position.

If hon. Members heard a thud during the presentation by Mr Clinton, it was the thud of the Financial Secretary's jaw hitting the floor, and then the tsunami of thuds was all other accountants in Gibraltar having their jaws hit the floor as the signal from this place reached them in their places of work and they heard the things that they were saying. The Hon. Mr Clinton has got the book all wrong and he has led six of the seven Members opposite into the black hole of voting against this Budget. I think it is six but I do not know what Mr Llamas is going to finally do. It will be a real tragedy if he decides to follow them into that black hole.

He missed most of what is in the book. I have demonstrated that he asks for accounts and then he does not look at them. Accountant says no is not a way forward for this community. It is not something that is going to create a legacy, but with his credibility now as dead as a dodo, especially when people go back and read his speech and read the response that Gilbert Licudi gave him and read the response I have given him in detail, I think people will realise that there is no good reason for hon. Members opposite to vote against this Budget, they are just concocting a reason; and that if the University needs to run a refresher course, it should run it for him in respect of his accountancy qualifications, but I am afraid that I think he is such a laughingstock now at the University it is unlikely that they are going to want to run anything for him. He has been caught with his accounting pants down and it ain't a pretty sight. In fact, after all of this, when they go away and think about it at GSD headquarters – the hon. Lady will be pleased not

2125 to be there – I think they are going to be left with the hon. Member running around doing the  
Benny Hill jog with the leader of the party chasing him because he is going to be so disappointed  
at the way that he made him go against these estimates.

Mr Speaker, the ultimate *a mi me* pertenece the ultimate expression of the culture of  
entitlement, is to say that in respect of a book where this £635 million of appropriation and  
there is £600-odd million of revenue, there is nothing there to vote on and that everything is  
2130 hidden. It is over £½ billion of revenue, it is over £½ billion of spending on all our public servants,  
on our civil servants, on those in our agencies and authorities, on the people who are going to  
deliver services, on the frontline services in education and in health. It is all in here, and what is  
not is what has never been in here before. And they are going to vote against all of that. They  
are going to vote not to pay civil servants, not to vote anyone in the public sector, to close  
2135 schools, to close the Gibraltar Health Authority.

But look, in the end Mr Llamas is right, the Budget will pass. Investors are not listening to  
them, they say, so they do not care. They will continue the gesture politics of voting against. But  
after today he knows that he has been shown up as not being as clever as he tried to pretend.

But there is another tragedy, apart from the fact that Mr Llamas is going to be put in the  
2140 position where he is going to vote against the Budget which I think he wants to vote in favour of.  
The tragedy is that I spend more time defending Gibraltar and its accounts against other  
Gibraltarians than I do against people from outside of Gibraltar. That is a tragedy, especially  
today, as Mr Llamas said, when we should be united in the face of Brexit.

I only have one trick that I bring to this House, Mr Speaker, and that is the truth, and these  
2145 estimates are the sword of truth. Their tricks are twisting and defrauding. I am not the king of  
spin. I cannot spin a surplus certified by the Treasury and the Ministry of Finance, and I do not  
need to, but it takes spin to turn a surplus into a deficit. What they do in order to sustain their  
argument is they create a Ponzi scheme of an argument – a fraud by any other name, because  
that is what a Ponzi scheme is, just like the current GSD, a fraud on the old GSD. In fact, the GSD  
2150 is now led consecutively, apart from the interim period of interim leadership during the  
campaign, by two men who stood against the party for election, and indeed in this House it is led  
by somebody who stood against the party at an election. I never stood against the GSLP,  
Mr Speaker – (*Interjection*) never stood against the GSLP.

All I am doing is exactly the same thing that Sir Peter did from St Peter's chair, reporting the  
2155 same numbers, giving you the same metrics, and so from St Peter's chair – for this is where he  
sat – I tell you, like St John told you, that this is the truth and the truth will set you free – free,  
probably, of membership of this House because I think they will be free of membership of this  
House if they continue in the vein that they are going in, but free nonetheless. Mr Speaker, if  
they stop lying about us, we will stop telling the truth about them; I promise them that much.

This is a great Budget: a Budget for Brexit success, a Budget that lowers the tax burden for  
2160 working families, a Budget that ensures that Social Security is still the lowest in Europe, a Budget  
that lowers the tax burden also for middle-class families, a Budget for our collective health and  
our collective environment, a Budget to make us match fit for a prosperous future outside the  
EU, a Budget for those who are low paid and to provide incentives for those on higher incomes,  
2165 a Budget for business and reducing costs of rates and other costs and keeping utilities low, a  
Budget for pensioners, a Budget for students, a Budget for apprentices and for those who want  
to do T-levels next year, a Budget for our children, a Budget for people with disabilities, a Budget  
of positive truths that they do not like but our community will relish.

Mr Speaker, their Big Lie replies will not deter me from saying that I commend the Bill to the  
2170 House, but before I do I want to say one last thing. Last year Mr Llamas put Gibraltar first and his  
party second. When the time comes to vote this year, I wonder whether anybody ever should  
put Gibraltar second.

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

2175 **Mr Speaker:** I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2019 be read a second time.

**Hon. Chief Minister:** Division, Mr Speaker.

2180 **Mr Speaker:** A division is required.

*Voting resulted as follows:*

**FOR**

Hon. P J Balban  
Hon. Sir J J Bossano  
Hon. Dr J E Cortes  
Hon. N F Costa  
Hon. Dr J J Garcia  
Hon. Ms M D Hassan Nahon  
Hon. A J Isola  
Hon. G H Licudi  
Hon. S E Linares  
Hon. F R Picardo  
Hon. Miss S J Sacramento

**ABSENT**

None

**AGAINST**

Hon. R M Clinton  
Hon. D A Feetham  
Hon. T N Hammond  
Hon. L F Llamas  
Hon. E J Phillips  
Hon. E J Reyes

**Mr Speaker:** There are 11 votes in favour; 6 against. The Appropriation Bill has been read a second time.

2185

**Clerk:** The Appropriation Act 2018.

**Appropriation Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2190 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Hon. Chief Minister:** Mr Speaker, I now invite the House to recess until quarter to four this afternoon.

2195

**Mr Speaker:** The House will recess until quarter to four.

*The House recessed at 2.40 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.55 p.m. – 6.05 p.m.**

**Gibraltar, Thursday, 5th July 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.55 p.m.*

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

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

## Order of the Day

*In Committee of the whole Parliament*

### **Appropriation Bill 2018 – Consideration of clauses commenced**

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

**Hon. F R Picardo (Chief Minister):** Mr Speaker, I have the honour to move that the House  
5 should resolve itself into Committee to consider the following Bill clause by clause: the  
Appropriation Bill 2018.

**Clerk:** A Bill for an Act to appropriate sums of money to the service of the year ending on the  
10 31st day of March 2019.  
Clause 1.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2. Head 1, Treasury; Payroll.  
15

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Other Charges.

**Hon. R M Clinton:** Mr Chairman, if I may, if I can ask the Government, on other charges,  
20 subhead 6(a) circulating coinage expenses, which then cross-references down to Appendix N,  
page 225, if I could ask the Government: is this in relation to the replacement of the pound  
coins? And if I could just ask as well, what happens to the old coins?

**Hon. Chief Minister:** Mr Chairman, this debate is about the numbers here, which they have  
25 said they are not going to be voting for, so I am surprised that they are asking us questions,  
because in this part of the debate what one does is assist hon. Members who may be wanting to  
support the Bill, try to make any changes that might allow them to support the Bill or to ask any  
questions which might elucidate or clarify something. So I am surprised that they want to ask  
30 questions. If he wants get nit-pickety and difficult and ask questions, I do not think I am going to

persuade him to vote in favour, given that he seems to have foolishly decided for other reasons not to be voting in favour, but I am surprised therefore that he wants to ask questions.

The answer to his question is that yes, it is for the replacement of the pound coins.

35 **Hon. R M Clinton:** Mr Chairman, I thank the Chief Minister for his answer. Does he know when the anticipated demonetisation date will be?

**Hon. Chief Minister:** During the course of this financial year.

40 **Mr Chairman:** Any other question on this subhead?  
Other charges stands part of the Bill.

**Clerk:** Head 2, No. 6 Convent Place; Payroll.

45 **Hon. R M Clinton:** Mr Chairman, if I could ask the Chief Minister why the office of the Chief Technical Officer is now under No. 6?

**Hon. Chief Minister:** Mr Chairman, given that they are going to be voting against the Bill, I am surprised that they want to ask questions in respect of this Bill, unless the answers I am going to give them are going to change them.

50 The answer is because we think it is more appropriate that way.

**Mr Chairman:** Payroll stands part of the Bill.

55 **Clerk:** Other Charges.

**Hon. R M Clinton:** Mr Chairman, may I ask why it was that under subhead 2(b) other grants and donations, the outturn is going to be £1,064, over £1 million, compared to £575,000 in the estimates, and why the estimate for next year is £1 million?

60 **Hon. Chief Minister:** Mr Chairman, in respect of the financial year that ends, which saw them not support the Bill that represents the outturn for last year, there has been other expenditure and this year we expect the expenditure will be around £1 million. That is why those figures are there.

65 **Hon. R M Clinton:** Mr Chairman, can the Chief Minister give some indication of what sort of grants and donations he is giving from his office?

**Hon. Chief Minister:** I refer the hon. Gentleman to the answer I have given him on a number of occasions at Question Time in respect of that.

**Mr Chairman:** Any other question?

**Hon. T N Hammond:** Yes.

75 **Mr Chairman:** The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Chairman, under other charges, subheading 5 – Government communication, information and lobbying – I note that there is quite a substantial increase in the forecast outturn from what was estimated. It goes from £915,000 to a shade under £1.7 million, returning to £1.2 million as the estimate for next year. Is that purely associated with activities around Brexit, or is there another reason for that? And if it is around Brexit, is it

appropriate that it comes out of the No. 6 budget rather than the budget of the Deputy Chief Minister?

85

**Hon. Chief Minister:** Mr Chairman, in respect of the outturn for the financial year that they did not support the estimate for when we brought it in, there has been more expenditure than expected as a result of a number of different reasons and we think it is appropriate that it should come out of No. 6 Convent Place.

90

Given that we are the only ones voting for it, with Ms Marlene Hassan Nahon, I do not see why hon. Members want to go into this level of detail. If they were voting for the Bill, they might have the moral authority to ask us about where we are going to spend the money. They have said they are not voting for the Bill, not on the basis of what we have spent in respect of the outturn for lobbying or what we are going to spend next year.

95

**Hon. T N Hammond:** Mr Chairman, so the Chief Minister cannot provide any detail whatsoever regarding the additional £700,000 almost of expenditure under that subheading?

**Hon. Chief Minister:** No, Mr Chairman, I can. It is related to that subhead.

100

**Hon. T N Hammond:** Mr Chairman, that is not additional detail; that is just regurgitating what is in the book.

105

It is quite a substantial increase, I understand, but it was not that we were blind to the fact that Brexit was going to happen. The referendum had already come to pass by the time this estimate was put in and I just wonder if we may be provided with a little more detail, if such is available, as to where the additional £700,000 was spent.

110

**Hon. Chief Minister:** There is detail in respect of every single penny, Mr Chairman. Every single penny of the money that was spent in defending Gibraltar internationally in respect of Brexit and all the other issues which required lobbying, which was spent as a result of the vote in this House of Mr Llamas and Ms Marlene Hassan Nahon and the Members on this side of the House – because they did not support the spending, they did not support that we should spend money defending Gibraltar internationally, and lobbying either in respect of Brexit or otherwise ... There is detail down to the last penny but I do not think it is appropriate to share it across the floor of the House; otherwise, those we are lobbying to keep at bay will know who we lobbied and how we lobbied.

115

120

**Hon. T N Hammond:** Mr Chairman, we are not asking for the level of detail in respect of the naming of names, just perhaps as to how it subdivides between communication, information and lobbying perhaps, regarding the additional £700,000. Was it all in the lobbying box? Was it all information?

125

My understanding was that the Committee Stage was not about debating, it was about just trying to determine facts. The Chief Minister seems quite keen to continue debating where we are with respect to the various positions on this Bill. Regardless of that, I think it is the obligation of those in this House to examine how people's money is being spent and try and drill down into some detail, whether we agree with it or not.

**Minister for Health, Care and Justice (Hon. N F Costa):** But you haven't voted.

130

**Hon. Chief Minister:** Exactly, Mr Chairman. The whole point of this Committee Stage is to decide, by looking at detail, how one is going to vote, not to look into greater detail in respect of something that you are going to vote against.

Hon. Members have made a decision two years in a row not to support the spending, so the spending that we are looking at in the forecast outturn is spending approved by Marlene Hassan

135 Nahon, Lawrence Llamas and the Members on this side of the House. The spending for the  
estimate for next year is the spending that is going to be done – because they have already said  
this is the case ... They are not saying, ‘It depends on whether you convince me or you do not  
convince me’; they have taken a position of principle that everything is hidden and there is  
140 nothing here worth talking about because everything that is worth talking about is out of the  
Estimates Book.

And so, Mr Chairman, they are not asking us for detail in order to be able to determine vote,  
which is what the debate is about in this House, and what this Committee Stage is about. This is  
part of the debate. The Committee Stage is about looking at the detail in the context of the  
debate.

145 I have given them the detail, Mr Chairman, in the context of giving them a high-level view. I  
am not going to give them a more detailed view, in particular on something as sensitive as  
lobbying, where what they are asking me for could lead people to the work that we are doing.  
Haven’t they heard the Deputy Chief Minister explain what happened in the course of his Budget  
speech in the Second Reading when he talked about what happened in Washington when he  
150 turned up, where people, before he appeared to meet them, had already indications from other  
entities of what positions they should be taking in respect of Gibraltar?

**Hon. T N Hammond:** Mr Chairman, under subheading 6, Protocol travel and entertainment,  
again I note quite a significant overspend, about 30% over budget, from £150,000 to £260,000.  
155 Is that again entirely associated with Brexit, or was it a predictable overspend? Should it have  
been estimated last year? As I said, it is quite a significant overspend and could the Chief  
Minister perhaps give a flavour of where that spending went?

**Hon. Chief Minister:** Mr Chairman, the position remains exactly as I have set out in relation  
160 to the position that they have taken, which is if they are voting against the Budget I do not see  
how they expect to be given more details. They have already indicated what their position is.

In relation to protocol entertainment, I think one of the problems is that hon. Members  
opposite, when we invite them to parties, eat more than we expect and drink more than we  
expect.

165

**Mr Chairman:** Other charges stands part of the Bill.

**Clerk:** Head 3, Customs; Payroll.

170 **Hon. R M Clinton:** Mr Chairman, if I may ask, on subhead 1(a) Salaries – and this is perhaps a  
generic question which goes across the book – does the estimate for 2018-19 take into account  
the public sector pay rise as announced by the Chief Minister in his Budget speech?

**Hon. Chief Minister:** Mr Chairman, the Budgets that they have voted in favour of – because  
175 he started in this House by voting in favour of Budgets – and the both Budgets that they have  
voted against do not factor in public sector pay rises in any way. I think he has been told that on  
a number of occasions before, but I do realise that he forgets some of the things that he has  
asked us in other Committee Stages. In particular, we had an example of that this morning in  
relation to his forgetting about the recurrent expenditure in respect of the University and the  
180 capital expenditure in respect of the University.

**Mr Chairman:** Is there any other question?  
Payroll stands part of the –

185 **Hon. T N Hammond:** Sorry, Mr Chairman, just one from me.



**Mr Chairman:** Yes, the Hon. Trevor Hammond.

190 **Hon. T N Hammond:** It is purely to clarify for my understanding – no more than that, because I am not familiar with some of the terms, although I have read them before and if I am familiar I do not recollect. Overtime ‘conditioned’ – can the Chief Minister or the Government just explain what conditioned overtime is, as opposed to discretionary overtime?

195 **Hon. Chief Minister:** Mr Chairman, exactly the same as it meant in 2016-17, which I think is a Budget year when they voted in favour of the Budget.

**The Chairman:** Payroll stands part of the Bill.

**Clerk:** Other Charges.

200 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 4, Income Tax; Payroll.

205 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Other Charges.

**Mr Chairman:** Stands part of the Bill.

210 **Clerk:** Head 5, the Parliament; Payroll.

**Mr Chairman:** Those in favour? (**Members:** Aye.) Those against? (*Laughter*) Payroll stands part of the Bill. (*Banging on desks and interjections*)

215 **Mr Chairman:** Other Charges. Any questions?

**Clerk:** Other Charges.

220 **Mr Chairman:** Otherwise I will not get my 1.89%! (*Laughter*) Other charges stands part of the Bill.

**Clerk:** Head 6, Human Resources; subhead 1, Payroll.

225 **Mr Chairman:** Any questions?  
Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

230 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 7, Immigration and Civil Status; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

235 **Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Hon. Roy Clinton.

240 **Hon. R M Clinton:** Yes, Mr Chairman. Under 2(e) there is a line that appears: 'Post-Brexit printing of new British emergency travel documents, £10,000.' I would be grateful for some information as to why that appears now, in terms of what it represents.

245 **Hon. Chief Minister:** Mr Chairman, I am surprised that the hon. Gentleman, given that he has decided to vote against this money being spent although we may need new British emergency travel documents post Brexit, now wants details. But what they represent are new British emergency travel documents required post Brexit.

**Mr Chairman:** Stands part of the Bill.

250 **Clerk:** Head 8, Government Law Officers; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

255 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 9, Financial Secretary's Office; subhead 1, Payroll.

260 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

265 **Clerk:** Head 10, Drug and Alcohol Awareness and Rehabilitation Services; subhead 1, Payroll.

**Mr Chairman:** The Hon. Elliott Phillips.

270 **Hon. E J Phillips:** In respect of line 3, 'Secondment', can the Chief Minister give any indication as to the £553,000 – what that is for?

**Mr Chairman:** We have already voted You want to ask a question on that – is that it?

275 **Hon. Chief Minister:** No, we have already passed that.

**Mr Chairman:** Do you want to ask a question?

**Hon. Chief Minister:** It's okay, we will –

280 **Mr Chairman:** Head 10, Payroll, stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

285 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 11, Public Service Support Unit; subhead 1, Payroll.

**Hon. R M Clinton:** Mr Chairman, if I may. I would be grateful for some information as to what the function of this new unit is for, given it is a new head of expenditure this year.

290 **Hon. Chief Minister:** Mr Chairman, this is the section that they voted against last year when it was created also, and which they are intending to vote against this year also, which is to provide human resources support across the public service – which is not the Civil Service. Like everything else in this book, it is something that they are not supporting.

295 **Hon. R M Clinton:** Mr Chairman, I am not quite clear with the Chief Minister's answer. What exactly does this unit do across the Civil Service? What is its actual function? You already have GDC employees seconded to other Departments. This, from what I can see, is a new Department this year – it was not there last year – and has 13 people in its establishment and two from the Gibraltar Development Corporation. That is 15 people. Again I ask: what is the purpose of this  
300 unit? He said to support the public service, but in what way?

**Hon. Chief Minister:** Mr Chairman, it is not the Civil Service is what I have told him. It is the public service, which is not the Civil Service. This is a unit I have told him was created last year, which they also did not support last year, to provide human resources support for public  
305 servants who are not civil servants, throughout the public sector. They did not support it last year and they are not supporting it this year.

**Hon. R M Clinton:** Mr Chairman, sorry to labour the point but I really do not see that what the Chief Minister has just said actually provides any light to my question. What does this unit  
310 actually do?

**Hon. Chief Minister:** Mr Chairman, I do not know how many times I have to tell him. It is like human resources in the Civil Service but not for civil servants, because of the 5,000 people who are employed in the public sector not all of them are civil servants but only civil servants are  
315 entitled to work with human resources of the Civil Service.

**Hon. D A Feetham:** Mr Chairman, may I?

**Mr Chairman:** Yes.  
320

**Hon. D A Feetham:** Before those members of the GDC were invited to form part of the Civil Service when we were in government, there were two, effectively, a separate 'human resources department' for the GDC. Is this something similar?

325 At the time I think the decision was taken – I am not clear what happened when the hon. Gentlemen took over in 2011 – I think that even those who formed part – there were only two or three people who formed part of that 'department' or who dealt with human resources for the GDC – then transferred to the Civil Service. Is this sort of reinstating something similar for the GDC?

330 **Hon. Chief Minister:** No, Mr Chairman. This is across the public service. So now you have the Civil Service and then you have all of the rest of the public service, which includes the GDC, and what we are doing, which they did not support last year and they are not supporting this year either, is consolidating all of that in one section so that you do not have a human resources department in one agency and a human resources department in another authority and a  
335 human resources department in another company. Instead, you have one human resources facility for all of the non-Civil Service public sector. It is more efficient, and if they were supporting any part of this spending – but they have decided not to support any part of the

spending, because they said this just represents a big lie – they would, I think, want to support this.

340

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

345

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 12, Office of the Deputy Chief Minister; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

350

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

355

**Clerk:** Head 13, Civil Aviation; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

360

**Mr Chairman:** Stands part of the Bill.

**Hon. Ms M D Hassan Nahon:** Mr Chairman, can I ask: why is all emergency overtime zero?

365

**Hon. Chief Minister:** I thank the hon. Lady for that question.

Mr Chairman, the decision taken this year is that when we look at emergency overtime it does not seem right that there should be an amount specifically provided, because if it is an emergency that should be leading to that overtime then it should be something that should be covered from the provision that is made in the book for additional spending.

370

If one provides an amount of money for emergency overtime – and in some heads the hon. Lady will see that there was actually a specific amount provided for emergencies – we felt that that should not be provided by way of emergency, it should be provided by way of discretionary overtime payment being made available, which could then be used in any emergency. The discretion would, of course, engage to allow the payment in the context of that emergency.

375

It is not impossible to think that if you are providing amounts as emergency head, those emergency amounts could be found to be spent during the course of the year under the discretionary head because people would vire between one and the other. In the conversations we have had with controlling officers we have determined it is easier for controlling officers not to have the pressure of having an amount available for emergencies and it is better for them to be able to demonstrate that they have exercised discretion in appropriate circumstances, and that discretion includes in such emergencies as may become necessary when overtime is then required.

380

So she will see in voting to support this Budget, as she is going to do, that we wanted to be careful to ensure that that which is described as emergency is actually emergency.

385

**Mr Chairman:** That is Head 13, Civil Aviation, Payroll – stands part of the Bill.  
And now Other Charges – also stands part of the Bill.

**Clerk:** Head 14, Environment; subhead 1, Payroll.

390 **Hon. T N Hammond:** Mr Chairman, can I ask if the newly appointed Commissioner for Sustainable Development is contained within this payroll list?

**Hon. Chief Minister:** Mr Chairman, the post of Sustainable Development Officer, which they are voting not to support the creation of, is not contained under these estimates which they are  
395 voting not to support.

**Hon. T N Hammond:** Mr Chairman, can I ask then is the salary for the Commissioner for Sustainable Development coming out of head 14?

400 **Hon. Chief Minister:** It will come out of the head of Supplementary Provision, which they are also voting not to support, Mr Chairman, this year – unless anything I tell them persuades them to support it.

**Hon. E J Phillips:** Just a general point, Mr Chairman, in relation to the Chief Minister's  
405 continual reference to the fact that the Opposition are voting against the Bill. We consider it quite close to tedious repetition. I think we all know where we stand in relation to the view on where the Opposition stands. If the Chief Minister could refrain himself from continuously repeating it in the tedious nature that he does and just answer the questions that we put to him relating to the particular point of our questions being asked. It is getting quite close to Mr  
410 Chairman intervening in relation to that very point I have just made.

**Mr Chairman:** I do not feel that as Chairman really there is anything that I can do about it. I imagine the position is fairly unprecedented.

In the House of Commons the Appropriation Bill would be referred to a select committee,  
415 and with the Opposition invariably having voted in favour at the Second Reading what goes on in the select committee I think would be fairly straight forward.

I do not have anything that I can base a ruling on. I cannot compel the Government to give the information which the Opposition is seeking. I am not in a position to do so. There is nothing that I can base my decision on.  
420

**Hon. Chief Minister:** The hon. Gentleman is not asking you to compel me to give information or not give information; the hon. Gentleman is asking you to stifle me in debate. He is asking you to stop me from reminding them that they are voting against the Bill. He has asked you to prevail upon me to refrain from reminding them every time they ask a question that they are  
425 asking a question about the detail of spending that they are not going to support, Mr Chairman. That is what he is asking you to do, which I assume is because he is embarrassed to have himself reminded constantly that for the second year running the GSD is going to vote against the estimates, which means that they are not looking at whether we spend a pound more or a pound less here or there as a way to determine how they will vote; they have made a decision –  
430 on the premise I have already demonstrated in the Second Reading, with the support of the majority of the House, including some Members on that side of the House, which is not to be found with any credibility – that they are not going to be supporting the Bill simply because they say there is nothing here. That is what they have said. They said that this is a Big Lie Budget and they do not want to be reminded, every time they ask a question about the detail of this, that all  
435 of the recurrent expenditure of the Government of Gibraltar is in this book and they have an opportunity to look at every penny that is being spent.

And they do not like the attitude of the Government? Well, Mr Chairman, the Government does not like the attitude of the official Opposition (**A Member:** Absolutely.) and we have made it very clear we think that they are being irresponsible in the way that they are voting and that  
440 they are breaching a convention and creating a new convention that is a convention of irresponsibility, which does not look in the Committee Stage at the detail of spending and then

enable hon. Members to determine how they will vote in respect of the Bill – it is a general in-principle view against the Bill on the basis that they do not have the information on the spending of the Government of Gibraltar, although there is £600-odd million of revenue here and  
445 £600-odd million of spending.

That is what they do not want me to remind them of and I am going to remind them of it at every opportunity I have, and I encourage all my hon. colleagues to do exactly the same thing if they are asked any questions in respect of their subheads. And if they do not want to hear it, well, they can vote in favour or they can vote against, but we are entitled not to have our voices  
450 stifled in the debate. It is not just oppositions that complain about their voices being stifled. I feel that Mr Phillips wants to stop me from saying the things which I think it is in the interest of the community that I should repeat so that everybody understands the negative consequence of the action that they are taking – and, Mr Chairman, I think it is absolutely appropriate and incumbent upon me as Leader of the House to do so.

455 **Hon. E J Phillips:** Mr Chairman, just one further point. If one looks at the spirit of 52(4) on page 25 in Standing Orders, you have:

The Speaker or Chairman, after having called the attention of the Parliament or Committee to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct the Member to discontinue his speech.

If one looks at the spirit of that, there is clearly tedious repetition of the same argument. It is very clear that the Opposition will vote against the Bill, as is common in other countries –  
460 including the United Kingdom, Mr Chairman – and the point I make here is that the Chief Minister continues to tediously repeat the same point in respect of how we have voted on the Second Reading of the Bill. Mr Chairman, what we are undergoing now is a detailed assessment of the figures in the book.

465 **Hon. Chief Minister:** Mr Chairman, how can it be tedious repetition – just dealing with that point – if I am dealing with a different question all the time but there is a principle underlying the answers that I am giving in every particular instance?

One does not put to them the Standing Order on tedious repetition when they make the same point for the past four years in respect of company borrowing although I have  
470 demonstrated that they were doing the same company borrowing. I just refer to them as a scratched record.

Mr Chairman, I fully intend to remind them every time that they ask a question that they are asking a question under a particular subhead in respect of a Budget that they are not supporting, and if they are embarrassed about that they should just take a different view. If they do not  
475 want to be reminded or they do not want to hear me, they can go out to the loo if they like, but I intend to say it because I think it is incumbent upon me, as Minister for Finance, as Leader of this House and as the elected political leader of this community, to ensure that the record reflects the action that they are taking.

480 **Hon. Ms M D Hassan Nahon:** Mr Chairman, can I just –?

**Mr Chairman:** Let me make my position clear – and I am the Chairman of this Committee now. The House is in Committee – we have a different situation completely – but as Speaker, generally when a matter is raised involving the Rules and Standing Orders, obviously, or the  
485 proceedings of Parliament, I go by the Rules and Standing Orders. If there is nothing in the Rules and Standing Orders about the issue, then I have a problem because I then need to have recourse to other sources. The sources would be the proceedings of the House of Commons. You guide yourself by what happens in the House of Commons, you guide yourself by Erskine May. For all of that, time is required.

490 The Hon. the Leader of the Opposition has raised an issue about the question of repetition.  
That has to do with debates. I would submit – I may be wrong – that we are not in that territory;  
this is not a debate which is going on. The estimates are now in Committee. If anything, the  
Rules that might apply are from 43 on: ‘Committee on Estimates’. This is what this is now,  
Committee on Estimates. That is all that there is about the Rules: Rule 43. Other than that, there  
495 is nothing that I can guide myself by. This is not a debate in the accepted sense of what is a  
debate.

**Hon. Ms M D Hassan Nahon:** Mr Chairman, if I may, I just wanted to ask the Chief Minister  
why, in his view, even though the GSD Opposition have decided not to vote – which, as you  
500 know, is a different position to mine ... why themselves, sitting MPs, are any less entitled or  
precluded from asking questions on the detail of this Bill.

**Hon. Chief Minister:** In a select committee like this one, in Committee, what we are doing is  
trying to determine the detail that will decide how we vote –

505 **Mr Chairman:** It is irrelevant.

**Hon. Chief Minister:** – and hon. Members have said (**Mr Chairman:** Irrelevant.) that they are  
going to vote against the Bill. They have already indicated that –

510 **Mr Chairman:** It is not a relevance.

**Hon. Chief Minister:** Exactly. Irrespective of the merits of the detail that we are looking at,  
they have said that they are voting against, so it is a little bit rich, in my view, Mr Chairman, that  
515 they should now be trying to drill into every penny of spending when they have decided that  
they are going to vote against.

It is not as if we are not giving information; it is just that I am making the point that I think it  
is unfair that they are denying the heads that we are looking at of any vote, that we are not  
going to fill them in any way. In other words, they are voting against £1,000 going here or  
520 £19,000 going there but they want to know the detail of why it is going there.

The detail is provided in the context of Committee to allow somebody to make a decision  
about what they do in a vote, but they said they have a principle position in vote. That is what  
we think is unfair, because it means that they almost have their cake and eat it. They decide to  
tell the world they are voting against, but then they want the information that they would have  
525 had in the context of deciding whether to vote against or vote in favour. It is a position which I  
think is unfortunate for all the reasons I have set out, and that is why I think it is important,  
when they ask us questions, to remind them of that position.

The hon. Lady is voting in favour, so when she asks us questions she will find us not repeating  
the mantra to her because she has not said that she has made a decision already in principle to  
530 vote against.

**Hon. E J Phillips:** Mr Chairman, just in relation to that point, the Chief Minister has expressed  
an intention to continue to preface every one of his responses to questions put to him by this  
side of the House in relation to the questions on the book. I would invite Mr Chairman to  
535 reconsider the spirit of that Rule in the context of conduct more generally in respect of matters  
in this House. I do not want to labour it any further than that, Mr Chairman, but that is the  
submission I would make in relation to that point.

**Hon. Chief Minister:** Mr Chairman, the hon. Gentleman seems not to have seen the House of  
540 Commons when Members are asked a question repeatedly and they simply retort that they  
refer the hon. Gentleman to an answer that they have been given before.

545 It is not by insisting or repeating something that hon. Members are entitled to change the answer that they get. Otherwise, if they do not like an answer, they just ask again in a different way and they expect that the answer they are given has to be different, otherwise it offends the Rule on repetition. Mr Chairman, I think that would be entirely unfair and, as I have said, I think I have an obligation to set out during the course of this Committee session, for the record and to be in our *Hansard*, that every time that they ask us a question they are in effect asking us questions and details about money that they are voting against spending. So their attitude is that each of these heads should be at zero, not at £19,000 or £216,000. They are saying it should  
550 be zero because it is a Big Lie Budget. That is what they have said in the debate, so when they come here the question I suppose they are entitled to ask us is whether we could agree with them to reduce the numbers in respect of payroll in head 14, for example, to zero, because that is what they want.

555 **Mr Chairman:** The only sub-rule that I can find which *could* have some relevance – I am not saying that it does; it is very difficult to say ... Look at Rule 52(4):

The Speaker or Chairman, after having called the attention of the Parliament or Committee to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct the Member to discontinue his speech.

I am not convinced that that Rule applies to consideration of the Estimates in Committee. It certainly applies to a debate, to what I would call a normal debate on a motion or a debate during the Second Reading of a Bill. That, for me, is a parliamentary debate. I think what goes on  
560 and what has gone on over the years when the House in Committee considers the estimates in detail, I remain to be convinced to be sure... I am not sure that that is a debate and that therefore this Rule applies.

I may be wrong, but I am not prepared at this stage, without much more serious and further consideration of the matter ... that the cookie crumbles one way or the other. I am sorry.

565

**Hon. E J Phillips:** Mr Chairman, I am grateful for your clarification in relation to that. I would argue that, as Chairman in relation to a Committee where we are dealing with the conduct of a particular Member – in this case the Chief Minister – who is continuously and will continue to tediously advance his own argument in respect of the official position of the Opposition, which is well known to this House and well known to the public via television ... that the Chief Minister  
570 intends from now on in to continue to preface every answer to the questions that we put to him in relation to this point ... It is not a debate, it is a Committee Stage, but he is prefacing that in a tedious repetitious manner.

That is the point I would make and, if one were to look at it in the spirit of the Rules, for  
575 Mr Chairman to conclude that insofar as conduct we can dispense with the preface to every single answer to our questions in relation to that and just simply answer.

**Mr Chairman:** I take your point, but I am not prepared to give a definitive answer at this point in time.

580 Head 14: any other questions on Payroll? If not, it stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

585 **Hon. R M Clinton:** Mr Chairman, I believe we have a substitution page.

**Mr Chairman:** Notice has been circulated regarding a number of amendments to page 59. All hon. Members are in receipt of the proposed amendments.

Does anybody want to make any comment on them and ask any questions on those amendments? Yes, the Hon. Roy Clinton.



590 **Hon. R M Clinton:** Thank you, Mr Chairman.

You will forgive me if I adopt the same approach as the Chief Minister. As I have said in debate, this is a nonsense Budget. I believe the Chief Minister is playing games with the public.

Can he now explain to us, under Other Charges, 4 Subhead (d) Cleaning of streets and public places, where the amount for next year, £5.5 million, reflects the new contract just awarded?

595

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Chairman, as I have not yet contributed to this discussion at Committee Stage, what I am about to say by definition cannot be repetition, tedious or otherwise.

600 I cannot understand how the Opposition, who are voting against this Bill, are even contemplating spending time asking questions which are of no relevance to them because they are opposing it anyway. Having said that for the first time, if I am asked again I might repeat it until it is or is not considered tedious.

605 On this particular occasion, no, this is based on the still existing contract. The contract has just been awarded and it will have to be refined and so on, but we obviously have to publish the estimate based on the previous contract.

**Hon. R M Clinton:** Mr Chairman, I thank the Minister for his answer.

In that case, would I be correct in saying he would expect to see a saving on that amount?

610 **Hon. Dr J E Cortes:** Mr Chairman, I cannot say that at this point in time.

**A Member:** Not in his interest.

615 **Hon. R M Clinton:** Well, surely – you have signed a contract – you must know the amount of the contract in relation to this number.

**Hon. Chief Minister:** No, Mr Chairman, the hon. Gentleman is completely wrong and he is as wrong about this as he is about all of the other nonsense that he told us during the course of the first part of the debate which is leading them to vote against this.

620 We have not signed a contract, Mr Chairman. A contract has been determined to be awarded by the procurement but there is first the hardening period, when all of those who applied have an opportunity to challenge if they did not receive the award, and then the contract will be signed.

625 **Mr Chairman:** Any other matter?

May I ask the Committee whether the amendments as circulated are agreed to? (**Members:** Aye.) Stand part of the Bill.

630 **Clerk:** Head 15, Utilities; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

635 **Mr Chairman:** There is the small sum of £54 million there. Any questions? Right – how quickly £54 million are voted through. Stands part of the Bill.

**Clerk:** Head 16, Collection and Disposal of Refuse; subhead 1, Payroll.

640 **Mr Chairman:** Other Charges.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

645

**Clerk:** Head 17, Upper Rock, Tourist sites and Beaches; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

650

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 18, Education; subhead 1, Payroll.

655

**Hon. R M Clinton:** Mr Chairman, if I may, again, given the nonsense of this Budget in that none of the cost of the schools is included, why is it that we have under the establishment a new position called Director of Estates? If all the schools are now going to be held through a Government-owned company, this salary presumably is going to be included within payroll – is that correct?

660

**Hon. Dr J E Cortes:** Mr Chairman, I am going to repeat something once, and therefore by definition it cannot be tedious and therefore it would fall outside the definition anyway. I still cannot understand why I am being asked, and not only are they voting against but they are actually calling it nonsense every time. Perhaps that is something that could qualify as tedious repetition after it has been said a few more times.

665

This is a post which is a transfer from elsewhere, from the Gibraltar Health Authority. It is the person who is dealing within the Department of Education, directing it as part of my Ministry, and that is why it appears here now.

670

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

Is he suggesting that this is a secondment or an actual direct transfer across of the previous position? I do not think, in looking at Appendix Q ... which appears at Appendix Q this year – starting salary £63,000, rising to £91,000 ... Is he saying that was under a different type of heading under the GHA before? Because it seems to me to be a new position entirely.

675

**Hon. Dr J E Cortes:** Mr Chairman, a slip of the tongue. This a post that was formerly in No. 6, I believe ... No, then I am correct. It is a post that was formerly within the GHA and was transferred to the Education Department during the course of last year but could not be picked up in time for the last estimates and now appears here instead of in the GHA.

680

**Hon. E J Reyes:** Mr Chairman, may I? In Payroll 1(d)(ii) there is £600,000 allocated to 'Special Needs Learning Support Assistance', and I am rather confused in how does that work or how does that differentiate to ... If you will allow, Mr Chairman, although it comes under Other Charges in 2(2)(p)(i), there is 'Assistance to Pupils'. By nomenclature alone I cannot understand the difference. They do seem to be assistances because one is of a temporary nature but is there every year and the other one seems to be more static. Perhaps the Minister can enlighten me on what the difference is and why under those two separate headings.

685

**Hon. Dr J E Cortes:** Yes, once again – with the high regard I have for my old school friend, the Hon. Mr Reyes – I do not see the point of repeatedly asking about something on which by definition again he is going to disagree with, no matter what I say, because he is going to vote against it.

690

695 Nevertheless, there is a distinction. The first one is the learning support assistants who are brought in to support particularly children with special needs. The second one is different. This is when children for example have special medical needs, like needing for PEG feeding a diabetes nurse may have to attend, for very young children who need injections and so on, and that is what the second one covers, not the more normal provision of learning support on a regular basis.

700

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

Can I come back very quickly – I think it comes under this area. The Minister was trying to explain that under the establishment the staffing levels ... he has given an explanation of the Director of Estates. Is that the same as –? Again, I may be jumping the gun, but under Other Charges there seems to be a contribution to Gibraltar Developments Staff Services. Is that part of the payroll? If not, I will wait for the other part and then ask that question.

705

**Hon. Dr J E Cortes:** I can answer it now. Again, I repeat – at the risk of becoming tedious now – that I do not think it makes sense to have this discussion, but nevertheless I will provide that information.

710

That is the person that I mentioned in my Budget speech who has been transferred from No. 6 Convent Place to deal with the maintenance and the refurbishment of all the schools that are not being moved to another location as new schools.

715

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

So then, under the establishment section there is a post for a GDC staff introduced new for the year 2018-19 that was not there before. Can we have some light on what particular duties that member of staff will be undertaking?

720

**Hon. Dr J E Cortes:** Yes. There are two posts. There is one who is Director of Estates transferred from the GHA, and the other one who is a GDC who was transferred from No. 6. There are two.

725

**Hon. E J Reyes:** Yes, Mr Chairman, but my question ended with what particular duties does the GDC employee ... and there is only one accounted for in this book.

**Hon. Dr J E Cortes:** Well, I just said he is a person who is dealing with the maintenance of the schools and the refurbishment of those schools that are not going to be built anew.

730

**Hon. E J Reyes:** Mr Chairman, I am sorry –

**Hon. Dr J E Cortes:** We have one person who is dealing with and leading on the new schools project, getting all the information and liaising with the teachers and so on; and we have a second person who is dealing with supervising the maintenance, assessing what refurbishment is needed in order to keep those schools that are not moving in a good condition. I have said that three times already. I do not know how else to explain it, Mr Chairman.

735

**Hon. E J Reyes:** Mr Chairman, in this last –

740

**A Member:** But you're not tedious. *(Interjection by Hon. Dr J E Cortes)*

**Hon. E J Reyes:** Mr Chairman, I was just going to say that in this last explanation the Minister did clarify that now there are two different individuals, and therefore I have at long last, thanks to the Chairman's ... or what I hope the Chairman will feel relieved I have now understood.

745

**Hon. Dr J E Cortes:** Thank you, Mr Chairman.

**Hon. T N Hammond:** Mr Chairman, just returning to the subject of Director of Estates for one moment, the Minister said that last year that post was within the GHA. I cannot actually find in last year's Budget Book a salary or a position associated with the post of Director of Estates. There is a position, Head of Estates and Clinical Engineering; I do not know if that is the post that will be referred to and that post has been renamed. Either way, within the salary section I cannot find a salary under the GHA for a Head of Estates and Clinical Engineering, so again we would like to ask: is this a new post, and if it is a transferred post, which post in last year's Budget Book is it and is it the same salary structure as is the case for this year under the title Director of Estates?

**Hon. Dr J E Cortes:** The person who is currently the Director of Estates transferred from the GHA was not replaced in the GHA in that role, so you would not find him this year in the GHA. *(Interjections)* Then it may have been removed in last year's book.

**Hon. T N Hammond:** So, Mr Chairman, is the Minister saying that the post has been transferred from the GHA to the Education Department this year but that the post was not in the GHA last year?

**Hon. Dr J E Cortes:** I think what happened in last year's book – although clearly that is another book that they voted against anyway, so again I am getting terribly confused about all this – if I remember correctly, is it was removed from the GHA but it was included in the Department of Education under 'temporary assistance'. *(Interjection)* I am assisted and I can see in last year's book 'Director of Clinical Engineering and Estates' – that is the one.

**Hon. T N Hammond:** Thank you. I thank the Minister. That is actually how I phrased the question. I asked him if Head of Estates and Clinical Engineering is now Director of Estates in the Department of Education. It was not clear and can the Minister clarify, because I cannot either find in last year's book the salary associated with Head of Estates and Clinical Engineering under the GHA or whether it had last year the same salary structure as that of Director of Estates this year.

**Hon. Dr J E Cortes:** Well, I do not know what the GHA did, but the GHA I think changed the title from Director to Head.

**A Member:** It does not matter.

**Hon. Dr J E Cortes:** Where do you have 'Head'? Is that in this year's book? In this year's book it is as Head?

Yes, it is the same post. It just says Head in one and Director in the other, but it is the same post. There has been no replacement, so there is no net increase in post; it has just been named differently.

**Mr Chairman:** Any other questions? Payroll stands part of the Bill. Other Charges.

**Clerk:** Subhead 2, Other Charges.

**Hon. E J Reyes:** Yes, Mr Chairman, on subhead (2)(12) there is Student Support. I am grateful for the explanations given to me before about the special needs support assistance and the assistance for pupils, but what is this student support then catering for?

**Hon. Dr J E Cortes:** I hope I will not be asked much more now, or I will become tedious.

800 I believe this is a sum of money that is available which is provided to students away from  
Gibraltar who are suffering particular financial hardship. They have to make a case to a panel  
and there is a Budget there allocated to give temporary assistance to students who are away  
from Gibraltar who may be suffering particularly difficult circumstances.

805 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J  
Bossano):** It has been there all the time.

810 **Hon. Dr J E Cortes:** Yes, it has been there forever. Fortunately, there has not been a great  
need to use it the last couple of years, which is why rather than just having the money there to  
one side we reduced the budget, and clearly there were exceptional circumstances – a little bit  
like the Chief Minister explained on emergency overtime we would have to see how we could  
support it, but this is a way we have been more realistic, rather than having a large figure there  
which we are not going to use, and this is why it is slightly reduced. But it is nothing new; it was  
probably there, Mr Chairman, when the Hon. Mr Reyes was Minister and he may not recollect.

815 **Hon. E J Reyes:** It may, Mr Chairman. In the state of cordial friendship and exchange of  
information that we have, he has now confirmed it is being used for exactly the same purpose as  
it was when I was a Cabinet Minister – and I am glad to see that at least that has been  
maintained, because therefore not everything the GSD did was bad. *(Interjection by Hon Sir J J  
Bossano)*

820 **Hon. Chief Minister:** Yes, Mr Chairman, not only have we maintained that, but if the hon.  
Member continues to look through the book he will find that we have increased the number of  
people who are on scholarships since he was a Cabinet Minister and there are now over a  
thousand at any one time, so I think he will be very pleased with what he sees. And not just that:  
825 we are also developing more schools, although he will not find them all in the book, and we  
think that is a very important investment for our children's future – although they are voting  
against all of those things at the same time.

830 **Hon. E J Reyes:** And I concur wholeheartedly with the Chief Minister that it is thanks to the  
professionalism of our teachers that we are able to boast about having more students in further  
education.

**A Member:** Hear, hear.

835 **Hon. Chief Minister:** And only, Mr Chairman, as a result of this House voting £20 million that  
we can pay for them.

**Mr Chairman:** Any other question on other charges? Yes.

840 **Hon. E J Phillips:** Mr Chairman, just in relation to item 2.14, Project Search, of the Big Lie  
Budget, will the Chief Minister explain or one of the Ministers explain why the decrease in  
funding towards this particularly important project?

845 **Hon. Chief Minister:** Mr Chairman, given that their response was no more than a tissue of lies  
designed to try and persuade the community that this £625 million of spending is not something  
that should be supported, and given that they do not even believe – given that they say that our  
Budget is a lie – that there is this recurrent revenue, I am surprised he is not trying to persuade  
us to take the Project Search figure down to zero.

850 All he needs to do is cast his eye over it and see that last year we provided 10, we spent zero – and therefore why provide 10 again if we spent zero last year? – so we have left enough in, in case there is some spending to be done in the future. And we will support spending in respect of Project Search, although they are going to vote against it.

**Mr Chairman:** Other charges stands part of the Bill.

855

**Hon. T N Hammond:** Mr Chairman –

**Mr Chairman:** The Hon. Trevor Hammond.

860

**Hon. T N Hammond:** If I may refer to subparagraph 10, Training and Development courses, can I confirm whether those are teacher training courses or student training courses?

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**Hon. Dr J E Cortes:** Mr Chairman, repeated repetitions of a ‘Big Lie Budget’ make me hesitate in answering anything, because almost by definition then they are calling me a liar and I am sure that that is not allowed in this House. I think that is what perhaps is becoming tedious.

These are training courses for professional staff.

**Hon. T N Hammond:** I thank the Minister for that response.

870

With reference to subparagraph 9, Nurseries, I notice a nominal figure of £1,000 is in the estimate this year. The forecast outturn for last year was zero. What does Government envisage potentially having to spend money on with respect to nurseries under this particular heading?

875

**Hon. Dr J E Cortes:** The assistance to nurseries, should they require them and should it be deemed appropriate to give nurseries which do not come directly under the Department some assistance under exceptional circumstances.

**Hon. T N Hammond:** So, Mr Chairman, would that be private nurseries then that may need assistance?

880

**Hon. Dr J E Cortes:** Yes.

**Mr Chairman:** The Hon. Roy Clinton.

885

**Hon. R M Clinton:** Mr Chairman, given the incomplete nature of this Budget, can the Minister explain why there was, in fact, no expenditure on Project Search in the outturn 2017-18, given that there was an estimate of £10,000?

**Hon. Dr J E Cortes:** Mr Chairman, I am going to give him an incomplete answer – that was it.

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**Hon. Chief Minister:** Mr Chairman, the Government does not for one moment accept the premise that this Budget is anything other than entirely complete. It is a complete picture of all of the revenue of the Government in the Government revenue section of this book and a complete picture of the Government expenditure proposed to the House in the book, which is in fact an annexe to a Bill which is before the House and which we are debating today. Therefore, Mr Chairman, the Government does not accept for one moment any suggestion that this is an incomplete picture, and anything that we say henceforth must be taken with that caveat.

**Hon. Dr J E Cortes:** Sorry, Mr Chairman, I thought I had given my incomplete answer.

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The Department has – as I said in my Budget speech, but again I know they were not listening because they did not change their responses – as I said in my Budget speech, we have engaged

an officer who is doing the sort of work that Project Search was doing in a different way. So we are not engaging so much specifically in that project, although we may possibly re-engage in that, and that is why we have put a small amount there but we are doing the work in a different way.

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**Mr Chairman:** Any other questions?  
Education, Other charges stands part of the Bill.

**Clerk:** Head 19, Heritage; subhead 1, Payroll.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

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**Hon. R M Clinton:** Mr Chairman, if I may. Given that the Government has excluded large chunks of capital expenditure from this Budget, which obviously then affects its entirety, can I ask the Minister for Heritage about item 2.5, Contracted Services in Heritage, which in the outturn 2017-18 was effectively £1.5 million and is now reduced to £1 million? Can he advise how he has achieved a saving of about £½ million?

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**Hon. Chief Minister:** Mr Chairman, how can a reference to capital spending be relevant to the pages on recurrent expenditure that we are dealing with at the moment?

**Minister for Commerce (Hon. A J Isola):** He needs to go to university. (*Interjections*)

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**Hon. Chief Minister:** He has made a point about capital expenditure, and we are dealing here with recurrent expenditure! (*Interjections*)

**Hon. R M Clinton:** Mr Chairman, is the Minister refusing to respond?

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**Hon. Chief Minister:** No, Mr Chairman. What the Member is doing is prefacing a question for us in a way that makes it unintelligible, because he is asking questions of us in respect of recurrent expenditure and he has prefaced it by a remark in relation to capital spending. So what does he want to know about this recurrent spending head? If he makes that clear and he does not connect it to capital spending we may, despite the fact that they are not going to vote in favour of this Budget, demonstrate that we are trying to provide some information – which will not change their minds in any particular respect because they have come here with their minds closed to argument and they have come here to try and seek a shutdown of Government and they have come to try and seek a stopping of all Government services. Nonetheless, if he asks the question in a way that does not connect it to capital spending, we may be able to provide him with some sort of answer.

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He is just finding himself in exactly the same position he found himself in relation to the University all over again.

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**Hon. R M Clinton:** Mr Chairman, I am still waiting for an answer from the Minister.

**Hon. Hon. A J Isola and Hon. Miss S M Sacramento:** You have had it.

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**Hon. R M Clinton:** The question is quite simple, Mr Chairman. Given that the Government does not know the difference between revenue and expenditure and recurrent expenditure, can the Minister confirm on item 2, Other Charges, subhead 5, whether the reduction in contracted

services in Heritage from 2017-18 to 2018-19, in which he seems to save £½ million ... How has he achieved this?

955 **Hon. Chief Minister:** Mr Chairman, I will start by dealing with the point that he makes at the beginning of the question which then makes the rest of the question impossible to deal with: the Government does know the difference between capital spending and recurrent spending.

960 **Hon. R M Clinton:** In which case, Mr Chairman, at the very real risk of trying your patience –

**Mr Chairman:** Could I suggest, because my patience is also running out and I may decide to call it a day here and now ... I may decide to say a plague on both your houses, I am not going to waste my time here with this business.

965 Why don't you ask a straightforward question? I would suggest, as Chairman of this Committee, that you ask the Minister how does he account for a decrease from the forecast outturn of £1,465 to £1,095. Do not premise your question; ask the question and see what kind of answer you get.

970 **Hon. D A Feetham:** Mr Chairman, may I?

**Mr Chairman:** Yes. I hope you do not add wood to the fire!

**Hon. D A Feetham:** Well, Mr Speaker, no, what I – (**Hon. Ms M D Hassan Nahon:** Chairman.) Mr Chairman, I beg your pardon – thank you very much.

975 That is why actually the point that my learned and hon. Friend the Leader of the Opposition made earlier has some merit, because we are now at risk here of descending into farce that does no credit to this House at all, and I would invite hon. Members to just ... We will, on this side, ask straight questions and they on that side could just simply answer them without getting involved with something that is really turning into something that I have not experienced since I was in  
980 the sixth form at Bayside Comprehensive School – (*Interjections*) which I used to enjoy, I have to say, but it just becomes –

**Hon. Mr Chairman:** I must seriously warn hon. Members in this sense. We have been here since Monday. I have been sitting here for very many hours at the same time as I have been  
985 taking, every single day, three dosages of amoxicillin 500 g. Notwithstanding that, I have been very patiently here, doing my job, and I intend to do it to completion because when all is said and done it is a job that I enjoy – and if I do not do it, somebody else is going to have to do it and find themselves in the same position as I do.

I think that, in spite of the differences between the Government and the Opposition, we have  
990 had good debates in the House, good speeches in the last few days. We have now come to a situation where the procedure has always been relatively easy, but because of the fundamental dispute arising from the fact that the official Opposition did not support the Estimates of Expenditure ... arising from that there is a dispute between the Government and the Opposition and I am caught in between.

995 I am caught in between in a situation where I have reflected on that Rule. As I say, I think that that Rule applies to debates. It is the Rule for debating – debating motions, debating the Second Reading of Bills; I do not think it applies to Committee. A Committee on Estimates, usually speeches are not made. Questions are asked and answered, speeches are not made, and therefore I honestly, seriously do not think that that particular Rule applies to this situation.

1000 You have raised the matter. Since then I have made a few notes and reflected upon it. I am convinced that it does not apply. I may be wrong. I am not saying that I am infallible, like the Pope is supposed to be – which I seriously question in any case. I am not infallible, I may be wrong, but that is the extent to which I am able to give a ruling at the present time. Look, if I am



wrong, I am wrong and next year we will have a different situation perhaps, but that is the position as I see it now.

I think it should not be beyond the realms of possibility, where genuinely information is being sought, to phrase the question in such a way that it is a straightforward question – and you may, as a result, elicit a straightforward answer. Try it. If it does not work, then I am wrong and you can preface whatever preamble you want to a question. (*Interjection*) That is all I can say in the interest of bringing this matter to a close.

**Hon. Chief Minister:** Mr Chairman, I think that your advice to hon. Members opposite in respect of how they might get an answer to the question in respect of the contracted services in Heritage is very good advice and it would enable us to provide perhaps some of the information that they want.

**Hon. E J Phillips:** Mr Chairman, we will test the guidance that you have given in relation to that point. The next question that my colleagues on this side of the House will deliver to the Government will be a very straightforward question about particularly the figures. If it is met again with a preface by the Chief Minister in relation to that question, Mr Chairman, we will have to continue down the line of questioning with prefacing our questions, which will elicit the same response from the Chief Minister. We are willing to narrow the question as per your guidance, Mr Chairman; however, I expect, given the intention expressed by the Chief Minister that he intends to preface every single one of his answers with the restatement of our position, he should also take the guidance from the Chair.

**Hon. Chief Minister:** Mr Chairman, this is not about the preface that they are giving.

**Mr Chairman:** Let me say that since the matter was first raised by the Leader of the Opposition, I have noticed the Hon. Dr Cortes has been answering ... even the Chief Minister, they haven't... All the answers have not, since then, been prefaced by the same remark. I have noted that.

**Hon. Chief Minister:** Mr Chairman, what the Hon. the current interim Leader of the Opposition does not seem to appreciate is that this is not about the preface. The Hon. Mr Clinton said that the Government does not understand the difference between capital spending and recurrent spending. (*Interjection*) That is not 'I'm going to vote against because this is a Budget which is a lie, etc.'; this is an allegation that the Government does not understand the difference between the recurrent and capital expenditure. What on earth that allegation, which is an asinine allegation, has to do with asking a question at the Committee Stage is entirely lost on me.

I think you have given them very good advice as to how they could ask a question that might elucidate an answer; if they follow it, they might elucidate an answer.

**Hon. R M Clinton:** Very well, Mr Chairman, here goes. Under Other Charges, subhead 5, Contracted Services Heritage, would the Minister advise how he has arrived at savings between the forecast outturn for 2017-18 of about £1.5 million to effectively £1.1 million in 2018-19?

Thank you, Mr Chairman.

**Hon. Dr J E Cortes:** Mr Chairman, the straight answer is in order to rise even higher in the esteem of the Father of the House, who would have been delighted to see the drop.

Yes, very clearly this was because last year we had initial setting-up costs in relation to the World Heritage site, which will not be necessary this year.

1055 **Hon. R M Clinton:** Sorry, Mr Chairman, this has nothing to do with – (*Interjection by Hon. Dr J E Cortes*) No, looks like a shift ... (*Interjections*) Yes, sorry, Mr Chairman.

Given what the Minister has just said, the new subhead 6, World Heritage Site Expenses, that is presumably just maintenance for the site?

1060 **Hon. Dr J E Cortes:** That is correct. It is ongoing expenses following the set-up last year.

**Mr Chairman:** Other charges stands part of the Bill.

**Clerk:** Head 20, Technical Services; subhead 1, Payroll.

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**Hon. T N Hammond:** Mr Chairman, if I may ask, under Payroll, subhead, subparagraph (f) Salaries, I note that there is no significant change in the full-time equivalents indicated. There is the removal of a messenger and the addition of a security guard/car park attendant, and yet the overall salary rate goes up by nearly £62,000. Can I ask why that increase exists?

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**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Chairman, if we look at the estimate for the year 2017-18 and then the forecast outturn, you can see there has been an increase then. This is why the difference between the estimated 2018-19 is slightly higher; it is not significantly higher, so it is reflecting more or less a similar figure to the forecast outturn for 2017-18.

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**Hon. T N Hammond:** I am sorry, Mr Chairman, I do not understand the answer. The forecast outturn for 2017-18 is £698,000 and the estimate for 2018-19 is £760,000, indicating a £62,000 increase. If we look at the engineering and design FTEs, there is no change in personnel whatsoever, so is it just that the salaries of those individuals altogether are rising so that we arrive at a £62,000 increase? There are certainly no additional persons there to account for that significant increase.

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**Hon. Sir J J Bossano:** Mr Chairman, the hon. Member needs to understand that in looking at the salaries of any one year he has got to look in the context of what has happened over a number of years.

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There are people who start or finish in different months of the year and there is a situation where, if he looks at the £760,000, he needs to look at the fact that it was £744,000 two years ago and that there has been a pay rise since then. So, for the same number of people in 2016-17 there was £744,000, and two years later you have got £16,000 more for the same number of people, given that in the meantime there will have been two pay rises and people moving up the scale.

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This kind of difference between one year and the other has to be analysed and can only be understood in the kind of movements that take place over a 48-month period. There is no difference in the manning level or in the cost.

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**Hon. T N Hammond:** I can accept that answer from the Minister. That is what I was trying to get at – is it that it is probably attributed to people going up pay grades, which does make sense to me. I was just trying to understand that. (*Interjection*) Well, yes, perhaps £3,000. I can understand that answer. That is what I was just getting at. I wanted to confirm that that really was the case.

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**Hon. Sir J J Bossano:** Mr Chairman, the point is that if he just looks at the £698,000 and the £760,000, it may look as if there is an abnormal change taking place at that point, but if you compare the £760,000 with the £744,000 of two years ago, then of course the change is not significant.

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**Mr Chairman:** Any other question on Payroll?  
Stands part of the Bill.

1110 **Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

1115 **Clerk:** Head 21, Driver and Vehicle Licensing; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill. Yes?

1120 **Hon. T N Hammond:** I have a rather similar question to the previous one in that again there is quite a substantial ... Whilst the overall headcount appears to be down one for the year, there is almost a £100,000 increase in salaries. Again, although I do recognise that the estimate for last year was £800,000, the forecast outturn was down quite substantially but then rises again to £750,000, which represents 15-odd per cent of the entire salary budget. I am just again asking is it down to the same reason – has the reduction in headcount had no effect and, bearing in mind there are only 26 staff there, can they all be going up? Can we have an explanation as to why the increase is so much?

1130 **Hon. Sir J J Bossano:** I think the... anticipation... for example, we get a very clear sequence. If the hon. Member looks at the Housing Works Agency, for years there has been a situation where they make provision for jobs which assumes the jobs being filled in the year and then it does not happen. That tends to happen with a lot of roles. That is to say, the fact that it went from £697,000 to £806,000 would imply certain vacant posts being filled. At the end of the year, if the posts have not been filled, then the outturn is closer to the previous year's actual of 2016-17. In £756,000 there will be some provision for jobs being filled, but they may not be filled within the year, in which case the final result will be closer to the £697,000 of two years ago.

1135 **Mr Chairman:** Payroll stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

1140 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 22, Town Planning and Building Control; subhead 1, Payroll.

1145 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

1150 **Clerk:** Head 23, Statistics Office; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

1155 **Clerk:** Subhead 2, Other Charges.

**Hon. R M Clinton:** Mr Chairman, under subhead (I)(g) of Other Charges, there is some wording in italic, 'Office Rent and Service Charges'. May I ask why there are no office rent charges at all, given that their offices are now in the World Trade Centre?

1160 **Hon. Sir J J Bossano:** Because that is what they were paying in the office they were in before, and in the new offices there is not such a charge – presumably it is included in the rental agreement that there is.

The £3,216 of 2016-17 – which is the only one really he is legitimately entitled to ask me about, because I think that 2016-17 was when he voted in favour of spending that money ... So  
1165 the money was spent, which he voted for. Last year we did not ask for any money and this year we are not asking for any money.

Given that he wants the whole book to be in zeros, he should be celebrating the fact that he has got two zeros to his credit.

1170 **Hon. R M Clinton:** Mr Chairman, I thank the Minister, but still, if the Statistics Office is now in the World Trade Centre, is he telling us that the Statistics Office does not pay rent to the World Trade Centre, or does it pay rent to another Government Department?

**Hon. Sir J J Bossano:** No, Mr Chairman, the rent of the Statistics Office is included in the  
1175 rental that there is for Government offices. This refers to what was being paid in respect of the area that they had in the New Harbours, where I think the parking facilities were shown as a separate element in the service charges, but in the new one, in the global amount of Government rents, which is in a global head, the Statistics Office is included as opposed to being included here.

1180

**Hon. R M Clinton:** Mr Chairman, I understand the logic of what he is saying. Can he point me to which part of the book the head is in which the global rent for Government offices would be?

**Hon. Sir J J Bossano:** Well, I imagine it is in the one that says ‘Rent for Government offices’  
1185 [Inaudible] read the whole book. I know that I am supposed to have a better memory than him, but I know that there is a block vote on rent of Government offices, again which has been there every year. In head 1, subhead 9, in Treasury – which I cannot say he has already voted for, because he is voting against everything.

1190 **Hon. R M Clinton:** Mr Chairman, I am grateful to the Minister for his answer.

Can I just, I guess for my information, understand the difference between this global vote that was done under Other Charges under Treasury, under subhead 9, to, for example the charges under head 22, Town Planning, which has its own office rents and service charges? What is the difference in approach?

1195

**Hon. Sir J J Bossano:** I think many of these things are historical – that is to say they were done in a particular way before. There tended to be, before, a situation where many Departments did the same thing and the same items used to appear in many different Departments. Generally there has been a tendency, in terms of doing things differently, like the Chief Minister mentioned in relation to human resources – there was Human Resources in the Care Agency, a  
1200 Human Resources in the GHA. So I think the move is that when changes take place, where it can be rationalised it is all put under one head, which makes more sense in the whole area of looking at improving efficiency. Sometimes duplication happens because there are different people in different areas of the public sector doing the same thing, whereas if there is one person doing it  
1205 for everybody, there are potential savings.

We have not got a programme to do that everywhere as a decision – let’s do it all at once – but whenever a change takes place, we look at it on the basis of ‘Is the fact that a change is taking place an opportunity to do it in a different way?’ and then the opportunity is taken.

1210 **Mr Chairman:** Other charges stands part of the Bill.

**Clerk:** Head 24, Economic Development; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

1215 **Hon. T N Hammond:** Sorry, Mr Chairman, just one, again referring to a similar theme to the  
last question that I asked, where we have a full-time equivalent reduction of four and yet we go  
from a forecast outturn of £850,000 to an estimate of £1.24 million in salaries. That does seem  
quite an extreme difference to account for simply in terms of pay grade increases, unless there  
are quite a significant number of vacancies in that Department. If that is the case, I will of course  
1220 accept the Minister's answer. I assume the high estimate must be down to a high number of  
vacancies.

**Hon. Sir J J Bossano:** Well, Mr Chairman, if he looks at 2016-17 it was £1,206, so what he is  
talking about is a difference of £24,000 in £1¼ million in a period of 24 months. The submission  
1225 that is made reflects the complement, which is actually down by five.

Members will recall that one of the things I did a few years ago in the area of Economic  
Development was to bring the administration together, which was previously spread into the  
different units, particularly because the EU Funding Unit, which was a separate section in its own  
right, is something that is going to disappear in the very near future. By combining the different  
1230 sections, we have been able to make some savings in anticipation of the fact that we are going  
to have a surplus of workers in that particular section who will have to be re-employed  
somewhere else, so that the vacancies that are there that are not filled in the main are the  
vacancies that may be covered temporarily in the knowledge that they are not going to need it  
to be filled because the EU funding is going to dry up after 2019.

1235 The provision has to be taken into consideration on the basis that the original figure was  
£1,206, we provided for less last year, and actually we spent considerably less than had been  
expected because we have actually reduced the number of people. The provision that we have  
got now is on the basis of 32 people being employed in all the areas. The only area where we see  
the figures going down is in respect of, for example, the EU Funds Controller. The different EU  
1240 programmes that are in the list, in these 22, is the area where the saving is. But the provision will  
include the vacancies. The one there does include quite a number of vacancies – four or five  
vacancies.

**Mr Chairman:** Head 24, Payroll, stands part of the Bill.  
1245 Other Charges.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stand part of the Bill.  
1250

**Clerk:** Head 25, Procurement Office; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

1255 **Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 26, Housing Administration; subhead 1, Payroll.  
1260

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

1265 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 27, Equality; subhead 1, Payroll.

1270 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

1275 **Hon. R M Clinton:** Mr Chairman, just a simple information question. Under 2 subhead 8 in capitals 'MAPPA', I would just appreciate as to what that stands for.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Chairman, I referred to it in my Budget speech yesterday. MAPPA is the Multi-Agency Public Protection forum.

1280 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 28, Health; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

1285 **Clerk:** Subhead 2, Other Charges.

1290 **Hon. L F Llamas:** Mr Chairman, I would like to ask: on subhead 2(3)(b), there was a provision in the estimates for 2017-18 of £350,000 but none of it was used, and then there is a further provision which is less the amount of 2017-18. Can the Minister explain why the Hospice actually has not followed through and what the intentions are, please?

1295 **Hon. N F Costa:** Yes, Mr Chairman. We had hoped to have been able to have commenced such a worthy cause in the last financial year; unfortunately, it proved impossible for us to do so. We think we may be on track to starting in this financial year, but of course we are already a few months into it, so it would not reflect the full amount.

1300 **Hon. Ms M D Hassan Nahon:** Mr Chairman, can I ask a question: why the estimate in the Cancer Relief Centre is so much lower than the previous forecast outturns and estimates of the last two years at £70,000?

1305 **Hon. N F Costa:** Mr Chairman, this relates to a bid made by the charity in relation to works to be carried out at the premises. Part of those works of course are being done in this financial year, as reflected in the forecast outturn, and the £70,000 reflects the estimate to complete the works in this financial year.

**Mr Chairman:** Any other question?  
Head 28, Other Charges, stands part of the Bill.

1310 **Clerk:** Head 29, Gibraltar Health Authority Elderly Residential Services Section; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.  
Other Charges.

1315 **Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 30, Care Agency; subhead 1, Payroll.

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**Mr Chairman:** Stands part of the Bill.  
Other Charges.

**Clerk:** Subhead 2, Other Charges.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 31, Policing; subhead 1, Payroll.

1330

**Hon. E J Reyes:** Mr Chairman, I know they have explained before that the increases in pay reviews and so on in monthly salary are catered for already, but given that the Police announced recently that the post of Chief Superintendent was going to be now coming under the nomenclature of Assistant Commissioner, would that in itself bring a substantial variation?

1335

**Hon. N F Costa:** No, there is no cost at all.

**Mr Chairman:** Payroll stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

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**Hon. T N Hammond:** Mr Chairman, it is a very small point. Just regarding subparagraph 1(h), the cost of maintenance of security cameras seems to have almost tripled in the forecast outturn for this year. Is there any explanation for that? Clearly that is not expected to go forward, so there must be a very particular reason why it tripled in this particular year.

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**Hon. N F Costa:** Yes, Mr Chairman, it relates to mainly a cost of engaging a 24 hour security guard following the relocation of the compound from the Lathbury site. The CCTV has since been installed, so that is why the costs will then be reduced in this financial year.

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**Mr Chairman:** Other charges stands part of the Bill.

**Clerk:** Head 32, Prison; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

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**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

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**Clerk:** Head 33, Gibraltar Law Courts; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 34, Justice; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

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**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

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**Clerk:** Head 35, Tourism; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 36, Employment; subhead 1, Payroll.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

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**Clerk:** Head 37, Commercial Aviation; subhead 1, Payroll.

**Hon. R M Clinton:** Mr Chairman, may I ask, for my information, why would this Department justify a law drafter under establishment? I know it was there last year.

1395

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Chairman, Commercial Aviation is essentially my Ministry. My Ministry had to come under one head. One of my Departments is Commercial Aviation and it was decided to put my Ministry staff and Ministry in general under Commercial Aviation. So it is the Ministry workers.

1400

**Mr Chairman:** Payroll stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 38, Port; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

1410

**Clerk:** Subhead 2, Other Charges.

**Hon. R M Clinton:** Mr Chairman, just a quick question on 2(1)(b) Additional Contribution. There is an estimate of £1.4 million and the outturn is now zero. We are just wondering why that is.

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**Hon. G H Licudi:** Mr Chairman, last year, you will see from the estimate there was an estimated contribution from revenues received of £4.5 million. We needed essentially £6 million



1420 to run the Department and therefore there was a need for an additional contribution to be  
made by the Government, as reflected in the estimates, of £1.463 million. The forecast outturn,  
hon. Members will see under Contribution from Revenues Received, which is actually the  
revenue of the Port Authority, has in fact been £5.7 million as opposed to £4.5 million, so we  
have had £1.2 million more of revenue. The revenue for this financial year is estimated to be  
over £7 million and therefore we are now running the Port Authority at a surplus rather than a  
1425 deficit and we do not need the additional contribution.

**Mr Chairman:** Head 38, Other Charges, stands part of the Bill.

**Clerk:** Head 39, Maritime Services; subhead 1, Payroll.

1430

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 40, Social Security; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

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**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

1445

**Clerk:** Head 41, Civil Contingency; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

1450

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 42, Fire and Rescue Service; subhead 1, Payroll.

1455

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

1460

**Clerk:** Head 43, Gibraltar University; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

1465

**Clerk:** Subhead 2, Other Charges.

**Hon. R M Clinton:** Mr Chairman, if I may enquire as to why the other charges contribution to one has gone up from £½ million to £1.5 million for 2018-19?

1470 **Hon. Chief Minister:** Mr Chairman, I refer the hon. Gentleman to the speech delivered by the Hon. the Minister with responsibility for the University and to the reply I provided this morning, which sets out in detail exactly why that was the case.

1475 **Hon. R M Clinton:** Mr Chairman, if I may enquire: on what basis has the contribution been trebled on recurrent expenditure from £½ million to £1.5 million?

1480 **Hon. Chief Minister:** Mr Chairman, all of that is answered in the contribution both of the Hon. the Minister for the University and my contribution. I recommend to the hon. Gentleman that when the *Hansard* is available he prints it out and reads exactly what we explained to him in detail. In fact, I think the contribution by the Minister for the University may already be up on all the news pages and that sets out a lot of the thinking. I think all of this information has been provided. Most people I think have understood it.

1485 **Hon. R M Clinton:** Mr Chairman, yes, but given that the accounts of the University for July 2017 are not available, I would like to understand from the Government how they have arrived at the level of contribution for 2018-19. Is this a request from the University? And if so, how has the Government been able to assess it in the absence of any audited accounts?

1490 **Hon. G H Licudi:** Mr Speaker, in the same way as the Government assesses bids from any other Government Department that do not do audited accounts on a yearly basis at the end of March... or this particular year, and they present a bid as to what their requirements are going to be in respect of the year starting 1st April. This represents a contribution for this financial year of £1.5 million, which is actually a reduction of the trebling, a reduction of almost 25% of the total contribution that the Government made last year.

1495 **Hon. R M Clinton:** Yes, Mr Chairman, but we are talking here about recurrent expenditure in the books of the Consolidated Fund. How does the Minister assess the reasonableness of the University's request, given that, if I recall correctly, in 2016 the Minister went to great pains to tell the House as to the independence of the University? Does he have access to the University's management accounts? How does he assess the reasonableness of the request?

1500 **Hon. G H Licudi:** Mr Chairman, I have just explained it. The University makes a bid for funding in the same way as other Government Departments make a bid and substantiate what it is that they need. In this particular case, I then had a meeting at the offices of the Financial Secretary with the Financial Controller of the University as well as the Board of Governors of the University, where we went through that bid and we determined the level of contribution that was required by the University for this particular year.

1505 **Hon. R M Clinton:** Thank you, Mr Chairman.  
1510 Can the Minister then confirm that none of this is obviously in respect of capital expenditure? And can he therefore confirm that in terms of the University accommodation block, that none of that will be funded through this £1.5 million contribution?

1515 **Hon. G H Licudi:** Of course not, Mr Chairman, and that should be obvious to anyone, especially the hon. Member. *(Laughter)*

**Hon. R M Clinton:** Thank you, Mr Chairman.  
1520 Can the Minister then explain to the House how the University accommodation block is being funded and by whom?

**Mr Chairman:** I am not sure that that arises under this head. It may be a proper question later on under capital expenditure, but I am not sure that it arises under this head.

1525 **Hon. R M Clinton:** Thank you, Mr Chairman; I will ask that question then later on within capital expenditure. I will leave it at that, thank you, Mr Chairman.

**Mr Chairman:** Head 43, Other Charges, stands part of the Bill.

1530 **Clerk:** Head 44, Culture; subhead 1, Payroll.

**Hon. E J Reyes:** If I may, Mr Chairman: section (c) under Payroll caters for allowances – perhaps the Minister could explain what type of allowances those are, because the actual expenditure in 2016-17 and the forecast for 2017-18 continuously surpass what we in the House have put down as an estimate for the last two years.

1535 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Chairman, despite the fact that they are going to vote against, and I am willing for the hon. Member ... since he deals with Parliament and ourselves in a cordial manner, I will answer the question by saying that this is allowances for people acting within our Department. Every year we try to solve that and we put the same figure, but sometimes because people are acting upwards and there are vacancies that we need to fill ... that is why it happens.

1540 **Hon. E J Reyes:** Mr Chairman, I understand that you incur the expenditure when you are acting for someone, but when you are acting for someone it means you are not paying the salary of that other person – so there should have been a saving in salaries rather than an overspend. How can we reconcile that position?

1550 **Hon. S E Linares:** Well, Mr Chairman, he will see that as we ... For example, in the estimates of 2017-18 there was £277,000 and there is an increase up to another extra approximately £30,000 in the total payroll. Therefore, he can see that we have gone at the same rate, and it should go even higher because, as the hon. Member knows, we are not now putting in the pay of the vacancies that are existing – we do not do that; we just put the pay of the people who are there. But there is acting and these are the allowances – these people who are acting upwards.

1555 **Hon. E J Reyes:** I am sorry, Mr Chairman, I do not quite follow. Perhaps I will explain myself. We have an estimate in salaries for 2017-18 of £219,000, yet we spent more because there have been pay reviews or whatever. But if the Minister is saying that those allowances have a high expenditure because they were people acting ... then you act for someone who is not being paid. This is why I feel there is somewhat of a discrepancy. There is not a saving in one and therefore  
1560 an expenditure in another; there is an actual over-expenditure in both salaries and allowances which were for acting purposes.

**Hon. S E Linares:** Yes, Mr Chairman, if he sees the forecast outturn of £230,000 at the very top, and then this year it is £260,000 – we are expecting to fill some of the posts. What we have  
1565 done in the allowance, which is the question he is asking ... we had the actual of £22,000, we have put £19,000 in the estimates 2017-18, the posts were not filled and therefore there is a £30,000 expenditure there; but we are expecting those posts to be filled, therefore £260,000 at the top, the increase, and therefore the £19,000 goes down to £19,000 again.

1570 **Hon. E J Reyes:** I can understand we are expecting the posts to be filled and I have no problem in understanding that you have an estimate of £260,000. What I am saying is £11,000 more was spent in 2017-18 than had been catered for in basic salaries, so therefore it does not

1575 tally that there was another £11,000 because people were acting for somebody. There is an increase in both. Had the salaries gone down, one could then logically follow – yes, all right, I have saved here and I have paid extra there – but we seem to have had twice the £11,000.

1580 **Hon. Chief Minister:** No, Mr Chairman, because that whole argument is based on the fallacy that when people are being acted for the person who was originally doing the work is not being paid or is not also receiving the full amount of salary. You are paying somebody who is away from their post to the full salary that they receive, including any amounts that they may have on top of salary, and you are paying somebody to act for them also. That is the situation. If you then deal with something in the complement so that you are then better staffed and that does not happen so much, your salaries are going to go up. That is why you have got temporary assistance going down, because you expect to have less temporary assistance. But, Mr Chairman, as he  
1585 knows – he has been in government before – the emoluments are paid from Treasury once confirmed and approved as proper and appropriate.

1590 **Hon. E J Reyes:** I understand. The Chief Minister has shed a lot of light. I could understand that in basic salaries we are catering for an extra £30,000 because there is going to be an increase in the complement of one post, but because the Minister had made the reference that there was going to be increase of personnel – if it is more than one, then there should have been a saving.

1595 But I will leave it, Mr Chairman. There is not great urgency on that, and if there are any queries during the course of the financial year I can always pose a question and give him due notice.

**Hon. Chief Minister:** Mr Chairman, if it is convenient, I think it may be appropriate to now seek to adjourn the House until tomorrow at 3 p.m. to continue with the session.

1600 **The Chairman:** The House will now adjourn to tomorrow afternoon at three.

*The House adjourned at 6.05 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.11 p.m. – 5.36 p.m.**

**Gibraltar, Friday, 6th July 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.11 p.m.*

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

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

## **Appropriation Bill 2018 – Clauses considered and approved**

**Mr Chairman:** We are at head 44, and even though some questions were asked on payroll we did not take a vote, so I am going to suggest that formally, for the *Hansard*, that Head 44, Payroll, stands part of the Bill – and we are on Other Charges.

5

**Clerk:** Subhead 2, Other Charges.

**Hon. E J Reyes:** May I, Mr Chairman? In subsection (3)(h) there is an entry titled 'Maintenance of Armour Decking'. I do not recall the Minister having explained during his address what the Armor decking was. Can we have some light on that, please?

10

**Hon. S E Linares:** Mr Chairman, despite the fact that the hon. Members are against the whole of the book, I will just say the Armour decking is the decking that we use in the Victoria Stadium to cover the turf when we have a festival or whatever. That needs maintaining, and therefore that is a cost to maintain that deck.

15

**Hon. R M Clinton:** Mr Chairman, if I can refer to subsection (3)(b) Mega Concert, given that the net budgeted cost on the estimate was £½ million loss and we came in at a loss of £3.1 million resulting in an overspend of £2.6 million overall, can the Minister advise what the reason for that was? And how confident is he in his projection for the estimate for the concert of 2018-19, given he is only projecting a £700,000 loss?

20

**Hon. S E Linares:** Mr Chairman, I refer the hon. Member to the hour speech that I gave, in which I gave explanation as to why this has happened. Subsequently the hon. Member voted against what I said, so he does not believe what I am saying – so I am not going to explain any more.

25

**Hon. R M Clinton:** Mr Chairman, given that he consistently seems to be unable to keep the mega concert within budget, can he at least explain to the House why he was £2.6 million over budget? What specifically caused the overrun?

30

**Hon. S E Linares:** Mr Chairman, I refer the hon. Member to my speech, which took an hour. I explained and I gave explanations as to the cost and value and why this had happened, and therefore I will not answer any more questions.

35

**Hon. E J Phillips:** Mr Chairman, in relation to the question by Mr Clinton, does the Minister not think that the people are entitled to know why there is an overrun in relation to the figure?

40 **Hon. S E Linares:** Mr Chairman, the people have been told because I mentioned everything in my speech – and probably the people were listening whilst you were not. (*Laughter, banging on desk and interjections*)

45 **Hon. Ms M D Hassan Nahon:** Mr Chairman, given that I am voting with the Budget and people may not have heard his speech yesterday, could we just have a brief summary of the discrepancy between the estimate of 2017-18 and the forecast outturn that is so large – £2.1 million, from what I see here.

50 **Hon. Chief Minister:** Mr Chairman, we are very grateful indeed that the hon. Lady is going to continue with the convention that has developed in this House for many years; indeed, it was only broken last year for the first time. I hope that a new Opposition, which perhaps she might lead successfully into this House, might continue with this convention going forward in the future.

55 It is absolutely right that in Committee we would be dealing with the questions arising out of any particular line in the book, but I do think it is fair, despite that, that where the Hon. Minister has actually spent time setting out in detail what the answer to that question is during the course of his speech ... I don't think it is something that we have to elaborate on further. Having said that, the hon. Gentleman's speech is available online on the Government website and on other websites.

60 It is not that we do not want to answer the question, Mr Chairman; it is that the question is answered in detail in the speech in a way that does it justice, and we would not want to fall into tendentious repetition by repeating today that which we said yesterday.

65 **Hon. R M Clinton:** Mr Chairman, I have just had a chance to look at the Minister's speech and whereas he gave notional values for viewing on various channels, he has not actually explained the variation in cost – unless what he is telling this House is that he actually had to pay for this viewing.

70 **Hon. S E Linares:** Mr Chairman, I refer the hon. Member to my speech, which is very clear. I am clear as to what I said in my speech and why these things had gone over the limit, and I will not answer any more questions.

**Hon. R M Clinton:** Mr Chairman, the last question on this, then: at the very least the Minister does accept he has gone over budget, does he not?

75 **Hon. Chief Minister:** Mr Chairman, I think the hon. Gentleman – who has already told us during the course of his first intervention, when he got up to speak during the debate part of this Bill, that he was not supporting the Budget and actually had something to say about this particular head – knows that his view has already been fixed; in other words, has told us, 'Whatever you tell me, I am not going to vote to support this Bill.'

80 He made up his mind having seen the Bill, having had 70 or 80 days with the Schedule to the Bill, which is the book, and having heard my speech and indeed the speeches of the Deputy Chief Minister and the Father of the House. He has since also heard the detailed speech of the Minister which set out our views in respect of this – which are, I accept, totally contrary to his views, and that is not just in relation to the debate on the appropriation, it is in respect of this particular matter.

85 I must say he is the only one, Mr Chairman, who has always refused to attend the mega concert with tickets provided by the Government. All other Members opposite have at different times accepted or not accepted access to the Government hospitality at the mega concert; he has set out his position very clearly. And now he is asking us further detail on that which he has already told us he has made up his mind specifically – the mega concert – in respect of a vote

90 generally, which he has already determined is going to be negative. The Minister, rightly, has pointed him to the speech where he dealt with this matter in detail, and the level of detail that he has given I think is actually a great level of detail.

The hon. Gentleman comes back and asks him what he thinks is a black and white question: one line is your budget line, the other line is your actual line – did you pass your budget? Well, 95 Mr Chairman, if it is a question which is that simple – is it one is  $x$  and the other line is  $x$  plus one? – he is looking at the number and he knows the answer. If he wants to know behind that why the estimate was  $x$ , aka the Budget, and the result is  $x$  plus one, he refers to the hon. Gentleman's speech and he has there the details.

100 **Hon. R M Clinton:** Mr Chairman, obviously they will continue to refuse any reasonable requests from this side of the House to account for their actions and their overspends, since they evidently do not particularly care to explain it to the public. But can I ask the Minister who is responsible for the concert: this coming year, 2018-19, is it going to be in exactly the same format as last year in terms of days, performers, performances, the agents? Everything will be 105 identical – is that correct?

**Hon. Chief Minister:** Mr Chairman, the Government does not refuse to answer questions – we sometimes even answer questions which are not reasonable questions – but the hon. Gentleman has prefaced his question in Committee with a preface that is entirely wrong.

110 The Government is *not* refusing to answer questions or provide information in respect of this or any other head. In fact, what the Government is saying is that in the Minister's Budget speech he has given a great amount of detail as to the specific line in the Estimates Book that deals with the issue of the mega concert, but now to follow up that question, which he has made with a preface that is totally contra to reality, with a question that asks what is going to happen this 115 year is to demonstrate that the hon. Gentleman does not just not have an interest in the mega concert when we are in this House – he does not have an interest in the Government statements in relation to the mega concert. The Hon. the Minister for Culture has held a press conference giving details to the general public – many of whom have not just welcomed the change but have already got their early-bird tickets – setting out the detail of the dates, how long the 120 concert is going to go on for, the format of the concert, and indeed the general public now know many of the artists who will be appearing in respect of their concert this year.

So I am grateful to the hon. Gentleman for saying that we do not want to give information in respect of matters on which we have given a huge amount of information, so people can judge that when he accuses us of not giving information there is actually a lot of detail in the public 125 domain about that; and second, in respect of something which everybody who has an interest in the concert and any member of the general public, himself included, has access to.

Mr Chairman, to say that we are not transparent because we will not come back here to repeat to him the things we have said to the whole world is, I think, an excellent demonstration that his definition of 'transparency' is like his definition of 'deficit': the opposite of what the 130 ordinary meaning of the word means.

**Hon. D A Feetham:** Mr Chairman, may I? I have been, in the past, to the mega concert at the invitation of the Government. I stopped going in 2016 when the overspend was £1.5 million. That is one of the reasons why I stopped going; there were one or two others – in fact, I was 135 persuaded by my hon. Friend Mr Clinton.

Is this a particular head of expenditure where the Government expects, as the mega concert continues, there will always be an overspend and it is very difficult to actually keep it within a particular budget?

140 **Hon. Chief Minister:** Mr Chairman, I am very grateful that the hon. Gentleman has put the question as he has – and, in fact, in the context of doing so, instead of provoking, actually



provided information. We now know why it is that he has decided not to come to the mega concert. It is not something he has rationalised for us before and I am grateful to understand it. I am afraid I add that to the list of things that he has allowed himself to be persuaded of by the Hon. Mr Clinton, where he has been led up the garden path by the Pied Piper analogy that I was developing during the course of my rather devastating intervention yesterday. *(Interjection and laughter)*

Mr Chairman, if I may say so, with respect to the hon. Gentleman, again I do not think he has followed the logic that we have put before the House in respect of this. As the mega concert develops, and in particular in the relationship that we have with MTV, we expect the cost versus value and benefit to be reduced, and income ... Now, the concert has to develop. There is a period over which we will see the ability to bring more people into the facilities where the concert is held. It may be held in facilities beyond Victoria Stadium in future, not just in one location. The value that the mega concert provides in terms of advertising for Gibraltar also increases. The hon. Gentleman in his speech provided a breakdown of the advertising value that is represented.

One of the reasons we think it is unfair to just look at the number in the line that is before the House is that you do not factor into that line the income that the concert generates, first; and second, you do not factor into the line the advertising value with the MTV deal. We know that there have been differences in respect of that, and so we have tried to assist the House by narrowing down, as the hon. Gentleman did in his speech, the value that we quantify in respect of the mega concert in a way that is scientifically calculated at the cost to the Government of the advertising that we would have incurred as cost if we were not having the mega concert. When you do that equation, what happens is that the cost starts to become a much smaller aspect of the event on the day in the context of the value. So, actually we expect the whole thing to move in a different direction. We expect to be more on budget to therefore see what the hon. Gentlemen opposite call 'overspend' come down and the value go up.

I think in that case, if he wants to review his decision to attend the mega concert as an invitee of the Government he might be able to quickly spin some logic which allows him to do that as quickly as he has spun the logic he has tried to spin today to explain to us why it was that he changed his practice – although of course it does show the House that he accepts that he made a mistake, given how he was dealing with the matter early on and then decided to change the way that he was approaching it.

**Hon. E J Phillips:** Mr Chairman, just in relation to a point of clarification in relation to the question we have asked, we have asked a question about the overrun, and that was asked specifically by Mr Clinton. I know it has been answered by the Hon. Minister and the Chief Minister has explained that as well, but just to be clear, insofar as the last two events in which I have personally accepted invitations from the Chief Minister, on both occasions commitments were made personally by me to two charities. I just want to make that very clear before he suggests that in some way we are supporting it. Two financial contributions and commitments have been made by me to two separate charities.

**Hon. Chief Minister:** Well, Mr Chairman, I am very pleased to hear that, but I am very surprised that he should decide to tell us that two years after he made the first contribution to the charity. But look, I would have expected that he wants to contribute to charity not just in September of each year but that he should do so every month without needing to tell us. Most of us who contribute to charity do not advertise it, but I think it is absolutely right that he should do so and that he should not take the value from the taxpayer in respect of attendance at the concert for granted without providing some additional value in the context of what he does at the concert – which is to come and be entertained. Whilst Ministers spend the day entertaining others and working with gaming company executives and insurance company executives etc., he just comes to be entertained.

195 I am very pleased that he makes a contribution to charity. He should not think that he is the one who does so, although it is now clear he is the only one who wants to tell us that he does so.

**Mr Chairman:** The Hon. Lawrence Llamas.

200 **Hon. L F Llamas:** Mr Chairman, I am trying to analyse the figures. If the £2.5 million which was appropriated for 2017-18 was done at the time when the contract had been already awarded to MTV and Neon Angel, and the total value of the marketing and the social media outlets and all that is £1.2 million, that would bring it up to £3,796,926. Where is the difference between that and the £4.4 million that is being paid out?

205 **Hon. S E Linares:** Mr Chairman, again I refer the hon. Member to the speech that I gave, in which I also explained not only the value but certain costs that were done last financial year for the concert this year. I went through it all. It is in my speech.

210 **Mr Chairman:** Any other question?

**Hon. L F Llamas:** Mr Chairman, just one final question then: is it right to say that the contract was for £2.5 million but then MTV wanted to add an extra £1.9 million for marketing and monetary value for what they consider is value for money for Gibraltar?

215 **Hon. S E Linares:** Mr Chairman, he can assume all he wants but it is very clear in the way I explained it and therefore I still stick to what I said. And anyway, I said what I said and then the hon. Member voted against, so whatever I have said he has not wanted to take it. I have explained it and therefore he can assume all he wants. Whether the contract was £2.5 million or ... that is not correct. What is correct is what I said and my explanation, and I stick to that, Mr Chairman.

220 **Hon. Chief Minister:** Mr Chairman, just to clarify, the hon. Gentleman's assumption is wrong, and to connect it to the hon. Lady's remarks in her Budget speech, they are wrong to think that the expenditure that they see in this year relates just to this year and to last year. In fact, there is expenditure, which is what puts us beyond the budget, which relates in some instances as far as three, four and five years ago in respect of those pioneers that the hon. Lady wanted to refer us back to, where we are still receiving invoices in respect of this particular line of expenditure – which we consider to be quite bizarre but which relates to this line of expenditure.

230 **Hon. R M Clinton:** Mr Chairman, that is a very interesting comment by the Chief Minister. Is he able to quantify the element in that £4.4 million which relates to, as it were, old invoices?

235 **Hon. Chief Minister:** Mr Speaker, they have told us that they are going to vote against it, whether they have an understanding and appreciate the detail or not, so I am not prepared to do the exercise. Neither do I know that this is finished, because of course in the immortal words of Donald Rumsfeld, we don't know what we don't know, and therefore we don't know what invoices in respect of earlier years we have not been provided with yet because of the difficulty we appear to have in respect of those earlier years.

240 **Hon. Ms M D Hassan Nahon:** I am really sorry if this comes across as a little bit ignorant, but are we then to expect that each column is not necessarily dealing with the year in question but backlogs from other years?

245 **Hon. Chief Minister:** Mr Chairman, the actual column sets out the amounts paid in a particular year, so that for that you have only amounts paid in the particular year, but the payments may not relate to services actually provided in that year.

Let me take a different example for the hon. Lady, just so that then we transpose it to here. In fuel cost, fuel companies are much better at invoicing the Gibraltar Electricity Authority, so you expect to see that your 12 months of fuel cost in your actual column is what you paid for. 250 They are likely to be a month before the year and until a month before the end of the year, so you are paying 12 months, usually with 30 days' credit. In the context of this particular head of expenditure, you are seeing actual payments in the context of the financial year we are reporting on which do not relate to the financial year we are reporting on or indeed the financial year before, because we have been presented with invoices due and allegedly due in respect of 255 earlier years.

**Hon. D A Feetham:** Can he just give an example of that? I can understand that in certain sectors ... and, in fact, listening to what the Government has to say on this just reminded me that when I came back from the UK, for 10 years I had this situation with legal aid in the UK because 260 you are paid on account and sometimes then seven years later you would have a recoupment of the money that you had been paid because you had been overpaid, and that carried on for about 10 years. But of course that is legal aid. I just cannot think of an example in relation to this that would involve the presentation of invoices four years down the line. Could he give an example? 265

**Hon. Chief Minister:** Well, all invoices that one would expect to receive in some instances have been received out of the year in which they should have been received. For example, security invoices have been paid in years other than the actual year; services provided by 270 organisers – other sorts of services that have been invoiced in years other than the years in which they have been provided.

**Hon. S E Linares:** Mr Chairman, just to give an anecdote, we have got an invoice from 2015 of a Dorito forklift that was used (*Laughter*) from 2015, and we got it this year.

275 **Hon. Chief Minister:** It's too delicious an anecdote! (*Laughter and interjections*)

**Mr Chairman:** Any other question?  
Head 44, Other Charges, stands part of the Bill.

280 **Clerk:** Head 45, Broadcasting; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges. 285

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 46, Youth; subhead 1, Payroll.

290 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill. 295

**Clerk:** Head 47, Sports and Leisure; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

300 **Clerk:** Subhead 2, Other Charges.

**Hon. E J Reyes:** Mr Chairman, can I ask for your guidance? The section in 2(1)(a) under Contribution from Revenues Received – I know the revenues part then comes later on in Appendix J. That, combined with total additional contribution, comes to £5.491 million, which  
305 coincides with the total expenditure shown in J – that all tallies – but since there are two distinct heads for one named the Contribution from Revenues Received, which shows an estimated increase and so on, is this the correct moment to ask the Minister how come we are relatively confident to predict that extra income from that section?

310 **Hon. S E Linares:** Mr Chairman, although again the hon. Member is not interested in the book, but is interested now, the revenues are coming from advertising. We are trying to see if we can get advertising revenue and we are going to increase the space where we advertise. And not only that – we are also charging now for events that happen around the periphery of what is the Bayside complex. For example, the MUGA area, which has traditionally been used by others,  
315 which has come to a cost to the Government because it is all right for a privateer to come and do a concert there without paying a single penny, taking all the ticket sales and all the sponsorship themselves, and then we are left with an actual bill. The bill is the overtime of the people who have to open and close, the cleaning of the venue, the wear and tear. All that costs money, so what we have done is we have a regime in which we put the cost – we even add a  
320 small profit, which is revenue, and then people can come and use it. That is why we expect this year to get some more revenue.

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

It does help to clarify the position much further. Can I take the Minister up on a further  
325 example he has given me, similar to the MUGA? I know under the allocations made for community-use facilities – for which he kindly gives me a schedule, I think twice a year – there are allocations given to particular groups that then advertise on a commercial basis. Can he confirm I am correct in assuming that they themselves are now expected to make a contribution for the use of those facilities?

330

**Hon. S E Linares:** Mr Chairman, absolutely.

**Hon. E J Reyes:** Mr Chairman, just to show that I am interested in the book, irrespective of what ... I even congratulate the Minister for having taken that initiative of imposing those  
335 charges. Well done. (*Interjections and banging on desk*)

**Hon. S E Linares:** Thank you.

**Hon. N F Costa:** Come on! One vote!

340

**Mr Chairman:** Other charges stands part of the Bill.

**Clerk:** Head 48, Financial Services; subhead 1, Payroll.

345 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

350 **Clerk:** Head 49, Gambling Division; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

355 **Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 50, Commerce; subhead 1, Payroll.

360 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

**Mr Chairman:** Stands part of the Bill.

365

**Hon. T N Hammond:** Sorry, Mr Chairman, I am just –

**Mr Chairman:** Yes, on Other Charges?

370 **Hon. T N Hammond:** I think so, although it may be under Payroll because I am slightly confused about the way the book is set out.

I am just looking at the establishment initially and I see that there appear to be four new posts created within the Department: a Chief Officer (E-Services Innovation), a Director of Strategy and Plans, a Director of Commerce, and an administrative officer. I can find two of those roles at the back of the book but I cannot find the Director of Strategy and Plans, so I cannot see a salary associated with that role.

375 I do note that under the personal emoluments in this subhead we do have a rise from the forecast outturn of the last financial year to the estimate for this year of nearly £½ million, which I assume is accounted for largely by those four new roles, but can the Minister confirm that that is the case – that it is down to those four new roles – and can he direct me to where I can find the salary of the Director of Strategy and Plans?

380 **Hon. A J Isola:** Yes, Mr Chairman, the roles are all transfers from other Departments. The Director of Strategy and Plans – I cannot direct him to the specific page, but what I would say is that the person is no longer with us, so the position will not be there this time next year, and the other positions are all internal transfers.

So yes, the amount that he is looking at in 1.1 is indeed that different transfer from other parts of the book into this one.

390 **Hon. E J Reyes:** Mr Chairman, I am trying to use a bit of ex-civil servant logic. If the incumbent is no longer there, like the Minister has just said, and if we have no intention of replacing him, then why does it appear on the 2018-19 position? If what he is really saying is it is vacant and perhaps one may be appointed to that particular position, then on what page, could the Minister let us know, can we find what that salary scale would be?

395

**Hon. A J Isola:** Could you repeat that?

**Hon. E J Reyes:** Yes, I am trying to say that although I understand that that member of staff is no longer there, if in the establishment provisions for 2018-19 that position is catered for, it

400 means that at some stage, when Government deems fit, someone may well be appointed into that position during the year. He certainly will have the authority from this. Therefore that post, if it is advertised, should carry a salary scale – which we cannot find – towards the latter part of the book.

405 **Hon. A J Isola:** Yes, Mr Chairman, if it helps, the person was previously the Captain of the Port.

**Hon. T N Hammond:** I thank the Minister for that answer, Mr Chairman.

410 Can I just clarify? Doing a quick calculation, the increase in the amount for the personal emoluments in the 2018-19 estimates is £465,000. From the remaining salaries that actually are added to the Department of Commerce, we appear to have £101,000 for the Chief Officer (E-Services), we have £85,000 for the Director of Commerce and £31,000 for the administrative officer. That is £217,000, which still leaves us significantly in excess of £200,000 short to explain that difference. Can the Minister explain where the remainder is currently to be found?

415

**Hon. A J Isola:** Mr Chairman, give me a minute – I do not quite follow the numbers.

The hon. Member has said there are, according to this, four new positions – and you have added them up to £200,000? The Captain of the Port was £128,000. *(Interjection)* Well, the Captain of the Port is, as I have said already, the Director of Strategy and Plans; £101,000, Chief Officer – that is £229,000. I need some help from – *(Interjection)* Yes. Director of Commerce ...

420

Mr Chairman, the number that it relates to is actually the total of seven people, which are five from the Ministry and some from Commerce as well – two from Commerce.

If it helps, the Chief Officer of E-Services last year was under Minister Licudi's head. He is our respected senior officer and he works for both of us, but this year he has been moved over to my book from my colleague's book.

425

**Hon. T N Hammond:** Okay, I thank the Minister. So the increase is down to seven posts. It is just that overall, in the summary, we have an increase of four posts, the majority of which seem to be either just movement within the IT Department, different gradings, and the rest are those posts that I described previously, one of which apparently no longer exists anyway so perhaps should not be in the 2018-19 estimates – I am not absolutely clear about that. So I am not quite sure where the book describes these seven new posts, when the summary total is for four new posts, of which I can see those four new posts under the Ministry but no new posts under Commerce.

435

**Hon. A J Isola:** Mr Chairman, I think the easiest way to explain is if you get, under establishment, the five from Ministry and the seven from Commerce and you add those up, you have 12 people, which you add the Payroll for Ministry and Office of Fair Trading, those two combined is the 12 people referred to on the previous page.

440

**Hon. D A Feetham:** And you are keeping the post of Captain of the Port – that is not changing, is it?

**Hon. A J Isola:** Captain of the Port comes under my hon. Friend's Ministry and his responsibility – and absolutely, yes.

445

**Hon. D A Feetham:** It's being redefined? He says, no.

**Mr Chairman:** Head 50, Commerce, Payroll and Other Charges stand part of the Bill.

450

**Clerk:** Head 51, Postal Services; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

455

**Mr Chairman:** Stands part of the Bill.

**Hon. R M Clinton:** No – (**Mr Chairman:** Sorry.) Sorry, Mr Chairman. Under subhead 2(3), Outgoing Mail and Bulk Mailing, outturn 2017-18 pretty much in line with the estimate of £100,000; the estimates for 2018-19, £550,000?

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**Hon. A J Isola:** It almost looks like a lie, doesn't it, Mr Chairman?

I think the provision there is for delayed payments in respect of terminal dues, which from previous years have taken some time to come through to us and being processed. So there is a provision there of £450,000 to deal with terminal dues from previous years.

465

**Mr Chairman:** Is there any other question?  
Other Charges stands part of the Bill.

470

**Clerk:** Head 52, Gibraltar Audit Office; subhead 1, Payroll.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Subhead 2, Other Charges.

475

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 53, Gibraltar Regulatory Authority; subhead 1, Payroll.  
Subhead 2, other charges.

480

**Mr Chairman:** Stand part of the Bill.

**Clerk:** That concludes clause 2 of the Bill.

We now move to clause 3 of the Bill and we move to page 165 of the book.

485

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 55, Contribution to Government-owned Companies; head 1, Contribution to Government-owned Companies.

490

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 56, Transfer from Government Surplus; head 1, Payment to Social Assistance Fund Import Duty Transfer from Government Surplus.

495

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Head 57, Contribution to the Improvement and Development Fund; head 1, Contribution to the Improvement and Development Fund.

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**Mr Chairman:** The small sum of £43 million can stand part of the Bill.

**Clerk:** That concludes clause 3 of the Bill.

We now go to clause 4 of the Bill and we go to page 164 of the Estimates Book. Head 54, Supplementary Provision; subhead 1, Supplementary Funding.

505

**Hon. T N Hammond:** Mr Chairman, I was advised yesterday that the new post for Commissioner of Sustainable Development comes under this supplementary funding. The post itself is not detailed as one of the Government officers in the back of the book, so there is no salary associated with that post. Could the Minister advise what the salary for that post is?

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**Hon. Dr J E Cortes:** Mr Chairman, the book was published on 30th April and the appointment of the post that the hon. Member is referring to happened subsequently and therefore could not be specifically identified post publication.

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**Hon. T N Hammond:** That is fine, but can the Minister provide ...? I am assuming, as I have been told, it is coming out of the supplementary provision. Can I understand what amount is coming out of the supplementary provision for that post?

**Hon. Dr J E Cortes:** Whatever amount has been agreed should come with that post.

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**Hon. Sir J J Bossano:** It is already in the book, anyway.

**Hon. T N Hammond:** The post is within the Minister's Department, I understand. Is the Minister not aware of the salaries of the people within his Department?

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**Hon. Dr J E Cortes:** Actually, the straight answer is no, I do not look into the particular salaries of people in my Department or any other Department; that is not part of my brief.

**Hon. T N Hammond:** As part of your annual budget, surely it is of some significance – going forward as well, not just in this year.

530

I would have thought there is nothing secretive. It is a public post and it is being paid for by the taxpayer. I would just be interested to know. Moneys have been allocated under supplementary funding for that salary and I would just like to know what the salary is, so I can add it, in my own notes, to the list of public salaries at the back of the book.

535

**Hon. Chief Minister:** Mr Chairman, let's just be clear. What we are trying to say here is that this is a salary that is not reflected in the book this year but will be reflected in the book next year. That is the point that we are making. And the reason it is not reflected in the book this year is because the person who has taken the post took the post after the book had gone to the printers. So it will not be coming out of supplementary provision next year; it will be coming out of the general provision. There will be a specific item in the personal emoluments head of the relevant Department.

540

The hon. Gentleman should understand that the Ministers do not get involved in issues which relate to salaries. The salaries are the salaries from days of parity, brought forward with the relevant pay rises calculated, and now parity plus, and the concerns that I shared with the House about how relativities had been broken relate to how that will change in the future as the result of a review. But we do not agree salaries with people, for that reason, and I think that is why the hon. Member is telling me he has not got the information. I do not know whether the information is somewhere. We may be able to provide it to him – it is not something that we are able to tell him like that, but we may be able to write to him and tell him what the salary is after today. I think that is better.

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**Hon. Dr J E Cortes:** Mr Chairman, I have no difficulty in that, but it is not included in the book. It is not included in what is before us today, but I am very happy to share that with the hon. Member either in correspondence or in reply to a question in this House.

**Hon. T N Hammond:** Mr Chairman, the only point I would make is that whilst I am being told it is not in the book, it is not specifically as a line in the book but it is in the book in that that salary is being taken from the supplementary funding, which is in the book – which is what I was told yesterday. If it is otherwise, if it is not being taken out of the supplementary funding, I am assuming that there will be a supplementary appropriation for that salary.

**Hon. Chief Minister:** No, Mr Speaker, it is being taken out of the supplementary funding because that is what the supplementary funding is there for, and so when you have instances like this, that is in effect where the money will come from for the period. It is not something that will come from supplementary funding year on year. We are not entitled to say to the hon. Gentleman – it would not be the right accounting practice – ‘Well, this salary is not provided for here; we are going to provide it for good from this head.’ That is not the case. It is only because of the timing, which I explained to him before, that there is not specific provision in the back of the book and that it is not provided for out of its relevant head, which I think will be the Environment head next year, and so it will be provided out of the Personal Emoluments head next year and it will be provided for somewhere in the back of the book in the appropriate way, depending on the method of employment etc. It would not come out of supplementary funding otherwise, so it will not come out of supplementary funding next year. That is the point I am making to him.

**Hon. T N Hammond:** I thank the Chief Minister for the answer.

If I could then ask the Minister, when he has an opportunity, to drop me an email perhaps with that salary. I would very much appreciate it. Otherwise, I will ask questions, but if he could consider that I am asking a question on that particular salary at this point in time, I would appreciate his response.

**Hon. Dr J E Cortes:** Mr Chairman, there is no problem at all.

The reason it is not in the book is because the post happened after the book was published. That is the only reason. As the Chief Minister has explained, it will come out of supplementary funding. There could not be a line because there was not a line to put in at the time of going to print.

However, I will facilitate that information – if I may ask the hon. Member to drop me a reminder on Monday, just in case it slips my mind. I do not want him to then enter into an exchange on Facebook about it.

**Mr Chairman:** Anything else?

Supplementary Provision, head 54, stands part of the Bill.

**Clerk:** That concludes clause 4 of the Bill.

We now move to clause 5. This is at page 168 of the book. Improvement and Development Fund Expenditure.

Head 101, Works and Equipment; subhead 1, Works and Equipment.

**Hon. R M Clinton:** Mr Chairman, if I may, Works and Equipment, (1)(a) Education, Refurbishment, Education Facilities and Equipment, £2 million – can the Minister confirm that that £2 million will cover all the works and equipment required for all 8 new schools?

**Hon. Chief Minister:** Mr Chairman, is the hon. Gentleman asking about the existing schools?

605 **Hon. R M Clinton:** No, Mr Chairman, I am asking whether there is any provision in here for educational facilities and equipment for the new schools in this line.

**Hon. Chief Minister:** Well, Mr Chairman, then I am further flummoxed because the hon. Gentleman has told us that one of the reasons he is not voting for the Budget is because there is not provision here for the 18 schools – so how can he ask us that question now, unless he was dishonest in what he was telling the House when he was presenting his speech?  
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**Hon. R M Clinton:** Mr Chairman, if I may, by way of explanation, what I am asking here is in terms of equipment. What he has made patently clear is the cost of construction is not in this book, but – giving him the benefit of the doubt – it *may* be the equipment is in the book.  
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**Hon. Chief Minister:** Well, Mr Chairman, in that case, if that is what he is asking for, then he is having a problem with his trends again, just like he had a problem with his trends when he was doing his speech.  
620

If he looks at the amount spent in 2016-17 and the estimate and actual spent for last year and the amount spent for this year, isn't it obvious to him that this is just in respect of the existing facilities?

**Hon. R M Clinton:** Well, I am very grateful to the Chief Minister for that straightforward answer, but then given that at least one school we know of is due to open this financial year, being Notre Dame, and given that that will obviously require equipment, is he telling the House that he will be paying for it or providing it through corporate vehicles? Is that what he is telling the House?  
625

**Hon. Chief Minister:** No, Mr Chairman. He is making the assumption – and he has had a problem with his assumptions in the past 48 hours – that there is no equipment available in the existing school, that our children in the existing Notre Dame are in empty classrooms, that nothing is going to move from the existing Notre Dame to the new Notre Dame and that the material in the existing Notre Dame is also not up to the standard required when the new Notre Dame opens – and he is omitting any value ascribed to the additional £200,000 provided.  
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**Hon. E J Reyes:** Have you finished, Roy?

**Hon. R M Clinton:** Yes.  
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**Hon. E J Reyes:** Mr Chairman, on section (m), the contribution to the Sports and Leisure Authority, I see there is an estimated reduction of £240,000. Although I hope I am right in presuming that there may be less cost in respect of what we have always referred to as pitch 1 and pitch 2 in respect of football facilities which are now leased to the GFA, it does seem that for the upkeep of the remaining facilities – and it is the Sports and Leisure Authority, so am I correct in saying it not only includes what we put under the nomenclature of Bayside Sports Centre but also other areas that come under the Sports Authority – almost £¼ million seems to be quite a big setback. I do not know how we are going to be able to maintain the facilities which we all so gladly rejoice are of good quality.  
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**Hon. S E Linares:** Mr Chairman, the hon. Member must also consider that the maintenance is being done. As I explained in my speech, there are savings from the maintenance and therefore it is capital and minor works and we are doing it with people internally, and therefore it would be on the running cost, as opposed to the capital expenditure. So there will be savings there.  
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**Hon. Chief Minister:** Mr Chairman, also, of course, the fact that the new facilities will be opening. That is coming and therefore if you are going to open new facilities you may spend a little less on maintenance of existing facilities which are going to be demolished. The hon. Gentleman has seen the GFA's plans, which involve the demolition of some areas, so amounts that we might spend in maintaining the old sports hall, for example – the old sports hall is now going to be demolished. You will do certain things but you will not invest the amounts that you would have put in with your routine maintenance. Every year you put in an amount of routine maintenance and the time will come now when that routine maintenance goes because we are moving out of the old sports hall in short order.

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**Mr Chairman:** Is there any other question on head 101?

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**Hon. E J Phillips:** Yes, Mr Chairman, just in relation –

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**Mr Chairman:** Works and Equipment? (**Hon. E J Phillips:** Yes.) The Hon. Elliott Phillips.

**Hon. E J Phillips:** In relation to (o)(ii) Rock Safety, Coastal Protection, Retaining Walls and Demolition, could the Hon. Minister explain the increase from £½ million to £750,000? We assume it is in relation to assessments arising out of the recent rock fall.

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**Hon. P J Balban:** Mr Chairman, yes, that is correct, it is to do with the recent rock fall at Devil's Tower Road and also to damage caused by the recent storms this year to Camp Bay revetment.

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**Hon. T N Hammond:** Mr Chairman, just for my clarification, I did not notice ... Under (o)(iv) we have Road Maintenance and Resurfacing and a budget of £850,000. I know we have not come to head 102, but we also have Highways Resurfacing Programme. Can I ask the Minister what the difference is between the highways resurfacing programme and the road maintenance and resurfacing?

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**Hon. P J Balban:** Mr Chairman, head 101 – the initial one the hon. Member just mentioned at £850,000 – covers contract maintenance works, and these include works to roads like road markings, traffic signs, pelican crossings and after-hours requirements. Whereas head 102 is directly related to resurfacing works for roads and does not include the other items such as crossings, speed ramps and other matters related to our roads.

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**Hon. T N Hammond:** In which case – and I do thank the Minister for that response – the title of (o)(iv), Road Maintenance and Resurfacing, is slightly misleading perhaps.

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**Hon. P J Balban:** Well, there is partial resurfacing to address the state of the roads. If, for example, there are potholes, then there is an element of resurfacing either the pothole itself or a small-area apron around it, and that does also include resurfacing of various minor quantities.

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**Hon. L F Llamas:** Mr Chairman, could I just ask, under item (i), the increase in the estimate from £1.1 million to £1.9 million – if I could have an explanation as to why the sharp rise?

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**Hon. N F Costa:** Yes, Mr Chairman, there is a whole list of works that will come out from the capital projects, which of course the hon. Gentleman obviously will not be supporting, and relates to, for example, the new children's PCC, the new ambulance building, a new MRI project, an entirely new theatre – and I am really quite surprised that the Hon. Mr Lawrence Llamas in particular will not be voting in favour of the Budget, because I know that these are projects that are close to his heart.

**Hon. Chief Minister:** Put Gibraltar first!

710 **A Member:** Shame!

**Hon. D A Feetham:** Mr Chairman, in relation to Works and Equipment (z), Launches and Customs, there is a provision for £1,000. I cannot see how a launch for Customs is going to cost £1,000. Can he just –

715 **A Member:** It's on eBay!

**Hon. D A Feetham:** Is it? Not even on eBay I do not think you could get a launch for £1,000 – although I do not know what 'launch' means in this context, I have to say! (*Interjection*) It is an inflatable dinghy, yes, that's right!

720 Can he just give more information about that? Is that a bid by Customs effectively for a proper launch and there is just a nominal token provision of £1,000?

**Hon. Chief Minister:** Mr Chairman, we had, during the course of the day yesterday, the opportunity of clarifying for hon. Members what it was that a line with £1,000 in it meant. It is a token, as has historically been the case, put in when we open a head for the purposes of determining whether we can progress with a project. And so of course the £1,000 is not because a launch is going to cost £1,000, but because we are committed to continue to upgrade the resources available to our law enforcement agencies.

725 He knows that we are the first Government to have acquired bespoke assets for our law enforcement agencies at sea. We acquired two interceptors for the Royal Gibraltar Police and two large vessels for the Royal Gibraltar Police, which they put to very good use in the summer months in particular, and for the Customs Department we have acquired two interceptors. There is now a need to consider the possibility of a larger interceptor vehicle for Customs and that is a process that has commenced, with the Collector of Customs leading on that with those in his Department who understand the costs and the type of requirements that they have. I do not know whether it is going to be possible acquire it in this financial year or indeed whether, if it is acquired in this financial year, we will be required to pay all or a part of the cost of the vessel. There may be a need for a deposit or there may be a need for the full amount to be paid. Whether the vessel is going to cost £100,000, £800,000 or more than £1 million, that is something that is determined once we have made the assessment of the vessel that we need to procure, but we need to be ready to make at least a deposit payment perhaps in the context of the timings that we are considering.

730 **Hon. D A Feetham:** It is a new ship rather than [inaudible]

**Hon. Chief Minister:** This is, therefore, for a new acquisition, given the answer I have given him, yes.

750 **Mr Chairman:** In the days of the House of Assembly, an item such as that would have a footnote 'Token'. That seems to be a practice that has been discontinued and which I suggest might still be relevant. It is not for me to decide; I just make the point that that is how it was done in the past.

755 **Hon. Chief Minister:** Mr Chairman, I certainly do not recall having dropped a term like 'token provision' in my time. I think it is just that it is clear to Members that £1,000 in the context of this head is a token provision and it is a token provision also in the recurrent head, unless you are dealing with a head which in a Department might be £1,200 total. For example, printing equipment, toners, etc. might be £1,200 one year or £800 the next; £1,000 there might not be a

760 token, it might be an estimate, and we do not put in less than £1,000 anyway. But in the context of these pink pages in particular, £1,000 is a token. It is literally – as I explained to hon. Members quite exhaustively when dealing with the point when it was raised by the Hon. Mr Clinton – accepted practice that we open a head with £1,000, which is therefore the token.

765 **Mr Chairman:** Any other question?  
Head 101 stands part of the Bill.

**Clerk:** Head 102, Projects; subhead 1, Roads and Parking Projects.

770 **Mr Chairman:** Any questions?  
Stands part of the Bill.

**Hon. D A Feetham:** Mr Chairman, the GIS development on roads and parking projects, head 102 – that is (1)(b): what is GIS development?

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**Hon. G H Licudi:** Mr Chairman, that is the geographic information system which I referred to in relation to civil contingencies. It is in my speech.

**Hon. D A Feetham:** I am afraid I must have missed it.

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**Mr Chairman:** Let's move on then.

**Hon. Chief Minister:** That is also a token.

785 **Mr Chairman:** Subhead 1 stands part of the Bill.  
Subhead 2, Relocation Costs. Any questions? No. Stands part of the Bill.

**Clerk:** Subhead 3, Reclamation Projects.

790 **Hon. R M Clinton:** Mr Chairman, if I may ask, the £600,000 provided for the estimate for 2018-19 – which reclamation project does that relate to? Is this the project for the rock pile by Coaling Island?

795 **Hon. Chief Minister:** Mr Chairman, this is in relation to various reclamation projects, so the reclamations project – plural – head is the head that is always available not just in respect of one reclamation but a number of reclamations. It is the cost of investigatory works done etc. It is the cost of, in some instances ... It is not revetment repairs, because I seem to recall there is a head for revetment repairs, but there are some parts which require not a revetment repair but an additional small reclamation to shore up existing reclamations, and that all comes out of the  
800 Reclamations Project head.

**Mr Chairman:** Any other questions on that?  
Stands part of the Bill.  
Other Projects – and there are a number of pages.

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**Hon. D A Feetham:** Yes, the –

**Mr Chairman:** Still on reclamation?

810 **Hon. D A Feetham:** No, 102.4.

**Mr Chairman:** Other Projects. As I say, there are –

**Hon. D A Feetham:** I beg your pardon.

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**Mr Chairman:** – two or three pages.

**Clerk:** Subhead 4; Other Projects.

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**Hon. E J Reyes:** May I, Mr Chairman? On (4)(a) the heritage building refurbishments, I know Dr Cortes referred to the Nun's Well and so on – I want confirmation that that £40,000 is, for example, in relation to that, because there is a small decrease from last year. I know it is led by whatever one programmes for a whole year, but is that to be taken as a heritage building since Nun's Well comes under Heritage but not necessarily a building? I am a bit in limbo.

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**Hon. Dr J E Cortes:** Mr Chairman, sometimes I can work wonders with money but on this occasion that is included there.

The hon. Member will see that there is a provision this year of £30,000 for Garrison Library, which was not present last year. So approximately, taking (a) and (g) together, they are £70,000, which is quite similar.

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Reassessing the priorities this year, there was a need to do some refurbishment work in the Garrison Library, so we decided to allocate that there specifically, so it is quite open and transparent. That is more or less what has happened there. We have divided it into two, but we wanted to ring-fence one particular amount to the Garrison Library, which has not had work done there for some time.

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**Hon. E J Reyes:** Thank you, Mr Chairman, and I wholeheartedly support the Minister in ring-fencing that amount.

Am I right, in deduction, that the news given by the Minister that works will be undertaken for Nun's Well – would that *a priori* come then as part of that £40,000 or will that be a separate subheading?

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**Hon. Dr J E Cortes:** That is the intention. It is going to be a fairly inexpensive amount of work that is being done, so that will come out of there.

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**Hon. T N Hammond:** Mr Chairman, just referring to subparagraph (b), the climate change and renewables, I notice there has been a steady decline in that particular budget. Given the Minister's speech and commitment to renewables and additional solar panels, is the Minister satisfied that that amount is appropriate, bearing in mind in previous years – and certainly in 2016, when less seems to have happened in that area, actually – we had an expenditure of £180,000 and now we are down to £40,000. And I was listening to your speech, John.

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**Hon. Dr J E Cortes:** Mr Chairman, the hon. Member knows that I will never be satisfied when it comes to spending money on the environment, so that is a question that he need not ask.

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But no, seriously – (*Interjection*) Actually, I did not hear that, which is probably just as well. I am not even going to ask. No idea. Hansard will report. Mr Chairman, the good thing is that climate change and renewables have now been assumed by many other Government Departments and projects and therefore the influx of funding that we needed in our first years following our election success in 2011 in order to get us out of the time warp that the previous administration had left us in in relation to climate change and renewables was needed then, but now there are many other Departments who are working ... Sport, for example, is doing a tremendous amount of work, some of which will be announced today in relation to the Island Games in regard to renewables; the GEA is also working and we are also working with private

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865 entities on PPAs and so on, and therefore the amount of funds that had to come out of this was considerably less because so much else is happening.

870 **Hon. Chief Minister:** And there is an important point additionally here, Mr Chairman, which goes to one of the things that the hon. Gentleman said in his speech, which is far from the fantastical allegation of cronyism that the hon. Gentleman made, which has absolutely no foundation in reality, what he is seeing in these estimates is that there is a saving to the taxpayer in the contracts that are being entered into by the Department with private sector entities that are providing the solar panelling themselves at no cost to the taxpayer. And so it would be entirely wrong for the hon. Gentleman not to realise that in effect what we have been able to secure is investment at no cost to the taxpayer in respect of the capital value of the installation of solar panels.

880 **Hon. D A Feetham:** Mr Chairman, (4)(j), Main Sewer, if you look at the right hand column: £175,000 for actual, end of 2017. Then you have an estimate of £600,000 for end of financial year 2018 with a forecast outturn of £300,000. And then for this year there is an estimate of £750,000. That indicates that the Government envisage that some more substantial works would be done to the main sewer, but those have not been done during this financial year and they are going to be done next financial year. Am I right in that assumption?

885 **Hon. P J Balban:** Mr Chairman, yes, this is due to a delay in awarding the tender and it has spilt over to the next financial year. That is why the figures show in this way.

**Hon. D A Feetham:** The tender for what?

890 **Hon. P J Balban:** There is delay in awarding the tender for the works to the main sewer and that was to do with the relining of the sewer. So, because the works were not completed in the last financial year, they have run over to this financial year and that is why it seems as if the £600,000 which was estimated for 2017-18 was not fully spent, and that is why it has increased for 2018-19 – because it includes the underspend for 2017-18.

895 **Hon. D A Feetham:** In other words, it includes work that has been done for 2017-18 but has not yet been billed or paid, or not billed or paid during that financial year?

900 **Hon. P J Balban:** Mr Chairman, it is works still in progress, so the ex-works, part of which were carried out last financial year and there are obviously more works to be done which will be carried out this financial year. That is why it appears that it has not all been spent, but part of it is included in the 2018-19 figures.

**Mr Chairman:** Are there any other matters that Members wish to raise?

905 **Hon. R M Clinton:** Certainly, Mr Chairman, yes. Under subheading (i), Wellington Front Infrastructure, I am just curious what that refers to because I was under the impression, and there was no forecast outturn last year, that that project was complete. I am presuming something has happened in the interim period. What infrastructure works would those be at Wellington Front?

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**Hon. S E Linares:** Mr Chairman, if I may assist, if he looks, there are two heads: one is the development and the other is the infrastructure. The development has finished, it is zero; and the infrastructure and works that were done originally, which still have not quite finished, are to do with the flooding of the whole area.

915 The hon. Member must have complained at the time because we were opening the roads, and we were putting dust all over the place, in order for the pumps to be extended towards the sea front whilst all the works were ongoing. That has now cured the whole of the flooding of Wellington Front, so that is probably the finishing off of that project.

920 **Mr Chairman:** Any other questions? The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Chairman.

Moving to head (zb), the Island Games Facilities, £5 million spent 2017-18, £14 million estimate for 2018-19, giving a total spend to the end of next year of £19 million, can the  
925 Minister advise if included within that amount of £19 million are the accommodation blocks? I cannot see even a token head anywhere under Other Projects and certainly there is nothing under any other project that I can see under Other Projects.

Can the Minister confirm that, in terms of the original intention that the £16½ million from the GFA will cover the cost of the Island Games facilities, from that basis he would seem to be  
930 already £2½ million over the anticipated cost?

**Hon. S E Linares:** Mr Chairman, again the hon. Member does not seem to have listened to the Chief Minister in his reply when he says that we still do not quite yet know where the finances of the student accommodation will come from – and I am not going to repeat it. The moneys of the  
935 Island Games are not for the student accommodation, that is a completely separate place, and the hon. Member is wrong in assuming that the £16.5 million that we got from the Victoria Stadium we are now on overspend, because there is a business model to the whole of the Island Games and all of the projects that we are doing, including the £16.5 million.

**Hon. R M Clinton:** I thank the Minister for his answer – in which case, then, given what the Chief Minister said about opening a head for projects here, I would be grateful perhaps if the Chief Minister can explain why there is not a head here in the book for those accommodation  
940 blocks.

**Hon. Chief Minister:** Well, because, Mr Chairman, in this instance it was not needed. In this instance there was no need to add a head here because we thought we were going to fund it through here. We were always clear that those accommodation blocks were not going to be funded through here; those were going to be funded through the corporate structure.

I think, as the Hon. Minister has said, it is important that the hon. Member understands that  
950 in the context of the sporting facilities, as I said in my response yesterday – I do not know whether this was the part when he was reading that magnificent weekly publication that appears on Thursdays, the *New People*, (**A Member:** The truth.) which I recommend to anybody listening – that there will be other aspects of the sporting facilities that will produce income. And so it is not that the £16.5 million is the only amount available; it is that the £16.5 million and the  
955 projects themselves produce income and therefore more money is available to spend on the projects and on the construction.

**Hon. R M Clinton:** Mr Chairman, I thank the Chief Minister for his answer, but given what he has just said – I believe I can quote him accurately – that he thought that the project would not  
960 be funded through here, otherwise it would appear here in terms of the things that would be funded here ... in which case is there – and I use this word hesitantly – a double dip here, in that we have (zzi) New School Projects, £1,000? Was it that the school projects are meant to appear here and there was a change of mind and now it is going through the corporate structure, or is it a failsafe just in case you want to use some of the Improvement and Development Fund? In  
965 other words, Mr Chairman, is there any intention of putting any cost through on head (zzi) for the schools?



970 **Hon. Chief Minister:** Mr Chairman, it is that in relation to the schools it is possible that some of the preparatory work may be charged through the I&D before it is transferred to a corporate structure that will be set up for that purpose. So there may be some expenditure here in respect of the new schools, whilst there will be no expenditure here currently envisaged in respect of the accommodation that has been referred to.

975 **Hon. R M Clinton:** Mr Chairman, I am really grateful to the Chief Minister for his explanations in this area. I will ask him this question, and if he does not have the information at hand I will ask the question in a future session: which corporate vehicle or which corporate vehicles are being used for the school projects and/or the accommodation block? Is he able to give us that information today? If not, I will ask that question at another session.

980 **Hon. Chief Minister:** Mr Chairman, I do not have the information. I am quite happy if he asks, as he knows we answer these questions. I am surprised, however, that he puts it in the context of this debate, because he has just told us he is voting against this book on the basis that we do not provide information on the corporate structure. He has asked the question and I do not have the answer – I have told him I will give him the answer, but I think that gives the lie to the theory on which they have based their vote.

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**Hon. R M Clinton:** Well, Mr Chairman, one of the main problems that I had with the book and why I said it was the signing of a death warrant was not because of any deficit in the Improvement and Development Fund but because precisely there is no provision in here, other than a token £1,000 for the schools.

990 Mr Chairman, could I make a request of the Chief Minister, in his capacity as Finance Minister, in future Estimate Books to include the full organogram of corporate structures? As we know, it comes out in the published book but not in the Estimates Book that is presented to Parliament.

995 **Hon. Chief Minister:** Mr Chairman, I do not recognise what he has now said is the reason behind their decision not to vote for the book and his now, in my view, quite changed definition of the reasoning behind the language of the death warrant and how the flawed logic of the hon. Gentleman ... having tried to develop in his speech in respect of the Improvement and Development Fund.

1000 I hear his request, Mr Chairman.

**Hon. D A Feetham:** Mr Chairman, (4)(zo) and (zp) – apologies if the Minister for Justice referred to this during the course of his no doubt magnificent speech, I may have missed this particular part, but on installation of CCTV cameras, where is the Minister intending to install new CCTV cameras, or is that the replacement of existing CCTV cameras for new ones?

1005 And then this question of the criminal justice integrated IT system – what is that? I have never come across that before.

**Hon. N F Costa:** Mr Chairman, I am afraid that I have to tell the second Minister for Justice that the moneys being spent here are in relation to the CCTV system in the Prison, which unfortunately proved to be so unreliable that we had to lock, stock and barrel replace it.

**Hon. Chief Minister:** Shame! You were the one responsible. Shame! (*Interjection*)

1015 **Hon. N F Costa:** Yes, unreliable when the second Minister for Justice put it in there – that is what I said.

1020 **Hon. D A Feetham:** Yes, first *dedicated* Minister for Justice. (*Laughter*) But just let me drill – (*Interjection*) That’s right. The greatest Gibraltarian of all time had to be the first. (*Interjections*) I have to say I marvel every time that the Chief Minister uses the phrase ‘greatest Gibraltarian of all time’, which is not a phrase that I used – greatest Gibraltarian of *our* time, but every time he uses that phrase he looks at the hon. Lady, every single time.

1025 **Hon. Ms M D Hassan Nahon:** A private joke.

**Hon. D A Feetham:** Ah, a private joke.

**Hon. Chief Minister:** About you! (*Laughter*)

1030 **Hon. D A Feetham:** I am glad it is about me; I would be very upset if they were not talking about me.

1035 Mr Chairman, I do not quite understand that. If the CCTV cameras were so unreliable, the ones that we installed, and this was a project that was completed in 2010 – I think it was; it may have been the beginning of 2011 – why has it taken seven, nearly eight years for those CCTV cameras to be replaced?

1040 **Hon. G H Licudi:** Because for a while we were labouring with that system and trying to get that system fixed and repaired. In the end, it ended up proving more costly to constantly try to upgrade and repair the system and the view was taken that the system was just so unreliable that it had to be completely overhauled.

**Hon. D A Feetham:** And it is being overhauled this year?

1045 **Hon. N F Costa:** It should be finalised in this financial year.

**Hon. D A Feetham:** The Hon. the third Minister for Justice said from a sedentary position that he was responsible for this criminal justice integrated IT system. Could he just remind me what that is?

1050 **Hon. N F Costa:** Mr Chairman, we are all in a sedentary position, so it would have been rather inappropriate for the third Minister for Justice to spring to his feet and reply.

1055 The Hon. Mr Licudi would have, I am sure, during the course of his Budget contribution at the relevant time advised the House about the Cyclops system, which is an integrated system, and I myself gave quite a few details in the course of my last financial year’s speech on Justice, and all the details regarding that speech –

**Hon. Chief Minister:** They haven’t been listening for years.

1060 **Hon. G H Licudi:** Mr Chairman, this is the system that connects all the various agencies that work in the criminal justice system – Police, courts, Prison, Government, legal officers, Customs – into one general IT system, which prevents the duplication of manual entering of all the different data, so that when one piece of information is added at the beginning, that information is available generally to all users of the system. And, for example, when somebody goes through the courts system and a decision is made, then the court records that in that system and then that is available both to the Police and the Prison Service. So it is an integrated system in that way.

**Hon. D A Feetham:** And that is being replaced this year?

1070 **Hon. N F Costa:** No, that is entirely different. No, that is being completed because it is a completely new system that we put in place, and which I worked on for a while, so this is probably now the last stages of that system.

1075 **Hon. E J Phillips:** Mr Chairman, just a general question in relation to a number of subheads. In relation to (4)(zk), Statue for late Sir Joshua Hassan, again the criminal justice integrated IT system, the new school projects hot lunches and the Jewish Home, are these – just for clarification – projects that remain uncompleted and just carried over each year? Is that right?

1080 **Hon. Chief Minister:** Mr Chairman, these are projects that are rolling forward. For example, on an issue like lunches there may have been expense; it is running up to a decision as to how they are going to be provided.

1085 In relation to the Jewish Home there are ongoing and now very advanced negotiations, which I hope will be able to produce a result which will be a magnificent facility for the Jewish community, which has, if I may say so, allowed us a lot of leeway since we were required to vacate the facility that they have, although we do provide the facility now in a bespoke floor of the John Mackintosh Hall and the old St Bernard's on the top floor. But I think that what will be provided as a result of the negotiations will be even better than what we envisage the Government will be able to do, and it is in partnership with others.

1090 Statues require design etc. and it is not something that sees the light of day in one financial year. Obviously the Hon. Mr Feetham would be delighted if there was the statue of somebody else here, I assume, but we are only providing for one for now.

1095 **Hon. E J Phillips:** I am grateful for that explanation and I appreciate the fact that clearly there have to be technical issues with some of these projects, and indeed further consultation particularly in relation to hot lunches, and that clearly is going to be tied up with the new schools project and how advanced that will become in due course. But I am grateful for that answer.

1100 **Hon. D A Feetham:** Mr Chairman, I note that there is a provision at (zzd), Laguna Youth Club, and that is £50,000. There is nothing here on the forgotten club – Varyl Begg Social Club. Does the Government not envisage in this financial year making any kind of financial expense in relation to the Varyl Begg Social Club?

1105 **Hon. Chief Minister:** Well, Mr Chairman, I am afraid that the hon. Gentleman provokes me into explaining to him once again, almost at the length that I did yesterday – but don't worry, Mr Chairman, I will resist – how they fail to understand the book.

1110 I will try and explain it to him in this way. The Varyl Begg Social Club is presently in one place. It has to move to make way for the magnificent two new schools that are going to be provided; therefore, it is going to be put somewhere else. That is usually called a relocation and we have just talked about the head that provides for relocations.

1115 **Hon. D A Feetham:** What I asked, Mr Chairman, was therefore that this is not going to involve a rebuilding of anything – in fact, my understanding from the answers to questions about a month ago was that there was going to be some kind of temporary structures that were going to be erected in order to house the Varyl Begg Social Club, and then in the longer term you would look either to relocate somewhere else – and I suggested that it was going to go to Chilton Court – or alternatively build something else. Am I still right in relation to that? My understanding is that this is going to go in Portakabins somewhere in Varyl Begg, for which I would have expected therefore some kind of expense to appear here. I could be wrong.

1120 **Hon. Chief Minister:** Well, Mr Chairman, this is the point. The erections are provided for in the context of the relocations budget and there are more things in heaven and earth than are thought of in his philosophies of where we might put the club in the future.

1125 **Hon. R M Clinton:** Mr Chairman, if I may ask, just for clarification, under (zr) we have an Urban Wastewater Treatment Plant, and then under (zzb) we have a Waste Treatment Facility. I wondered if the Minister could explain the difference between the two.

**Hon. Chief Minister:** Water, Mr Chairman.

1130 **Hon. Dr J E Cortes:** One is wet and one is dry, exactly. They are going to vote against the difference between wet and dry anyway. One is the sewage, the waste water; and the other is the solid waste, like refuse.

1135 **A Member:** So you would be the wet one. *(Laughter)*

**Hon. R M Clinton:** I thank the Minister for the explanation.  
So the £20 million contract would be in respect of (zr) – is that correct?

1140 **Hon. Dr J E Cortes:** The Urban Waste Water Treatment Plant is (zr), and if the contract he is referring to is for the urban waste water treatment plant, then that is correct.

**Hon. R M Clinton:** So, Mr Chairman, I take it, as there is no expenditure here, that the Minister is proposing to use the corporate structure for this contract – is that correct?

1145 **Hon. Dr J E Cortes:** That is a possibility.

**Hon. R M Clinton:** But, Mr Chairman, you have already, presumably, signed the contract. You must know at this stage how you are going to do this.

1150 **Hon. Dr J E Cortes:** We have signed the pre-contract; we are working on the contract. We know how we think we are going to do it, but that is it – we know how we think we are going to do it.

1155 **Hon. T N Hammond:** Mr Chairman, with reference to (zd), the Bathing Pavilion, is that a provision for a new bathing pavilion or is that repairs or other works to the existing pavilion?

**Hon. S E Linares:** These are repairs to the bathing pavilion, which had a big battering with the strong weather that we had this winter, and these are damages which we need to fix.

1160 **Mr Chairman:** Any other questions? No.  
Head, 102, Projects, stands part of the Bill. Subhead 4 stands part of the Bill.

**Clerk:** Head 102, Projects; subhead 5, Equity Funding/Funding.

1165 **Hon. R M Clinton:** Mr Chairman, I note there is a token provision for the Gibraltar International Bank Ltd. Does the Government intend to use that this year as opposed to the GDC?

1170 **Hon. Chief Minister:** No, Mr Chairman, I think the hon. Member can expect to see that line open now and in future in case there is ever any need to inject any more capital at short notice because the regulator may require.

**Hon. R M Clinton:** Mr Chairman, I am grateful to the Chief Minister for that answer.

1175 I am not sure this is even a subhead; I guess this is an expired line for the University of Gibraltar. By the zero for 2018-19, just to confirm my understanding then, that the Government will not be providing any further capital equity funding to the University.

**Hon. G H Licudi:** Mr Chairman, the hon. Member is really a glutton for punishment. *(Laughter)* This has been explained to him again and again, and he even raised it yesterday under head 43.

1180 Having explained it at length, we went from a position of the hon. Member, specifically in relation to the £1.4 million, saying, 'Well, how was I to know of the £1.4 million?' to me demonstrating that he should have known because it is in the book that he looked at, and to the Chief Minister demonstrating that he actually did know because he raised it specifically in last year's Budget during the Committee Stage.

1185 During that interchange which the Chief Minister read, it was clear that the explanations that were given to him and the explanations that had been given by me in the past – and I really do not understand how the hon. Member still does not get it – were that we allocated £10 million originally, which we came to this House to debate and we appropriated for the University, of which approximately, we envisaged, £6 million would be for the initial costs, including mostly  
1190 capital costs, and thereafter approximately £2 million a year for operational costs. And last year, because there was £1.4 million left over and this was structured, the £10 million in terms of the payment to the University was structured through the Improvement and Development Fund, even though we knew that some of the items that the University would be spending it on would be, for example, salaries – recurrent expenditure. But we structured it as a capital expense of  
1195 the Government by funding the operational expenses of the University in this way – and the hon. Member knows it, and therefore the hon. Member knows that this includes not just capital but operational expenses, which includes the recurrent expenditure.

This year, the £10 million has been expired and the whole of the contribution by the Government is under head 43, I seem to recall, which is a contribution of £1.5 million to the  
1200 University. That is for the University's operational expenses, and as the hon. Member will know, operational expenses of the University will probably be almost entirely recurrent unless there is a major capital project, but will inevitably involve an element of capital expenditure by the University. For example, if the University wants to buy a chair and a table, that may be a capital expenditure by the University, but it is coming out of Government's contribution to the  
1205 operational expenses of the University year in, year out. That is why it is zero this year under the Improvement and Development Fund, because the £10 million have been entirely spent by the Government as a contribution to the University, including the £1.4 million that was given last year, and this year the contribution by the Government is under its recurrent head because we do foresee that there will be a recurrent need for the Government to make a contribution to the  
1210 University. But that does not mean that the entirety of the £1.5 million will be spent by the University exclusively on recurrent expenditure. There may be an element of non-recurrent expenditure – for example, the example that I just gave him – and that is the way the Government has structured the payments to the University so far and the payments going forward, which I expect will now be seen under head 43 or the equivalent head from this year  
1215 onwards.

**Mr Chairman:** Subhead 5 stands part of the Bill.

**Clerk:** That concludes clause 5 of the Bill.

1220 We now move to clauses 6 and 7 of the Bill. I believe an amendment to clause 6 has previously been circulated.

1225 **Mr Chairman:** May I point out, in respect of clause 6, that some amendments have been circulated substituting some figures, some of a typographical nature. Members have received notice of all these. I propose that they be approved. Those in favour? (**Members:** Aye.) Those against? Those amendments are carried.

**Clerk:** We now proceed to consider clauses 6 and 7 of the Bill.

1230 We turn to page 180 of the book. We commence with the Gibraltar Development Corporation, Appendix B.

**Mr Chairman:** Do any hon. Members have any questions on the Gibraltar Development Corporation?

1235 **Hon. R M Clinton:** Yes, Mr Chairman. Under the capital of accounts of the Gibraltar Development Corporation we have two items of expenditure which we are aware of and the loan from a Government-owned company. Is the Government in a position to identify the company that has lent £30 million to the Gibraltar Development Corporation?

1240 **Hon. Chief Minister:** Mr Chairman, I do recall the hon. Gentleman saying that one of the things he was trying to persuade the community of was that it was proper for him not to vote in support of these estimates because they did not disclose any of what was going through the companies – and yet, of course, he himself is pointing us to the disclosure there of funding through Government-owned companies of this £30 million, which we had already disclosed in  
1245 the course of the discussion at Question Time and which is there in the book.

As I told him before, Mr Chairman, if he wants to write to me, I will give him the name of the relevant company.

1250 **Hon. R M Clinton:** Mr Chairman, I will respect the Chief Minister ... I do not recall having asked him for the name of the company, but I will raise it by way of question in the next session.

**Mr Chairman:** Gibraltar Development Corporation, Appendix B, stands part of the Bill.

1255 **Clerk:** Borders and Coastguard Agency, Appendix C.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Gibraltar Electricity Authority, Appendix D.

1260 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Housing Works Agency, Appendix E.

**Mr Chairman:** Stands part of the Bill.

1265 **Clerk:** Gibraltar Health Authority, Appendix F.

1270 **Hon. L F Llamas:** Mr Chairman, I note under Recurrent Payments, number 11, Relief Cover, there was a provision last year for £2½ million and then they have gone over budget for £5½ million. Given that there has been such an overspend, which is actually in line with the actual for 2016-17, is it safe to say that the Government is underestimating the relief cover that they will require for 2018-19?

1275 **Hon. N F Costa:** Mr Chairman, the hon. Gentleman asks me whether the relief cover vote is sufficient given that we overspent in the last financial year, but if he were to look at the personal emoluments section he will see that it goes up from £44 million to £47 million and therefore we expect to be able to continue to fill in as many clinical and other vacancies as possible, thereby reducing the need for relief cover.

1280 **Hon. L F Llamas:** Mr Chairman, I note also in item 26(2) the cost for the Paediatric Centre, which is £570,000. Is that the annual cost or is it an apportionment for the financial year?

**Hon. N F Costa:** Yes, Mr Chairman, it will be an apportionment for the financial year.

1285 **Hon. L F Llamas:** Mr Chairman, does the Minister for Health have the actual figure for what it will cost on a yearly basis?

1290 **Hon. N F Costa:** Mr Chairman, as I replied to the hon. Gentleman, that amount relates to an apportionment for this financial year. We have a very good idea of what the annual recurring cost will be. I do not have that figure with me, but I would be more than happy to provide it to him at the next session of the House; or, if he cares to write to me, I will email him that information.

1295 **Hon. L F Llamas:** Mr Chairman, with regard to Item 42, for 2017-18 there was a provision of £1 million. It went up to £1.67 million, slightly lower than the actual for 2016-17. There is a provision again for 2018-19 of £1 million. Is it being underestimated, or is the Minister trying to fund this expenditure through another head? Perhaps I am not seeing it.

1300 **Hon. N F Costa:** Mr Chairman, I will ask the hon. Gentleman not to press me on the issue, save to say that this is a matter that is very much under active discussion with a particular company.

1305 **Hon. L F Llamas:** Mr Chairman, I would like to ask why the Director of Human Resources and the Clinical Systems and Information Manager are being basically removed from the complement of staff from the GHA.

1310 **Hon. Chief Minister:** Mr Chairman, I gave a detailed explanation in my response, I think yesterday in relation to one of the heads that we were discussing, that the policy of the Government has been to consolidate all of the human resources officers across the non-Civil Service public sector, and one of the areas which attracts the most number of non-Civil Service public servants and which therefore had a human resources facility was the GHA. That facility is being pooled with the others also, and that therefore explains for the hon. Gentleman why it is happening.

1315 **Hon. L F Llamas:** Mr Chairman, can I ask why the reduction in complement from seven to five in respect of senior biomedical scientists? On page 201, sorry.

1320 **Hon. N F Costa:** Mr Chairman, if he goes a bit further down he will see that biomedical have gone up by two. It goes from four to 6.5, Mr Chairman.

1325 **Hon. T N Hammond:** Mr Chairman, I am just curious as to why, under subhead 35, Insurances and Claims, the Government seems to believe that there is going to be an increase in that particular expense of nearly £½ million, from £1½ million to almost £2 million. Is there any particular reason? Is Government anticipating any issues in this area?

**Hon. N F Costa:** Mr Chairman, that relates to an increase in the premium because we have increased the cover for the GHA.

1330 **Hon. E J Phillips:** Mr Chairman, just in relation to the same question, I note from 32 that there is a provision for compensation and legal costs – pretty obvious what that means – but in relation to 35, heading ‘Insurance and Claims’, does that figure comprise not just the premia and the increase in it but also any settlement of any claims that did arise but were not covered by the insurance policy?

1335 **Hon. N F Costa:** Mr Chairman, in answer to the Hon. the Leader of the Opposition’s question, it relates solely to the premium. The cover has increased from £7 million to £10 million and we are in discussions to increase from £10 million to £15 million.

1340 **Hon. E J Phillips:** The only point I was making is I did not really... Because it said ‘Insurance and Claims’, I would have thought that there may have been settlement of claims outside of policy.

1345 **Hon. N F Costa:** Yes, Mr Chairman, I appreciate the point that the hon. Gentleman is making. In the past, that subhead in particular had insurance premium or premia and claims. Given the way the book has been done, it remains with that title.

1350 **Hon. R M Clinton:** Mr Chairman, if I can turn to the capital account under payments, works and equipment of £1.13 million to £1.9 million, can the Minister advise if that increase is in respect of the works on the new Paediatric Centre, or is it just other items that are generally required?

**Hon. N F Costa:** Mr Chairman, I refer the hon. Gentleman to the answer that I gave when we were discussing the pink pages. It is exactly the same answer.

1355 **Hon. D A Feetham:** Returning to the premium, does the Government envisage there is going to be a decrease in payments, in the level of the premium, as a consequence of the proposed changes to the level of damages that... well, the Damages Act that the Government is now proposing to introduce?

1360 **Hon. N F Costa:** I did not get the question – sorry, Mr Chairman.

1365 **Hon. D A Feetham:** The Government is proposing to change the law in relation to general damages in personal injury cases, involving obviously also medical injury cases or medical negligence cases. Does the Government envisage that the insurance premiums are going to go down as a consequence of the change to the legislation?

1370 **Hon. Chief Minister:** No, Mr Chairman, the hon. Gentleman needs to understand what it is that we are doing. What we are doing in the Damages Act legislation is keeping the law as it is. In other words, we are ensuring that the ratios, the interest etc., payable in Gibraltar remain in respect of the same guidelines as are applicable in the United Kingdom. And so therefore we expect everything to remain the same. If we did not change the law, there would have been a sharp rise potentially in these costs.

1375 **Mr Chairman:** Any others? Yes?

**Hon. D A Feetham:** Mr Chairman, can I just come back to that, because what he appears to be saying is that if the law were not to be introduced the Government could face a higher



premium charge in relation to the insurers, particularly in relation to the GHA. That appeared to be what he was saying.

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**Hon. Chief Minister:** No, Mr Chairman, I am not saying that.

The hon. Gentleman needs to understand what the consequence of Mr Justice Jack's decision has been, which is to create huge uncertainty for insurers – and the Government is an insured, not an insurer. What all insured would have found is that the uncertainty created for insurers as a result of the decision of Mr Justice Jack might have meant that all premiums for all insured, not just the Government ... Himself, as a motorist, and everybody else who takes insurance in our economy, whether it is legal professional insurance, personal injury insurance or any insurance, might have seen premiums in Gibraltar disconnected from premiums in the United Kingdom because damages and assessment of damages and the Ogden table and other relevant indicia of calculation of damages were being disconnected potentially for Gibraltar by the uncertainty created by the judgment of Mr Justice Jack.

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**Mr Chairman:** Anything else?  
Appendix F stands part of the Bill.

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**Clerk:** Gibraltar Health Authority Elderly Residential Services Section, Appendix G.

**Hon. L F Llamas:** Mr Chairman, under item 10 there is a significant increase in relief cover. Can the Minister explain the position and why he envisages such an increase?

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**Hon. N F Costa:** Well, actually, Mr Chairman, if the hon. Gentleman were to look at the actual of 2016-17, he would actually see that the relief was £3.2 million. Therefore we have used very much our endeavours during the course of this financial year and he will see that there is a huge reduction in the forecast outturn of this last financial year just passed, and we estimate that the relief cover that will be required for any instances where relief cover is required will come in at about that amount.

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He will also see that, in terms of personal emoluments, the figures have gone from £9 million estimate 2017-18 and £8.2 million of 2018-19.

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**Hon. L F Llamas:** Mr Chairman, with regard to the dementia residential facility, the estimate for 2017-18 was £2.2 million and the forecast – (*Interjection*) Number (31), the Dementia Residential Facility. Right! It's on page 209. The estimate was £2.2 million, the forecast outturn was £2.4 million, and now it is estimated to go up in 2018-19 to £2.8 million. Is that in line with the agreed contract signed with the contractor, or is there anything...?

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The same question applies, actually, for (33), so he might want to reply to both, given that both are on the rise.

**Hon. N F Costa:** Mr Chairman, that is only because the opening was during the course of a financial year and this is for the full financial year.

1420

**Hon. L F Llamas:** That is fine.  
Now, with regard to (33), that was actually opened in the financial year 2016-17.

**Hon. N F Costa:** Because it was transferred from the GHA, so now it comes under ERS.

1425

**Hon. L F Llamas:** But the first year, 2017-18, which was its first financial year as the day centre, was a full year – I believe it opened in March 2017 – so the £900,000 was the estimate for the full financial year of 2017-18, but the outturn for 2017-18 is higher than the £900,000, and then when you go to the GHA, because it is being transferred, it is going up again to

1430 £1.2 million. So basically, the first year to run was £900,000 and now we are going up to  
£1.2 million.

**Hon. N F Costa:** Mr Chairman, as the hon. Gentleman knows, because he has asked me for it  
1435 in the past, he will recall that Bella Vista was opened in phases, so it was opened in January and  
it was only for the first floor, and then as time progressed we opened the second and the third  
floor.

I would like to point out that the hon. Gentleman has not asked me about the John  
Mackintosh Home, where he will have seen a fantastic saving for the three floors, as opposed to  
the two.

1440 **Mr Chairman:** Appendix G stands part of the Bill.

**Clerk:** Care Agency, Appendix H.

1445 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Gibraltar Port Authority, Appendix I.

**Mr Chairman:** Stands part of the Bill.

1450 **Clerk:** Gibraltar Sports and Leisure Authority, Appendix J.

**Hon. E J Reyes:** Mr Chairman, may I? Under subsection 17, the Europa Gymnasium, as a past  
1455 civil servant, I understand and am well acquainted with the £1,000 token figure, like the Chief  
Minister explained before. In this particular case, instead of being £1,000 it is £2,000 that was  
put on last year and this year. Can the Minister confirm that this is still a token figure, albeit  
twice the provision made in other estimates, and that he still has no definitive plans in respect of  
costs or whatever he intends to do with the building?

1460 **Hon. S E Linares:** Yes, Mr Chairman, it is great to see that we do not pay the amount that we  
used to pay, and therefore we have gone down to £2,000. And, as the hon. Member rightly says,  
the forecast outturn is zero, so we are not paying anything now, whilst before we used to have  
to pay £12,000 every year. We have put another £2,000 because we reckon there might be  
1465 some invoices that could come, and also to do with the fact that the GSLA will be giving  
allocations in the gym. It will be part of the community sports use and there could be certain  
costs, which are minor, up to the figure of £2,000.

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

1470 I understand that part, that there could be certain costs – there could be certain income,  
based on what was said before. Does the Minister know where the income ... albeit small at the  
moment, is that accounted for in the revenue question part that I asked before, or is there a  
separate head for whatever income may be coming from the Europa Gymnasium, seeing as it  
has got a subhead of its own in respect of expenditure? It does not come under a big heading  
but is identified by itself. In respect of income, does it have an identification of its own?

1475 **Hon. S E Linares:** If the hon. Member is referring to the income of the Garrison Gym ... Is he  
referring to income directly from the Garrison Gym? No, the income from the Garrison Gym  
should go to rent, because they are paying rent to the Europa Football Club for the parts that  
they are occupying. What I am saying is that the £2,000 is related to the whole of the gym.  
1480 Remember there are two spaces. There is the one where the mezzanine is and the clubhouse,  
which is now Europa Football Club, as opposed to the gym which everybody is going to use. So

there could be some cost and I envisage there will probably be something like electricity and things like that.

1485 **Mr Chairman:** Appendix J stands part of the Bill.

**Clerk:** We have now finished with clauses 6 and 7 of the Bill.  
We now move to the Schedule. Parts –

1490 **Mr Chairman:** May I remind hon. Members that also notice of amendments was circulated to Part 4 of the Schedule, two small amendments, and also a consequential amendment to the explanatory memorandum, though there is no requirement to vote for that.  
So, the Schedule stands part of the Bill.

1495 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

### BILL FOR THIRD READING

#### Appropriation Bill 2018 – Third Reading approved

**Mr Speaker:** The Hon. the Chief Minister.

1500 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Appropriation Bill 2018 has been considered in Committee and agreed to with amendments and without any lies, and I now move that it be read a third time and passed.

1505 **Mr Speaker:** I now put the question, which is that a Bill for and Act to appropriate sums of money to the service of the year ending on the 31st day of March 2019 be read a third time and passed. Is a division required?

**Hon. Chief Minister:** I call that the House should divide.

1510 **Mr Speaker:** Call a division, please.

*A division was called for and voting resulted as follows:*

#### FOR

Hon. P J Balban  
Hon. J J Bossano  
Hon. Dr J E Cortes  
Hon. N F Costa  
Hon. Dr J J Garcia  
Hon. Ms M D Hassan Nahon  
Hon. A J Isola  
Hon. G H Licudi  
Hon. S E Linares  
Hon. F R Picardo  
Hon. Miss S J Sacramento

#### AGAINST

Hon. R M Clinton  
Hon. D A Feetham  
Hon. T N Hammond  
Hon. L F Llamas  
Hon. E J Phillips  
Hon. E J Reyes

#### ABSENT

None

**Mr Speaker:** There are 11 votes in favour, there are 6 votes against, and therefore the Appropriation Bill 2018-19 is passed.

**Several Members:** Hear, hear. (*Banging on desks*)

### Use of electronic devices

**Mr Speaker:** Before I invite the Chief Minister to move the adjournment, there is a matter I wish to bring to the notice of Members and there is something I think needs to be placed on record.

1515 In Parliament, we form part of the essential services. We are working here fairly late on a Friday evening whilst not everybody may be. I have circulated to all hon. Members a copy of an email that I have received. It is the first time I have done that. I do not intend to create a precedent – I will not be dealing, obviously, during the proceedings of Parliament with any email – but it does raise a number of matters which I think it would be very useful if I were to explain. I do not know how many members of the public will be watching the proceedings this afternoon, given that there are certain French-Uruguayan affairs going on at the same time, but it is important, I think, if only for the record, and then if necessary I will invite the Chief Minister and the Leader of the Opposition and any other Member to add anything that they wish.

1520  
1525 The Rules of Parliament do not cover every eventuality. Not everything is covered in the Rules of Parliament: nevertheless, how we dress is not covered, but we dress with all due regard and respect for the dignity of Parliament; consuming food on the premises, as it were, in the Chamber, is not covered, but Members, other than having perhaps a cup of coffee or a piece of chocolate or what have you, do not have a meal in the Chamber; previously, from time immemorial, even before smoking was outlawed, Members did not smoke. So all those things were respected by Members without them being expressly provided for in the Rules of the House. Not in all Parliaments do you see the respect for the dignity of Parliament that we can see here.

1530  
1535 Technology has advanced. The House of Commons find themselves in the same position, that laptops are used and smartphones are used by Members of Parliament. There is nothing about it in the Rules and no big fuss is made about it if Members are using a laptop ... In the days when I was a Member we did not have laptops, we did not have smartphones; it just did not happen. But today these are realities of the life in which we live, and when hon. Members use technology there is no interruption to the proceedings of Parliament and in my view there is no lack of respect either for the proceedings of Parliament that they should be doing so. Moreover, I think it needs to be pointed out that they may well be carrying out additional work, contacting their heads of Departments or being contacted by the Civil Service; they may be checking important information. We have heard during the proceedings how immediately the speeches that have been made are now available on the Government website, so you could have a Member of the Opposition actually checking what it is that the Hon. Dr John Cortes said two or three days ago.

1540  
1545 These are matters which members of the public may not be aware of, and therefore I thought that it was important that I should place them on record. It may well be that not many people will hear about it, but they are on record and therefore in the same way they will go into the record of *Hansard* and they can be accessed by Members of Parliament.

1550 So I thought I should clarify. Hon. Members may be sure that I will not make it a practice, but I thought that they needed to have the background as to the matters that I have pointed out. As I say, if any hon. Member wishes to add anything, I would be quite happy for them to do so before I call upon the Leader of the House to move the adjournment.

1555 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think I speak on behalf of all Members of the House when I thank you for having raised the issue because it has been raised with you by a member of the public.

Your clarification I think is an important one and it almost stands as a ruling from the Chair to the effect that mobile electronic devices, which do not interfere with the workings of the House and which enable Members to continue to discharge their functions as Ministers or indeed as Members of the House, are therefore permitted in the Chamber.

1560 From the point of view of the Government – I am sure also of hon. Members opposite – when we are seen to be on what in the old days used to be known as our telephones, we are far from making a phone call, because obviously that would interfere with the House, or indeed playing a game. Most of us do today a fair portion, if not most of our work, on our devices. I answer all of my emails and other communications from my device, and when I am seen looking at my device I am actually continuing my work. These days I receive precious few letters on papyrus; I receive most communications electronically. Therefore, I think all hon. Members of this House, if they are on a device, whether it is a laptop, an iPad or other tablet, or on their smartphones, what we are doing is working and continuing to provide taxpayers with the service that we have been elected to provide.

1570 I do not know whether anybody else wants to say anything before I ...

**Hon. E J Phillips:** Mr Speaker, we would endorse the view that Mr Speaker has made, and indeed endorse the view that has been made by the Chief Minister. Indeed, we continue to communicate with the outside world once we are in this Chamber, and in fact we actually communicate with each other across the floor of this House via the same devices. We would support the observations and comments made by the Chief Minister in that regard.

1580 **Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, on that basis now I would like to end the session by thanking the members of the Ministry of Finance who have been with us in the House today – (**A Member:** Hear, hear.) (*Banging on desks*) there was one member from the Gibraltar Health Authority, who is no longer with us – for the magnificent work that they do to enable us to compile the Estimates Book, the good book, that we have been debating during the course of this week and ensuring that we do so with complete and utter accuracy, fairness and utter transparency, something that I observe the whole House has welcomed.

1585 It has been a pleasure to have the opportunity to lead the House through this debate on the seventh set of estimates that I have presented to the House as Leader of the House and to do so sitting next to what is in no doubt on this side of the House for all of us the persona of the greatest Gibraltarian of our time, Sir Joe Bossano.

1590 Mr Speaker, I therefore now move that the House should now adjourn to Tuesday, 24th July at 11 a.m., when we shall be able to deal with other legislation.

1595 **Mr Speaker:** The House will now adjourn to Tuesday, 24th July at 11 in the morning.

*The House adjourned at 5.36 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 11.10 a.m. – 1.10 p.m.**

**Gibraltar, Tuesday, 24th July 2018**

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# The Gibraltar Parliament

*The Parliament met at 11.10 a.m.*

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

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

## **Standing Order 7.1 suspended to permit laying of papers**

**Clerk:** Meeting of Parliament, Tuesday, 24th July 2018.

Order of the Day. Suspension of Standing Orders. The Hon. the Chief Minister.

5 **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**

10 **Clerk:** Papers to be laid. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Annual Policing Plan for 2018-19, the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2018 and the Integrated Tariff (Amendment) (No. 2) Regulations 2018.

15

**Mr Speaker:** Ordered to lie.

# Order of the Day

## **BILLS**

### **FIRST AND SECOND READING**

#### **Tobacco (Amendment) Bill 2017 – First Reading approved**

**Clerk:** Bills – First and Second Reading.

A Bill for an Act to amend the Tobacco Act 1997. The Hon. the Chief Minister.

20

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.



**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time. Those in favour? (Members: Aye.) Those against? Carried.

25

**Clerk:** The Tobacco (Amendment) Act 2017.

**Tobacco (Amendment) Bill 2017 –  
Second Reading approved**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

30 As everyone in this community knows, and indeed everyone in the right-thinking international community knows, Her Majesty's Government of Gibraltar fully supports our law enforcement agencies in their fight against illicit activity, in particular illicit tobacco activity.

In the last six years, since we were first elected, we introduced a number of amendments to the Tobacco Act and subsidiary regulations under the Tobacco Act which fully supported the changes proposed to us by law enforcement agencies in respect of tobacco licences, so that the  
35 Collector of Customs has more control over licensees.

Hon. Members will also recall the introduction of new special zones, and in particular red zones in the area of the Frontier and in some of our residential estates. The introduction of these tighter controls has, in effect, facilitated the eradication of the unattractive "*Matutera*" style activity, as it was known, at the entrance and exit points from Gibraltar, which did  
40 absolutely nothing for Gibraltar's image.

Additionally, we have also ensured that tobacco shops in residential estates have been moved on, and this has dealt an important blow to the antisocial activity that had been allowed to fester in some of our residential areas. Furthermore, in 2016 we issued a new ministerial direction to the Business Licensing Authority to discourage the issuing of tobacco licences.

45 Mr Speaker, as I mentioned in my Budget speech earlier in the session, I will shortly present the House with further wide-reaching amendments to this Tobacco Act to further tighten controls and the movement of tobacco products and to extend the reach of the Tobacco Act beyond just cigarettes.

The amendments before the House today follow extensive consultation with the Collector of  
50 Customs and are designed to curb illicit activity in respect of this commodity, as well as to protect the law enforcement officers who are, in the execution of their duty, dealing with their obligations under this Act.

The essence of the amendments is really best summarised in four ways. Firstly, there is the extension of powers to search retail premises licensed under the Act without the need for a  
55 search warrant. This will facilitate the enforcement of the conditions placed by the Collector of Customs on tobacco retailers and better regulate the sale of tobacco products. The amendment will also provide stiff penalties where force or violence is used against customs or police officers executing their duties under the Tobacco Act, and consequently the amendment introduces the first either way offence contained in this Act. That is to say it creates offences triable in the  
60 Magistrates Court or in the Supreme Court. The amendment also broadens the action as a result of which a person may be deemed to obstruct an officer in the performance of any duty or in the exercise of any power imposed or conferred on him under the Act, and additionally the amendment introduces offences in relation to giving false information to customs or police in respect of any tobacco.

65 Finally, Mr Speaker, I will be moving some minor amendments at the Committee Stage, of which hon. Members have been given notice.

I commend the Bill to the House.

70 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

**Hon. E J Phillips:** Mr Speaker, we welcome the amendment to the Tobacco Act, and of course it is important to continue to strengthen the laws to curb illicit tobacco activity. Everyone in this House is committed to the anti-smuggling agenda and we welcome the comments made by the  
75 Chief Minister in relation to those four areas that he explained in relation to the Bill.

I just have one observation in relation to the amendment that has just been handed up to us now relating to the removal of 'in either a retail or wholesale in a retail licence' and I would be grateful if the Chief Minister could clarify that.

80 Subject to that observation, we would welcome this amendment.

**Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

85 Does the Chief Minister wish to reply? (**Hon. D A Feetham:** Can I –?) Oh, sorry, the Hon. Daniel Feetham.

**Hon. D A Feetham:** Yes, just to ask ... Obviously, as the Leader the Opposition has said, we welcome anything that tightens up the law in this area or takes us further down the journey in relation to ensuring that any kind of illicit activity is controlled and is dealt with in Gibraltar.

90 The Chief Minister mentioned a number of objectives in relation to the Act, and I note that one of them is free access to any premises by police and customs officers in relation to licensees – but in relation to assaulting or resisting officers and obstructing officers, these are offences that are contained elsewhere and are imported into this Act? I would find it very surprising if these were not already offences elsewhere, and I just wonder whether he could clarify that. Are we effectively consolidating or importing offences that are existing offences into  
95 this particular Act?

**Mr Speaker:** The Hon. the Chief Minister.

100 **Hon. Chief Minister:** Mr Speaker, I thank hon. Members for indicating their support for this Bill.

If I can just deal first with the point raised by the Hon. the Leader of the Opposition, what this Bill does is create rights of access to law enforcement agents – principally customs officers, who are the ones most often involved in the policing of the Tobacco Act – to access premises without a warrant. Under our regime, access to premises in respect of law enforcement officials must  
105 always rightly be curtailed in a way that there are warrants issued unless there is actual commission of offences at the time, so that the entry is not something which is available as if law enforcement agents were able to access any property without consent from judicial officers where relevant, unless there is a serious arrestable offence etc. set out in the other parts of our law which regulate the procedure for police and other law enforcement agents to have access to  
110 premises.

In this instance what we are doing is creating the right of access without warrant, and the Collector's view is that that is required to retail premises but is not required to wholesale premises. In the original draft both types of licensees were covered, but on reflection the Collector feels that that unimpeded access without warrant is required in places of retailing of  
115 tobacco, given the concerns there may be as to the commission of offences there at the sharp end, at the coalface, and in respect of premises which are open to the general public. So we are dealing with a police officer or a customs officer or other law enforcement agent having access to that place and being able to see almost in real time the documentation that relates to sales etc. That is why it makes sense for the Collector to seek that access and he has asked the

120 Government not to seek that access in respect of wholesale premises, where he is satisfied with the access already provided for in the law.

125 Mr Speaker, my understanding in respect of the offences being set out in respect of obstruction etc. is that these are required in this Act with the provisions as to offences and to the provisions as to penalties, which are set out here in a manner that is not designed to consolidate in any way but to set out specifically under this Act as the Collector has considered appropriate and I understand is advised would be most helpful to ensure that law enforcement agents are able to go about their business with stiff penalties should anybody seek to obstruct.

130 **Mr Speaker:** I put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Tobacco (Amendment) Act 2017.

**Tobacco (Amendment) Act 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

135 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Immigration and Asylum Act 2018 –  
First Reading approved**

140 **Clerk:** A Bill for an Act to make fresh provision in relation to immigration and asylum and for connected purposes.

The Hon. the Chief Minister.

145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to make fresh provision in relation to immigration and asylum and for connected purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make fresh provision in relation to immigration and asylum and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

150 **Clerk:** The Immigration and Asylum Act 2018.

**Immigration and Asylum Act 2018 –  
Second Reading approved**

**Chief Minister (Hon. F R Picardo)** Mr Speaker, I have the honour to move that the Bill now be read a second time.

As the explanatory memorandum accompanying this Bill explains, the Bill updates and streamlines Gibraltar's immigration and asylum legislation, in particular by replacing the  
155 Immigration, Asylum and Refugee Act 1962 to make clearer and more transparent the requirements of Gibraltar's immigration system and, looking ahead to the outcome of the United Kingdom's departure from the European Union, to provide a framework which will be adaptable for the future.

The Act is intended to provide a clear and positive framework for those foreign nationals  
160 whom Gibraltar welcomes as key contributors to its workplaces and its economy, to provide an asylum and humanitarian protection regime based on the highest international standards but at the same time to provide a robust system for the refusal of entry and residence and the removal of those persons whose contribution to or whose presence in Gibraltar is not acceptable or is a threat to the safety and security of our community.

The Act comprises six parts and one schedule and I think it is absolutely timely that the House  
165 should now be considering this new Act in advance of the final outcome of the current Brexit negotiations to ensure that Gibraltar's immigration system is best placed to adapt to the future. This is not just about a new immigration relationship with the European Union, but also it is about tackling the increased security requirements on all governments around the world, to  
170 screen those who want to visit or live in a particular jurisdiction and to ensure that we can take effective action to exclude and remove those who represent a threat to our society.

Most obviously the Act updates the constitutional changes of the 2006 Constitution to reflect the respective roles of His Excellency the Governor and of the Ministers of Her Majesty's  
175 Government of Gibraltar in the administration of our affairs, in particular in relation to immigration. In fact, we have probably relied too long on officials using out of date means of implementing our immigration law and it is timely that we should be updating our legislation now as we prepare to leave the European Union.

The new Act will set out the principles of how our immigration controls will function and we expect that the basic framework it provides will be futureproof against the changes which Brexit  
180 may bring. Some changes will be relevant for those currently here under the provisions of EU law, as that will be inevitable, but there will not be any changes to the broad approach that we have been adopting until now. In fact, much will depend on the final picture of the text of the withdrawal agreement and the future arrangements between the United Kingdom and the European Union.

The extant 1962 Act has been added to over the years in a way which mixes principles and  
185 detail in a sometimes confusing way, and we shall bring forward sets of rules and regulations under this new Act to give those details and set out transparently, where possible, the conditions for entry into Gibraltar and the conditions applicable to those subject to immigration control in Gibraltar, and indeed also for setting out how people exercising what we have known  
190 until now as community rights can go about having their rights recognised.

The 1962 Act has been used to implement certain EU provisions, in particular the provisions of free movement of EU nationals and the penalties for those trafficking persons across the EU, and so we need to ensure that a future Act is coherent for the longer term after Brexit and that its structure is not reliant on EU provisions.

195 So essentially, Mr Speaker, we are replacing an Act that was done before we were members of the European Union and which has been adapted for the past 46 years to reflect our membership of the European Union, with a new Act that will preserve those parts of our membership of the European Union which are relevant going forward and will be adaptable to the new regimes that will apply in future as we leave the European Union.

200 Mr Speaker, Part 1 is a key innovation in the introduction of a Strategic Policy Committee to  
put formally into place the necessary co-operation between Government Departments on  
immigration issues, in particular as regards future employment requirements which Gibraltar  
has and the way in which immigrants to Gibraltar can contribute to our society. That is in  
particular set out in section 4. And given the close consideration which will need to be given to  
205 the status of EU nationals working in Gibraltar and the future impact of changes of EU law on  
our domestic immigration system, it is the Government's current intention to ask the Attorney  
General to chair this important Committee.

Part 2 of the Act sets out the basic principles of the structure of immigration control. Here,  
our overall policy objective is to ensure that a person subject to immigration control has a clear  
210 status and the opportunity to prolong or change that status at each stage of what we might call  
his immigration career in Gibraltar. When a person no longer has that status and if he does not  
leave voluntarily, the Act will provide powers for the authorities to respond to remove or  
ultimately to deport him. Each person I think will have greater clarity now of his or her status  
and of the expectations on him or her to stay within the law in Gibraltar.

215 A key provision in this new Act is the publication of Immigration Rules which will set out the  
Government's policy on the admission of those subject to immigration control. We have not had  
any such public document in Gibraltar before and my intention is to ensure that those wishing to  
visit or live in Gibraltar have publicly available information as to the requirements they will need  
to meet in order to come here. This will be at least an objective statement and will remove the  
220 subjectivity which decision-making can, on occasion, give rise to in this particularly sensitive  
area, and these rules will be non-legislative and will therefore be capable of swift change to take  
account of new categories of workers and investors which it may be in Gibraltar's interest to  
attract. Indeed, it should be said that it may be that there will be an element of turmoil in the  
context of the period after we leave the European Union, and if the United Kingdom and the  
225 European Union are not able to agree a settled status for future travellers or those wishing to  
settle between one area and the other – and that is not an impossible outcome of the period  
before 29th March 2019 – then these rules give us the flexibility to adapt as those issues are  
settled.

Finally, Mr Speaker, this second part of the Act sets out the different considerations for  
230 arrival by land, air and sea, and in particular hon. Members will see that in sections 16 to 18. It is  
interesting to note that despite being surrounded by British Gibraltar Territorial Waters on three  
sides, Gibraltar has not before had specific controls on entry by sea to Gibraltar. The approach  
we have taken now, as we move from almost zero, is a light touch one to reflect the nature of  
our important maritime business, not least cruise traffic, and to ensure that the position of those  
235 subject to immigration control is taken into account without being unduly burdensome.  
Nonetheless, of course, we have a duty to ensure that arrivals by sea do not represent a weak  
link in our security and immigration controls, and provided that the arrival of a person subject to  
immigration control is notified by either the Port Authority, or the captain of the vessel where  
no port authority exists, all persons will be deemed to have entered lawfully for a 24-hour  
240 period and after that can, if necessary, seek to extend their stay. That particular provision for  
extension is in 17(7) of the Act. A person with deemed leave may nonetheless be questioned by  
an immigration officer and be refused leave to enter, in which case deemed leave ceases to  
apply in appropriate circumstances.

245 Mr Speaker, Gibraltar's compliance with the international norms for the status of refugees  
and those seeking refuge is currently provided for via regulations which implement EU  
regulations on the subject. Now, Part 3 of the Act will set out the principles of providing asylum  
and humanitarian protection and largely replicates the existing EU base rules. It is, however, the  
Government's intention not to commence Part 3 of the Act nor those parts of this Act which  
provide for asylum appeals until the United Kingdom and Gibraltar have exited the European  
250 Union. That will avoid the complications of overlapping provisions for asylum procedures based

on EU and domestic law, given the earlier lack of domestic legislation on this very important issue.

255 Part 4 of the Act begins the enforcement aspects of the legislation. It defines precisely the categories of refusal for which the legislation provides and the rights of appeal against such refusal. Earlier legislation has provided a right of appeal only for those exercising community rights or applying for asylum. The Government has decided to introduce a general right of appeal for all applicants, save for certain limited categories which are set out in section 49, most obviously security cases but also those who have been admitted to Gibraltar for only a limited purpose.

260 Mr Speaker, the fifth part of the Act sets out a series of offences, many of which were already there in the 1962 Act, to address issues such as illegal entry, assisting such illegal entry and trafficking. These include those currently required as a result of EU instruments, but go more widely to tackle those who assist illegal immigration globally, something that all hon. Members will know is happening around us and sometimes has an effect on us. Given the pressure in 265 certain areas internationally from human trafficking of persons escaping zones experiencing war and civil conflict, this is a most important provision to ensure that Gibraltar can play its own part in tackling such trafficking should it touch Gibraltar in any way.

Mr Speaker, finally, Part 6 contains the technical provisions for repeals, for savings, for transitional and consequential amendments resulting from the introduction of this Act, and this 270 Part also includes, of course, the powers for differential commencement of the Act, which is relevant to my comments about the later commencement of Part 3 of the asylum procedures.

The Schedule is providing the powers relating to the different role which different agencies will fulfil in respect of the new Act.

275 Mr Speaker, I will be moving some minor amendments, of which hon. Members should have had notice, in the course of the Committee Stage, which are self-explanatory and which are contained in the letter which is being circulated, or has been circulated already, to all hon. Members.

280 Finally, Mr Speaker, one of the important parts of the administration of our immigration controls is the men and women of the Borders and Coastguard Agency. The Government is today appointing a new Chief Executive Officer of the agency, as provided for in section 10 of the Borders and Coastguard Agency Act 2011, and it is the Borders and Coastguard Agency that will be at the sharp end of the administration of much of the work that the new Immigration Act will require.

285 Mr Speaker, the Borders and Coastguard Agency Act 2011 was one of, if not the final Act of hon. Members opposite when they were in power, having received its Royal Assent on 5th October 2011 and having been commenced on 14th October of that year, weeks before we won the election.

290 I wish to congratulate Mr Aaron Chipol on his appointment to the role of Chief Executive Officer of the Borders and Coastguard Agency under section 10 of the Borders and Coastguard Agency Act, and I look forward to working with him in the future.

Mr Speaker, I commend the Bill to the House.

295 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

**Hon. D A Feetham:** Mr Speaker, there is much to be welcomed in relation to this legislation. It is a modernising piece of legislation that modernises an Act that was woefully out of date and indeed created very significant problems for a number of British citizens who had Gibraltarian status. Indeed, there had been a number of occasions, that across the floor of this House we 300 have debated or discussed, where I have asked questions about situations where Gibraltarian men married to foreign women were blatantly discriminated against under the old legislation because their wives and indeed their children had no right of abode in Gibraltar, whereas if you

were a British national Gibraltarian woman married to a foreign man he had the right of abode in Gibraltar and indeed so did her children. So this is very welcome because it deals with those  
305 anomalous areas of discrimination that existed in the old law which were harking back to our colonial past. Indeed, there are other areas in this legislation which are very welcome indeed.

Mr Speaker, before the Opposition, however, makes a decision as to whether it is going to be supporting this Bill, or indeed abstaining – we will not be voting against – I would appreciate clarification from the Chief Minister on this. When I read this particular piece of legislation, I  
310 thought that – and indeed on this side of the House, the colleagues ... we discussed it, and indeed the leader of the GSD took the view that it may have been premature, because under the previous legislation, although section 7, which is the section on people who have a right of abode in Gibraltar ... If hon. Members look at 7(2), virtually all of them – in fact, all of them – relate to people with a connection one way or another to Gibraltar, and those were the people  
315 who had an automatic right of abode in Gibraltar. By virtue of European law, the position was that European nationals had the right of abode in Gibraltar by virtue of the free movement provisions in the various European treaties. Of course, you could discriminate against British nationals, and that is what allowed Members opposite in the 1990s to introduce legislation which allowed for discrimination against British nationals in the job market.

In this situation now, we are aware we are effectively looking at Brexit. We do not know, but potentially none of those free movement provisions are going to be applying to EU nationals, and in those circumstances it is right that Gibraltar might say, and the Hon. Chief Minister said, 'Well, look, we have got the possibility of introducing regulations where those regulations may extend rights of abode to European nationals in circumstances where British nationals may have  
320 a right of abode in European countries,' and we do not know what is going to be negotiated, although quite frankly it looks like the situation is rather pessimistic as it stands at the present moment in time. But our concern is British nationals. What happens to a British national who is resident in the United Kingdom, who wants to come to Gibraltar and reside in Gibraltar? There are very strong links between Gibraltar and the United Kingdom and we are concerned that this Act at this present moment in time may send the wrong message by restricting... And if I am  
325 wrong, the Hon. the Chief Minister will explain it to us and no doubt will persuade us that we are wrong, but I think that it sends a wrong message to have an Act at this present moment in time that restricts the ability of British nationals living in the United Kingdom to come to Gibraltar and have an automatic right of abode here in Gibraltar.

I understand that of course, administratively, if there is an application here in Gibraltar the Government and emanations of the Government could decide in any given situation to allow a British national wanting to come to Gibraltar the right of abode here in Gibraltar, the right to work here in Gibraltar, but at this moment in time we certainly feel uneasy about a situation where we are restricting the rights of British nationals living in the United Kingdom to come here  
330 to Gibraltar, to live here and to work here, in the way that this Act appears to us to do, Mr Speaker.

**Mr Speaker:** Before I call on the Chief Minister to reply, does any other hon. Member wish to speak on the general principles and merits of this Bill? The Hon. the Chief Minister.  
335

**Hon. Chief Minister:** Well, Mr Speaker, I thought it was surprising that the hon. Gentleman would get up to welcome anything that I did without there being a spectre of a reason of trying to raise a ghost that might allow him to grab a headline. But he is, of course, as usual, going down a blind alley with a dead end.  
340

There is absolutely no desire on the part of the Government to send any signal to the United Kingdom and to its citizens other than that of deep friendship and continued partnership going forward, nor indeed any intention to change the right of abode that United Kingdom born British citizens may have in Gibraltar in the future.  
350

355 I have already said in the context of my speech that there is a lot that needs to be taken into  
consideration in coming months and years as we see what the conclusions of the discussions and  
negotiations between the United Kingdom and the European Union will be, and in particular the  
aspect that relates to Gibraltar in respect thereof. But in respect of British citizens there is  
absolutely no need for the hon. Gentleman to remind us of the things that were done in the  
context of the 1st July law, when I think at that stage he was a member of the GSLP, or a  
360 supporter of the GSLP – or he used to talk about his deep connection with the GSLP and used to  
accuse me of not being in the GSLP, except that now he wants to say that it is something that we  
did.

Well, Mr Speaker, it is something that happened in the 1990s for reasons that hon. Members  
are aware of. It is not something that is envisaged under the provisions of this Act, it is not  
something that is provided for under this Act, it is not something that is the intention of the  
Government, it is not the policy of the Government. We have not imagined the possibility of  
doing it, but the hon. Gentleman has. So if he thinks that there are any grounds on which one  
might want to discriminate against British citizens, we think he would be wrong to think that  
that is an appropriate road down which to progress and we have absolutely no desire  
370 whatsoever to pursue that road. Indeed, Mr Speaker, he will know that I think it is fair to say  
that the relationship between Her Majesty's Government of the United Kingdom today and Her  
Majesty's Government of Gibraltar today is stronger than it ever has been.

And so the hon. Gentleman is pursuing Casper the Ghost, but he is not here in the spirit of  
this legislation or in the letter of it.

375

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make fresh provision in  
relation to immigration and asylum and for connected purposes be read a second time. Those in  
favour? (**Members:** Aye.) Those against?

380 **Hon. D A Feetham:** Abstain, Mr Speaker.

**Mr Speaker:** The Opposition abstain. Carried.

**Clerk:** The Immigration and Asylum Act 2018.

**Immigration and Asylum Act 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the  
Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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



**Freedom of Information Bill 2016 –  
First Reading approved**

390 **Clerk:** A Bill for an Act to make provision for the disclosure of information held by public authorities or by persons providing services for them and for connected purposes.  
The Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that a Bill for an Act to make provision for the disclosure of information held by public authorities or by persons providing services for them and for connected purposes be read a first time.

395 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the disclosure of information held by public authorities or by persons providing services for them and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Freedom of Information Act 2016.

**Freedom of Information Bill 2016 –  
Second Reading approved**

400 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill delivers a commitment from our General Election manifesto.

405 The House will know that a Command Paper in respect of the Bill was published on 9th February 2015. The practice of issuing Command Papers was introduced by this Government. It provides for a formal period of consultation with interested parties and with the general public. No comments were received from anyone during the standard period of consultation provided for under the Command Paper.

410 The Bill was first published on 14th May 2015. Lieutenant General Sir James Dutton was then the Governor. The Government owes the House an explanation as to the reasons why the legislation before us today has not been taken earlier. This had been the Government's intention. I should add that the Opposition has been informally kept abreast of developments throughout this period.

415 The cause of the delay was representations that the Government received from the United Kingdom government. A number of points were raised by the UK after the Bill was first published. These arose in relation to the application of the Bill both to the Office of the Governor and to communications between the Convent and the United Kingdom. There were lengthy discussions and a number of meetings took place throughout the spring and summer of 2015. A new wording was agreed between the UK and Gibraltar governments. That agreed wording was set out in a letter to the Speaker, which amended the Bill. The Government was then asked to hold back once again, so the Bill was not taken in Parliament, and instead the discussions continued.

425 Mrs Alison MacMillan was sworn in as interim Governor on 28th April 2015. In October, the Gibraltar Parliament was dissolved to make way for a General Election. A further wording was agreed after the election had taken place. Three changes were made to the Bill: first, the current clause 13 was added, entitled 'Governor's responsibilities and communications with the United Kingdom'; second, it was agreed that information exempt from disclosure under clause 13 would not be subject to review by the Information Commissioner – it would, however, be subject to challenge in the Supreme Court; and third, the ministerial certificate clause would not apply to

430 information exempt by clause 13. The Freedom of Information Bill was then amended once again. I should add at this point that a series of comments made to me in writing by the then GSD Opposition were incorporated into the Bill at that time. It was then republished on 24th December 2015 after the General Election. The second publication of the Bill resulted in a request for even further changes from London.

435 On 19th January 2016, Lieutenant General Ed Davis was sworn in as Governor. There were changes in personnel in London as well, particularly amongst Foreign Office legal advisers. Even more discussions took place. Those discussions continued throughout 2016 and into 2017. A number of proposals made to the Government were deemed to be unacceptable. I am happy to report, Mr Speaker, that the UK and Gibraltar governments have now, for the third time, agreed the areas under discussion. Those regulate how the legislation will operate in relation to the  
440 Office of the Governor and to correspondence between that Office and Her Majesty's Government in the United Kingdom.

Mr Speaker, this toing and froing accounts in large measure for the time that it has taken to discuss the Bill in this House. I have given notice that I will at Committee Stage move amendments to the Bill. Most of those amendments are the result of those discussions with the  
445 UK and the Office of the Governor.

Mr Speaker, the United Kingdom adopted Freedom of Information legislation in 2000. This covered England, Wales and Northern Ireland. Scotland has its own separate legislation, which dates to 2002. The UK Freedom of Information Bill was moved in the House of Commons by the then Home Secretary, Jack Straw. He opened by saying:

Unnecessary secrecy in Government and our public services has long been held to undermine good governance and public administration.

450 The recognition that secrecy without justification is not in the public interest is not a novel concept. The UK, for example, debated the matter for some 20 years before the Bill was finally introduced.

If I may, I would like to address certain general principles before dealing with other matters.

455 This Bill provides a basis upon which citizens will be entitled to access information that is held by public authorities. The basic principle of the Bill is that a person is entitled to information held by a public authority. The term 'information' is interpreted widely. It is defined in clause 2 as information recorded in any form. A public authority includes not just Government Departments but also a body or person that carries out functions of public administration.

460 The second premise of the Bill is that information should be disclosed unless there are reasons requiring it not to be disclosed. Clauses 3(3), 4(1) and 12(2) speak to that general theme. In other words, as far as possible and subject to specified exemptions, information requested should be made available. The Bill makes it clear that administrative discretion should be applied in favour of the disclosure of information. There are time limits, generally one month, in which information requests should be replied to.

465 The Bill establishes an Information Commissioner and provides for the Commissioner to give advice with regard to all matters relating to this legislation. This includes the question of the listing of public authorities in the schedule. The Information Commissioner will be the Gibraltar Regulatory Authority. Mr Speaker, I have given notice that I will at the Committee Stage move an amendment to the Bill so as to replace all references to 'Commissioner' with references to  
470 'Information Commissioner' in the interests of clarity.

475 The Government recognises that a successful implementation of this Act requires careful management. This is why, rather than apply the Act across the entirety of the administration in one go, the Bill in clause 3(1) provides a mechanism whereby public authorities are to be listed in the Schedule one or more at a time. This listing will take place as and when public authorities are deemed to be in a position to comply with the provisions of the Act.

The mechanism for gradually populating Schedule 1 will be precisely on the advice of the Information Commissioner. The objective is to allow for a smooth and successful implementation of the Freedom of Information regime. This process will allow the GRA to deal with the matter in a more structured way. The House should also note that the GRA intends to  
480 publish guidance notes for individuals and public authorities. This will explain exactly how it is envisaged that the legislation will work. There will be presentations made to Government Departments, to other public authorities and to interested parties.

Mr Speaker, the UK Act which was adopted in the year 2000, and therefore, did not come into force until 2005. In Malta, a Freedom of Information Act was published in 2008 but not fully  
485 commenced until three years later. The reason for this was because the public administration had to adapt itself to the new system. The same will happen in Gibraltar. In that context it is important to bear in mind that every Department and public authority will now have to designate an existing member of staff as a Freedom of Information Officer. This officer shall handle requests for documents submitted by the public.

Once a public authority has been listed in the schedule, there is scope for the bedding in to continue, in particular during the first 12 months after listing has taken place. In that regard, there is a power to extend the time period set out in the Bill by up to six months by regulation which may be made by the Minister.

Mr Speaker, I am grateful to former Opposition Member Mr Bossino, who in 2015 submitted his comments to the Government on the Bill that was published before the last General Election. A number of the suggestions made on behalf of the then Opposition have been taken on board and are now included in the Bill as it now stands. I am also grateful to the Leader of the Opposition, Mr Phillips. We have met to discuss the Bill and the Government has been happy to provide the clarification requested in certain areas.

Mr Speaker, a further general point that may assist the House in considering the Bill relates to the exemptions which are provided for. Most of the exemptions that are covered by the UK Freedom of Information Act are to some degree replicated, except for five exemptions which exist in the UK and which have not been included in this Bill.

The first is an absolute exemption for information which is the personal data of the requester. In the UK this falls under section 41. The purpose of section 41 of the UK Act is to require the requester to apply for information under the data protection legislation. The Bill allows for such a request, but clearly the Data Protection Act also applies.

The second exemption relates to information intended for future publication, as provided for in section 22 of the UK Act. This exemption is subject to the public interest test.

The third exemption relates to public authorities which conduct '(a) the audit of the accounts of other public authorities or (b) examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions'. The same effect can be achieved in Gibraltar by simply not listing such bodies in the Schedule.

The fourth exemption relates to communications with Her Majesty, the Royal Family or concerning honours, which is found in section 37 of the UK Act and is subject to the public interest test. Her Majesty's Government of Gibraltar does not engage in such communications and to the extent that the Convent does so, the rules are applicable to the Convent.

The fifth exemption covered in the UK by section 38 and subject to the public interest test is health and safety.

Turning now, Mr Speaker, to the specific provisions of this Bill, clause 3 provides a basis for the application of the legislation to public authorities.

Subclause (2) defines the circumstances in which a public authority is in possession of information. This occurs not only when it physically is in possession of the information but also when such information is held on its behalf by another person.

Part 2 of the Bill deals with access to information.

Clause 4 is of singular importance to the ethos of the Bill, setting out as it does that access to information is a legally enforceable right. It also sets out the eligibility criteria, which is based on age – a minimum of 18 years – and on residency.

530 Clause 5 sets out how to go about making an application to access information. It places two duties on the receiving public authority. In the first instance it requires that information is made available as soon as possible and in any event not later than one month, and that the information provided shall be up to date and accurate.

Clause 6 relates to the form and format of the information, which may be specified in the request. Reasons will be provided if the request cannot be complied with.

535 Clause 7 provides for an extension of the one-month period to two months where matters such as complexity and volume are an issue. The applicant will be informed in those circumstances where the complexity and volume of the information sought requires that additional time.

540 Clause 8 provides the basis for charging for information supplied, including how to treat requests for information where a public authority requires an advance payment. The scale of fees and charges is not contained in the Bill. As is common practice, such procedural matters are left to delegated legislation and thus a regulation-making power is included. The clause sets out the circumstances under which fees may not be charged. Where there is a charge to be levied, the public authority may seek advance payment after having notified the applicant.

545 There may be instances where a person seeking information is not able to formulate a request or may not be able to formulate it in such a manner as would allow a public authority to act on the request. Clause 9 therefore creates a duty for public authorities to assist both applicants and prospective applicants to the extent that it would be reasonable to expect such assistance to be given. Particular regard must be had to instances where requests may be formulated in too general a manner. In such instances, rather than refusing a request the public authority is under a duty to seek to assist the applicant in providing particulars that would allow the authority to respond.

550 Where the wrong public authority receives a request it knows that it must be addressed to another, it must, pursuant to clause 10, forward it and advise the applicant accordingly. Where an authority ceases to exist but its functions are taken over by another, the surviving public authority is required to deal with the request. Clause 10 also provides for the procedure to be followed where a public authority is defunct and its functions have also ceased. In such cases the functions will fall on a public authority which is nominated by the Minister or, absent such nomination, on the Gibraltar National Archives.

560 Where an applicant is not satisfied with the response by a public authority, clause 11 permits an applicant to refer the matter back to the public authority in question. On receipt, the public authority is required to revisit the matter and provide the applicant with written notification of its decision. Where it accepts that it has not complied with the provisions of the Act, it must set out the next steps and the time frame.

565 Mr Speaker, Part 3 of the Bill is about providing checks and balances. Freedom of Information cannot be safely operated without these. As such, clauses 12 and 13 deal with the exceptions to the duty to disclose.

570 In clause 12, for the exceptions in subclause (1) to apply, one of the exceptions in subclauses (4) and (5) must first be identified. In the case of subclause (5) there is also a public interest test to be performed.

By subclause (2) the presumption in favour of disclosure is made the default position.

Instances warranting non-disclosure include circumstances involving personal data, unreasonable requests etc., and these are set out in detail in subclauses (4) and (5).

575 In certain cases it may not be advisable to confirm the existence of the information sought. Such cases are catered for by subclause (6), which allows a response neither to confirm nor to deny the existence of the requested information.

Similarly, clause 13 sets out two exceptions to the right to information that relate to the Office of the Governor. The first is information that relates to the responsibilities of the Governor and the second is communications of the Office of the Governor, which is intended for communication to or discussions with UK government departments.

By virtue of subclause (2), these exceptions are subject to the public interest tests.

As in clause 12(6), subclause (3) allows a response to neither confirm nor deny the existence of the information. The reliance on an exception under this clause is not the subject of review by the Information Commissioner but can be the subject of an appeal to the Supreme Court under clause 20.

As previously alluded to, personal data may fall within the exception to the general rule. Clause 14 provides further details and is to be read in conjunction with the Data Protection Act 2004 to identify the sort of data which may properly be withheld.

The refusal of a request for disclosure under clauses 12(1), 13 or 14(1) needs to be made in writing pursuant to clause 15. Such notifications have to set out the reasons, including any exception relied upon. The applicant will also be informed of the right to ask for the matter to be reconsidered and also of the possibility of applying to the Information Commissioner for a determination, if applicable.

Notwithstanding the need for greater openness, there are occasions where disclosure would not serve the wider public interest. In such cases, as is provided for in clause 16, it is appropriate for the matter to be dealt with by a ministerial certificate.

Part 4 of the Bill makes provision for redress and other matters. Clause 17 of the Bill creates an Information Commissioner, which by subclause (2) is the Gibraltar Regulatory Authority. The function of the Commissioner is to determine, upon receipt of an application to that effect, whether a public authority has complied with the provisions of the Act. The Commissioner will either not make a decision, stating the grounds and informing the applicant of the same under the right of appeal, or serve a notice on the public authority setting out the steps to be taken.

At the Committee Stage I will be moving an amendment to the Bill in order to insert a new clause 17(a). This new clause will introduce a mechanism of consultation with the Office of the Governor where a public authority receives an application for information that relates to the responsibilities of the Governor. In such a case a public authority is under a duty to consult with the Office of the Governor prior to disclosure.

Clause 18 explains the role of the Commissioner in the context of the matters contained in the Act.

Where the Commissioner needs information in order to carry out its duties under the Act it may seek this from a public authority via an information notice in clause 19.

Clause 20 confers jurisdiction on the Supreme Court to hear appeals from the Governor's decision under clause 13 and the Commissioner's decision under clause 17.

A regulation-making power is set out in clause 21.

Mr Speaker, we are breaking new ground here in Gibraltar with this legislation. This is the first time that Freedom of Information legislation will go down on our statute books. Members will know, as I said earlier, that the UK has had such an Act on its books since 2000 and for Scotland since 2002.

The House will recall that former Prime Minister Tony Blair, who was ultimately responsible for adopting the UK Act, has since described it as one of the biggest mistakes of his career. In the UK around 120,000 requests are generated each year, 60% of which come from private citizens, and the Act cost £35.5 million to implement in 2005.

On 17th July 2015 the UK established an Independent Commission on Freedom of Information in order to review the workings of the Act a decade after it came into force. It was an advisory non-departmental public body. The Commission reported in March 2016 and concluded that the UK Act was generally working well. However, it made 21 recommendations to improve clarity and certainty around the operations of the Act. The Commission was dissolved after it reported.

630 Mr Speaker, our Freedom of Information legislation, like that of the UK and indeed  
elsewhere, will not be set in stone. On the contrary, it is essential that the workings of the Act  
are properly monitored. This is all the more so given that this process will be completely new  
635 both to the public and for the administration itself. This oversight of the workings of the Act will  
be achieved through annual reports which will be submitted by the Information Commissioner  
and tabled before Parliament by the Minister in accordance with clause 22. Those reports will  
640 provide this House with the opportunity to assess how the system has worked and to identify  
any changes that may be required to the manner of its operation in the future. Therefore,  
Mr Speaker, the Government is fully committed to a full review of the workings of the Act in  
order to assess its operation. However, we believe that it is essential to ensure that the  
framework is finally in the statute books in order to get that process going; otherwise, the  
legislation will never get off the ground.

Mr Speaker, at Committee Stage I will be moving an amendment to the Bill to introduce a  
new clause 23 to make consequential amendments to the Data Protection Act 2004 and  
subsidiary legislation. This will mean that the term 'Information Commissioner' used in this Bill  
shall apply to the Data Protection Act and related subsidiary legislation to ensure uniformity.

645 Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general  
principles and merits of the Bill? Yes, the Hon. the Leader of the Opposition.

650 **Hon. E J Phillips:** Mr Speaker, today we are debating part of cornerstone GSLP/Liberal policy;  
that is to say the GSLP/Liberal Alliance's self-proclaimed commitment to open and transparent  
Government. During the 2011 election campaign the GSLP unveiled with much fanfare their New  
Dawn manifesto, which promised our community a new style of government. In fact, I think it  
was the Hon. the Deputy Chief Minister who said, 'We will be absolutely implacable in the  
655 pursuit of changing the political system.'

Mr Speaker, in principle, the Freedom of Information Bill, which advances open government,  
is welcomed by those of us on this side of the House. However we have a number of comments  
on the Bill, particularly the application of section 12(4)(f)(i) to (v).

660 Before we deal with those points it is worth reflecting on the fact that it has taken the  
Government over six years and two General Elections to bring this Bill to the House – although I  
do appreciate the difficulties encountered by the Government, and particularly the Deputy Chief  
Minister, in dealing with elements outside the control of the Deputy Chief Minister, particularly  
with those that emanate from London.

In their Strongest Foundations manifesto the GSLP/Liberal Alliance committed to:

legislate to create the right for every citizen to have access to all Government information under a Freedom of  
Information Act based on the legislation in the UK. Subject to certain exceptions, this will allow every citizen to  
obtain copies of any Government documents – as the Government belongs to you and should not be controlled  
for the benefit of a privileged few.

665 I am, Mr Speaker, grateful to the Hon. the Deputy Chief Minister, who met with me in order  
to allow me to share our concerns about the Bill. A number of largely mechanical and specific  
questions that we had in relation to the operation of the proposed legislation have been  
answered by the Deputy Chief Minister in our engagement and to some degree we are satisfied  
by those responses.

670 Our overarching comment is that the Bill as currently drafted could benefit from more  
fleshing out, and I note what the Deputy Chief Minister said about getting the foundation of this  
on the statute books now – or the framework, should I say – so that we can deal with any future  
amendments post a workable Freedom of Information Act coming into place. I also welcome the  
further explanation as to the operation of 12(4)(f)(i) to (v).

675 I am told in not so many words, and it has been repeated by the Deputy Chief Minister again today, that the proposed Act will radically change the way in which the citizens of our community interact with the state and request disclosure of documents which would have otherwise not been available to the public.

680 Mr Speaker, the Deputy Chief Minister has given us on this side of the House reassurances as to the proposed Act's remit and application and further explanation as to our question on section 12(4)(f). Subject to clarification on the points that we raise in relation to 12(4)(f)(i) to (v), we will support this Bill. We have been told that it is important to ensure that this piece of legislation is added to the statute books, and to some extent there will be much learning to do and potentially amendments once we have been given the opportunity to see how this type of  
685 legislation can operate in the context of our resources and existing infrastructure.

I think the Deputy Chief Minister said in his contribution in moving the Bill that this has cost the taxpayer in the United Kingdom in 2005 some £35 million, so quite clearly it is going to ... It remains to be seen what type of request we will see and how our resources will be able to react to requests of this nature.

690 In light of what we have said, Mr Speaker, and in the event that after assessing how this Bill will operate in practice, should this legislation not deliver the required access to Government documents in the way that has been promised we would expect the Government to promote amendments before this House.

695 It is clear that the architecture of the Bill currently before Parliament has some features of the United Kingdom's Freedom of Information Act 2000 but it is not entirely based on it. There are a number of critical and significant differences. Whilst we on this side of the House do not support the wholesale copy and pasting of UK legislation on our statute books, given that we are our own jurisdiction and what may be good for the UK may not necessarily be good for Gibraltar, it is right that we learn from other nations' experiences, especially in relation to nations which  
700 have systems of laws that closely resemble our own.

The purpose of the Freedom of Information legislation is to confer a statutory right to access information in relation to bodies that exercise functions of a public nature. The explanatory note to the Bill before the House states:

This Act provides for the disclosure of information held by public authorities or by persons providing services for them.

705 Mr Speaker, we will advance four points. The first one we make is in relation to the very description contained in the explanatory note. The United Kingdom Act, for instance, covers three distinct bodies: (1) one public authorities; (2) quasi-public authorities, such as the BBC; and (3) publicly owned companies, i.e. companies which are wholly owned by the government or a public authority.

710 For the purposes of the UK Act, the definition of 'public authority' encompasses, for example, any and all government departments: the House of Commons; the House of Lords, which is included in Schedule 1 to the UK Act; public authorities, such as local government, a creature of statute – the Local Government Act 1972; the National Health Service; higher education institutions, such as universities and colleges of further education; police authorities; other quasi  
715 bodies, such as the Advisory Council on Misuse of Drugs; the British Broadcasting Corporation I said earlier; the Civil Aviation Authority; the General Medical Council; and lastly, importantly, any wholly owned companies of a public authority or quasi-public authority.

720 Interestingly, universities are caught by this legislation. Many in this House may remember the challenges by certain redbrick universities and Oxford and Cambridge in relation to the extent to why they should be subject to Freedom of Information. No amendments or any private Member's Bill have been brought to the United Kingdom to amend that, as far as I understand the position, and they are all caught by the Freedom of Information Act in the United Kingdom.

725 Mr Speaker, on the face of section 2 of the Bill it would appear that the Government has made provision for the Minister to schedule, as described by the Deputy Chief Minister, a list of public authorities which are within the definition of 'public authority'. I have been given certain assurances by the Deputy Chief Minister that examples would include the Gibraltar Broadcasting Corporation, the University of Gibraltar, the Gibraltar International Bank and GJBS to name a few. I believe that all of us in this House and the general public would welcome a further explanation by the Deputy Chief Minister in that regard.

730 I know, from our very useful meeting that we had in relation to this Act, that there was every intention, as far as I understand the conversation I had with the Deputy Chief Minister, that they would all be included, and in the context of this, Freedom of Information legislation will be scheduled, as he has quite rightly said, by the Information Commissioner – but I would reiterate our request for clarification as to the extent to which that will be operational.

735 I did speak to the Deputy Chief Minister, Mr Speaker, about an amendment that was being moved to the Freedom of Information legislation in the United Kingdom by an MP there, in which it is suggested that even private companies that are offering services to the government may well be caught by that legislation if the amendment is moved at the Second Reading in the Westminster Parliament in October of this year. We on this side of the House consider that all bodies exercising functions of a public nature as defined in the Act should be captured by the definition of public authority. As the Hon. Deputy Chief Minister will appreciate, we have set out those concerns to him at the meeting and we would welcome a further explanation as to that.

740 Mr Speaker the second point that we raise is in relation to section 12(4)(b): a public authority may refuse to disclose information which is manifestly unreasonable. In our exchange, and as the Deputy Chief Minister is aware, the United Kingdom includes provisions in its Act for exemptions where the cost of compliance of the request exceeds an inappropriate amount and a provision for exemptions in relation to vexatious requests. In relation to the former, the public authority may charge for the provision of information where the request exceeds an appropriate amount, therefore protecting the right to access information even if the request is excessive.

745 It therefore seems to us on this side of the House that the Authority could reject a request that it believes to be manifestly unreasonable by reference to section 12(4)(d). If the request for information is formulated in too general a manner it can be refused by a public authority, which would seem to suggest that this deals with subject matter rather than volume. Logically, the words 'manifestly unreasonable' must relate to volume of the request, and if that is the case we do not understand why a public authority, when receiving a request, should refuse the request on that basis.

750 The United Kingdom Act does not deal with manifestly unreasonable requests, I assume given the resources available to it. However, it does provide for the refusal of requests which are vexatious, which the Deputy Chief Minister may wish to further consider. I know that we have had an exchange on this point. The Deputy Chief Minister has made the point that we may need to see how this particular section operates in practice, given that we clearly do not have the resources available that would otherwise be available to the United Kingdom, for instance.

755 The third point, Mr Speaker, is in relation to the 20-year rule. On 27th October 2015 the GSLP issued a report and policy paper on democracy, in which they referred to the implementation of a rule to disclose historic Government documents under a 20-year rule, proudly attempting to demonstrate that they had gone further than the United Kingdom legislature. The Government also committed to working on storing many historic Government documents electronically. This will make them searchable more easily for research and disclosure purposes, and it was said 'this is also an important part of the exercise of modernising the archive material available to all'. Mr Speaker, we have asked why the 20-year rule could not be included in this legislation and I am told that it appears to be working well in isolation, and therefore there are no plans, as far as I understand the Deputy Chief Minister's position, to centralise this within any process envisaged by the current Bill before the House. Apart from the practical implication, we would have thought that the 20-year rule should be embodied in statute rather than just a mere reference in



775 the manifesto and in fact the completion of that manifesto commitment and policy, and it is right in our view to give it a statutory footing.

Mr Speaker, the fourth point and probably the most difficult point in relation to the Freedom of Information is the exemptions that are set out at section 12(4)(f) of the Bill, which provides that a public authority may refuse a request which involves:

- (i) internal communications, including communications between public authorities,
- (ii) cabinet documents (whether in draft form or otherwise),
- (iii) communications between Ministers,
- (iv) briefing papers specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet,

780 It is worth pausing at this point and reminding the House of the promise in 2011 and 2015 General Elections. They promised access to all Government documents and copies of any Government documents. It would appear, Mr Speaker, on the face of section 12(4)(f), that this may be curtailed and it would be helpful if the Chief Minister could in some detail allay our concerns in relation to this point. It would be helpful also if the Deputy Chief Minister could clarify what documents the public could request as a matter ... as it would appear that the right to access is being curtailed by this specific provision.

785 Mr Speaker, although the Deputy Chief Minister in his contribution to the House looked at various aspects of the UK Act, including I think section 31, it should be noted that the UK does not have equivalent provision in the Freedom of Information Act 2000. The United Kingdom does, however, provide that if a request for disclosure would be prejudicial to the effective conduct of public affairs, then it can be refused – and I refer the hon. Gentleman to section 36 of that particular Act. In our view, we may be, depending on what the Deputy Chief Minister says about this point, looking down the wrong end of the telescope and restricting the provision of information.

790 Mr Speaker, in summary, what the Bill does is create an absolute exemption to Government documents listed in section 12(4)(f)(i) to (v). In our view, there should be some form of qualified exemption which protects the right of the citizen to request information and also protects the Government from disclosing documents which would be prejudicial to the effective conduct of public affairs.

800 Mr Speaker, in summary, this is an important piece of legislation for our community and we do need to get it right. We on this side of the House will support the principle and rationale behind the Freedom of Information, but we must highlight the potential pitfalls and possible lack of statutory muscle in relation to the right to access of Government documents. And I do very much appreciate the Deputy Chief Minister's comment as to the reason why we are doing it now – otherwise this legislation will never get off the ground – but we would just highlight those potential pitfalls.

805 Mr Speaker, we offer our comments in a genuine way so that the passing of this Bill does not represent a missed opportunity for this community. As proponents of constructive and progressive engagement with the Government, we on this side of the House do not wish to oppose for the sake of opposing. It is for those reasons I have articulated, and despite the reservations in some of my comments that I have had, which in part have been allayed by the meeting I have had with the Deputy Chief Minister, I can confirm that the Opposition will support the Bill.

815 The only other approach that we could have taken in respect to this Bill was to propose a motion after the Second Reading under Rule 32, seeking the committal of the Bill to a select committee of the House. But given the Deputy Chief Minister's very productive meeting with us in relation to the comments that we have got on the Bill, we thought it helpful – and we agree with his analysis in terms of getting this Bill on the statute book so that we can at least take Freedom of Information forward in a positive way – that we would support the Bill at this stage

820 despite those reservations, and therefore this side of the House will be supporting the Bill,  
Mr Speaker.

**Mr Speaker:** Does any other hon. Member wish to contribute to the debate on the Second Reading of this Bill?

825 I call on the mover to reply.

**Hon. Deputy Chief Minister:** Mr Speaker, let me say first of all I am very grateful to the hon. Member for the tone of his contribution and for his constructive approach throughout this long wait we have had to endure to bring the Bill before the House. I will attempt to answer some of his points as I go down the list here in my notes, but obviously I understand ... I will try to do that  
830 in the same tone and the same constructive way in which he did it, but he will forgive me if I have to point out a few points as I go along.

The hon. Member referred to our manifestos of 2011 and 2015 and he correctly highlighted the references made there to Freedom of Information and to it being based on UK legislation subject to certain exemptions, and it is correct to say that. I think I mentioned when we spoke  
835 that we had also looked at the legislation in other territories and in other jurisdictions, particularly in small jurisdictions. Bearing in mind the issues that had arisen in the United Kingdom itself with Freedom of Information and how the Prime Minister who introduced it, Tony Blair, described it as one of the worst decisions he had ever made, and the cost of implementing the legislation and the burden on the public administration, I think it is fair to say  
840 we wanted to be cautious in the approach we took to this and obviously to leave the door open to a full review of the way the system has worked. I think the hon. Member has indeed understood and acknowledge that.

In the same way, I am sure he will forgive me if I point out that Freedom of Information in the Gibraltar context was not something which we had invented and this was in the GSD manifesto  
845 in 1996 as something which was going to happen in that period of time –

**Chief Minister (Hon. F R Picardo):** You would never have guessed.

**Hon. Deputy Chief Minister:** – and then it was repeated in the 2000 manifesto as something  
850 that was going to happen in that term of office, and it did not happen either. And then in 2003 (**Hon. Chief Minister:** Intractable.) there was a reference to ‘availability of information’ rather than to Freedom of Information. But I say this in the spirit and in the constructive way in which the hon. Member has framed his own contribution before the House this morning.

I will just go down the points the hon. Member made. As I said, I will just answer the point on  
855 the six years and two General Elections: I think it was 16 years and three General Elections, or four General Elections, in their case.

The hon. Member is correct when he says that the Act will change and will evolve. It is true. That is what we expect and it is the undertaking that I have given the House, that it is something which needs to be looked at. It is not set in stone. We do need to see how it works. The whole of  
860 the public administration will be involved in the implementation of this Act, depending obviously where the questions are asked, so it is a mammoth exercise and something which is completely new to the system.

The hon. Member referred to the 20-year rule and that is a totally separate process which is not included in the Freedom of Information Act. As I understand it, in the UK they have the  
865 30-year rule, which is not included in their Freedom of Information legislation either. But the reality is that in Gibraltar it seems to have worked well. We have had instances of members of the public requesting specific information. I recall at the very beginning one case that came to me from a former Leader of the Opposition who was interested in specific minutes of the Gibraltar Council which involved him. That went through the system and it came to me and I  
870 said, ‘Look, this is something which should be determined by the Chief Secretary, not by the

political Government,' so it went to the Chief Secretary of the time. I understand the information was disclosed to the person responsible. I am not aware of... No other requests have come to me, so the system, as we understand it in terms of these historical documents, seems to be working well, so I see no reason to change that – only to point out that it is not included in the UK Freedom of Information legislation either.

I think there is also a considerable amount of online data which is available now which obviously was not available earlier, and this did not exist before, apart from the fact that the archivist himself is very involved in extracting and extrapolating information and putting that information online to allow researchers and others to have access to that information from wherever in the world they may be. I think that process is also working well, independently of the Freedom of Information legislation.

As I said, it is not based on the UK only; we have learned from others. For example, in Guernsey there is no Freedom of Information legislation. They have a Code of Practice on Freedom of Information which sets out what it is that Members should be doing but not what they have to do, and there are no legally enforceable rights. We took the view that we would go further than them.

On the point of defining the public authorities and who you include in the Act or not, this is a discussion, as he rightly says, that we had when we met. I pointed out to him that although there are a number of categories which are listed in terms of what authorities should be included, there is a reference in clause (d) of the definition which allows the Minister to actually list a person or body declared by the Minister to be a public authority, and there are some of the persons or bodies that he mentioned where we would feel this should apply. But again there is a general caveat to all of this, which is that this is already a wide enough exercise as it is with only Government Departments, agencies and bodies, let alone extending that to other entities. But as I said, it is something the Government sees happening in the future. I would not be prepared to commit to which entities that would apply to, but certainly the power is there to go as far as – or further, indeed – than the UK.

When he asked me the question, the answer the drafters provided for me is that the UK provides for full designations also in a similar way, and that in general the UK public authorities include government departments, local authorities, the NHS, state schools and police forces. It does not necessarily cover every organisation that receives public money – for example, it does not cover some charities that receive grants and certain public sector organisations that perform public functions – but the discretion is there for the Minister or for the government of the day, this Government or any other government, to take a policy decision as to who to include or not as a public authority which would then be covered by the definition of the Act.

**Hon. E J Phillips:** Could you possibly just give way for one minute?

**Hon. Deputy Chief Minister:** Yes.

**Hon. E J Phillips:** I am grateful to the Deputy Chief Minister for giving way just on this particular point.

What I did raise in my contribution was the specific statutory provision available in the United Kingdom for publicly owned companies to be scheduled in the context of their legislation. I think what I asked him for is clarification as to whether that is the intention of the Government – I think it is section 36 of their Act – to include publicly owned companies in the context of Freedom of Information requests.

I am grateful to the hon. Member for giving way.

**Hon. Deputy Chief Minister:** Mr Speaker, the definition of 'public authority' at the moment includes, as the hon. Member said:

- (a) government departments;
- (b) any other body or other person, that carries out functions of public administration;
- (c) any other body or other person, that is under the control of a person falling within paragraphs (a) or (b) and—
  - (i) has public responsibilities,
  - (ii) exercises functions of a public nature, or
  - (iii) provides public services, or clause (d)

– which I referred to –

- (d) a person or body declared by the Minister to be a public authority.

925 The Government has not really considered this in terms of how far we are going to go, but certainly we are going to start with all the Departments, agencies, authorities and anything that comes under that definition, but then there is the scope and the power there to extend that even further at a given moment in time should we or any future government wish to do so.

930 The hon. Member then referred to clause 12(4)(b) on the ‘manifestly unreasonable’ point. On that one, when the question was asked the drafters did agree that there is a legal difference between vexatious and unreasonable requests. That distinction is made in the UK. Section 14 is headed ‘Vexatious or repeated requests’ and includes those requests which are groundless and those which are made repeatedly by the same person. ‘Unreasonable’, in the absence of a definition, will be interpreted here having regard to the particular circumstances of the case. It could be a vexatious request in terms of the UK definition, but it could also be one where the volume is such or even the costs are such that it would not be reasonable to expect the public authority to comply. But again, I think because we are breaking new ground here, all this would fall under that area where we really need to wait and see how it works and what type of requests come in, and that would allow us to take a view as to whether this is something which needs to be tightened up in the future.

940 I think the hon. Member then made the final reference to placing the Act before a select committee. I mentioned to him when we met that I felt that would simply delay the legislation further still and that we felt it was better, as a matter of policy, to put it on the statute books and get it working as soon as we can, then be able to review it fully once we are in the position to do that.

945 Thank you.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the disclosure of information held by public authorities or by persons providing services for them and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Freedom of Information Act 2015.

**Freedom of Information Bill 2016 –  
Committee Stage and Third Reading to be taken at this sitting**

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**European Parliamentary Elections (Amendment) Act 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the European Parliamentary Elections Act 2004. The Hon. the Deputy Chief Minister.

960 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The European Parliamentary Elections (Amendment) Act 2018.

**European Parliamentary Elections (Amendment) Act 2018 –  
Second Reading approved**

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for the European Parliamentary Elections (Amendment) Act 2018 be read a second time.

970 Mr Speaker, this is probably the first consequence of our departure from the European Union and that is why this Act has been brought before the House today.

The elections to the European Parliament were last held in May 2014. They are held every five years and are thus scheduled to be held again in May 2019. This therefore necessitates an amendment to the European Parliamentary Elections Act 2004. This is because section 9(2) of Schedule 1 of the European Parliamentary Elections Act 2004 requires that a canvass be held on 15th October in any year preceding a European parliamentary election. This obliges us to conduct a canvass in October of this year, Mr Speaker. Given that it seems we will not participate in future EU elections, this would seem to be a futile and costly exercise to carry out. The Bill simply replaces a date for a canvass as set out above to a date to be appointed by the Chief Minister by notice in the Gazette. The Government intends to repeal the European Parliamentary Elections Act 2004 in our EU Withdrawal Bill. The reason we are not repealing the Act in this Bill is because the European Parliamentary Elections Act 2004 works in conjunction with UK legislation on European elections which apply to Gibraltar. The UK's EU Withdrawal Act 2018 will repeal the UK's European Parliamentary Elections Act 2002, but that provision has not yet been brought into force.

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Mr Speaker, I therefore commend this Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? Yes, the Hon. the Leader of the Opposition.

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**Hon. E J Phillips:** Mr Speaker, we will support this Bill. Clearly we would not want to involve ourselves in a futile task as described by the Deputy Chief Minister, and clearly, which would lead to a huge cost to the public purse, and therefore we support this Bill.

995 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The European Parliamentary Elections (Amendment) Act 2018.

**European Parliamentary Elections (Amendment) Act 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

1000 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Heritage and Antiquities Bill 2018 –  
First Reading approved**

1005 **Clerk:** A Bill for an Act to make provision for the conservation, enhancement and enjoyment of Gibraltar's heritage, antiquities and objects of archaeological interest, for the preservation of monuments, buildings, historical conservation areas and archaeological areas, to establish the Heritage and Antiquities Advisory Council, to provide for the management of the Gibraltar National Museum and the Gibraltar National Archives, to provide for the continued existence of  
1010 the Gibraltar Heritage Trust and for connected purposes.

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1015 Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the conservation, enhancement and enjoyment of Gibraltar's heritage, antiquities and objects of archaeological interest, for the preservation of monuments, buildings, historical conservation areas and archaeological areas, to establish the Heritage and Antiquities Advisory Council, to provide for the management of the Gibraltar National Museum and the Gibraltar National Archives, to provide for the continued existence of the Gibraltar Heritage Trust and for  
1020 connected matters be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the conservation, enhancement and enjoyment of Gibraltar's heritage, antiquities and objects of archaeological interest, for the preservation of monuments, buildings, historical conservation  
1025 areas and archaeological areas, to establish the Heritage and Antiquities Advisory Council, to provide for the management of the Gibraltar National Museum and the Gibraltar National Archives, to provide for the continued existence of the Gibraltar Heritage Trust and for connected matters be read a first time. Those in favour? (**Members:** Aye.) Those against?  
Carried.

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**Clerk:** The Heritage and Antiquities Act 2018.

**Heritage and Antiquities Bill 2018 –  
Second Reading approved**

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I beg to move that the Bill for the Heritage and Antiquities Act 2018 be read a second time.

1035 I do this approximately 18 years after the Government of the time undertook to review Gibraltar's heritage legislation and I am extremely pleased and proud to be doing so.

This Bill creates a new Heritage and Antiquities Act in order to reform and strengthen legislation pertaining to Gibraltar's heritage.

1040 I will now proceed with the main changes brought about by the Bill, but I do refer, Mr Speaker, to my letter to you of 13th of July. Although extensive, the proposed amendments at Committee Stage follow constructive discussions with the hon. Members opposite, the Hon. Roy Clinton and the Hon. Trevor Hammond, and with the board of the Gibraltar Heritage Trust. I am grateful particularly to the Members opposite for the constructive way in which they have gone about responding to this Bill, and indeed to the Heritage Trust, the National Museum and  
1045 many others who have contributed to bringing us to where we are now. They also adjust a number of typographical errors.

Mr Speaker, Part 1 contains preliminary matters concerning the Bill. Under this Part, specifically clause 3, reference to an antiquity has been extended to include an object of interest. Consequently, this widens its definition, since it now encompasses an antiquity *or*  
1050 object of interest. It includes, for example:

any object, whether movable or part of immovable property, which is a work of architecture, sculpture, graphic art, painting or any form of art or craftsmanship;

The scope of the application of the Bill is established in clause 4. This provision sets out that the Bill shall apply to the following four categories:

- (a) antiquities or objects of interest;
- (b) scheduled monuments or buildings;
- (c) scheduled historical conservation areas and scheduled archaeological areas; and
- (d) archaeological or historical areas of interest not scheduled under this Act, and these are situated in Gibraltar, whether on land or within British Gibraltar territorial waters.

1055 These four categories are at the heart of the Bill. They comprise Gibraltar's heritage and the provisions in the Bill are drafted with them in mind. They are a welcome change, providing structure and a clear departure from the current 1989 Act.

1060 Part 2 of the Bill establishes the Heritage and Antiquities Advisory Council (HAAC). This is a new body. The functions of this body are wide and varied and include making its views known to the Minister on how to promote and secure the conservation, protection and enhancement of Gibraltar's heritage, fostering understanding and facilitating the enjoyment of Gibraltar's heritage, advising on Gibraltar's heritage – for example, advising that any activity in relation to Gibraltar's heritage always be carried out in a sustainable manner by a suitably qualified person, and identifying present and future issues which require or may require addressing in relation to Gibraltar's heritage. They also include, as per amendments contained in my letter to you, Mr Speaker, a requirement to consult owners of monuments or buildings before any action is  
1065 taken on private property.

1070 Additionally, Schedule 1 sets out procedural matters relating to the HAAC and its constitution. In discharging its functions it must take account of certain prescribed matters, including the need for social, cultural and economic development in Gibraltar and the interests of the community in general. As well as the HAAC, in cases where the Minister requires advice on specific matters he may appoint other ad hoc advisory committees.

Part 3 of the Bill focuses on one of the categories outlined above concerning Gibraltar's heritage, namely the protection of monuments and buildings. It provides a definition of 'monument or building' and 'site of monument or building' which, as per my letter to you, Mr Speaker, has been amended so that the definition applies throughout the Bill. It operates on the basis of listing in Schedule 2 those monuments or buildings or sites of monuments or buildings, therein referred to as 'scheduled monuments or buildings', that should benefit from a regime of protection from damage or alteration through works. Damage, including damage by demolition through to depositing any refuse, rubbish or litter, is considered an offence.

It must be mentioned that the inclusion of any monuments or buildings or sites of monuments or buildings in Schedule 2 is done by order published in the Gazette. Furthermore, before making a said order to include, remove or amend an entry in the Schedule, the Minister must consult the HAAC, any other body which appears to him to have special knowledge and, where there may be ecological or other environmental implications, the Nature Conservancy Council. As can be appreciated from this consultation requirement, careful consideration will be given before a monument or building or site of monument or building is included in Schedule 2.

Furthermore, it must be noticed that works to a scheduled building or monument may be undertaken provided these have been authorised by the Minister with the issue of scheduled monument or building consent. Consent can be given subject to conditions pursuant to clause 15 and they may be modified, if the need arises, under clause 16.

Furthermore, where urgent preservation is required, the Minister may order remedial works to be undertaken and the cost thereof be recovered from the owner of the scheduled monument or building under clause 17.

Part 4 pertains to historical conservation areas. It allows certain areas of important architectural or historical interest to be listed under Schedule 3 as scheduled historical conservation areas. Inclusion of historical conservation areas in Schedule 3 will operate in much the same way as the system in place for listing of monuments or buildings in Schedule 2, by publication in the Gazette after the required consultation.

Again, as with entries in Schedule 2, demolition of scheduled historical conservation areas contained in Schedule 3 may only be undertaken provided it is authorised by the Minister with the issue of historical conservation area consent.

Mr Speaker, in the case of unoccupied structures within a scheduled historical conservation area the Minister may authorise urgent works to be carried out to the unoccupied structure if, following a report submitted by the HAAC or otherwise, it appears to him necessary for the preservation of the scheduled historical conservation area.

Part 5 deals with archaeological areas and archaeological findings. By listing an area under Schedule 4 as a scheduled archaeological area, operations that may be carried out within that area are restricted. As with other scheduled entries, scheduled archaeological area consent is required from the Minister. If any antiquity or object of interest is found within such an area, a person is required to report his findings to a police officer or to the curator within a prescribed period of time – that is 24 hours after the object has been found. Mr Speaker, no areas have as yet been entered in Schedules 3 and 4 and these will be considered by the newly constituted HAAC.

Part 6 provides for the appointment of an Archaeological Officer. It sets out the qualification required and the general functions of the post. Essentially the Archaeological Officer will advise Government on archaeological heritage and conservation matters and be responsible to the Minister. This is a new role absent in the 1989 Act.

Part 7 pertains to the Gibraltar National Museum. It provides for the appointment of a Curator and sets out his general functions. Property in the museum held by the Curator vests in the Crown, subject always to the terms on which they were acquired. Furthermore, property vested in the Crown in right of the Government of Gibraltar is held for the benefit and enjoyment of the public.



Part 8 establishes the Gibraltar National Archives and provides for the appointment of an Archivist and the role and general functions of the post. This was absent in the 1989 Act and falls under the responsibility of the Minister responsible for archives.

1125 Part 9 concerns the Gibraltar Heritage Trust. It specifically provides that albeit the 1989 Act shall be repealed, the Trust will continue to exist and operate as if it had been established under this Act instead. The functions, constitution and procedures of the Trust are contained in Schedule 5.

1130 Miscellaneous provisions are included under part 10, namely the creation of a register of scheduled monuments or buildings, scheduled historical conservation areas and scheduled archaeological areas. It also contains provisions on restrictions on the removal of antiquities or objects of interest from Gibraltar and restrictions on the use of the equipment. Most importantly, as per the amendment contained in my letter to you, Mr Speaker, this Part will now contain a regulation-making power allowing the establishment of a legal deposit library or  
1135 libraries in line with other jurisdictions. This new provision prescribes that a copy of all published work appertaining to Gibraltar be deposited within a designated legal deposit library in order to cater and preserve Gibraltar's cultural heritage.

Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

1140 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

I must begin by declaring my real interest in this Bill, in that I am a life member of the Gibraltar Heritage Trust and I have been now for a good number of years. Indeed, both the  
1145 Minister and I are also perhaps in the unique position in this House of having both served as trustees at different times of both the Gibraltar Heritage Trust and indeed the Gibraltar Garrison Library Trust, and thus Mr Speaker, the subject matter of this Bill, is one that is both important and familiar to us both.

I first of all have to thank the Minister for agreeing to a meeting with myself and my  
1150 colleague the Hon. Trevor Hammond, the result of which has been, I would say, broad agreement on a number of very constructive amendments which will, as the Minister has indicated, be raised at Committee Stage.

For the benefit of the House, Mr Speaker, the most amusing printer's devil which we discovered jointly was a reference on Schedule 2, Part 5, under the 'East side aircraft', where,  
1155 under the title 'Location' was actually written in the Bill, 'Need to check if still there due to runway tunnel works', which I am sure, Mr Speaker, we should all agree should not be there.

Mr Speaker, this is a Bill which will enjoy the full support of Her Majesty's Official Opposition, but as in any legislation there is always room for improvement and different approaches, some of which I would like to touch upon.

1160 In reviewing the Bill, I have had to compare and contrast it with the Command Paper issued on 13th July 2015, the Gibraltar Heritage Trust Act 1989 – and I have even looked back at the old Museum and Antiquities Ordinance 1931.

The biggest difference to the 2015 Command Paper is that the Gibraltar Garrison Library Trust is no longer to be included in this legislation. The Minister has explained that he envisages  
1165 bringing it in at a later date but did not want to delay the main Bill, which I understand. For the meantime, the Garrison Library Trust will continue under its own legislation but I would welcome the Minister's thoughts as to the possible designation or location of the legal deposit library being brought in as an amendment at the Committee Stage.

Mr Speaker, the Gibraltar Heritage Trust is, of course, the biggest beneficiary of this Bill, in  
1170 that they will now have the majority of seven elected trustees versus five Government appointees. As an NGO it will also have explicit financial support under Schedule 5, section

9(1)(d) in the form of ‘an index-linked subvention from the Government to cover employee and administration costs of the Trust’.

1175 Mr Speaker, the creation in this Bill of the Gibraltar National Archives is a welcome step which can only serve to help preserve our records for the benefit of future generations. My only observation in this respect is that the National Archives in this Bill comes under a Minister with responsibility for archives and not the Minister with responsibility for heritage, which although is perhaps unusual, I am assured by the Minister for Heritage will not result in any conflicts or inefficiency and is to be seen as complementary – indeed, two Ministers being better than one.

1180 Mr Speaker, looking now in a more granular way at the Bill, there are two main areas that I would have liked perhaps a little bit more thought and work on, especially when contrasting with the methods used in the United Kingdom.

1185 The first of these is in the discovery of antiquities or objects of interest. Under the old Heritage Trust Act 1989 section 24 and even the Museum and Antiquities Ordinance in section 5 this was specifically dealt with, whereas under the current Bill, section 5, this is dependent upon regulations yet to be made by the Minister. Given the success of the Portable Antiquities Scheme in the UK, although admittedly not without controversy, it is a shame that the specific provisions have been left to secondary legislation and thus not subject to the scrutiny of this House.

1190 The other area of interest is the method by which buildings are to be included on Schedule 2, and this includes both public and private. From my reading of this Bill, there is no grading of listing, as in the UK, nor in fact as under the old Heritage Trust Act 1989, which has a category A list and a category B list. Now, everything on Schedule 2 is to have the maximum protection under the Bill, regardless of relative merit. As a lover of heritage, as the Chief Minister will attest, 1195 I cannot, of course, condemn this, but I wonder if perhaps a graduated listing system with differing levels of protection, as in the UK, might have been an option. This would also encourage private landlords to voluntarily seek listing of their property.

1200 Mr Speaker, I should point out that the Bill strips out entirely the rights of landlords to appeal notices of listing as currently provided in sections 42 to 48 of the Gibraltar Heritage Trust Act 1989. The Bill provides powers to list without an obvious appeal process, other than resorting to judicial review of a decision. To some this may appear as perhaps unnecessarily draconian and I would suggest could perhaps be improved upon in future.

1205 A general observation on this Bill is that the role of the Heritage and Antiquities Advisory Council is in fact just that, advisory to the Minister and in fact has no powers in his own name. The Minister, in this Bill, has complete discretion in most matters, and – in jest – having played the part of Prince John to rave reviews in amateur theatre, he now seems to want to play the part of Henry VIII in some of the powers he will assume. I will illustrate this point by reading some of the main discretions allowed to the Minister in this Bill. I quote:

The Minister may, by order published in the Gazette, amend or vary the provisions contained in Schedule 1.

Subject to subsection (4), the Minister may, by order published in the Gazette, amend Schedule 2 ...

The Minister may by order published in the Gazette, amend Schedule 3 ...

The Minister may, by order published in the Gazette, amend Schedule 4 ...

The Minister may, by order published in the Gazette, amend or vary the provisions contained in Schedule 5.

1210 Mr Speaker, whereas Schedules 2 to 4 relate to the listing of protected items, buildings or areas, Schedule 1 relates to the workings of the Heritage and Antiquities Advisory Council and Schedule 5 relates to the functions and constitution of the Heritage Trust.

1215 I can understand the need for the Minister to have the power to list items, but not necessarily the ability to vary the workings of the Heritage and Antiquities Advisory Council or the Heritage Trust, which should, I think, properly, would have to come back to this House ordinarily by way of primary legislation.

Mr Speaker, as I said in my opening, I know the Minister shares a very keen interest in Gibraltar’s heritage, but my concern is when there may in future be another individual in that

position with differing views and wide powers to ignore the advice given by the Heritage and Antiquities Advisory Council. Who, then, will protect our heritage? The legislation as drafted makes no provision for guardians, who are neither Government Ministers nor Government employees, to take up that cause with any legal power in their own right.

Mr Speaker, having thus expressed my reservations on certain areas of the Bill, I do however recognise that in the round this Bill is a positive step in the right direction and does indeed provide new protections and flexibility in preserving our community's heritage, be it written or electronic, buildings, monuments, artefacts on land or under the sea, and for these reasons I am happy to support this Bill and recommend it to my colleagues on this side of the House.

Thank you, Mr Speaker. (*Banging on desks*)

**Mr Speaker:** Does any other hon. Member wish to contribute to the debate on the Second Reading of this Bill? The Hon. Danny Feetham.

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

May I add my voice of congratulation to the Hon. Minister for bringing this Bill. I think that it is a seminal piece of legislation.

My hon. colleague Mr Clinton is absolutely right that everything can be improved, but this is the first major step in something of this kind in relation to heritage, which is very much needed in Gibraltar and it is something that the Hon. Minister should be congratulated on, as indeed anybody else who has had a part in producing this legislation.

For my part, there are two aspects that I would like the Hon. Minister perhaps to explain to this House. The first, and again my hon. Friend Mr Clinton touched upon this, is that in the UK there is a system of grading – you have ancient monuments, you have grade I, you have grade I\*, grade II, grade II\* – and it protects not only the fabric of the building but it also protects the interior of the building. We often forget that protecting buildings is not only about protecting the outside, the fabric of the building. There are very important architectural and historical features within a building that need to be protected.

I will always remember a conversation that I had with somebody who was involved in the demolition of Governor's Cottage some years ago, who said that there was a wonderful fireplace in Governor's Cottage and that fireplace simply disappeared. There are wonderful architectural features of that sort in many buildings in Gibraltar that really need to be protected, and I just wonder if the Hon. Minister can explain how we get to a situation where those public buildings, both the exterior and the interior of those buildings, are protected against that sort of, what in my respectful view is pillaging of our national heritage, so that that does not happen in the future.

The other point is that it is all very well to say that there is a legal obligation for somebody who finds something of architectural interest or value to report it within 24 hours, but the reality is that unfortunately we all want it to work differently but sometimes human nature does not work in that way. In the UK what you have is a system of legislation whereby, for example, anybody who wants to go on to a piece of land with a metal detector has to first of all, as a matter of law, ask for permission of the landowner. If something then is found on that land there is an obligation obviously to declare it, but a special committee is then formed in order to value the find and the value of the find is then divided as between the landowner and the person who finds it. In fact, what happens is that a museum or other public bodies are given an opportunity to purchase the artefacts that are found at the value that the committee values the artefacts at, and then the money is then paid half to the landowner and half to the person who finds it.

Hon. Members may be aware of an absolutely wonderful find very close to the motorway in Staffordshire – it is the Staffordshire Saxon Hoard, which is the largest Saxon hoard ever found in the United Kingdom. It is actually larger than all the other Saxon hoards put together. What happened there was that that was land belonging to a farmer and somebody who went on to

1270 the land and found with a metal detector the actual hoard. It was valued at £3.2 million by the  
committee, and museums were then told, 'You have got to raise the money in order to pay the  
landowner £1.6 million and the person who found it £1.6 million. Without having that type of  
1275 legislation that at least compensates the person who finds something, it may be difficult to  
actually persuade somebody to hand something in that is of value. That is something that I urge  
the Government to take into account, perhaps not now but in the future, in order to marry it  
with this very important piece of legislation so that we make the legislation as effective as  
possible.

Thank you very much, Mr Speaker.

1280 **Mr Speaker:** Is there any other contribution to the debate?  
I call upon the mover to reply.

**Hon. Dr J E Cortes:** Mr Speaker, I would like to thank both the Hon. Mr Clinton and, in  
particular, the Hon. Mr Feetham for their energy in supporting this. I appreciate the comments  
1285 that have been made.

If I may just refer to the two main points that the Hon. Mr Feetham has made, I think that the  
question of fireplaces and so on is adequately covered in the definition of 'antiquity'. Obviously  
we have to see how this evolves and how we actually implement all this.

I take note on the question of the finding of objects and so on, and I think this is one of the  
1290 things that the new Advisory Council will take on board. They will have a long agenda for the first  
meeting and these are things that I think need to be addressed on an ongoing basis.

On the question of the Garrison Library, yes, that is work in progress. We did not want to  
delay this important piece of legislation, and that will come in at a later stage and fit in.

As far as the legal deposit of publications – which is an initiative of my colleague the Hon.  
1295 Steven Linares, and I am grateful for all the work that he did in getting to Command Paper stage  
when he was Minister for Heritage – although it could be library or libraries, at this point in time  
the intention is that that should be the John Mackintosh Hall Library, which is the current active  
public library, but there are other libraries in Gibraltar, the Garrison Library and the University  
Library, which could also feature in the future.

I take the point that we have opted for one grading of listing. I think this will make it easier to  
1300 administrate in a jurisdiction the size of Gibraltar and will reduce the complication of having all  
sorts of different applications depending on the grading. Certainly in the case of private land, all  
the ones that are currently included in the Schedule have been in consultation with the  
landlords and there will clearly be consultation with the landlord before any private monuments  
1305 or buildings are added.

Mr Speaker, I note the Hon. Mr Clinton's concern as to who might be the future Minister for  
Heritage and I am grateful that he is very confident in the fact that I will protect heritage under  
the powers that I have – so those who care about heritage will clearly have to ensure that I  
continue to be a Minister for many years to come, and that will include the Hon. Mr Clinton!  
1310 *(Banging on desks)*

I think that the Act does provide for wide consultation, and in fact some of the consultation  
processes were actually extended after the meeting that we held.

Mr Speaker, before finalising, I think I should say – and this reflects some of what we have  
been saying – protection of heritage almost by definition has to be work in progress because we  
1315 are developing and creating heritage as we go along. Gibraltar's heritage, as we know, is  
extremely rich and we have a duty to respect it and to protect it continuously. I think that this  
Bill does not only do this but also provides a mechanism whereby this can continue to evolve.  
The HAAC has a tremendously important role in this and already, as I have said, has a  
considerable agenda to deal with.

Mr Speaker, this Bill clearly proves the Government's commitment to ensuring that we look  
1320 after our past as we look towards the future. **(A Member: Hear, hear.)** *(Banging on desks)*

1325 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the  
conservation, enhancement and enjoyment of Gibraltar's heritage, antiquities and objects of  
archaeological interest, for the preservation of monuments, buildings, historical conservation  
areas and archaeological areas, to establish the Heritage and Antiquities Advisory Council, to  
provide for the management of the Gibraltar National Museum and the Gibraltar National  
Archives, to provide for the continued existence of the Gibraltar Heritage Trust and for  
connected matters be read a second time. Those in favour? (**Members:** Aye.) Those against?  
1330 Carried.

**Clerk:** The Heritage and Antiquities Act 2018.

**Heritage and Antiquities Act 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

1335 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken  
today, if all hon. Members agree.

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

1340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, with that I move that the House should  
ensure that this morning's proceedings are forever kept in *Hansard* and read in the future by  
those who look to Gibraltar's heritage and why it is protected, and that we break, at this seminal  
moment, for lunch until 3.30 p.m.

1345 **Mr Speaker:** The House will now recess to 3.30 p.m.

*The House recessed at 1.10 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.30 p.m. – 5.06 p.m.**

**Gibraltar, Tuesday, 24th July 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.30 p.m.*

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

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

## Order of the Day

### **Cemeteries Bill 2018 – First Reading approved**

**Clerk:** A Bill for an Act to provide for the management and control of cemeteries. The Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the management and control of cemeteries be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the management and control of cemeteries be read a first time. Those in favour? (**Members:** Aye.)  
5 Those against? Carried.

**Clerk:** The Cemeteries Act 2018.

### **Cemeteries Bill 2018 – Second Reading approved**

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The current Cemetery Act was commenced in 1889 and, needless to say, it required review. The purpose of this Bill is to revise and modernise legislation pertaining to cemeteries. To this  
10 end, subsidiary legislation accompanying the existing Cemetery Act will be revoked and new subsidiary legislation, the Cemeteries Regulations 2018, will be put in place. These Regulations will be introduced when the Cemeteries Act 2018 is commenced.

The existing Cemetery Act only applied to the cemetery at North Front and did not extend further. This has been rectified in the Bill and it now applies to all cemeteries within the control  
15 of the Government of Gibraltar. The Cemeteries Bill amends the manner in which the North Front cemetery itself is managed, and now follow some of the main changes.

Albeit the post of superintendent remains, this is short lived as it is intended that this post will eventually disappear. Instead, the functions currently exercised by the superintendent will



be carried out by the Cemetery Authority in conjunction with the cemetery keeper. The post of superintendent will be determined by notice in writing by the Cemetery Authority.

A Cemetery Authority will be established, which will be responsible for the general management and supervision of the cemetery, and registration and control of burials. It will act in accordance with the policies of the Government. To this end, the Cemetery Authority will do all things it considers necessary or desirable for the proper management, regulation and control of the cemetery.

As provided for in the Bill, the Cemetery Authority may delegate any of its powers to a cemetery keeper. The post of keeper will continue in the new Bill, save that the keeper will now be under the direction of the Authority. More than one cemetery keeper may be appointed by the Minister by notice in the Gazette.

The Board of Visitors established under the current Cemetery Act remains, save that it is now known as the Cemetery Board, and it advises the Cemetery Authority on matters concerning its powers, functions and responsibilities under the Act and brings to the attention of the cemetery keeper any matters relating to the upkeep of the cemetery.

In regard to definition of 'burial', such a definition was absent in the existing Cemetery Act. For the sake of clarity it has now been defined in the new Act to include a human body or remains, cremated remains or the bodies of stillborn children or cremated remains thereof. Given the development in legislation since the existing Cemetery Act was drafted in the late 1800s, and specifically in light of the Crematoria Act 2008, it was appropriate to include cremated remains in the definition.

The definition of 'burial rites' has been revised and it is clearly stated within the body of the Act that burial rights do not afford any legal or equitable right to a plot of land. Instead, the Act provides that a burial right grants a person the exclusive right to burial on a plot of land, subject to such terms and conditions as may be prescribed by the Cemetery Authority.

On the question of registration of burials in the register, the procedure for the registration of burials has also been modified, making it a requirement that specific information be entered into the register as soon as reasonably practical after each burial. The register will be maintained by the Cemetery Authority and may only be altered with the consent of the Authority. Additionally, an electronic copy of the register will be compiled by the Authority and is to be forwarded annually to Gibraltar Government Archives. This is a new provision in the Bill.

Removals or alterations remain the same, save that this power now lies with the Authority as opposed to the superintendent. This also applies to powers pertaining to the maintenance of good order and appearance in the cemetery.

Offences in the cemetery are not taken lightly and were in need of essential review, particularly the level of fines, which has now been increased. Previously, the fine for any person who made any 'noise or disturbance' or 'was guilty of any disorderly conduct' in the cemetery was liable on summary conviction to a fine of £5. This has now been increased to a fine not exceeding level 3 in the standard rate – that is, a £1,000 fine. Furthermore, offences in a cemetery have also been reconsidered and will now range from wilfully creating a disturbance in the cemetery, committing any nuisance in the cemetery, wilfully interfering with any burial taking place in the cemetery, playing any game of sport and remaining in the cemetery after it is closed to the public.

Mr Speaker, this Bill is essential in modernising Gibraltar's legislation. It replaces an Act 129 years old and clearly out of date. It will ensure better and more effective management of the cemetery and cemeteries and, together with the recent improvement in the landscape maintenance, will provide more dignity to the cemetery and to those who this community lays to rest.

Mr Speaker, I commend this Bill to the House. (**A Member:** Hear, hear.) (*Banging on desks*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Thank you, Mr Speaker.

Thank you, Minister, for that explanation of the Bill, which we will, on this side of the House, be supporting. It is an important update to the existing legislation, which, as the Minister has pointed out, dates back to the 1800s.

75 I think there is only one point that I would just ask for a little bit of clarification on, and that is on the establishment of the authority itself. How or who or what body does the Minister envisage playing that particular role? Clearly it is quite an important role.

In terms of the legislation, the cemetery, or as the Bill, or the Act when it is passed, makes clear, it will be cemeteries that are covered by this, are all obviously very important to our community. They frequently feature in the local press, where people raise concerns reference 80 their condition. I am sure this Act, when it is passed, will go some way to ensuring that a focus is maintained on the condition of our cemeteries and that they are looked after in an appropriate manner, bearing in mind their importance to our community.

Thank you, Mr Speaker.

85

**Mr Speaker:** Does any other hon. Member wish to speak on the Bill?

The hon. the mover.

**Hon. Dr J E Cortes:** Mr Speaker, yes, in order to clarify that, at this point in time the duties of the Cemetery Authority it is intended, at least in the short term, are to be carried out by the Department of the Environment, which is the authority that currently manages the cemetery. This may or may not continue in the longer term and I am looking forward to having discussions with the new Cemeteries Board as to whether they feel that there should be some different mechanism, but at this point in time it will be the Department of the Environment that will be 95 the Cemetery Authority.

I welcome the support of the Members opposite and obviously look forward to commencing this Act once passed and to updating the Cemetery Rules, which will be published at the time of commencement.

100 **Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the management and control of cemeteries be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Cemeteries Act 2018.

**Cemeteries Act 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

105 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Nature Protection (Amendment) Act 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Nature Protection Act 1991.

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

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

115 Mr Speaker, I have the honour to move that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time. Those in favour? (**Members:** Aye.) Those against?  
120 Carried.

**Clerk:** The Nature Protection (Amendment) Act 2018.

**Nature Protection (Amendment) Act 2018 –  
Second Reading approved**

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I have the honour to move that the Bill now be read a second time.

125 The Nature Protection Act was published in 1991. It is now 27 years old. This is a long period, during which changes may arise in scientific thinking and the status of plant populations. The changes to the Act take these points into account.

130 Taxonomy – the classification of organisms – is always in a state of flux. This is normal. Improvements in scientific methods inevitably lead to a fine-tuning of knowledge of relationships between species. The past decades have especially been important in this respect as advances in molecular analyses, which unravel patterns in DNA, have produced many rearrangements of plants classification, including quite a number of surprises. The updated schedules reflect this latest knowledge in nomenclature.

135 Another point is the changes that populations of organisms undergo over time. These take place constantly but at an accelerated rate in our rapidly changing world. Thus, some species in Gibraltar are comparatively more rare now than 27 years ago, and vice versa. These changes have been taken into account when upgrading or downgrading species' protected statuses. So too have any improvements in our knowledge of species populations and dynamics over the past three decades.

140 Finally, the Nature Protection Act Schedule 2 reverse lists, so that species that are not listed are automatically protected. The current changes provide more robust measures to ensure that only new species that have colonised the Rock naturally are protected, without providing protection to exotic invasive species or garden plants in the sense that it will not be illegal to deadhead one's pelargoniums.

145 The proposed changes will all result in an even more sensible and practical Act affording added protection to our special and important flora and I commend this Bill to the House. (**Several Members:** Hear, hear.) (*Banging on desks*)

150 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Trevor Hammond.

155 **Hon. T N Hammond:** Mr Speaker, may I say the Minister's enthusiasm for this particular Bill is very clear to see and those of us on this side of the House will be supporting these amendments. It is obviously necessary to amend these lists from time to time and it should become ... it is a regular occurrence. So yes, we will be supporting the Bill.

**Mr Speaker:** I now put the question that a Bill for an Act to amend the Nature Protection Act 1991 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Nature Protection (Amendment) Act 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

160 **Mr Speaker:** The Hon. Minister – Committee?

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Director of Public Prosecutions Act 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to establish the office of Director of Public Prosecutions under the direction of the Attorney-General and for matters connected thereto.  
The Hon. the Minister for Health, Care and Justice.

170 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to establish the office of Director of Public Prosecutions under the direction of the Attorney-General and for matters connected thereto be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to establish the office of Director of Public Prosecutions under the direction of the Attorney-General and for matters connected thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

175 **Clerk:** The Director of Public Prosecutions Act 2018.

**Director of Public Prosecutions Act 2018 –  
Second Reading approved**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

180 In accordance with one of the Government's manifesto commitments, the Bill establishes the office of the Director of Public Prosecutions (DPP). Currently, as there is no such position in our legislation, the day to day work of the DPP in Gibraltar has been carried out by the Attorney-General (AG). This arrangement is distinct to that in different parts of the United Kingdom where the DPP or the local equivalent and the Attorney-General or the local equivalent are two separate entities. Consequently, Government was committed to making the necessary changes so that our system would replicate that in the United Kingdom and in particular that in England and Wales.

185 The appointment of the DPP is set out at clause 4 of the Bill. Previously the Bill provided that such appointment would be done by the Government in consultation with the AG. However, after further discussions with the Attorney-General and in order to be absolutely certain that there is no question of the independence of the post, I shall be moving amendments at Committee Stage so that the appointment is made instead by the Attorney-General after consultation with the Governor. Furthermore, the person appointed must not only have relevant experience and expertise in criminal law and litigation, but also be a fit and proper person. I shall also be amending this clause to set out further the qualifications the DPP must hold.

190 In line with the amendments mentioned above, the AG, after consultation with the Governor, also retains the power to suspend and ultimately remove such person from office for misbehaviour, neglect of duty, material breach of contract of employment or instrument of appointment, incapacity, incompetence or bankruptcy.

195 As regards reappointment, once a person's appointment to hold office as DPP has expired he may be eligible for reappointment provided he has not resigned beforehand or been removed from office by the AG, again after consultation with the Governor.

200 The main changes resulting from this Bill, Mr Speaker, are as follows, namely the DPP shall head the Office of Criminal Prosecution and Litigation, akin to that performed by the Crown Prosecution Service in England and Wales; he or she shall carry out such functions and exercise such powers as conferred upon him or her under general special instructions issued by the AG in accordance with section 59(3) of the Gibraltar Constitution Order 2006; on a day to day basis carry out criminal law and litigation work on behalf of the AG; and may do anything that appears to him or her to be incidental or conducive to the carrying out of the duties. However, the DPP will not be able to act in any manner contrary to any instructions given to him or her by the AG or be able to act in cases where the AG has personally exercised a power or discretion.

205 Further, Mr Speaker, I wish to note that the Hon. Mr Feetham called me to discuss the Bill and he was happy to note that his concerns had been addressed by my letter to Mr Speaker of 14th June of this year. I am therefore pleased to count on the support of the hon. Members opposite.

210 For all those reasons, Mr Speaker, I commend the Bill to the House. (Banging on desks)

215 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

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

220 Yes, as the Hon. Minister has said during the course of his address, the Opposition is going to be supporting this Bill. Mr Speaker, we had grave doubts about the Bill as originally drafted, which we felt could potentially be unconstitutional in terms of the way that the Director of Public Prosecutions was going to be appointed, but those have been dealt with by the

225 amendments that the Hon. Minister is going to be moving and therefore our support is for the Bill as amended.

Mr Speaker, just a little bit in relation to that before I come and say a few words about the post itself and how in particular this is a post that has also been adopted in other Overseas Territories. The post of Her Majesty's Attorney-General for Gibraltar is a post that is recognised in the Constitution and it is protected in three ways.

230 It is protected because the Attorney-General of Gibraltar is appointed by the Governor on advice of a specified Appointments Commission. So it is a specified Appointments Commission that effectively undertakes the process, interviews candidates and then will advise the Governor on the most appropriate candidate. It is designed to ensure that the process is independent, in particular of the Government, which is not unusual in most jurisdictions where the Attorney-  
235 General is not a political appointment. Remember that in the United Kingdom for many years the Attorney-General was a political appointment. I will come back to that in relation to Bermuda in a moment.

The Constitution also seeks to give the Attorney-General security of tenure by preventing the removal of an Attorney-General except in very specified circumstances, which have now been  
240 clarified by the Supreme Court in the decision involving the former Chief Justice in 2009.

It also protects certain functions of the Attorney-General. Sorry, I beg your pardon, does the Hon. the Chief Minister want me to give way? (**Chief Minister (Hon. F R Picardo)**: No.) Sorry, I beg your pardon. (*Interjection by Hon. Chief Minister*) It also seeks to protect certain functions of the Attorney-General, which are the functions that are prosecutorial functions. That is in  
245 contrast with some other Overseas Territories where not only are prosecutorial functions also protected by the Constitution but advisory functions. Here in Gibraltar it is just the prosecutorial functions and those functions are functions that can only be delegated by Her Majesty's Attorney-General for Gibraltar. That is why when the Bill said that the appointment of the Director of Public Prosecutions was going to be by the Government, or the person who made the  
250 appointment was going to be the Government on advice of the Attorney-General, we felt on this side of the House we could not support it because potentially it fell foul of section 59 of the Constitution. That is no longer the position, as a consequence of these amendments.

Mr Speaker, I think that this is a matter that in due course will have to be dealt with by any constitutional conference that is convened between the Gibraltar side and the UK side, because I  
255 think that it is important that the role of Director of Public Prosecutions also be enshrined in the Constitution. Until very recently in fact – and I talk of very recently, the last 10 to 15 years – the only Overseas Territory constitution that provided for a Director of Public Prosecutions was Bermuda. Hon. Members may recall... In fact, in this Parliament I think it is only Dr Garcia who was a member of the Select Committee on Parliamentary Reform –

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**Deputy Chief Minister (Hon. Dr J J Garcia)**: And the Minister for Economic Development.

**Hon. D A Feetham**: And the Minister, yes, but present today was only Dr Garcia, and Dr Garcia will recall that the draft constitution that was presented to the United Kingdom as a  
265 start of the negotiations for a new constitution with the United Kingdom... I think the draft constitution was completed in 2001, it was presented to the UK in about 2002-03. He will correct me if I am wrong in relation to my dates, but that copied the Bermuda constitution in terms of Director of Public Prosecutions, which is that if there is in Bermuda somebody from the Parliament of Bermuda who is a legal practitioner, who is appointed as Attorney-General, then  
270 the role of Director of Public Prosecutions is exercised by somebody else. That is designed to keep both roles separate. During the course of those negotiations we were told by the UK negotiating side that that was something that would not happen ever again in any other constitution the UK agreed to – that specific – and that is why it is not included in our Constitution. Otherwise, we would have had a situation where, for example, the Hon. Minister  
275 Costa could have performed the role of Attorney-General under the Constitution that we

proposed and then the Director of Public Prosecutions role would have been somebody else, who would have been independent of the Government. Therefore, even in 1999, 2000, 2001 it was envisaged by the Select Committee then that it was possible that the creation of a post of Director of Public Prosecutions was something that would have been beneficial for Gibraltar, albeit in those circumstances.

Since we negotiated a Constitution with the United Kingdom there have been several other new constitutions, and in fact the Cayman Islands, Montserrat and the British Virgin Islands have all decided that they would also have a Director of Public Prosecutions but that would be enshrined in their constitution to make sure that the Director of Public Prosecutions is independent in appointment, in tenure and in relation to its functions as I outline.

I just want to read to this House a passage from a textbook which is very good on British Overseas Territories, called *British Overseas Territories Law*. It is by Ian Hendry and Susan Dickson. The edition that I have is 2011, although my learned and hon. Friend the Leader of the Opposition says that there has been an edition that has been published this year. It basically says this, and I quote:

In the Cayman Islands, Montserrat and British Virgin Islands the Director of Public Prosecutions is appointed in the same way, has the same security of tenure and enjoys the same constitutional protection for his or her pension as the Attorney General. In Bermuda the Governor appoints a Director of Public Prosecutions in his or her discretion, may only remove the Director for inability or misbehaviour and on advice of an independent tribunal, and there is a constitutional protection for the Director's remuneration and pension. These various provisions provide a high degree of constitutional independence for the Directors of Public Prosecutions in these territories, the importance of which cannot be overstated.

I think that is an important quotation and I think that when the time comes for us to review our existing Constitution this should be one of the issues that should be at the top of our list of priorities to make sure that the independence of the Director of Public Prosecutions is enshrined in our Constitution.

I am told by the Leader of the Opposition that in the UK the Attorney General is still a political appointment. I do not know how much further that takes the debate.

**Chief Minister (Hon. F R Picardo):** The opposite of what you said.

**Hon. D A Feetham:** Was it the opposite that I said? Sorry, I beg your pardon. If that is the impression that I caused this Parliament, I apologise. I was not 100% certain whether the position in the UK about the Attorney General being a political appointment continues even today. I knew that until very recently a government Minister was also the Attorney General, but I was not 100% certain. It was not my intention to create the impression that that had changed in the UK, but in any event my learned Friend has asked me to clarify the position and I happily do so.

**Mr Speaker:** Does any other hon. Member wish to contribute to the debate on the Second Reading of the Bill?

I will ask the mover to reply. The Hon. Neil Costa.

**Hon. N F Costa:** Mr Speaker, to take the hon. Gentleman's points hopefully in turn, in respect of whether the post of DPP should be enshrined in the Constitution in the same way that the post of the AG is enshrined in the Constitution in section 59, it certainly is not a matter for us here today. It would be a matter for a select committee of this House, should the point arise where there should be a further negotiation to further develop the Constitution, although without wishing to be political I daresay that the GSD would tell us that there would be no need because as far as they were concerned it achieved the maximum level of self-government. So it

is surprising to hear the hon. Gentleman say that there may be a need to progress the  
320 Constitution and indeed the need may arise in the future.

If I may take the hon. Gentleman to section 59(2), it says:

The Attorney-General shall have power in any case in which he considers it desirable so to do –  
(a) to institute and undertake criminal proceedings before any court of law

And then, at section 59(3):

The powers of the Attorney-General under subsection (2) may be exercised by him in person or through other  
persons acting in accordance with his general or special instructions.

Therefore, what the Bill does is to provide a formal framework for the AG to be able to  
delegate that part of his responsibilities as are set out in the Constitution of Gibraltar.

325 Mr Speaker, the reality is that the creation of the DPP was as a result of various, I thought  
detailed, discussions. Of course, no one here is seriously suggesting that any Crown Counsel or  
any person previously carrying out the functions, in effect, of the DPP is anything other than  
entirely removed and entirely independent from the Government, so that Gibraltar has not  
330 whatsoever of anybody discharging the functions of a Crown Counsel to have been anything  
other than entirely independent from the executive branch of Government.

To give the Gentleman comfort in the issues that he raises, he will have noticed that at the  
very end of the Bill, and as part of the changes that I propose to move at the Committee Stage,  
at clause 6 it says:

The Government may by regulations make such modifications or adaptations of any enactment except for this Act.

335 Of course it goes without saying that the lawyers in the House will know that you cannot  
amend a primary piece of legislation other than by coming to this House with a Bill, but it is in  
order to provide no doubt whatsoever that the contents of this Bill will not be able to ... any  
amendment through subsidiary legislation that we insisted that the words 'save this Act' be  
included at clause 6, which is to address the points that the hon. Member has made.

340 I hope that I have been able to address his issues.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to establish the office of  
Director of Public Prosecutions under the direction of the Attorney-General and for matters  
connected thereto be read a second time. Those in favour? (**Members:** Aye.) Those against?  
345 Carried.

**Clerk:** The Director of Public Prosecutions Act 2018.

**Director of Public Prosecutions Act 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that  
the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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



**John Mackintosh Will (Variation of Trusts) Bill 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to vary certain provisions contained in the will of the late John Mackintosh.

The Hon. the Minister for Culture, the Media, Youth and Sport.

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**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I have the honour to move that a Bill for an Act to vary certain provisions contained in the will of the late John Mackintosh be read for the first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to vary certain provisions contained in the will of the late John Mackintosh be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The John Mackintosh Will (Variation of Trusts) Act 2018.

**John Mackintosh Will (Variation of Trusts) Bill 2018 –  
First Reading approved**

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**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

This Bill varies clause 22(b) of the will of the late John Mackintosh dated 6th March 1938. Clause 22(b) of the will states that the trust fund is to be used ‘for educational purposes for the benefit of children whose parents are resident in Gibraltar and in particular for the purpose of promoting the teaching in Gibraltar of the English language and of English history and literature and generally to promote and strengthen so far as practicable by educational means the ties between England and Gibraltar’.

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The trust property included a piece of land on which a public hall known as the John Mackintosh Hall was erected. The property is let to Her Majesty’s Government of Gibraltar and is used for a wide variety of purposes not limited to educational purposes.

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As we all know, the John Mackintosh Hall is one of our main cultural centres and is used for a wide variety of purposes, including conferences and lectures as well as musical performances and General Elections. As a result, the trustees of the Mackintosh Hall applied to the Supreme Court to seek to widen the use clause of the premises of the John Mackintosh Hall. In this regard the cy-près application was made to amend the terms of the trust declared by the will to enable the terms of the lease to cover the uses for which it was being used. However, the application was refused and in a judgment on 8th December 2015 the judge noted that a better course of action was to legislate specifically to allow the amendment of a similar fashion to such which occurred in 1967. In 1967 clause 22(b) of the will was subject of a variation by Act of Parliament whereby the terms of the will were widened in order to expand the definition of schools in England to include universities, colleges, higher education or similar institutions.

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Mr Speaker, this Bill seeks to vary the terms of the John Mackintosh will so that:

the trustees of the Trust fund ... shall have the power, and shall be deemed always to have had power, to maintain ... the John Mackintosh Hall ... and to use or to allow the use of the John Mackintosh Hall ... for the following purposes –

(a) the cultural development of Gibraltar including lectures, theatrical activities, concerts and plays; and

(b) generally for the benefit of the public in Gibraltar including for professional and trade meetings, political activities such as rallies, meetings and general elections, whether in the English language or otherwise.

Mr Speaker, I therefore commend this Bill to this House.

390 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. the Leader of the Opposition.

**Hon. E J Phillips:** Mr Speaker, I am grateful, and I am grateful to the Hon. Minister for setting out the background to the Bill, particularly in relation to the judgment of the then Mr Justice Jack.

395 Just one point of clarification in relation to I think it is paragraphs 38 and 39 of the learned Judge's judgment, where the Judge talks about the alternatives between passing an Act in this House and also dealing with this by way of a trustee simply renting the John Mackintosh Hall to the Government. I think the suggestion by the Judge in court was either the trustees could rent the hall to the Government, which is what the Hon. Minister alluded to in respect of what has  
400 happened in the past; or alternatively – not, as the hon. Member said, the better course of action – the alternative was for this House to pass an Act to vary the will accordingly. Of course we support the Government's position on that, but we just wanted to clarify the position that the purpose of this is to expand the use of it to non-educational purposes. But the two points raised by the Judge in his judgment were those two that I have explained. One is that it was an  
405 alternative, not a better use. A better way of dealing with this but an alternative way of dealing with it.

It would be helpful if the Minister could just clarify his remarks in respect of those two points.

**Hon. S E Linares:** Mr Speaker, I am grateful that the hon. Member is going to vote in favour of this Bill.  
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I take his point. I should have probably said that there are two alternatives as opposed to one. We have taken this course of action. We believe that this is the best course of action to have taken, and that is why I am presenting this Bill to the House. So yes, I take the point about the judgment.

415 I commend the Bill to the House.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to vary certain provisions contained in the will of the late John Mackintosh be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.  
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**Clerk:** The John Mackintosh Will (Variation of Trusts) Act 2018.

**John Mackintosh Will (Variation of Trusts) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.  
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**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? **(Members: Aye.)**

**Town Planning Bill 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to revise the law governing planning and development and for connected purposes.

430 The Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** I have the honour to move that a Bill for an Act to revise the law governing planning and development and for connected purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to revise the law governing planning and development and for connected purposes be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

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**Clerk:** The Town Planning Act 2018.

**Town Planning Bill 2018 –  
Second Reading approved**

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I beg to move that the Bill for the Town Planning Act 2018 be read a second time.

The purpose of the new Bill is to revise, modernise and strengthen the law on town planning.

440 Under the existing Town Planning Act 1999 the procedure for planning application and notification of a planning application was unclear and inadequate. The Department of Town Planning would often find itself in receipt of planning applications without supporting documents. This had a twofold effect. First, the Department would invariably have to chase applicants for outstanding documentation on various occasions. This was time consuming, 445 frustrating and an inefficient use of staff resources. Second, because the Department did not hold a complete set of documents pertaining to the application, this meant that members of the public were unable to inspect the complete application at the offices of the Department within the allowed timeframe and make an objection if they so wished.

450 The new Town Planning Bill 2018 has brought about a number of changes to rectify and address these concerns and other matters raised by industry-related professionals conversant with the Town Planning Act 1999 who wanted to improve the current regime. I shall now highlight these changes.

455 The term 'permits' in the Town Planning Act 1999 has been revised. Previously, under the Town Planning Act 1999, applications for planning fell into two categories: outline planning permission and permits. Under the new Bill, applications for planning permission now fall into outline planning permission and full planning permission. Collectively, the above terms are referred to as 'planning permission'. The reason they have been revised is to align them more closely with the widely accepted terminology used within the town planning profession. It is hoped that this will also reduce the confusion that sometimes arose with applicants, who often 460 had to obtain additional permits from other statutory bodies.

Outline planning permission is defined in the Bill as an in-principle decision to grant planning permission. It must be stressed that this does not allow the carrying out of development per se. This can only happen once full planning permission has been obtained. The advantage of keeping outline planning permission in the draft Bill is that it allows an applicant to learn within

465 the early stages of a proposed development, before incurring great expense, whether his application will have a strong likelihood of success. We wanted to keep this in the new Act.

Mr Speaker, the second category planning permission falls into is full planning permission. Full planning permission, previously referred to as a permit in the current Town Planning Act 1999, gives permission to develop in accordance with the terms of the permission and provisions  
470 of the Bill.

The new Bill clarifies the procedure involved for making an application for planning permission. If a development does not fall within a class of development designated by regulations, the applicant has to follow the procedure set out in clause 22. If, however, the development does fall within a class of development designated by regulations, the applicant  
475 has to, in addition to the procedure laid out in clause 22, adhere to the provisions set out in clause 23. Under clause 23 the application and all the supporting documents are submitted to the Town Planner, who then validates the application. The date of validation is crucial in this procedure, as only when the application is validated by the Town Planner will 21 working days start to run for members of the public to make representations on the application. This gives  
480 objectors the opportunity to make representations within the aforementioned 21 working days.

This new provision, which was absent in the current Town Planning Act 1999, is an important amendment to the procedure on application for planning permission. Not only will it give objectors the opportunity to make representations within a stipulated time frame as mentioned above, but this emphasis on 21 working days will address situations where the public  
485 participation period falls over a holiday period, for example Christmas, which in the past had the effect of limiting the opportunity for the public to view and comment on the application at hand. Another change in procedure is that we now require publication in the Gazette and two newspapers in Gibraltar. Previously, a daily and a weekly newspaper was specified.

Mr Speaker, the new Town Planning Bill allows an application for planning permission to be  
490 made online by the applicant. Furthermore, the Bill makes it a requirement for the Development and Planning Commission to publish all applications received electronically. It is worthy of mention that this has been done since the e-Planning portal was introduced. This further enhances the transparency of the planning process. So too the Development and Planning Commission's decision will be published and made available online. Collectively, these provisions  
495 will greatly enhance the public's access to information on applications that may affect them and will ensure at least a minimum period for public participation.

Mr Speaker, the definition of 'development' has been revised. Clarification is provided that development includes inter alia operations such as the enclosure of a balcony or veranda; removal, replacement or installation of shutters; removal, replacement or other alterations of  
500 any window; and the replacement of existing roof coverings. It must be mentioned, though, that where said replacement of windows and shutters does not materially affect the external appearance of a building and is on a like-for-like basis using the same materials, then it does not constitute development. In these circumstances, approval needs to be sought under the Building Rules 2017.

It is important to emphasise and clarify for the avoidance of doubt that most building works will require planning permission under town planning legislation as well as approval under the Building Rules 2017. However, building works that do not constitute development under town  
505 planning legislation and consequently do not require planning permission shall nonetheless still be subject to building rules and require approval from the Building Control department.

510 Additionally, the definition of development has been further amended to exclude works to the interior of a building from the definition. Therefore, works of this nature do not require planning permission, albeit, as mentioned above, they may still require building control approval under the Building Control Rules 2017. It must be noted, though, that patios, courtyards and other similar spaces are considered to form part of the external appearance of a building, thus  
515 they fall within the definition of development and require planning permission.

Mr Speaker, Government projects are now subject to the planning process under the provisions set out in the Town Planning Bill. Consequently, certain classes of development as designated by regulations will be subject to public participation and will require a site notice and publication online. It must be said that, albeit currently Government applications have no public participation requirement under the Town Planning Act 1999, Government has been submitting applications voluntarily to the DPC for its advice and guidance.

In contrast to the current Town Planning Act 1999, the new Act makes it a requirement, as contained in Schedule 1, that meetings of the Commission relating to planning applications are to be held in public, subject to certain exceptions – that is in the interests of security of Gibraltar. This also applies to Development Appeals Tribunal meetings. It is also worthy of mention that anybody who makes a representation on an application shall be given an opportunity of being heard by the Development and Planning Commission at a meeting. This provision was absent in the current Town Planning Act 1999.

Under the new Town Planning Bill, the enforcement procedure, known as enforcement orders in the current Town Planning Act 1999, has been modified to enable the DPC to issue an enforcement notice where a breach of planning control has taken place. Failure to comply with said enforcement notice constitutes an offence. This differs from the arrangement under the current Town Planning Act 1999, where the DPC had to first criminally convict a person in court before enforcement proceedings could be commenced. It is hoped that this change will assist in the speedy enforcement of planning control and reduce the need to go through lengthy and costly court proceedings, except of course when a person refuses to comply with the requirements of an enforcement notice.

Additionally, the new Town Planning Bill now allows the DPC to take legal action and commence proceedings for an offence 12 months from the date of the commission of the offence or the matter complained of was discovered. This differs from the previous standards under the Town Planning Act 1999, where cases were required to be brought to court within six months, and also further highlights that time starts to run from discovery of the offence and not from the date it actually occurred.

Mr Speaker, appeals against enforcement notices were also absent in the current Town Planning Act 1999 and this has now been catered for. Equally, the penalty for being found in breach of an enforcement notice has now been increased to a fine at level 5 on the standard scale and to a daily fine at level 3 on the standard scale for each day the terms of the notice are not complied with. The level of fines within the new Act has also been increased in relation to stoppage orders and general offences.

Mr Speaker, the current Town Planning Act 1999 gave the Commission the power to modify planning permission. It did not cater for situations when applicants wanted to make minor amendments to planning permission after it was granted. However, we have now catered for this and the Bill allows an applicant to make an application to the Commission for a minor amendment to a previously granted planning permission. This provision gives the Commission the power to accept these minor changes provided that they are within the parameters stipulated therein. It also allows the Commission, if it considers it appropriate, the right to require an applicant to serve notice of the minor amendments on certain individuals and allows them an opportunity to make representations. Along the same lines, but in this case before planning permission has been granted by the DPC, the new Bill also gives an applicant the power to modify his application provided permission is sought and obtained from the DPC for such modification beforehand. If this power is indeed exercised by the applicant, the DPC may then require that said modifications sought are subject to the public participation process.

In addition to the requirements for notification, the Commission may require applicants for planning permission to bring the application to the attention of specified individuals. The majority of people within the vicinity of the land to which applications relate are thus made aware of the application.

Mr Speaker, finally, the new Town Planning Act provides a regulation-making power to regulate the painting of the external facade of any buildings and also provides a right of appeal to the tribunal from a decision by the Commission on advertisement of applications. This was  
570 absent and not catered for in the current Town Planning Act 1999.

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

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Trevor Hammond.  
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**Hon. T N Hammond:** Thank you, Mr Speaker.

This is a very welcome Bill and I can assure the Minister that on this side of the House we will be supporting the Bill.

Of course, elements of the Bill originate in the GSLP's 2011 New Dawn manifesto. Obviously  
580 they were not delivered during that period but they are now being delivered, so they are welcomed in that respect. It is a shame that the Bill was not presented earlier and seven years have passed, because obviously a number of projects – some of which may be considered controversial by some – have been put through by Government, which may otherwise have received more challenge through the DPC process. I am thinking, for instance, of the current  
585 blocks being built at Europa Point, which are not necessarily the most popular and may have received some challenge. Nevertheless, I do not want to make this a political argument. To be honest, it is a welcome piece of legislation.

Coming to the legislation itself, I wonder if the Minister would consider or clarify why perhaps some of these points have not been considered as part of the Bill, or that they may be  
590 incorporated going forward.

In terms of the appeals process – which I know in this Bill is a copy-paste, effectively, of what was previously there – as I said, the previous legislation allowed only planning applicants to appeal decisions of the DPC, which seems to load the process somewhat in favour of the applicants, and I thought perhaps that that was something that this Bill might have addressed. I  
595 do regret not bringing it to the Minister's attention sooner but would ask Government whether they would consider introducing such amendment to allow objectors to appeal to planning decisions and thereby redress that current imbalance.

The newest and arguably most important part of the legislation is that requiring Government projects to be subjected to the planning process, a change which we on this side, as I have said,  
600 wholeheartedly welcome. There is a caveat in that particular part of the legislation for urgent cases and I would ask the Minister to explain further how this clause might be invoked and in what circumstances – in other words, what might be considered urgent – because it would be unfortunate if such a clause were to be used as a matter of convenience out of political expediency. I am sure this is not the intention, but clarification would be welcome.

Mr Speaker, another question that arises from this section of the Bill is whether Ministers will continue to sit on the DPC when it is considering Government projects. There would be a very clear conflict of interest in such cases and I would again ask the Minister if such has been considered and would provision be made, when these circumstances inevitably arise, to deal with such conflicts by excluding Ministers or having Ministers recuse themselves, as perhaps  
610 would be the case for other members of the Committee should an application be received from them specifically. The next step, of course, might be to remove Ministers entirely from the DPC, and I am sure that is something that may be subject to further debate and further discussion possibly at future General Elections; but doing so would clearly increase the independence of that particular body, the DPC, from the executive.

615 Mr Speaker, I say again we will be supporting this Bill.

**Mr Speaker:** Does any other hon. Member wish to speak on this Bill? The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker. I want to just highlight the seminal importance of this Bill, which is one that, in the same way as with the Freedom of Information Act, was originally trailed in our first manifesto and, for reasons which the Hon. the Deputy Chief Minister and now the Minister for Infrastructure and Planning, Paul Balban, have explained, was not delivered in that original first period in government. They are now being delivered.

I was struck by one of the things that the hon. Gentleman said, which was the apparent regret on the side of Members opposite – representing, the last time I checked, the party that I used to know as the Gibraltar Social Democrats; their regret that we had not brought the Bill during the lifetime of the first period in government of the GSLP/Liberals. And yet, Mr Speaker, over lunch, just to amuse myself, I went back and read some of the things that they had said about this policy during the lifetime of the last Parliament under the former, former Leader of the Opposition. *(Interjection)* It was in fact Sir Peter Caruana – the man some opposite have wanted to describe as the greatest Gibraltarian of all time, for whom hon. Members threw a lavish party at Grand Battery House – who advised us to include the caveat that the hon. Member has described about urgency etc. should we be foolish enough to progress with the policy of having this particular Bill on the statute book and subjecting Government projects to the town planning process.

Indeed, Mr Speaker, when we used to criticise hon. Members opposite and say that when they said we were not transparent and that we had failed to be a new dawn, we reminded them inter alia not just of the publication of information that we do as a matter of course, which they do not even have to ask us for, which is covered by the Freedom of Information Act, but in particular in respect of town planning we used to say, ‘You didn’t have an open planning process. You held the planning meetings behind closed doors. You didn’t even publish the minutes.’ They said to us once, Mr Speaker, dealing with that issue and saying that we were reflecting that to them under the previous administration meetings would be held behind closed doors and minutes would never get published ... ‘But to such charges there are simple answers,’ their spokesman for town planning said to us during the lifetime of the last Parliament *(Interjection)* when he tells us that we should have brought this Bill. *(Interjection)* That was the policy of the GSD then and it remains the policy of the GSD now.

Mr Speaker, I suppose in the context of seeking a unanimous support and conviviality in the passing of legislation we just gave them a chance to think things through and a few years later what was the policy of the GSD then is no longer the policy of the GSD now. They have now aligned themselves with us and they are voting with us for this Bill, so I guess we are all commending the Bill to the House. **(A Member: Hear, hear.)** *(Banging on desks)*

**Mr Speaker:** Does the hon. mover wish to reply?

**Hon. P J Balban:** Thank you, Mr Speaker.

I think the Hon. the Chief Minister has already eloquently responded to most of the points across the floor.

I would like to thank Members opposite for supporting the Bill. It is a very important Bill. It puts right many things that were not addressed before and issues that the Department were facing for a while with procedure, and brings the legislation up to date, which is important.

I would also like to thank the Deputy Chief Minister, who left the Bill ready but for the full stop at the end. I thank him for the help while he was Minister with responsibility for town planning and building control.

Just to sum up then, as I said, we have gone a long way. The Chief Minister has explained how meetings of the DPC were not held in public. Nowadays they are held in public. This Bill also allows for the tribunals to be held in public, which were not the case also. So there is full transparency in that respect.

670 I think this Bill will not only help applicants but it will also help the Department of Town  
Planning and Building Control to continue doing the great work that they do for the  
Government.

Thank you.

675 **Mr Speaker:** I now put the question, which is that a Bill for an Act to revise the law governing  
planning and development and for connected purposes be read a second time. Those in favour?  
(**Members:** Aye.) Those against? Carried.

**Clerk:** The Town Planning Act 2018.

**Town Planning Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

680 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I beg to give notice  
that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members  
agree.

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

**COMMITTEE STAGE AND THIRD READING**

685 **Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

690 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House  
should resolve itself into Committee to consider the following Bills clause by clause: the Tobacco  
(Amendment) Act Bill 2017, the Immigration and Asylum Bill 2018, the Freedom of Information  
Bill 2016, the European Parliamentary Elections (Amendment) Bill 2018, the Heritage and  
Antiquities Bill 2018, the Cemeteries Bill 2018, the Nature Protection (Amendment) Bill 2018 and  
the schedule of all the species relevant thereunder, the Director of Public Prosecutions Bill 2018,  
the John Mackintosh Will (Variation of Trusts) Bill 2018 and the Town Planning Bill 2018.

*In Committee of the whole House*

695

**Tobacco (Amendment) Bill 2017 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to amend the Tobacco Act 1997.  
Clause 1 as amended.

700 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the first amendment, which hon. Members  
will not see in the marked up version of the Bill that was sent, is of course the date, which at the  
moment reflects 2017 and will need to reflect 2018.



**Mr Chairman:** Clause 1 as amended stands part of the Bill.

705 **Clerk:** Clause 2.

**Mr Chairman:** Stands part of the Bill.

710 **Clerk:** Clause 3 as amended.

**Hon. Chief Minister:** Mr Chairman, that is the amendment, in red.

**Mr Chairman:** The amendment has been circulated in what I shall describe as a rather novel fashion. It is perfectly acceptable if hon. Members understand what it amounts to, but I want to make sure, because there is a departure from the more accepted form, that hon. Members are able to follow what the amendment is. If they are, then there is no problem and it will then be for the Clerk, acting on behalf of Parliament, to transmit the amended version for publication. Is that clear for hon. Members of the Opposition? Are they clear on what –?

720 **Hon. D A Feetham:** Tracked changes are much more useful and much easier to follow.

**Mr Chairman:** But it is a departure from the Rules, in a sense. Clause 3 as amended stands part of the Bill.

725 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Immigration and Asylum Bill 2017 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to make fresh provision in relation to immigration and asylum and for connected purposes.  
730 Clauses 1 to 13.

**Mr Chairman:** Stand part of the Bill.

735 **Clerk:** Clause 14 as amended.

**Mr Chairman:** Members have received notification. To clause 14 there is an amendment. Is it agreed to?

740 **Hon. D A Feetham:** Mr Chairman, we are content to have the letter setting out the amendments having been read to this Parliament.

**Mr Chairman:** Clause 14 as amended stands part of the Bill.

745 **Clerk:** Clauses 15 to 61.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Clause 62 as amended.

**Mr Chairman:** Stands part of the Bill.

750

**Clerk:** Clauses 63 to 72. (**Mr Chairman:** To 71.) I beg your pardon, clauses 63 to 71.

**Mr Chairman:** Stand part of the Bill.

755

**Chief Minister (Hon. F R Picardo):** Sorry, at the end, out of the numbering because it came in late, there is an amendment to clause 69, over the page.

**Clerk:** Clauses 63 to 68.

760

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Clause 69 as amended.

**Mr Chairman:** Stands part of the Bill.

765

**Clerk:** Clauses 70 to 71.

**Mr Chairman:** Stand part of the Bill.

770

**Clerk:** Clause 72 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 73 and 74.

775

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The Schedule as amended.

780

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Freedom of Information Bill 2016 –  
Clauses considered and approved with amendments**

785

**Clerk:** A Bill for an Act to make provisions for the disclosure of information held by public authorities or by persons providing services for them and for connected purposes.  
Part 1, clause 1 as amended.

**Mr Chairman:** Stands part of the Bill.

790

**Clerk:** Clauses 2 to 3.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 2, clauses 4 to 11.

795

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 3, clause 12 as amended.

800

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 13 as amended.

805

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 14 to 16.

**Mr Chairman:** Stand part of the Bill.

810

**Clerk:** Part 4, clause 17 as amended.

**Mr Chairman:** Stands part of the Bill.

815

**Clerk:** Clauses 18 to 22.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** New clause 23.

820

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**European Parliamentary Elections (Amendment) Bill 2018 –  
Clauses considered and approved**

825

**Clerk:** A Bill for an Act to amend the European Parliamentary Elections Act 2004.  
Clauses 1 to 3.

**Mr Chairman:** Stand part of the Bill.

830

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Heritage and Antiquities Bill 2018 –  
Clauses considered and approved with amendments**

835 **Clerk:** A Bill for an Act to make provision for the conservation, enhancement and enjoyment  
of Gibraltar's heritage, antiquities and objects of archaeological interest, for the preservation of  
monuments, buildings, historical conservation areas and archaeological areas, to establish the  
Heritage and Antiquities Advisory Council, to provide for the management of the Gibraltar  
National Museum and the Gibraltar National Archives, to provide for the continued existence of  
the Gibraltar Heritage Trust and for connected matters.

Part 1, clauses 1 to 5.

840

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 2, clause 6 as amended.

845

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 7 as amended.

**Mr Chairman:** Stands part of the Bill.

850

**Clerk:** Clauses 8 to 9.

**Mr Chairman:** Stand part of the Bill.

855

**Clerk:** Clause 10 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 3, clause 11 as amended.

860

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 12 to 13.

865

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Clause 14 as amended.

**Mr Chairman:** Stands part of the Bill.

870

**Clerk:** Clause 15 as amended.

**Mr Chairman:** Stands part of the Bill.

875

**Clerk:** Clauses 16 to 18.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 4, clauses 19 to 22.

880

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 5, clause 23 as amended.

**Mr Chairman:** Stands part of the Bill.

885

**Clerk:** Clauses 24 to 29.

**Mr Chairman:** Stand part of the Bill.

890

**Clerk:** Part 6, clause 30.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 31 as amended.

895

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 7, clause 32 as amended.

900

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 33 to 35.

**Mr Chairman:** Stand part of the Bill.

905

**Clerk:** Clause 36 as amended.

**Mr Chairman:** Stands part of the Bill.

910

**Clerk:** Clause 37.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 8, clauses 38 to 45.

915

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 9, clause 46 as amended.

920

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 10, clauses 47 to 50.

**Mr Chairman:** Stand part of the Bill.

925

**Clerk:** Clause 51 as amended.

**Mr Chairman:** Stands part of the Bill.

930

**Clerk:** Clause 52 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 53 and 54.

935

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Schedule 1.

940

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Schedule 2 as amended.

945

**Mr Chairman:** Stands part of the Bill.

**Hon. E J Reyes:** Mr Chairman, may I? On Schedule 2, part 5, the Minister gave a notice, the 'Bombay Bristol bomber', and after that the entry alongside 'East side aircraft', referring to the part of the location. He is now clarifying that by putting 'off Eastern Beach'. I just want to make Mr Chairman aware that behind the Speaker's Chair I did have a word with the Minister, and if the Minister can confirm that at some future date when the Government is ready for it, the whole of Part 5 needs a bit of clarification on the locations. We are talking about submerged heritage and although it does pinpoint how deep down it is, we have no idea. The amendment the Minister proposed has certified that the East side aircraft is actually off Eastern Beach, but the others, one has no idea whether to search on the East side or the West side of the Rock. What I am trying to say is that we have no difficulty in accepting this, but the understanding, for the record, is that the locations will be actually modified or better pinpointed in future. Perhaps the Minister can contribute to this one as well.

950

955

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

960

Mr Chairman, I did explain it to the hon. Members who met with me, but the Hon. Mr Reyes was not there. This has all been plotted on GIS and therefore this will be available in hard copy officially as a formal document in the Minister for Heritage's office and will also be available in electronic form. So it will be absolutely clear exactly what the limits of all these sites are. This will be available, I am informed, as soon as the Act is commenced.

965

**Hon. E J Reyes:** It is acceptable to me, Mr Chairman; it is just a question of someone reading the Bill when it becomes an Act there, unless there is some specific note that says, 'Go to the Minister's office to find the location' is just ... One has to rely on something other than primary legislation to know the exact location. I am just making an enquiry as to the validity if one sits in an office and looks at the actual Act.

970

**Hon. Dr J E Cortes:** It is stipulated. I am just having the legal draftsman who worked very, very hard on this and all the other Bills... just checking the exact location, but there is a reference to that.

975

I thank my legal adviser for that. In section 12 (2) it says:

Schedule 2 shall be in such form as prescribed by the Minister and accompanied by such plans as deposited at the offices of the Minister with responsibility for heritage.

So that will be the formal register, so to speak, of the Schedule and it will be there, available both in hard and electronic copy. So it is clearly specified that that will be there.

**Hon. E J Reyes:** I am grateful for that clarification, Mr Chairman.

980

**Clerk:** We resume. Schedule 5 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Schedule 6.

985

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

990

**Mr Chairman:** Stands part of the Bill.

**Cemeteries Bill 2018 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to provide for the management and control of cemeteries.  
Clauses 1 to 18.

**Mr Chairman:** Stand part of the Bill.

995

**Clerk:** Schedules 1 and 2.

**Mr Chairman:** Stand part of the Bill.

1000

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Nature Protection (Amendment) Bill 2018 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Nature Protection Act 1991.  
Clauses 1 to 3.

1005

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

1010

**Mr Chairman:** Stands part of the Bill.

**Director of Public Prosecutions Bill 2018 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to establish the office of Director of Public Prosecutions under the  
direction of the Attorney-General and for matters connected thereto.  
Clauses 1 to 3.

1015

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Clause 4 as amended.

1020 **Mr Chairman:** Could I seek clarification from the Hon. the Minister that clause 4(1), once amended, will read ...? Would he explain exactly how it will read when those amendments are made? It will not be the Government. Will it be 'The Attorney-General shall in consultation with the Governor appoint a person by notice'? Am I correct?

**Minister for Health, Care and Justice (Hon. N F Costa):** Yes.

1025 **Mr Chairman:** Thank you.

**Clerk:** Clause 4 as amended.

1030 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 5.

**Mr Chairman:** Stands part of the Bill.

1035 **Clerk:** Clause 6 as amended.

**Mr Chairman:** Stands part of the Bill.

1040 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Hon. D A Feetham:** Mr Chairman, may I look back to this?

1045 **Mr Chairman:** Yes.

**Hon. D A Feetham:** Did Mr Chairman say 'shall'?

1050 **Mr Chairman:** The amendment of which notice has been given is to take away 'Government' and substitute in its place 'Attorney-General' –

**Hon. D A Feetham:** Yes, that makes sense.

1055 **Mr Chairman:** – and therefore it will read: 'The Attorney-General shall in consultation with the Governor' – (**Hon. D A Feetham:** No.) No?

1060 **Hon. D A Feetham:** No, there is no 'shall' there, because this is a removal. It is 'may only remove', not 'shall'. So, what it reads is: 'The Attorney-General after consultation with the Governor may only remove' –

**Hon. N F Costa:** No, Danny, Mr Chairman is referring to clause 4; you are referring, I think, to clause 4(6). (*Interjection by Hon. D A Feetham*) Yes, Mr Chairman was referring to clause 4 and therefore he has correctly read the substitution of –

1065 **Hon. D A Feetham:** I beg your pardon. I was reading that and thought this cannot be 'shall' because it's missing one.



**Clerk:** Clause 4 as amended.

1070 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 5.

1075 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 6 as amended.

**Mr Chairman:** Stands part of the Bill.

1080 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**John Mackintosh Will (Variation of Trusts) Bill 2018 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to vary certain provisions contained in the will of the late John Mackintosh.

1085 Clauses 1 to 3.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The Schedule.

1090

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

1095 **Mr Chairman:** Stands part of the Bill.

**Town Planning Bill 2018 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to revise the law governing planning and development and for connected purposes.

Part 1, clauses 1 and 2.

1100 **Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 2, clauses 3 and 4.

**Mr Chairman:** Stand part of the Bill.

1105

**Clerk:** Part 3, clauses 5 to 14.

**Mr Chairman:** Stand part of the Bill.

1110 **Clerk:** Part 4, clauses 15 to 41.

**Mr Chairman:** Stand part of the Bill.

1115 **Hon. T N Hammond:** Mr Chairman, if I may, just on paragraph 22?

**Mr Chairman:** Clause 22 or paragraph? Is it clause 22?

**Hon. T N Hammond:** I believe it will be clause 22 – yes, 22(1)(a) is what I am referring to. I notice that there has been a subtle but possibly significant change from the previous Act insofar as it now reads:

a certificate stating that the applicant is the sole owner of the land to which the application relates;

It used to say 'is an owner of the land' and I just wonder, for my understanding, why that change was made and what is the effect of that change. Presumably it is possibly the case that there could be multiple owners, and how will that impact on their ability to apply?

1125 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Chairman, this refers to applications where there is only one owner – that is a sole owner. If there is more than one owner, then this would not apply.

1130 **Hon. T N Hammond:** In which case, could the Minister perhaps point me to the section that applies to multiple ownership? I am not quite clear on where that section would arise.

1135 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Chairman, actually 22(1) (b) is when there are multiple owners. So section 22(1)(a) is for when there is only one, sole, owner, and the following section, which is section (b), is when there is more than one owner.

1140 **Hon. T N Hammond:** Yes, I understand that, but in a case where perhaps all the owners are of one mind, in other words they all wish to make an application – for example, a building where there are three owners and they want to put a lift in the building and they wish to apply as one – paragraph (b) does not really make for that particular provision, so I am slightly confused. What paragraph (b) says is that yes, if there are multiple owners an individual who wishes to make an application must notify those other owners. What is not clear to me is if there are multiple owners all of the same mind, what process would they follow, because at the moment this only applies to a sole owner.

1145 **Hon. P J Balban:** If there was more than one owner, they would still have to provide proof that they were in agreement. They would not be accepted. If it is only one sole owner, then (a) would be relevant. Otherwise, if it is more than one owner, even if they commonly believe that they want a lift in a block, they will still have to prove that the other owners are parties to that application.

1150 **Hon. T N Hammond:** So, if I understand it then, one of the owners – because he would not be a sole owner – even though they are all of the same mind, one of the owners would have to approach the other owners in accordance with paragraph (b) and go through that process. There is no way for them to put in a joint application for the property.

1155        Wouldn't it be sensible to have a process for a joint application where owners are of the same mind? It just strikes me as making it more straightforward for everybody involved if you could just have a single joint application in those circumstances.

1160        **Hon. P J Balban:** I would need to speak to Legislation, but I would assume if there is proof that the, say three, owners are in agreement and there are three signatures on one application ... I suppose that is something which can be considered and I will refer that back to the law drafters. Otherwise, there is no guarantee, unless there are three consents, that all three are happy with that application.

1165        **Hon. T N Hammond:** Mr Chairman, the reason I ask is purely because the previous legislation did not have that provision; it just said 'an owner', and so this change has been made deliberately in this Bill. I assumed perhaps there was some precedent, there was some reason why that change had been made and that the experience of the DPC indicates that there is value in making the change. But what I am understanding is that there is not necessarily any real value and it is just perhaps hindering a certain sector who may wish to make a joint application.

1170        **Hon. P J Balban:** Mr Speaker, I am told that this was because there have been applications before where someone has claimed that they are one owner. So the idea was if you are a sole owner then there will be no need to seek permission or approval from anybody else. There have been cases that have come to the Department, hence leading in the need to change or draft this section of the law.

1180        **Hon. T N Hammond:** Mr Chairman, I can understand the need to demonstrate where a sole applicant is making an application for a piece of land or... that they need to demonstrate that they are the sole owner, and were they not the sole owner and other applicants have not come forward for the same project there would clearly be a need on the part of that particular individual to seek the approval of the other owners, if they have not come forward. But surely where you have a situation where there are a number of owners all of the same mind and they have all signed the application, wouldn't it make sense to have a facility for them just to be able to sign the application rather than have to go through a separate process whereby one of the owners – and, I do not know, there could be 16 other owners of the same building – that one of the owners has to approach all of the other owners, who are in agreement with him anyway just to comply with part (b)? It would be far more straightforward, surely, if the application itself could be signed by all the owners to say, 'We are of one mind'.

1190        **Hon. P J Balban:** Mr Speaker, I am just being told that if it is of help, what can happen is we can say, as part of clause 22(1)(a), 'a certificate stating that the applicant is the sole owner/s'. So we can add 's' and that will maybe address the issue.

1195        **Hon. T N Hammond:** If we said 'is/are the sole owner/s', that would obviously deal with that issue, so that would make sense, yes.

1200        **Mr Chairman:** If we are going to have a small amendment to that, I require it in writing. Let me see it before you circulate it.

1205        This does not make sense, the English: the applicant cannot be the sole *owners*: applicant is singular and owners is plural.

Perhaps 'sole owner/owners', possibly? The amendment would then be: 'That clause 22(1)(a) be amended by substituting for "the applicant is the sole owner" the words "the applicant is the sole owner/s".' Is that understood? Effectively, by omitting the word 'owner' in 22(1)(a) and substituting therefor the word 'owner/s', it is either one or the other.

**Hon. T N Hammond:** In which case, Mr Chairman, surely grammatically it would have to read 'The applicant is/are the sole owner/s'.

**Mr Chairman:** But there is only one applicant. There would be one application made on one single form, and that would be on behalf of owner or owners.

Okay? That is then the amendment. Is that approved? Call it out. Clause 22 as amended.

**Clerk:** Clause 22 as amended.

1215 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 23 to 41.

1220 **Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 5, clauses 42 to 53.

**Mr Chairman:** Stand part of the Bill.

1225 **Clerk:** Part 6, clauses 54 to 60.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 7, clauses 61 to 64.

1230 **Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 8, clauses 65 to 73.

1235 **Mr Chairman:** Stand part of the Bill.

**Clerk:** Schedules 1 and 2.

**Mr Chairman:** Stand part of the Bill.

1240 **Clerk:** Schedule 3 as amended.

**Mr Chairman:** There is a minor amendment there.  
Stands part of the Bill.

1245 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Tobacco (Amendment) Bill 2017,  
Immigration and Asylum Bill 2018,  
Freedom of Information Bill 2016,  
European Parliamentary Elections (Amendment) Bill 2018,  
Heritage and Antiquities Bill 2018,  
Cemeteries Bill 2018,  
Nature Protection (Amendment) Bill 2018,  
Director of Public Prosecutions Bill 2018,  
John Mackintosh Will (Variation of Trusts) Bill 2018 and  
Town Planning Bill 2018 –  
Third Reading approved: Bills passed**

1250

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Tobacco (Amendment) Bill 2017 – 2018 now, the Immigration and Asylum Bill 2018, the Freedom of Information Bill 2016, the European Parliamentary Elections (Amendment) Bill 2018, the Heritage and Antiquities Bill 2018, the Cemeteries Bill 2018, the Nature Protection (Amendment) Bill 2018, the Director of Public Prosecutions Bill 2018, the John Mackintosh Will (Variation of Trusts) Bill 2018 and the Town Planning Bill 2018 have been considered in Committee and agreed to, some with and some without amendments, and I now move that they be read a third time and passed.

1255

1260

**Mr Speaker:** I now put the question, which is that the Tobacco (Amendment) Bill 2017, the Immigration and Asylum Bill 2018, the Freedom of Information Bill 2016, the European Parliamentary Elections (Amendment) Bill 2018, the Heritage and Antiquities Bill 2018, the Cemeteries Bill 2018, the Nature Protection (Amendment) Bill 2018, the Director of Public Prosecutions Bill 2018, the John Mackintosh Will (Variation of Trusts) Bill 2018 and the Town Planning Bill 2018 have been agreed to by the Parliament – in the case of the Immigration Bill, with abstentions from the Members of the Opposition. Other than that, all Members have voted in favour and therefore these should all be read a third time and passed. Those in favour? **(Members: Aye.)** Those against? Carried.

1265

#### ADJOURNMENT

**Chief Minister (Hon. F R Picardo):** Mr Speaker, it has been a long session. We have dealt with the Appropriation, we have dealt with more Bills than this House has dealt with for a long time and the mood inside has not been as hot as the temperature outside, which is always of benefit to hon. Members' blood pressure.

I now move that the House should adjourn for the long vacation and adjourn *sine die*.

1275

**Mr Speaker:** In moving that the House should adjourn *sine die*, I wish to express a hope that all Members will have a very peaceful and restful vacation.

The House will now adjourn *sine die*.

*The House adjourned at 5.06 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.33 p.m. – 5.06 p.m.**

**Gibraltar, Thursday, 20th September 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.33 p.m.*

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

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Thursday, 20th September 2018.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 18th, 23rd, 30th and 31st May, 1st and 15th June, and 2nd, 3rd, 4th, 5th, 6th and 24th July 2018.

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

*Mr Speaker signed the Minutes.*

## Progress of Brexit negotiations – Statement by the Chief Minister

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

10

**Chief Minister (Hon. F R Picardo):** Mr Speaker, by your leave I am going to make a statement on the progress of ongoing Brexit negotiations in respect of Gibraltar's departure from membership of the European Union alongside the United Kingdom.

15

As hon. Members will already know, the Deputy Chief Minister has convened a further informal meeting of the Brexit Select Committee of this House for tomorrow. This will be the 12th such meeting, resulting in at least as many hours of confidential briefings. At these meetings hon. Members have been briefed in careful detail about the ongoing discreet contact that the Government has had in the context of these negotiations. These contacts include discussions with Spain in its capacity as one of the remaining 27 member states of the European Union.

20

Mr Speaker, I addressed the nation on 28th March this year, one year before the date when our departure from the EU will be legally effective, in order to set out as much detail as I could then of what the EU discussions were likely to entail. I told the community then that we were entirely confident that the Withdrawal Agreement must and will fully apply to Gibraltar. I am even more confident now that this will be the case. That means that any mechanism agreed

25



between the United Kingdom and the European Union for orderly withdrawal and continued market access will fully cover Gibraltar and that we will enjoy continued access to the EU single market until at least the end of the transition period.

30 The work that the Prime Minister is doing in Salzburg today will, I sincerely hope, also move the United Kingdom and the EU closer to such arrangements. In that context we have also sought to establish new lines of co-operation with the EU, and in particular with our neighbouring member state, Spain. Indeed, successive Governments of Gibraltar have sought such a relationship before, and we have done so without the need for any compulsion or threats of veto. We have done so because the people of Gibraltar have consistently sought good  
35 neighbourly relations and we have consistently sought to demonstrate our belief in the European ideals. That has always been our nature and that is the work that we have been trying to discreetly do.

The Partido Popular administration of Prime Minister Mariano Rajoy took two distinct approaches to the Brexit negotiations. The first approach was spearheaded by Jose Manuel  
40 Garcia Margallo in his time as Foreign Minister after the result of the EU referendum. He stated that the position then of the Partido Popular, the government in Spain, was that Gibraltar would have to accept the joint sovereignty proposals we had rejected in 2002 if we wanted a future relationship with the European Union. When he was replaced by Alfonso Dastis, the position of the Partido Popular, set out by the new minister and by Prime Minister Rajoy himself, was that  
45 Spain would not be seeking to advance its sovereignty claim in the context of the Brexit negotiations for the Withdrawal Agreement. Indeed, in my statement in March I said that our people would have heard, and I quote, 'repeated statements from Spanish ministers setting out that sovereignty is not a matter they are seeking to raise in Brexit discussions'. I said also that I knew we would all welcome that, although we would be sceptical and alert to ensure that that remained the position throughout. We have been, Mr Speaker.

I am also pleased to be able to tell the House that the position of the PSOE administration of Pedro Sanchez has not changed in respect of the issue of sovereignty – that is to say the position of the Spanish government has not changed in relation to the negotiation of the Brexit  
50 Withdrawal Agreement.

55 Hon. Members will therefore have been surprised to see some Partido Popular politicians in the past 48 hours suggesting that it has been a PSOE decision not to attempt to progress the sterile Spanish sovereignty claim. The fact is, Mr Speaker, that there has been no attempt to advance that sterile claim either under the Partido Popular or the PSOE in the context of these exit discussions. If there had been, everyone knows what the answer from us, on behalf of the whole House and Gibraltar as a whole, would have been: it would have been firm, clear and  
60 absolutely negative.

We have had to be careful, of course, to ensure that the ingredients of sovereignty, including jurisdiction and control, have also been clearly understood not to be negotiable, and in that carefully circumscribed context we have advanced in respect of those areas denominated as  
65 'irritants' by some. As I said at the time of my statement in March, we have considered matters related to the unlawful suspension of Gibraltar Airport from the European Civil Aviation rules despite the Cordoba Agreement of 2006 in respect thereof and the £84m airport that Members opposite built pursuant to it. We have also considered other matters of lower political profile. These include: firstly, our removal from unfairly compiled and maintained  
70 Spanish tax haven blacklists and better co-operation between our tax authorities, as we have been proposing for years under successive Gibraltar Government administrations; better traffic flows at the Frontier; co-operation on police and customs matters, including curbing cross-Frontier smuggling in both directions and how best to ensure that we discourage illicit trade in specific items subject to excise and special duties; and better environmental co-operation,  
75 especially in relation to air quality and the protection of the environment in the region of Gibraltar and the territory made up of the municipalities of the Mancomunidad de Municipios of the Campo de Gibraltar as a whole.

I also said in March that I was unable to say more about the structure and detail of the discussions we are engaged in. I said that I was unable to do so without endangering the real opportunities for progress that we had identified and not out of a desire not to be totally open with our community – although we would, of course, be fully briefing Cabinet Ministers and elected Opposition Members.

Mr Speaker, I do not feel that the time is yet right for me to be able to say more, but I will say this to the House and to the nation. Every time that the term ‘bilateral talks between the United Kingdom and Spain in relation to Gibraltar’ is wrongly attributed, both the United Kingdom and Gibraltar governments have repeated that such a description of the discreet discussions that are ongoing is not accurate. Both governments have repeated that there is no such separate bilateral process in relation to Gibraltar between the United Kingdom and Spain.

And although I will not say more, I know that everyone in this community will have heard the statements from the former Prime Minister of Spain, Mr Rajoy, about discussions with Gibraltar at the end of a European Council meeting in the spring. A transcript of his remarks published in various national and international media – and in fact there is a video of his remarks – reads as follows:

The conversations with Gibraltar will not deal with the issue of sovereignty because one thing is Brexit and another is that we maintain our position, as could not be otherwise and as everyone understands ...

– he said, when asked if Spain had now left the issue of sovereignty ‘totally to one side’.

Right now we are talking about Brexit and the issue of sovereignty is not being addressed here.

I think it is important that these words be recorded in *Hansard* for posterity, or indeed perpetuity, which may be a more appropriate word.

Additionally, this week, the current Spanish Foreign Minister, Josep Borrell, has spoken candidly about these discreet discussions in a breakfast forum in Madrid. His remarks have been widely reported. A transcript of his remarks, published in various national and international media, reads as follows:

The EU is negotiating, through Mr Barnier, the conditions of the UK’s withdrawal and has stated that in order for the withdrawal agreement to be applied to Gibraltar, this must be through a bilateral agreement between Spain and Gibraltar that we are negotiating. Even though [Mr Barnier] is not part of that negotiation, he is following it closely and he knows that without agreement on this, there will be no agreement on Brexit. As the Brexit negotiator, he is the first one to be interested in us reaching an agreement. That’s what we’re working on and I think we can be optimistic ... and I believe we are very close to a solution for the withdrawal agreement. What we are negotiating is not the return of Gibraltar to Spanish sovereignty, or the sharing of that sovereignty, but the conditions under which the withdrawal agreement can be applied to the territory of Gibraltar on very specific issues ... The President of the Government [of Spain] told Mr Barnier yesterday that Spain’s goal is that the agreement with Gibraltar should not be the last obstacle on the road but rather the first step toward the withdrawal agreement. In other words, that we should not get to the end and be in agreement on everything except Gibraltar, but that the agreement on Gibraltar should be the first step toward the final Brexit agreement.

Again, Mr Speaker, I think it is important these words should be recorded in *Hansard*.

As to the substance of the discussions, it is fair to say that we are not dissatisfied with progress. There is a long road still to go. But, like the Spanish Prime Minister is reported to have told the EU’s chief negotiator, we too hope that matters related to Gibraltar might be the first element of the Withdrawal Agreement and the future arrangements to be agreed in a positive spirit of co-operation between the UK and the EU, and between Gibraltar and the member state that is our closest neighbour, Spain.

That means that we would likely be finalising a differentiated deal to the rest of the United Kingdom as we leave full membership of the European Union. Some thought that that would not be possible. Indeed, some thought that we would be wrong to pursue such a solution. Yet today, some 26 months on, I am able to tell you confidently that the need for such a differentiated solution has been understood as much in London as it has in Brussels and in

Madrid. Today I am optimistic that we will soon not hear more of sterile vetoes when it comes to Gibraltar and our future relationship with the EU. I sincerely believe that we will be able to talk  
115 about a future for Gibraltar which provides not just for a continued, enduring, political relationship with Britain, but also of a continued, enduring, political relationship with Europe.

Considerable work has been done by the team I assembled in the immediate aftermath of the referendum to seek to secure the realistically deliverable opportunities that arise in the context of Brexit.

120 There is no deal to announce yet, there is not yet any definitive text beyond the Withdrawal Agreement to pore over that can be published, but there is an element of goodwill. There is understanding of what no deal can mean for the whole of the Campo de Gibraltar also. And I believe that there is a desire to see a future relationship which provides certainty to residents of Gibraltar and to citizens of the Union: certainty in protecting established rights, certainty of  
125 Frontier fluidity and certainty in our continued relationship with Britain.

But Mr Speaker, as ever when it comes to international treaties in relation to Gibraltar, or indeed anything else, the devil is in the detail and we will remain entirely vigilant that there should not be any attempt to try to advance in areas of sovereignty or other unacceptable aspects of what might eventually be agreed or the form in which it might be agreed. That would  
130 never be acceptable to any Government of Gibraltar or to this Parliament, but we will continue to seek a future in which Gibraltar will continue to have a relationship with the European Union that will deliver prosperity not just for us, but for all the Campo around us also.

Already we have seen our commercial access to the United Kingdom markets assured. We have seen health, education, gaming and financial services access secured as a result of the work  
135 that we have done with the UK government. Now we hope to be able to say more in coming weeks of what else we have been able to secure for the future.

Mr Speaker, it is important that I should record the thanks of the Government for the work that is being done by the Government's Brexit team. In particular I must record the thanks of the Deputy Chief Minister and myself to the Attorney General, whose EU expertise is unrivalled and  
140 who has been a huge asset to the nation at this time. The Financial Secretary is sharing also in some of the work that is being undertaken. Also alongside them are many other members of our public sector who have been called upon to assist us in the preparations and progress of these discussions in the different relevant areas.

I also want to thank Members opposite, Mr Speaker, who make up the Brexit Select  
145 Committee for having respected the confidentiality and integrity of the briefings to date and for their constructive comments in this House about the work that the Government is doing, in particular Mr Feetham and Ms Hassan Nahon.

Finally, Mr Speaker, it is expected that the final arrangements between the UK and the EU will be finalised in coming weeks. At most, it would appear that eight weeks is now the limit for  
150 reaching a potential Brexit General Affairs Council of the European Union in mid-November. We will be involved in continuing discussions and meetings of variable geometry between now and then. We will therefore not be able to hold monthly meetings of the House in that period. At this same time, we will also be attending the annual political conferences of the political parties in the UK as well as the meeting of the 4th Committee of the General Assembly of the United  
155 Nations. And throughout this period we will be at what one might call 'peak Brexit'. Those who are addicted to the 24-hour news cycle should be ready for many ups and downs and many peaks and troughs, and indeed a little bit of drama.

We must all keep in our minds that this process is a negotiation that has been visited upon us all not by any action or desire on our part, but by the decision of the British people, at the suit of  
160 Brexiteers, that we should leave the European Union.

Today, Mr Speaker, as a result, after questions I will move into Bills, as it will be necessary for me to take a number of Bills on the Order Paper, some of them, if possible, before the end of September. The House will then resume for consideration of Bills and, after that, will then resume again for questions as soon as possible.

165 Thank you, Mr Speaker.

**Mr Speaker:** In keeping with established practice when a ministerial statement is made, hon. Members of the Opposition may ask questions for clarification purposes. They may ask questions; they are not entitled under the Rules to make a political statement, but I invite them to ask questions to clarify anything in the Chief Minister's statement that they wish to know more about.

**Hon. D A Feetham:** Mr Speaker, we have a Brexit meeting tomorrow, so therefore any questions that I have in relation to this we can ask tomorrow after considering in detail the Statement the Hon. the Chief Minister has made.

I did want to say a few words on behalf of the Opposition with Mr Speaker's indulgence, if that is at all possible; if not, I will sit down and will not labour the point any further.

**Mr Speaker:** The problem is that 'a few words' becomes a political statement, and that, as I say, hon. Members of the Opposition are not entitled to do. Hon. Members of the Opposition are entitled to make personal statements, but the Rules do not allow for them to make a statement of the nature the Chief Minister has made. Nevertheless, as per established practice over the years, they are able to ask questions for clarification. Surely it is within the wherewithal of hon. Members to phrase questions in such a way that they are getting more clarification from the Chief Minister and, if necessary, making their views known. That is the practice which they use, in any case, at Question Time, so it is not particularly different.

**Hon. D A Feetham:** The difficulty with the course of action that Mr Speaker proposes is that we have been, as indeed the Chief Minister has recognised during the course of his contribution and Statement to this House today, been very, very careful not to divulge anything that has been imparted to us on a confidential basis within the context of the Brexit Select Committee.

It is very difficult from this side of the House to divorce ourselves from information that has been imparted to us in that context in devising questions of the Chief Minister on his Statement, and therefore it could lead to us effectively asking questions that place the Chief Minister in a difficult position, or indeed questions that we would not wish to ask in public.

I was going to say a few words, but Mr Speaker –

**Mr Speaker:** If I understand the hon. Member more clearly, if what he wishes to do is make a statement which broadly speaking is in support of the Government, then I have no problem in allowing that.

**Hon. D A Feetham:** Thank you very much, Mr Speaker.  
On behalf of the Opposition –

**Mr Speaker:** A short statement.

**Hon. D A Feetham:** It will be.

On behalf of the Opposition, I think it is important that we publicly state in this House what our position is on a statement of importance such as the Chief Minister has just made.

It is incumbent on me, on behalf of my colleagues, to wish the Government Godspeed in relation to its endeavour in reaching the best possible agreement for Gibraltar. Ultimately we are public servants working for the people and no public servant would do otherwise; we are also either business owners or employees, or have children who take advantage of our education system; we all use the GHA. All of those are dependent in one form or another on the Government successfully being able to navigate what is a minefield and successfully come back with an agreement for Gibraltar.

I will also say this, Mr Speaker: that of course, having said that, there is a difference between this side of the House and that side of the House. I have recognised on many occasions that the Government has kept the Opposition fully briefed in relation to the discussions that have taken place between the Government and the United Kingdom, and indeed also, I recognise having been subject to the Statement that the Hon. the Chief Minister has made, its discussions directly with Spain. I have never said that publicly, but of course now that it has been said in this House by the Hon. the Chief Minister I recognise that we have been briefed in relation to those.

The difference, Mr Speaker – and I do not wish to make this in any way, shape or form subject to the political cut and thrust that one has in relation to other issues – is that of course we would have, had we been in government, fully involved the Opposition of the day in the process, in those negotiations and in those discussions, as has happened in the past, in particular between the AACR Government and the then Opposition.

Mr Speaker, therefore, in that context, we will continue to keep a very close eye on developments and by necessity we need to reserve our position as an Opposition, having not participated in those discussions, in what emerges ultimately from this particular process, and of course comment at that stage.

I will say this, and I have been asked by the leader of the party to make these points, which are apposite in my respectful view: first of all, any talks that are taking place have got to be structurally sound, and by that I mean that bilateralism between the United Kingdom and Spain is out of the question. In that context, I have heard what the Hon. the Chief Minister says and of course on this side of the House it is, of course music to our ears. It is right and the Government is absolutely right to engage with Spain directly in relation to these talks. What the UK is negotiating with the EU may well be apposite to the UK but may not be apposite in respect of Gibraltar and it is right that the Government should engage directly with Spain in order to attempt to reach the best possible solution and deal for Gibraltar, of course always bearing in mind – and again I do not doubt the Chief Minister's words and assurances to this House and I welcome them – that in that context there is no question of either sovereignty, jurisdiction or control being on the line in any of the discussions that the Chief Minister has had, or his officials have had with Spanish officials.

Mr Speaker, lastly, I also want to say this. It is certainly true, from briefings that we have received – and I mention this because again the Chief Minister has said so during the course of his intervention – that both the PSOE and the PP before it were approaching this from the point of view of parking sovereignty, parking jurisdiction and control and concentrating effectively on issues that are of mutual benefit to both Spain and also Gibraltar. But I wish to make a point that I have made always when I have gone to Spain and I have given speeches in Spain or lectures at universities, which I have done on many occasions: that to do otherwise and to pursue its sovereignty, jurisdiction or control concessions – which will never, ever be acceptable either to the Government of Gibraltar or to Her Majesty's Opposition here in Gibraltar – is effectively to condemn the process to no agreement at all because no Gibraltarian is ever going to agree to those types of concessions, and all it does, all it ultimately will do is effectively push Gibraltar towards seeking greater political links with the United Kingdom, and that is not in Spain's interest.

With that, I end my contribution and I wish to thank Mr Speaker for his indulgence in allowing me to say those words.

**Mr Speaker:** Does the Chief Minister wish to reply to any matter raised?

The hon. Lady – does she wish to raise any point?

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to thank the Chief Minister for his Statement and, for my part in this little corner of the House, I want to thank the Government for all the hard work that they are putting into the Brexit negotiations and say unequivocally that I recognise that this Government has a mandate to manage Brexit and they are doing the best job

270 that they possibly can and right now is not the time for political point scoring, divisions and  
trying to get one over on anyone. We are all in this together. If there comes a time to nit-pick on  
the Government's performance on Brexit, the time will come, but I think right now we all need  
to focus our energies together, try and be constructive and support the Government for a future  
which we all want to work out for every single one of us.

Thank you.

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**Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, thank you for the opportunity to reply to those points.

280 I do not know that the right to respond to a Statement under the Rules is any different  
whether one is going to –

285 **Mr Speaker:** What used to happen during the 20 years when I was a Member is that in  
practice they were not allowed to reply, except on some occasions when it was a matter of  
foreign affairs – then Speakers were somewhat more liberal. Without going as far as they do in  
the House of Commons, I think it is beneficial to Members and to Gibraltar generally that a  
statement such as that made by the Hon. Daniel Feetham ... that opportunity should be given,  
which also gives the Chief Minister an opportunity to further elaborate.

290 **Hon. Chief Minister:** Well, Mr Speaker, I do not think that the hon. Gentleman has made a  
statement which is lacking in controversy, and therefore unfortunately I think that we may have  
strayed into territory that may not necessarily be in the best interest of Gibraltar.

295 I will try and deal with the points made in a way that is as circumspect as possible, but I  
would commend Mr Speaker that the rule as to how and when Statements are replied to should  
be followed for the purposes of ensuring that we do not err in the way that we might have  
today.

300 Mr Speaker, I have not said that we are engaging directly in contact with Spain in the way  
that I think the hon. Gentleman has interpreted. I have said that we are being discreet about the  
type of contact that we are having but I have repeated and read into *Hansard* for this historical  
record the words of the former President of the Spanish Government and the words of the  
current Spanish Foreign Minister so that nobody will be able to point to the Chief Minister of  
Gibraltar as having indicated what the nature of the discussions being held has been.

305 I think that is very important, Mr Speaker, because if one is loyal and faithful to a process  
which one enters into and one has said that we are going to be discreet for a reason, and others  
are not discreet, then it is important that it is the lack of discretion of others that is reflected. I  
think it is an important point, Mr Speaker.

The hon. Gentleman has then erred directly into controversy by saying that if they were the  
Government they would have fully involved the Opposition – as if we had not, Mr Speaker – in  
the negotiations, like he says the AACR did –

310 **Mr Speaker:** Let me answer that, as the only living member of the AACR. Under the  
discussions on the Brussels Agreement the AACR did not involve the Opposition at all. The AACR  
only involved the Opposition prior to Brussels at the time when they were appearing as  
petitioners in the United Kingdom, and on one occasion in 1981, when Mr Francis Pym was  
Foreign Secretary, I myself accompanied Sir Joshua with the late Peter Isola and Mr Peter Isola  
315 was present at the talks with Francis Pym. Subsequent to that, there was no occasion, between  
then and when we left Government, when the AACR involved the Opposition in anything to do  
with Brussels.

**Hon. Chief Minister:** That is exactly the point, Mr Speaker, and I am grateful for that.

320 Additionally, Mr Speaker, it is particularly important that when hon. Members make points as  
to what they would do we must judge them not against what others did but against what they  
did. So it is all very well to say, 'We would have done, if we were in government, what the AACR  
did' – and, Mr Speaker, my recollection of the historical record that you have set out as to that  
time is exactly as you have provided – but hon. Members were in government in 2002 when the  
325 joint sovereignty issue came and hon. Members were in government in 2005 and 2006 and  
subsequently when the Trilateral Forum was engaged and the Cordoba Agreements were  
produced, and they did not involve the Opposition. So, for hon. Members to say, 'We would  
have done what others did' but not to reflect on what they actually did the last time that there  
was an opportunity for engagement I think strays into controversy, because I am sorry to say to  
330 them that it is not believable that they would have acted now in a way that is different to the  
way that they acted in 2005 and 2006 and 2002 and 2003. Indeed, Mr Speaker, I know that there  
were many voices urging the then administration to involve the GSLP Opposition in the  
discussions in Cordoba so that what emerged was not a GSD deal, it was a Gibraltar deal, and  
similar sentiments were expressed on the Spanish side that the PSOE should involve the Partido  
335 Popular, and to an extent they did but then there was a rejection of that by the other side.  
Mr Speaker, the hon. Gentleman cannot, in my view, get up and say something which incurs into  
that level of controversy without expecting me to reply.

Mr Speaker, finally, I was surprised that in the context of what we were discussing today he  
should explicitly say that he was going to act as ventriloquist for the leader of the party, who is  
340 not present in the House. (**Hon. D A Feetham:** Doing a Lazarus.)

We have heard that there may be judgements on what we do once it emerges. Well,  
Mr Speaker, that is probably the biggest non-statement in history: 'Once something is done, we  
will see whether it is rightly done.' Of course that is when you will judge when it is rightly done.

345 And that things must be structurally sound: well, Mr Speaker, I have just said in the House,  
for the purposes of *Hansard*, that we are satisfied that things are structurally sound. And I think  
hon. Members know enough about what is going on, in the context of the confidentiality of the  
briefings that they have had, to know that things are structurally sound.

And that we are always bearing in mind issues of sovereignty, jurisdiction or control: I have  
said so specifically today, Mr Speaker.

350 The other issue that I was surprised to hear the hon. Gentleman raise was in fact a repetition  
of the position that I had set out on behalf of the Government and the whole Parliament that  
Gibraltar would never engage in a dialogue, in a process or in a discussion, let alone a  
negotiation, which sought to engage sovereignty *simpliciter* or indeed the ingredients of  
sovereignty and sovereignty, jurisdiction or control. But, Mr Speaker, I am not going to come to  
355 this House to advise Spain what is in her interests or not; I will leave that to others.

I do recognise that I have gone into the controversial aspects of what the hon. Gentleman has  
said; he has said them, so I feel politically I have to deal with them.

360 I also want to thank him for the things he has said, other than those points I have taken,  
which are supportive of the position of the Government, and I think the hon. Lady's expression  
of it was as eloquent as his when he started, which is that we are, in effect, all of us in this  
together. In the same way as Lord Denning said that European law had flowed into the rivers  
and tributaries of English law, the consequences of Brexit will flow into the rivers tributaries and  
veins of everything that we do as a community and everything that the United Kingdom does as  
a nation after 29th March and as a result of the arrangements that are entered into for  
365 withdrawal, if any such arrangements are entered into, as I sincerely believe they are likely to be  
entered into. So this is going to affect everything, whether it is the Health Service and who can  
work in the Health Service, who is able to trade from Gibraltar and what they are able to trade in  
and how they are able to trade, every aspect of our lives will be affected, whichever side of the  
House we sit on, whatever political ideology we pursue. And so I thank hon. Members opposite  
370 for those parts of their interventions that recognise that and those parts of their interventions  
that non-controversially supported the work that is being done by the Government.

PAPERS TO BE LAID

**Clerk:** (vi) Papers to be laid – the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the  
375 Annual Report of the Gibraltar Police Authority for the year ended 31st March 2018.

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

### TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

#### Q446/2018

#### Disembarkation of sick crew member from *MV Capetan Vassilis* – Results of investigation

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
We commence with Question 446/2018. The Hon. T N Hammond.

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**Hon. T N Hammond:** Mr Speaker, with reference to Questions 77 and 78/2016 and in respect of the investigation conducted by the Port Authority, has the Government made the conclusions of that report public; and if so, can the Government advise where they can be found?

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**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):**  
Mr Speaker, I can confirm that an investigation into the disembarkation of a sick crew member  
390 from the *MV Capetan Vassilis* on 10th January 2016 was carried out by the Gibraltar Port Authority. It appears that the findings of that investigation were not made public at the time despite the comments made by the Chief Minister and Mr Balban to Parliament in answer to Questions 77 and 78/2016. This was, as I understand it, an oversight.

I can, however, Mr Speaker, confirm that the findings of the investigation were that there  
395 were failures to follow established protocols relating to the disembarkation of sick crew members by the Duty Port Officer, the vessel's local agents, the contracted launch service and the Port Medical Officer. The report concluded that the disembarkation in breach of established protocols occurred because the Gibraltar Port Authority were not provided with all the relevant facts concerning the sick crew member and the Duty Port Officer did not question the vessel  
400 following a medical declaration of health which stated that there was a sick crew member on board.

Following the investigation, the following actions were taken by the Gibraltar Port Authority.

(1) A letter was sent to the vessel's local agent advising them that the GPA considered that  
405 their failure to follow prescribed protocols was a breach of the terms of their licence and that the GPA was minded to suspend their licence for two weeks. The agent was invited to submit representations to the GPA. Following receipt of those representations, the penalty which the GPA proposed was itself suspended.



410 (2) A letter was sent to the operator of the service launch which evacuated the crew member from the vessel, stating that the GPA had identified various failings by the operator which the GPA considered amounted to a breach of the terms of their licence. The letter stated that the GPA was minded to suspend their licence for seven days. They were invited to submit representations to the GPA. Following receipt of those representations, the penalty which the GPA proposed was itself suspended.

415 (3) The Port Medical Officer was asked to attend a meeting with the Captain of the Port in order to assess what lessons could be learned for the future.

(4) A verbal warning was given to the Duty Port Officer which was to remain in his personal file for a period of three months and the officer required to receive remedial training on the relevant procedure and protocol.

420 (5) A Port circular was sent by the Captain of the Port to all shipping agents and operators which stated:

Following a recent incident I wish to reinforce the importance of the need to alert the GPA as soon as you become aware of a medical case, whether it requires medical attention or not, on board a ship bound for Gibraltar. This includes ALL vessels expected to enter BGTW and those conducting OPL transfers outside of BGTW.

In particular, I would like to remind all agents/operators that it is ESSENTIAL that they have GPA approval prior to any patient being disembarked. The GPA, in consultation with the GHA will advise/arrange for a doctor, paramedic team or ambulance to attend either on board or at the point of disembarkation, as directed by the GPA. The GPA port launch or a service launch will be used for transfers.

The doctor or ambulance paramedics will inform the GPA on the condition of the patient before such patient is permitted to be landed at Gibraltar.

This procedure also applies to any crew member who needs to attend a medical clinic. GPA is to be notified prior to disembarkation of such crew member.

Finally, Mr Speaker, I can confirm that the results of the investigations and the actions described above were provided to Mr Isola, who was the Minister for Maritime Services at the time, and Mr Balban, who was the then Minister for the Port. Both Mr Isola and Mr Balban were satisfied with the steps taken by the GPA on this matter.

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**Hon. T N Hammond:** Mr Speaker, I thank the Minister for that comprehensive answer – just a couple of points from me.

As a report was clearly presented to the Ministers at the time, would it be possible to have that report shared, if it is still available, with the Opposition?

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A number of measures were clearly taken subsequent to the incident, which is heartening to see and hear. In terms of the lesson learning that may have taken place – the Minister did refer to a lesson-learning session with the Captain of the Port – could the Minister perhaps clarify what lessons specifically were learned from this incident, apart from the actions that he has already described?

435

**Hon. G H Licudi:** Mr Speaker, I will start with the last point. The lessons were very simple. There are established protocols which were not followed. There is a very clear procedure in respect of vessels entering BGTW which has a paragraph on medical cases and all the steps that are required to be taken prior to disembarkation of a sick crew member. Some of those steps were not complied with and the lesson was quite simply that people needed to be reminded that those steps were required to be taken; that there are responsibilities firstly of the Duty Port Officer at the GPA, secondly of the agent of the vessel that is coming into Gibraltar, thirdly of any service launch that is used to go out to the boat, and fourthly of the Port Medical Officer. There were lessons and possible breaches in respect of each of those items and the lessons were that the protocols needed to be highlighted and reiterated. They did not need to be rewritten, they did not need to be re-established, because they existed already and they are very clear in their terms, and therefore the issue was how it is necessary to highlight and reinforce the importance of following those protocols which did exist and which continue to exist in the same

445

450 form because there was nothing to change in terms of the protocols or procedures – it was just the fact that those procedures were not carried out in this particular case.

As regards the report itself, I was careful in pulling out the findings. The report does mention names, but I am happy, if the hon. Member wants to see, on a confidential basis, the conclusions of that report, I can let the hon. Member see that. But, I was a little bit averse to making the whole of the report public because of the names that are mentioned, but I have been very clear in terms of the findings of the report and the actions which were taken as a result of that report.

**Hon. T N Hammond:** Clearly, Mr Speaker, there are matters of data protection which need to be considered; I fully understand that. If the Minister would share the conclusions as they are written, I would very much appreciate that.

460 Just one point on the established protocols – they are clearly effective, if followed; that seems to be one of the conclusions that has come about from the report. How are those expected to enact the protocols – obviously the GPA, the agents – made aware of those protocols? Is it part of their training, part of the job? Where are those protocols established that they might be able to determine in a future event – maybe something happens two, three or 465 four years down the line, where corporate knowledge has faded... that we can be assured that everyone is still aware of the protocols, where to find them and how to follow them?

**Hon. G H Licudi:** Mr Speaker, these are obviously internal protocols of the procedures of the GPA. They set out very clearly the responsibility primarily of the Duty Port Officer at the time and the communication that the Duty Port Officer has to make.

I cannot answer directly the question as to whether or where they can be found, but my understanding is that all agents and ship operators – all operators that are subject to licences and have to do with the Port, such as agents and service launch operators – are made aware and that this protocol is disseminated. That is something that I may need to confirm to the hon. 475 Member, but certainly the protocols are clear and training is given at the GPA level in terms of its own officers as to the need, because in the protocols it is not just protocol in relation to medical cases – medical cases is one section of the whole protocol which sets out the procedure for dealing with vessels entering British-Gibraltar Territorial Waters.

So there are various matters that need to be taken into account, including, where there is a 480 medical case, the steps that need to be taken in order to ensure that what happened in that particular case, which was essentially a disembarkation of somebody without those procedures being taken and without being clear as to precisely what the sick crew member had before being disembarked and before being taken to the quayside.

485 **Mr Speaker:** One last question.

**Hon. T N Hammond:** I do not want to labour the point, so would the Minister be happy perhaps if I write to him asking some specific questions on the detail of this? I know you will not have the answers to hand, so it would not be fair to ask you, and the questions maybe do not 490 arise directly from the original question. So, if the Minister is happy, I will write to him and just ask those questions in more detail.

Thank you.

**Q447/2018**

**Housing estate refurbishment works –  
Frequency of inspections**

**Clerk:** Question 447, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

495 **Hon. D A Feetham:** Mr Speaker, can the Government confirm the frequency of inspections by factory inspectors over the last 12 months at all housing estates in which refurbishment works are being conducted?

500 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the frequency with which factories inspectors undertook inspections over the last 12 months at housing estates in which refurbishment works are being conducted is as follows: 505 September 2017, 10; October 2017, 8; November 2017, 6; December 2017, 0; January 2018, 5; February 2018, 15; March 2018, 9; April 2018, 5; May 2018, 6; June 2018, 8; July 2018, 9; August 2018, 6. Therefore, in that one year, that 12-month period, the total number of inspections at housing estates in which refurbishments are being conducted was 87.

510 I would also add, Mr Speaker, that in respect of that very same 12-month period, the total number of inspections carried out by housing inspectors, including those housing estates, amounted to 671 in just a 12-month period.

**Mr Speaker:** Next question.

515 **Hon. R M Clinton:** I am sorry, Mr Speaker, if I may ask the Minister: how many factories inspectors are there at present?

520 **Hon. G H Licudi:** I believe the answer to that is three, but I may need to confirm that with the hon. Member.

**Hon. D A Feetham:** Mr Speaker, have there been any health and safety issues that have arisen as a consequence of these inspections that have been brought to the Minister's attention?

525 **Hon. G H Licudi:** Mr Speaker, unless I go through the whole list of what it is they did and inspected on every single item ... The question simply related to the frequency, (**Mr Speaker:** Statistics.) statistics. This was a statistical question; I have got the statistical information. I do have a full report, but unless I go through it item by item, then that is not within the question.

530 I am happy for the hon. Member to raise that with me separately or invite him in a subsequent meeting if the hon. Member wants. It is just that the question was statistical and the information I have provided is concentrated on what was the statistical nature of the question.

535 **Hon. D A Feetham:** No doubt Mr Phillips will take up the Hon. Minister's kind offer, but may I ask this: that nothing has grabbed the Minister's eye, so to speak, in terms of any concerns that have been raised by the factories inspectors, that perhaps the Minister has taken a personal interest in?

**Hon. G H Licudi:** Mr Speaker, I can confirm that no specific concern in respect of those 87 inspections has been raised with me.

**Q448/2018**  
**Unemployment –**  
**Rate as at 12th September 2018**

540 **Clerk:** Question 448, the Hon. D A Feetham on behalf of the Hon. E J Phillips. (*Interjection by the Chief Minister*)

**Hon. D A Feetham:** *Hombre, te dije de que* I am doing a Lazarus here, you know!  
Can the Government state the rate of unemployment as of 12th September 2018?

545

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):**  
550 Mr Speaker, the average number of Gibraltarians registered unemployed in the second quarter of 2018 was 45.

**Clerk:** Question 449 –

555 **Hon. D A Feetham:** I have some supplementaries in relation to this.

Mr Speaker, obviously those are the people that are registered as unemployed, but as Minister for Employment does the Minister take an interest in relation to statistics from this point of view: how many people there are, for example, on the books of agencies on zero-hour contracts or on very few hours contracts?

560

Let me just explain the reason why I am asking this. Of course, you may have 45 people who are unemployed, but if you have another 45 who are on zero-hour contracts the reality of the situation is that they may be employed because they are on the books of the agency but really they are not in active employment as anybody outside in the street would understand it. Is that something that the Hon. Minister has looked into and taken an interest in?

565

**Hon. G H Licudi:** Mr Speaker, not in terms of my own responsibilities as Minister for Employment, because what the hon. Member is suggesting, or what it would essentially entail, is that in respect of all supply workers around Gibraltar, in respect of any such contracts which the hon. Member would have, I would have to take a personal interest in calling each agency and finding details of each particular employee registered with the Employment Service. From the Employment Service point of view, which is what I am answerable for and which is what the question relates to, there clearly is a collation of statistics and the answer that has been given is a statistical answer, but a lot of work goes on behind the scenes in terms of the employment clinics seeing people and making sure that you match vacancies to the people with the right skills. So a lot of work goes on in order to achieve the sort of statistics that we ultimately see reflected in the answer that I have just given, but if the question is do I call every single person that registered any kind of contract to find out how many hours each particular person works, the answer is no, I do not do that.

580 **Hon. D A Feetham:** Mr Speaker, does the Hon. Minister, bearing in mind that he is a Minister within a socialist Government – that is socialist with Liberal friends, but socialist Government – a socialist Government should take an interest in how many people out there are on zero-hour contracts or a handful of hours in their contracts, which will make a mockery of unemployment figures if there are hundreds of people out there, because you see that same way in which you  
585 can mask true unemployment in Gibraltar, or indeed, at best for the Government, it would mask how many people there are in real jobs, because if you are on a zero-hour contract you are not in a real job.

I have to say, Mr Speaker, that I am astonished and astounded in equal measure that the Hon. the Minister seems to simply disregard the question as if it were something that only idiots falling from a tree would ask, which is a question that no doubt is relevant and pertinent to those people who are languishing in those zero-hour contracts.

**Mr Speaker:** But it is not relevant to the main question, which is about the number of people registered as unemployed, and no doubt when he reads *Hansard* the Hon. the Leader of the Opposition will ask a separate question, asking the Minister whether he knows how many people are on zero-hour contracts.

So you do not have to answer and certainly you do not have to defend the extent to which you are a socialist.

Next question.

**Hon. G H Licudi:** Mr Speaker, although it is true that I do not have to answer, and certainly it is more than true that I do not have to defend the extent to which I or my party, the Government, with the Liberals, have socialist credentials, the fact that not only was the question raised and asked but there was an accusation there of masking real figures and an expression of astonishment and astoundment by the hon. Members, which I do not think can be in equal measure ... Well, that falls well behind the astonishment and how astounded we were in much greater measure than the hon. Member has expressed today when we learnt, just before General Elections, on a programme that the hon. Member on GBC appeared on with me, that it was the hon. Members of the GSD who were in fact masking the relevant unemployment figures (**Several Members:** Hear, hear.) (*Banging on desks*) and we learnt on that day, through the mouth of the hon. Member who is today asking the questions and who is suggesting that there is masking involved, that the GSD had been not just massaging the figures but hiding hundreds and hundreds of unemployed persons. When we came to know how much the Future Job Strategy was going to cost, or his own assessment of how much it was going to cost, we learnt that the reality was that there were around a thousand people unemployed when their figures gave a totally different answer. So don't give us any lectures on masking, and have a look at what you did.

**A Member:** Hear, hear.

**Chief Minister (Hon. F R Picardo):** At least on our side there was a happy ending, we were elected. (*Laughter*)

**Mr Speaker:** Hon. Members are now debating. We are moving on to the next question. (*Interjections and laughter*) Yes, a question.

**Hon. R M Clinton:** Thank you, Mr Speaker.

May I ask the Minister, in relation to his answer – because the question was specifically about the rate of unemployment on a specific date and he gave the number 45 – from the Government website unemployment statistics, it refers to 'Unemployment quarterly average, Gibraltarians', so I ask the Minister: is the answer he gave just for Gibraltarians, or does that include all people who are entitled to register as unemployed?

**Hon. G H Licudi:** Mr Speaker, the answer I gave specifically referred to the average number of Gibraltarians registered unemployed in the second quarter of 2018, and those are the figures that are generally given.

Although it is true that the question referred to rate of unemployment as of a particular date, 12th September, traditionally all these questions have been asked on the basis that the figures and the statistics are compiled on a quarterly basis and therefore always given.

640 I have examples of other questions that have been asked by Mr Phillips and previously by Mr Bossino specifically on this issue and on all occasions the answer is: 'The quarterly average of unemployed Gibraltarians for the last quarter' or 'for this particular quarter' in 2013 or 2014 'was x', so we have followed the same format that we have given in the past.

645 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer.  
Is it then possible that in fact the number could be higher, even though he is only referring to Gibraltarians?

650 **Hon. Chief Minister:** I will tell the hon. Gentleman what I can do to assist, Mr Speaker: I see the general figure, not the figure which is broken down into Gibraltarians or others, and the general figure is the same as the figure the hon. Gentleman has given to Gibraltarians, which is, I believe, less than one-sixth of the number of people that the hon. Gentleman said, either in that same programme or in another, would constitute full employment for Gibraltar.

**Q449/2018**  
**Fast launch licences –**  
**Approvals**

655 **Clerk:** Question 449, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

**Hon. D A Feetham:** Mr Speaker, given that Mr Speaker prevented me from having a happy ending, but can I say that I do not agree with the way that the hon. Gentlemen opposite have characterised my performance during the course of that debate.

660 I proceed to questions. Can the Government state the number of fast launch licences that have been approved since 26th November 2015?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

665 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, nine fast launch licence applications have been approved since 26th September 2015.

670 **Hon. D A Feetham:** Mr Speaker, when an application is made for a fast launch in Gibraltar, do the authorities consider the purpose of the licence? Presumably. Does he have any information in relation to what the purpose of those applications for the licences for the use of the fast launch was to be in relation to these prospective licensees?

675 **Hon. G H Licudi:** Yes, Mr Speaker, there is a procedure. This is governed by statute. It is dealt with by the Gibraltar Port Authority and they will have the criteria which they will follow. I should say these are not referred to me; these are matters that are dealt with by the Gibraltar Port Authority. The ones that are referred to me are where there is an application for an exemption from the fast launch regime. Hon. Members may recall that when we made the small boats marina there was a provision made for an exemption for certain types of vessels from the fast launch regime up to a certain limit, in particular how fast the launch could go, not exceeding  
680 40 knots in particular. But as far as I can see, all of these launches are simply recreational boats.

**HOUSING AND EQUALITY**

**Q450/2018**

**B\_tween Benches –  
Intention to install**

**Clerk:** Question 450, the Hon. L F Llamas.

685 **Hon. L F Llamas:** Mr Speaker, will the Government be installing the locally designed B\_tween Benches?

**Clerk:** Answer, the Minister for Housing and Equality.

690 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, yes, sir.  
I want to take this opportunity to sincerely congratulate Mrs Ruth Massias Greenberg, on behalf of the Government, for her vision and sensitivity in coming up with this prize-winning design which the Ministry of Equality part sponsored. Mrs Greenberg won the third prize in the Street Seats International Design Challenge. Every Gibraltarian will have been proud to see her take that prize, especially for such a worthy purpose. Government will therefore definitely be  
695 taking into consideration the availability of this new bench when replacing and/or installing new street benches. I very much look forward to seeing the benches installed in various appropriate locations to be identified.

**Q451/2018**

**62/4 Flat Bastion Road –  
Complaints raised by previous tenant**

**Clerk:** Question 451, the Hon. L F Llamas.

700 **Hon. L F Llamas:** Mr Speaker, on behalf of the Official Opposition I would like to associate ourselves with the support for Mrs Ruth Massias Greenberg and congratulate the Government in their quest to install these benches in Gibraltar.

705 With regard to Question 451, can the Government provide a schedule with a list of complaints raised by the previous tenant of 62/4 Flat Bastion Road received by the Government up until June 2018, including the date and the nature of the complaint?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

710 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the information requests personal data relating to an identifiable individual and is therefore contrary to the GDPR or Data Protection Regulations.

715 **Hon. L F Llamas:** Mr Speaker, I will accept that that is the advice which she has received with regard to data protection. Nevertheless, I have been to visit this property. This property was handed over to Mr Gomez two and a half months ago –

**Chief Minister (Hon. F R Picardo):** Sorry, Mr Speaker, on a point of order, I think the hon. Gentleman should not stray into mentioning names across the floor of the House. I think it is against the Rules that we should do so. I think he can probably find another way of describing

720 the gentleman. I would suggest he say 'the tenant', for example, rather than mentioning the name.

**Hon. L F Llamas:** Okay. I do apologise, Mr Speaker. It is just because it has been published in the press locally and he has given his permission. But in any event I appreciate that and do take  
725 the point.

I did go and visit the tenant who received this property two and a half months ago and there are some serious issues which have not been dealt with, which I am told by the people who live around this property are problems that have been historic and have not been dealt with.

730 Would the Hon. Minister for Housing accompany me in visiting this property to see for herself what the issues are and whether it is acceptable for somebody to have received this property in this condition?

**Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman is quite remarkable in the approach that he is taking, in the sense that perhaps if the hon. Gentleman wishes to  
735 accompany the hon. Lady in her role as Minister, with her very full days, stay in the office as late as she does, do all the things that she needs to do structurally in respect of the Housing Department, he might then at the end be persuaded that, actually, for the Minister to go to each one of the properties where there may be a report which is then dealt with in keeping with the criteria and timing that each report requires – with now no backlog, thanks to the work that the  
740 hon. Lady and previous Ministers for Housing under the current administration have done – he might find that picking out from simply the press the one case that has got media attention is not the appropriate way to deal with things.

In fact, it would be entirely inappropriate for prioritisation of works to be done on the basis of who shouts loudest on social media, who puts it on a newspaper or a broadcaster. In fact,  
745 what the hon. Gentleman would be doing would be assisting somebody to jump the queue, assisting somebody to reprioritise himself in a way that is perhaps not appropriate, or indeed breaking the rule that Ministers are there to set policy, not to go on the ground to actually be doing the getting rid of the '*escaliche*' and then doing the repainting. That is not the role, Mr Speaker. I know that he is in the political stable of the man who used to go out to the  
750 building sites, not to see how it was going but to redesign the staircases, throw his hat on the ground and kick the wheels of the Jaguar, but we do not do business that way.

**Hon. L F Llamas:** Mr Speaker, I will try another way. Is the Minister aware of the issues that are related to this property which are causing the tenant considerable stress regarding historical  
755 issues, as well as part of the repair and refurbishment that the property has undergone which is not up to standard?

For example, one of the things is a shower plate which is 43 cm high. Obviously, I appreciate that Ministers are here to set policy, but there are times where Ministers have to go in and see how that policy is being implemented. I am sure that the Government would not appreciate it if  
760 the work is not being done to a standard they would be satisfied with.

**Hon. Chief Minister:** I see, Mr Speaker, the argument is the clerk of works argument – I get it, and that is exactly the point. None of us – the hon. Gentleman, I think, included, and none of the others opposite alongside him, or indeed the hon. Lady, who is not there – none of us are  
765 qualified as clerks of works. So we might be able, as lay people, to say the shower has not been fitted, in a way that looks, even to a layperson, to have been fitted properly, or the sanding has not been done in an appropriate way in keeping with the view of a layperson, but the hon. Gentleman is not just inviting us to do things which are, in my view, inappropriate, he is inviting us to do things that none of us are properly qualified to do and which might incur expense for  
770 the taxpayer in a way that is inappropriate.



I think the hon. Lady is as aware of this case as she is of the many other cases that are being dealt with. He will be very pleased to know – and I wonder whether he does know, but given that I cannot ask him a question I will say that I assume that he is very pleased to know – that the number of jobs waiting have been reduced by a factor of 90-odd per cent, that there are  
775 very few jobs waiting and the jobs that are waiting are being dealt with and given the appropriate priority that they have.

I think he gives away the nub of this issue in the way that he rightly prefaces his question by saying that this matter has been historically abandoned. Maybe those who historically abandoned it are the ones who are responsible, not those who are presently fixing it.

**Q452/2018**

**Building of rental homes –  
Government commitment**

780 **Clerk:** Question 452, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

**Hon. D A Feetham:** Further to Questions 168, 269 and 397/2018, is the Government in a position to update this House on when an announcement will be made as to the Government's commitment to build homes for rental?  
785

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, an announcement to this effect was made in my Budget speech a few months ago.  
790

**Hon. D A Feetham:** Mr Speaker, there is another question on the Order Paper, that has been posted by Mr Phillips, in relation to the number of people who were on the housing waiting list in 2011 and who continue to be on the housing waiting list today. The last time that I posed that question, it was 178. Part of the reason, as I understood the answer that the Hon. Minister gave  
795 at the time, for those 178 – and we have got to bear in mind that it was a manifesto commitment from the parties opposite that anybody on the housing waiting list and the pre-list in 2011 would be housed in four years, so we are talking about seven years and they have not been housed ... Part of the explanation the hon. Lady provided was that many of those were one-bedroom flats and that there is a shortage of one-bedroom flats in the Government's  
800 housing stock. Therefore the question – and I apologise for the preamble, but I needed to place it into context – the question is this: in the Government's plans to build new rental homes, can the Government give a commitment that it will cater for those people in order to make sure that those people are housed and that we do not have a shortage in the future of one-bedroom flats?

805 Let me say this as well in that context: that we are not just simply talking about young people who are on the housing waiting list. We are also talking, for example, about people like fathers who may unfortunately be divorced and they are allocated a one-bedroom flat. Those are the type of people as well that we are talking about and it obviously does create a lot of harshness for a number of people.  
810

**Minister for Health, Care and Justice (Hon. N F Costa):** Prologue, narrative, epilogue.

**Hon. Miss S J Sacramento:** Mr Speaker, after that excessively long supplementary question, which I do not think even complies with the Rules and Standing Orders, the answer is ... Do we  
815 aim to house the people on the waiting list? Yes, of course, and my job as Minister for Housing,

when I set the policy of the Housing Department, is to look at the demand that we have for housing stock, the shortfall that we have in housing stock and introduce and implement policies which match and meet the demands of both.

820 **Hon. D A Feetham:** Mr Speaker, the question is, and I will repeat it in short terms: is the Government planning to build one-bedroom flats so that the majority of those 178 – that was the figure that she gave last time round – are properly housed and that this problem with scarcity of one-bedroom flats does not arise in the future?

825 **Hon. Miss S J Sacramento:** Mr Speaker, I do not believe that I have to build one-bedroom flats in order to meet the demand for one-bedroom flats.

**Q453/2018**  
**Rent arrears –**  
**Amount owing**

**Clerk:** Question 453, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

830 **Hon. D A Feetham:** Mr Speaker, further to Question 398/2018, can the Government update this House as to the amount of rent arrears owing as from 12th September 2018?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

835 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, this information is currently available on the Government website as at month end August 2018.

**Q454/2018**  
**Fire Safety Review –**  
**Publication**

**Clerk:** Question 454, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

840 **Hon. D A Feetham:** Further to Questions 399 and 400/2018, can the Government confirm that it is now in a position to publish the Fire Safety Review?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, my answer to Questions 399 and 400/2018 refers.

**Q455-6/2018**  
**Housing waiting list –**  
**Update by category; numbers on list since 2011**

845 **Clerk:** Question 455, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

**Hon. D A Feetham:** Further to Question 401/2018, can the Minister update this House as to how many people are on the housing waiting list by category and by reference to RKB1 to RKB5?

850 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this Question together with Question 456.

855 **Clerk:** Question 456, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

**Hon. D A Feetham:** Can the Government update this House as to how many people who were on the housing waiting list on 8th December 2011 remain on the list?

860 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Hon. Miss S J Sacramento:** Mr Speaker, there are 124 and the breakdown is as follows: 1RKB, 111; 2RKB, 2; 3RKB, 8; 4RKB, 2; 5RKB, 1.

Those in the 2-5RKB category have been offered at least one home.

865

**Hon. D A Feetham:** Mr Speaker, the hon. Lady has chosen to answer two questions in one answer and it is not clear from – (**Miss S J Sacramento:** Same answer.) Well, if it is the same answer, is she saying that the only people on the housing waiting list by category and by reference to RKB1-RKB5 are the people who were on the housing waiting list on 8th December 2011? That cannot be right.

870

**Hon. Miss S J Sacramento:** No, Mr Speaker, because that is not the question. The question this time, as was the same question on the last occasion, which is referred to in answer to this one – is ... The question wants to know those who were on the waiting list on 8th December 2011 who remain on the waiting list, and these are the figures. I am glad to say that the numbers are remarkably reduced.

875

**Chief Minister (Hon. F R Picardo):** Hear, hear.

880 **Hon. D A Feetham:** So, Mr Speaker, of the figure that she has given me of the people, that she says are very reduced, but we are talking about the people who were on the housing waiting list as at 8th December 2011 ... of those, 124, the bulk, are waiting for 1RKB? Yes, that is the answer.

Again, I return to the previous questions that I have asked and the answers the hon. Lady has given in relation to that. I think that she said ... I am paraphrasing. What she said to this House was, 'Not necessarily,' when I said, 'In the Government's plans to build rental accommodation is the Government planning to cater for an increased number of 1RKB, because there does seem to be a problem with 1RKB?'

885

In light of the fact that there are 124 people who were on the housing waiting list on 8th December 2011 waiting for a 1RKB, what precisely is she doing in order to cater for these people? It does appear to me, from the numbers, that there is a shortage of 1RKB in Gibraltar.

890

**Hon. Miss S J Sacramento:** Well, no, Mr Speaker, because he seems to have misunderstood. On 8th December 2011 there were not 111 people – 111 people are those that remain. The number of people on the 1RKB waiting list as of 8th December 2011 was 1,046. So, when I said earlier that it has been reduced considerably, that is what I meant. The pace at which we have been dealing with this is incredibly fast and we have been making allocations, and of this 111 remain.

Mr Speaker, in answer to the previous question in relation to the building of flats for rental, I referred the hon. Gentleman to the announcement that I had already made in my Budget speech, but because the hon. Gentleman probably does not know or does not remember what my announcement was in the Budget speech, that is what has given rise to the questions he is now asking. If the hon. Member were to refer to my Budget speech, then the answer would be clear.

What I meant in reply to the previous longwinded supplementary question, Mr Speaker, was that to be able to provide accommodation for a specific configuration of flat does not necessarily always mean that you have to build that specification of flat; it can also be dealt with in the way that you manage the allocations of flats and the strategic priority in the allocation, and by combining the way that we do that together with the announcement that I made in my Budget speech I am confident and I am satisfied that we will deal with Gibraltar's housing needs very efficiently indeed.

**Hon. D A Feetham:** But, Mr Speaker, that answer is not going to, with respect to the Minister, be any consolation to all those people who were on the housing waiting list in 2011, in respect of which the Government is in breach of their 2011 manifesto – namely, to house those people within four years. If there are 111 – and I apologise, I thought she said 124, but if there are 111 people who were on the housing waiting list in 2011 waiting for a one-bedroom flat and continue to wait for a one-bedroom flat, it does appear to me that there is a problem with the allocation, with finding enough one-bedroom flats for those people, because that is the bulk of the people who remain to be housed who were on the housing waiting list in 2011. Could she explain the reason why the bulk of the numbers are 1RKB numbers?

**Hon. Chief Minister:** Mr Speaker, can I just assist the House, because the hon. Gentleman has forgotten the explanations that we gave at the time.

This is not something that they are asking us about now; this is something that we volunteered at the time at the end of the last Parliament when we realised that we had been able to comply with our commitment to everyone on the housing waiting list except those on the 1RKB list, because the ones that are not on the 1RKB list, unless I am wrong, have had a proposed allocation but have refused it.

So the 1RKB list is deceptive to a very great extent, not just for the reasons that the hon. Gentleman has indicated which create difficulty, which is not just the elderly and those who might find themselves in situations of marital breakdown etc., who actually do not want a one-bedroom apartment because those who find themselves in a situation of marital breakdown are on the list for a one-bedroom but they want or need a two- or three-bedroom because many of them have children and they want to be able to have their children with them, and this creates other issues. But in particular there are a lot of people on that list who are young people who put themselves on the list in order to be eligible to purchase accommodation when it becomes available, and the first criteria for purchase of affordable housing is whether you are on the housing waiting list. Many of them hold over for legacy reasons. In other words, they have just put themselves down on the list at the age when they can but they are still studying, even now, or there are other reasons why they have not been able to take up the right to purchase and they are not so keen actually to have a one-bedroom accommodation provided to them.

I have said before and I will say again that one of the things that hon. Members did well when they were in government – except that we have had to repair one of them, Bishop Canilla House, and I think there is a question on the Order Paper later – was to start to provide housing for

945 elderly tenants who needed one-bedroom assisted housing. That is the best accommodation we  
can provide for one bedroom, to use the existing housing stock to then release to many of those  
on the one-bedroom list properties that are larger because they actually do need them because  
they have children and they are in the process of working through that their children should be  
with them, etc.

950 So we all understand what the issue is and we all understand that those people in that 111  
number have been on that list since before 2011, and resolving the problem has been harder  
than any of us expected for good social demographic reasons unrelated to making available a  
one-bedroom property. I think if we are going to have an informed debate across the floor of the  
House, that has to be factored into the equation.

955 This is not just a question of today having 111 one-bedroom properties and that would be  
fixed; it would not, it is much more complex than that. I think the hon. Gentleman knows that, or  
at least with this information will be able to factor that into his determinations of how to take this  
forward in a way that might be complementary to the way that the Government is trying to  
resolve this issue also.

960 **Hon. D A Feetham:** Can I thank the Chief Minister for that answer, which certainly I have  
understood, and indeed I would expect that in relation to these 111 there would be young people  
who, setting aside the Government's manifesto commitment in 2011, may well not be a priority.

965 If the Government cannot provide the answer to this question, which is necessary in order for  
us to assess the nature of the problem as well, then if it could be provided at a later date by way  
of exchange of correspondence, we are happy with that, but can the Government give numbers  
and drill down into the numbers? In relation to those 111, how many are we talking about who  
are just simply young people who have gone on the housing waiting list because they want to  
buy, or alternatively they cannot buy; young people who may not be a 'priority' compared with  
others?

970 But then you have the category of cases, of people who have come to me in my surgeries –  
normally it is men who are divorced – who are having to live in very difficult conditions with their  
mothers or family members, who have been waiting for a one-bedroom flat, which again is not  
adequate for those people, but the policy of the Government is exactly the same as the policy of  
the GSD and I have said in this House that in Cabinet, in discussions when I was in government, I  
975 personally did not agree with the policy, but nonetheless it was the policy of the GSD  
administration and also of the present Government to only give those people one-bedroom flats.  
So they are only waiting for one-bedroom flats, even though they may have two or three  
children, and we want to just drill down into the nature and categories into which these 111  
people fall.

980 If she does not have the information in broad figure numbers, then we are quite happy to  
write to the Hon. Minister and ask her for the information.

985 **Hon. Miss S J Sacramento:** Mr Speaker, it is not a breakdown that I have, but having said that,  
it is something that, as I said earlier, I am satisfied we will cure when we build the houses for  
rental, as I announced in my Budget speech.

**Mr Speaker:** Next question.

#### **Standing Order 7(1) suspended to proceed with a Government Bill**

990 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am afraid, as I indicated to the hon.  
Gentlemen before, we might not be able to continue for very long today and I now have to  
adjourn the House. In fact, the House is going to adjourn to a little later than I expected.

But before I do, I do need to do a reading of a long title. And so, Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Bills.

995 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.  
We now suspend Standing Order 7(1) in order to proceed with a Government Bill.

## Order of the Day

### BILL

### FIRST READING

#### **Armed Forces (Gibraltar) Bill 2018 – First Reading approved**

1000 **Clerk:** A Bill for an Act to make provision for the application in Gibraltar of certain provisions of the UK Armed Forces Act 2006, for the application of that Act to the Royal Gibraltar Regiment, for the exercise in Gibraltar of jurisdiction, powers and competences by service authorities and courts in certain circumstances, for the creation under Gibraltar law of certain offences relating to the armed forces and for matters connected therewith or incidental thereto.  
The Hon. the Chief Minister.

1005 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the application in Gibraltar of certain provisions of the UK Armed Forces Act 2006, for the application of that Act to the Royal Gibraltar Regiment, for the exercise in Gibraltar of jurisdiction, powers and competences by service authorities and courts in certain circumstances, for the creation under Gibraltar law of certain offences relating to the armed forces and for matters connected therewith or incidental thereto be read a first time.

1010 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the application in Gibraltar of certain provisions of the UK Armed Forces Act 2006, for the application of that Act to the Royal Gibraltar Regiment, for the exercise in Gibraltar of jurisdiction, powers and competences by service authorities and courts in certain circumstances,  
1015 for the creation under Gibraltar law of certain offences relating to the armed forces and for matters connected therewith or incidental thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1020 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the House should now adjourn to Friday, 18th March at three o'clock in the afternoon. (**A Member:** March?) Sorry, October. (*Laughter*) Friday, 18th March 2030, Mr Speaker! Friday, 18th October 2018.  
I told hon. Gentlemen –

1025 **Mr Speaker:** To Friday the 18th?

**Hon. Chief Minister:** Yes, October.

**Hon. L F Llamas:** Friday, 18th October?

1030 **Hon. Chief Minister:** Friday the 18th. Let me just check again. Sorry, Thursday – I will get this right, Mr Speaker, one day – Thursday 18th October at 3.30 in the afternoon.

**Mr Speaker:** Friday the 18th?

1035 **Hon. Chief Minister:** Thursday the 18th.

**Mr Speaker:** Thursday, 18th October at 3.30 in the afternoon.

**Hon. Chief Minister:** That is it.

1040 Mr Speaker, before the House rises, in the context of the statement that I made at the beginning, hon. Members will want to see also the statements that have been made by the current President of the Spanish Government this afternoon in Salzburg, which I think all hon. Members will welcome, given the confirmation of some of the things that I have been saying to the House this afternoon.

1045 **Mr Speaker:** The House will now adjourn to Thursday, 18th October at 3.30 in the afternoon.

*The House adjourned at 5.06 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.35 p.m. – 4.41 p.m.**

**Gibraltar, Thursday, 18th October 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.30 p.m.*

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

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

## **Standing Order 7(1) suspended to proceed with Government Statement**

**Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to  
5 suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

## **Brexit negotiations update – Statement by the Chief Minister**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise to provide further information to the  
House and to the public about the ongoing negotiations for the departure of Gibraltar and the  
10 United Kingdom from the European Union.

In making my address today I am conscious that the current Spanish Foreign Minister, Sr Borrell, made an address yesterday to the Spanish parliament's foreign affairs committee.

In the time since the Parliament last met and I updated the House, further rounds of negotiations have been held with the Spanish negotiating team. As hon. Members know, as a  
15 result of these ongoing negotiations I decided not to attend the meeting of the Fourth Committee of the United Nations General Assembly. Instead, the Hon. the Deputy Chief Minister attended the UN session in New York and delivered the address on behalf of Gibraltar. I think all those of us who viewed Dr Garcia's intervention will have seen that he did an excellent job in representing Gibraltar in that forum, (**Several Members:** Hear, hear.) (*Banging on desks*) and it is  
20 important that I should reflect that the Government which I lead considers that attendance at the UN is an essential part of the defence of Gibraltar. My decision not to attend this year was driven only by the exigencies of the Brexit negotiations. I was able to make that decision safe in the knowledge that Gibraltar's position would be ably and properly represented by the Deputy Chief Minister.

As a result, I travelled to London last week with the Deputy Chief Minister and the Attorney  
25 General. Dr Garcia went on to New York and I remained in London to co-ordinate and strategise with colleagues in the Foreign and Commonwealth Office. On Wednesday I travelled to Brussels. On that day, I led the Gibraltar team in the negotiations, which lasted until the early hours of the morning. The negotiations were held in the residence of the British Ambassador to the European  
30 Union, on Rue Ducale. The Deputy Chief Minister travelled from New York direct to Brussels in order to join us after his address at the UN and at Princeton University. We subsequently

returned to Gibraltar late on Friday. The Attorney General remained in Brussels to continue the work of analysing and drafting documentation over the weekend.

35 During the course of Saturday in Gibraltar I was able to brief the whole of the Cabinet on the latest progress of the talks. I was also able to brief members of the Brexit Select Committee. I want to thank all members of the Select Committee, in particular Mr Feetham and Ms Hassan Nahon, for their support to date.

40 In the early hours of Sunday morning, the Deputy Chief Minister and I returned to Brussels to conduct a further round of negotiations. That evening, the negotiating teams of Spain, the United Kingdom and Gibraltar reconvened at Rue Ducale. We finished in the early hours of Monday.

45 Hon. Members will know that at that stage it was expected that the whole Withdrawal Agreement would have been finalised by Monday. A meeting of the Sherpas of all the remaining 27 Member States was expected for 4 p.m. on the Monday, which would have confirmed agreement from the Member States to the draft agreement. In fact, as anybody keeping an even cursory eye on the news would know, the final agreement on other matters proved elusive and has not yet been finalised.

50 Mr Speaker, the shape of the application of the Withdrawal Agreement to Gibraltar is, however, clearer now as a result of these further negotiating rounds. I want, therefore, to say something about the structure of the deal that is being put in place.

55 There is now a fairly final Protocol on Gibraltar, which will be a part of the Withdrawal Agreement. I think it is important to keep in mind that the Withdrawal Agreement is between the United Kingdom and the European Union. That is to say it is not with each or any one of the Member States; it is between the UK and the EU. Additionally, the various Protocols that will be an integral part of the Withdrawal Agreement are also entered into between the European Union and the United Kingdom. The Protocol on Gibraltar is no different. It is not between the United Kingdom and any particular Member State; it is between the United Kingdom and the European Union. And this is text which is agreed, as it has to be, with Task Force 50, the group of legal experts of the European Commission that have carriage of the draft Withdrawal Agreement  
60 as a whole with the UK team at the Cabinet Office and the Department for Exiting the European Union. The Protocol follows, in great measure, the structure of the Protocol on Northern Ireland, which is already published. It also addresses aspects of the structure of the arrangements being entered into.

65 Some of my reflections today arise in the context of Sr Borrell's remarks yesterday. The Protocol on Gibraltar between the United Kingdom and the European Union is not yet finalised, but there are not many points outstanding. Sr Borrell said yesterday that it was almost closed. He said also, more categorically, that it is closed and 'in green'. Mr Speaker, I interpret that as a reference to the analysis undertaken before the summer by the European Union's Chief Negotiator, Michel Barnier, and the former Brexit Secretary, David Davis, of the text of the  
70 Withdrawal Agreement with different parts in different colours. The green parts of the text were those that were agreed.

In those circumstances, I believe that there is genuine reason for optimism that there is no longer any question mark whatsoever over the inclusion of Gibraltar in any transitional or implementation period. There is no longer talk of vetoing Gibraltar's inclusion in the transition or  
75 implementation period. In fact, Mr Speaker, I think it is clear that neither the United Kingdom nor Gibraltar has ever doubted that this would be the case.

Beyond the Protocol, there are also to be a number of sets of practical arrangements reflected in various memoranda of understanding. These will reflect the co-operation in areas where both sides have identified irritants, as I highlighted in my Ministerial Statement in March  
80 and in my last update to this House.

At this stage, we have reached a large measure of agreement on the substance of four such memoranda. The first of these sets of practical arrangements will deal with the implementation of the rights of citizens which are protected under the main Withdrawal Agreement.

85 The second will deal with matters related to the environment. As all hon. Members know, this has been an area on which Gibraltar has long wanted to co-operate with our neighbours. We have only one environment. There is no Planet B, as President Macron has rightly said. The environment knows no frontiers and we have long been keen to see co-operation in this area on a basis which is clearly without prejudice to the sovereignty, jurisdiction and control position on which we would never compromise, expressly or impliedly, in any respect, in particular in  
90 respect of Gibraltar's British Gibraltar Territorial Waters.

The third memorandum addresses matters of police and customs co-operation. In this area there has long been an excellent regional co-operation between our respective law enforcement agencies in many respects. Unfortunately, there have also been some very high-profile instances of a lack of co-operation occurring between law enforcement agencies. We sincerely hope that  
95 we can leave disagreements behind and move toward more fluid co-operation. Mr Speaker, the only ones who should tremble at the thought of this new approach to co-operation should be criminals.

The fourth memorandum will deal with matters relating to the trade in tobacco in order to progress the shared agenda of wishing to control illicit tobacco activity and to protect our  
100 respective legitimate markets. This has been a key area of concern for me since my election, as hon. Members will know. In fact, in my time in Government I have already increased the price of tobacco in Gibraltar by 148% since my election. I have said, as recently as at the last Budget, that I consider this commodity to be on a permanent price escalator and that the health consequences of tobacco consumption concern me and the Government greatly. In this  
105 particular respect, I sincerely hope we will be able to move forward in the co-operation we enjoy with relevant agencies and competent authorities across the Frontier. The work on this memorandum is not yet finalised, however, and we do want to continue discussions to seek agreement.

Finally, Mr Speaker, we are also seeking to try to agree a tax treaty to settle the perennial  
110 misunderstanding by some in Spain of our internationally accepted tax system. This memorandum is also not yet agreed. I do not know if it will be possible to reach final agreement in respect of this matter at this stage, but we continue our discussions to seek agreement. The technical work on this memorandum is being ably undertaken for Gibraltar by the Financial Secretary and the Commissioner of Income Tax and their Senior Crown Counsel.

115 On the Airport, as Sr Borrell told the Spanish Foreign Affairs Select Committee yesterday, the position to be reflected will be the position of status quo. We have not found the PSOE government of Spain prepared to move to implement the arrangements agreed in Cordoba by the former PSOE government of Spain in this respect. Hon. Members know that those of us on this side of the House had our reservations about the Cordoba Agreement. There were aspects  
120 of it that we did not like at all. Be that as it may, the Cordoba Airport Agreement was defended by them in the 2007 general election and they won that election. As a result, they went on to spend in excess of £84 million of taxpayers' money implementing the Gibraltar obligations under the Cordoba Agreement. The Government of Gibraltar takes the view that the Gibraltar side has complied with its obligations under the Cordoba Agreement and we are ready to see it come  
125 into effect. There will be no change or progress in respect of enhanced use in relation of Gibraltar Airport, however.

Finally, Mr Speaker, I should reflect both my continued optimism that we will be in any  
130 implementation period agreed, as well as the reality that the negotiations are not yet over. For that reason, it is not yet possible or prudent to share publicly our own analysis of each clause and how we have ensured that Gibraltar's interests are entirely protected.

It is important that we should keep in mind that these negotiations have reached the  
135 advanced stage at which we are under a PSOE administration. The President of the Spanish government has repeatedly been positive in the remarks he has made about Gibraltar. When he first spoke as Prime Minister in the Spanish Congress he spoke of going beyond the eternal sovereignty claim and using Brexit to create a positive dynamic with Gibraltar. In New York at

the United Nations he spoke of a new relationship creating mutual benefit for Gibraltar and the Campo de Gibraltar. And in the informal summit in Salzburg he was clear about the fact that there are two different levels to the withdrawal aspects of the agreements: the UK-EU level and the practical level involving arrangements between Spain and Gibraltar. Today, in Brussels, President Sanchez met with Prime Minister Theresa May and tweeted his view that he was confident that it was possible to reach a common agreement to finalise the Brexit negotiation and in respect of Gibraltar in a constructive spirit. We have welcomed that positive approach that leaves to one side the stale Spanish position on sovereignty, as was specifically agreed by Sr Dastis and confirmed by Sr Borrell and his President, Sr Sanchez.

Mr Speaker, I will not say more as the negotiation is not yet over. It is therefore not yet possible to publish the text. That moment will come as soon as final agreement is reached and the whole and final Withdrawal Agreement is published. But I am sure that I speak for every Gibraltarian when I say that we would never agree to anything which would in any way compromise, de facto or de jure, the sovereignty, jurisdiction or control of any part of the territory of Gibraltar or of British Gibraltar Territorial Waters.

I want to end by thanking all those who have supported me in this negotiation. The Deputy Chief Minister, the Attorney General and the Financial Secretary have been the core team. The Cabinet have been fully involved. The UK teams from the Foreign Office, HM Treasury, the Department for Exiting the European Union and the Cabinet Office have been enormously supportive and helpful.

Mr Speaker, I think for now that is as much as I should say. *(Banging on desks)*

**Mr Speaker:** Before I call the Leader of the Opposition, I trust that I do not have to remind Members of the Opposition that established practice over the years has imposed limitations on the extent to which Members of the Opposition can intervene in response to a Ministerial Statement.

The Hon. the Leader of the Opposition.

**Hon. E J Phillips:** Mr Speaker, cognisant of your warning to hon. Members regarding long contributions and statements, I will be short and brief and I will conclude with asking two questions for further clarification.

In general terms, Mr Speaker, we welcome the Chief Minister's statement in which he updates this House as to the progress of the ongoing Brexit negotiations as we, along with the United Kingdom, prepare to leave the European Union. It is right that we record that the Chief Minister has sought to provide a fuller and more lengthy briefing to my hon. and learned Friend Mr Feetham and my hon. Friend Mr Hammond at a meeting of the Brexit Select Committee last Saturday.

The Prime Minister told the British Parliament on Monday that insofar as Gibraltar is concerned there have been positive and constructive negotiations taking place but that they are still in progress. This was also repeated by the outgoing British Ambassador to Spain, Simon Manley, yesterday alongside an upbeat assessment of the potential outcomes for Gibraltar's future prosperity and that of our neighbour. We have been told by the Chief Minister that we are moments away from agreeing the terms of a Protocol to include Gibraltar in any Withdrawal Agreement and transitional arrangements reached between the UK and EU, and we are again told of his continuing optimism in relation to that. We understand from the Spanish Foreign Minister, Mr Borrell, that the Protocol for Gibraltar's inclusion in the UK and EU Withdrawal Agreement is practically sealed.

Whilst it is the Government's choice not to seek our full participation at any stage in the process over the last two years, and whilst we reserve our judgement on the handling and outcome of those discussions, we wish the Government all the very best in the delicate and technical work that remains in securing and protecting the best interests of the people of Gibraltar.

190 In relation to the Protocol and the five underlying memorandums so as to achieve the so-called 'soft landing' for Gibraltar in the wider context of our departure from the EU, we appreciate that the Chief Minister and his team bear a very heavy burden of securing the best outcome for our community, and that is why we continue to offer our assistance by way of full participation – and we again repeat that offer today.

195 To my questions, Mr Speaker. The first is: can the Government confirm that once the memorandums are agreed in principle, that the Chief Minister will make a detailed statement to this House as to their terms and his assessment of the actual and potential implications of the five memoranda?

Insofar as our second question is concerned –

200 **Mr Speaker:** We can take one at a time. I think it is preferable to give the Chief Minister –

**Hon. Chief Minister:** No, I would rather –

**Mr Speaker:** Do you want to take them all?

205 **Hon. Chief Minister:** I am grateful.

**Mr Speaker:** What about from other Members, if they so wish?

210 **Hon. Chief Minister:** I will take one at a time.

**Mr Speaker:** One Member at a time, very well. Carry on.

215 **Hon. E J Phillips:** Mr Speaker, in relation to the second question, a number of people in our community continually come up to Members opposite and ask the question, 'What is the contingency?' or 'How far are you involved in the process?' Of course, our answer to that is that of course we receive full briefings from the Chief Minister and his team. But one question I have is in relation to the contingency planning for a no deal and whether the Chief Minister could explain in more detail as to what steps have been taken by the Government to plan ahead, insofar as a no deal. I am grateful.

220 **Hon. Chief Minister:** Mr Speaker, I thank the hon. Gentleman for those questions. I do think he has got up to deliver a speech and then asked two questions. I do not think that is in keeping with the Rules of the House and I want to record that.

225 The hon. Gentleman in giving his address has said that he was grateful for the fuller briefing that we were able to give in private. We have given very full briefings in private. Hon. Gentlemen do not know anything that we do not know about these negotiations. But I do say to them, because in the context of those discussions they have made suggestions which we have taken on board: what else does 'full participation' mean? Is it that the hon. Gentleman is saying that I should be taking Members of the Opposition to the discussions and to the negotiations? That has not been the case in the context of the way that they conducted the affairs of this nation at  
230 the time when we were facing the joint sovereignty negotiations between the UK and Spain etc. We have chosen to go out of our way to ensure that we brief hon. Members in great detail about everything that is happening in the negotiation. Indeed, Mr Speaker, one of the reasons I came back at the weekend was in order to be able to very fully brief the Cabinet and very fully  
235 brief them in exactly the same terms so that they were aware of everything that was happening. We were able to look at the texts as they were on Saturday morning. If full participation means that the hon. Member thinks that he is going to become a part of the core team in the negotiations or that that is prudent or wise, or indeed that a person who is not even a Member

of this House might be included in that negotiating team, I have to tell him I do not think that that is in any way sensible or reflective of the way that things are done.

240 Finally, Mr Speaker, in respect of the two particular questions that he asked: would I publish the memoranda once they are agreed in principle? I will publish the memoranda once they are agreed and it is agreed between all of the relevant actors involved in respect of the memoranda that they will be published, not just when they are agreed in principle, as soon as we are able to.

245 Believe me, Mr Speaker, I want to publish them as soon as I can so that people can understand what the issues in those memoranda are and can see our analysis of every single word that has gone into them and the interplay between each word in each memorandum and the Protocol and other memoranda.

Finally, on the issue of contingency, the work of the Government is very, very, very advanced. This community is probably one of the few in Europe that understands what a contingency in respect of the non-movement of persons and the non-movement of goods might actually entail. We have lived through it; and in fact, indeed probably apart from the people of Berlin, the people of Gibraltar are among the few in Europe who in living memory will know what the contingencies entail. Just this morning I have seen an updated set of memoranda – internal

250 memoranda, not with anybody else – and spreadsheets setting out exactly the details of how things would happen and when work would start. But I would say this: it is important that we all keep in mind in Gibraltar that we have not benefited from membership of the Common Customs Union to date and the biggest contingencies arise – although they also arise in respect of freedom of movement of capital, potentially, and services – but the biggest contingencies arise

260 in respect of the freedom of movement of goods, and in particular the common customs rules, which would disappear for the United Kingdom overnight and for the European Union with the United Kingdom overnight in the event that there were a no-deal Brexit. Those issues will not apply to Gibraltar. It is common ground between Gibraltar and Spain, not just in the negotiating room but across the headlines that can be read around the world, that there will be no

265 interference with the ability of people to move freely, even if there is a no-deal Brexit.

And so, Mr Speaker, in those circumstances hon. Members should rest assured that plans are very advanced, in the event that there were no deal, to ensure, as I have said repeatedly, that on the morning of 30th March, even if there were a no-deal Brexit, there should be no materially adverse change to the life of any person who needs to cross that Frontier or who relies, on either side of the Frontier, on a service or goods moving to them or towards them in order to be able to continue to run their businesses or to live their lives as they have before then.

Mr Speaker, I should add, of course, however, that this is a situation which is not of our choosing. We have not chosen to enter this negotiation, we have not chosen to leave the European Union. The people of Gibraltar chose to remain in the European Union, but the sum

275 total of the choice of the British people was that we should leave and we prepare for that eventuality, although we did not choose it, and we negotiate our inclusion of the Withdrawal Agreement, even though we did not choose that there should be such an agreement.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

280 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I wish to thank the Chief Minister and the Government for the briefings that they have provided to the Opposition and I am very happy, not only as a Member of Parliament but as an ordinary citizen, to hear of the optimistic prognosis for the deal or the negotiations that are being had.

285 I want to remind the Government that I stand available for any help that I can give or any value that I can add at this crucial time for us all.

I feel, Mr Speaker, that I have to say, in terms of contingency planning, I want to confirm that I have been briefed by the Deputy Chief Minister on contingency planning at various times already as part of the Brexit briefings, on matters of transport fluidity, environment, law

290 enforcement and beyond, and I feel it is my place to let Gibraltar know that these matters are being looked at and have been discussed during the briefings that I have attended.

I take this opportunity to wish the Government well in finalising the negotiations. Thank you, Mr Speaker. *(Banging on desks)*

295 **Mr Speaker:** Yes. Questions.

**Hon. D A Feetham:** Questions, yes, absolutely. I am not going to plough into another speech, don't worry, Mr Speaker.

I know what the answer to this question is, but it is a question that is posed to me and I think that perhaps I would like to give the Government the opportunity to deal with, so that perhaps  
300 some people who have asked me the question understand it better.

What we are talking about in relation to this is essentially what the Government is trying to do – and I am asking the question – which is to preserve as far as possible the status quo, what we have now, for the next two years until the UK exits the European Union. But the Government  
305 is also, in parallel, working towards a potential situation where Gibraltar has a permanent deal that may provide Gibraltar with more European Union than the UK desires for itself. Can I ask if the Government will not leave any stone unturned in order to protect Gibraltar's position in that regard and ensure that, in as far as is possible – and I certainly am optimistic that it is possible, and I recognise there are all sort of difficulties but I believe that it is possible – that the  
310 Government will work towards that permanent deal that secures Gibraltar's position, I believe, within critical areas of the EU, if I can put it that way, for an indefinite period of time after the UK withdraws?

**Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for the opportunity to  
315 address this subject in this way. I think it is not disclosing any confidence that in the course of the discussions we have had there has been a confluence of opinion between us that this is in fact the right course, and I value the opportunity to be able to say that in fact in terms of the wider structure of this process – a process on which we did not wish to embark – there may be the opportunity, which we have sought from the beginning, to have what I have termed a  
320 'differentiated solution' for Gibraltar.

That differentiated solution is not so much a part of the process of withdrawal. The process of withdrawal extricates Gibraltar from the European Union in its different sort of membership to that which the UK already had. So we have a differentiated membership of the European Union to the UK and therefore we must leave in a differentiated sort of way.

325 As we look to the future, I think it is clear that although there will be a political statement on what the future framework is likely to be, there will not be a legal basis for that agreement, and indeed hon. Members will have been seeing on the news the discussion on whether the implementation period should be extended etc. All of that relates to how long it will take to conclude what in effect will be a new treaty between the United Kingdom and the European  
330 Union as to their trading relationship in the future.

Some of the things that hon. Members will have heard repeatedly relate to how the United Kingdom will approach the free movement aspects of that and some of the trading aspects, and one of the key issues that we talk about in the context of this discussion is something called 'static alignment' and something called 'dynamic alignment'.

335 Static alignment means that you agree to comply with the rules of the European Union as at the end of the implementation period, so you are bound by them until the end and then the question is are you then entirely released from those rules and do you fall back on what is morally acceptable in the world; or do you bind yourself into static alignment going forward in respect of the rules on labour, on the environment, on financial services etc.

340 Or do you go into dynamic alignment, which means that although you are not a member of the European Union you are in dynamic alignment with their rules as they change. The other



side of understanding dynamic alignment is the way that the Rt. Hon. Mr Rees-Mogg might express it in the United Kingdom, or the former Foreign Secretary would say you become a vassal state because you are then implementing rules you have no ability to influence. So  
345 dynamic alignment means you have access to the market in the future because you accept the rules which you cannot influence, or it means that you are a vassal state but you have access to the market in exchange for being a vassal state. So there are many points of view in that respect.

The question for Gibraltar is how do we calibrate our future relationship with the European Union, and as I sometimes might say in the course of discussions informally with British  
350 colleagues, 'We might want more EU than you,' is the way that you might express it in shorthand because there might be aspects of free movement that are of great interest to Gibraltar, where we do not have an issue with immigration, where we have 14,000 people – and it is quite remarkable, Mr Speaker, when I became Chief Minister it was 6,000 people or 7,000 people –  
355 14,000 people now cross the Frontier every day. And so I think it is hugely important to keep in mind that our attitude to free movement may be the complete opposite of the attitude to free movement that the United Kingdom may bring to the negotiating table when it comes to legally negotiating the future framework into a new international treaty between the United Kingdom and the European Union, and so we will need to be differentiating in that respect.

I think the choice to stay out of the Customs Union was absolutely the right one in 1972. I  
360 have said on a number of occasions already that I do not know whether it is the right conclusion in 2020 or 2021 when we leave the European Union at the end of an implementation period. At that time the view might be – and I think it is a view that I hope we will take together in this House, Mr Speaker, or indeed in a future iteration of this House after the next General Election – that the right conclusion might be that we have membership in some way, shape or form, of the  
365 Common Customs Union and have access to it; or it may not be, because there will be two sides to the coin.

Some will think that they can set a price for that, and if it is a commercial price, well, that is what nations negotiate about and that is how you adjust your markets, and you do so in the way that is most sensible for your people. If it is not a commercial price, and if anybody labours  
370 under any misapprehension that anybody in this House or out of this House will be prepared to pay a price which is non-commercial, which crosses a line, or which, even if it is not ostensibly a red flag on sovereignty, we all understand – and I think people in Gibraltar understand this better than most anywhere else in the world – that it does go to the ingredients of sovereignty, jurisdiction or control, nobody is going to be prepared to pay the price here.

The same is true of access to the market in services, where the issue of dynamic alignment is not so obvious. In other words, with goods, dynamic alignment means your goods are homologated for access to the market in a particular way. With services the homologation happens in a metaphysical way, but you have to accept the rules to regulate your market in that way in order to have access to the market if the price is acceptance of the rules. Well,  
380 Mr Speaker, as long as that is commercial acceptance of the rules and not, as I have said, anything else, then that is something that I think we have an obligation to consider. We would not be serving future generations of this community as well as Mr Speaker, the Father of the House and the hon. Lady's father did in 1972 – when they made the decisions that they made which created the prosperity that we have had for the past 46 years – if we do not make a  
385 determination of what our final decisions are in respect of access to the single market in services and the single market in goods, what our decisions are in respect of the freedom of movement of persons and the fluidity that might come with that, and whether there are, or not, other potential Common Travel Area-like solutions that we might seek to mirror with the Schengen Area.

Those are the decisions we have to make. Those are the decisions that we have to bring to the negotiating table. I know that it has never been controversial in Gibraltar that there should be determination of disputes arising from the European treaties by the European Court of Justice. It is very controversial in the United Kingdom. So those issues which are the things I have

395 said before about our differentiated understanding of the European Union, our differentiated  
value to those things, the differentiated reality of our geography, all of those things together  
lead me to the same conclusion as the hon. Gentleman I think hinted at in the context of the  
question that he has put: that as we look to the future, all of these things are the things that we  
need to consider together and determine together, that the solution therefore that we end up  
400 with, our future relationship with the European Union – and, Mr Speaker, let's be very clear, the  
European Union for us will start in La Línea – those decisions are the decisions that we now have  
to make.

I remember that in the old days we used to say 'the European Economic Community starts at  
Europa Point, ends at Four Corners and doesn't start again until the Pyrenees'. We have left that  
club. We are going to be talking to that club about how we can have a relationship with them in  
405 the future, and that is going to be, for us, as important commercially as it is at a human level.  
One of the things that I have been at pains to make sure is understood is that some workers  
may, yes, be Spanish, and they may, yes, live in Spain, and they may come to Gibraltar every day  
they work in our economy, but frontier fluidity is not just about that and it is not just about  
popping up to Marbella to do a bit of shopping or crossing over to eat some fried fish, or indeed  
410 for some to come over here to purchase perfumery or any other commodity. That Frontier cuts  
across the heart and soul of many families and of many friendships, and seeing any barriers put  
up, in particular that those barriers should be born from something that happens on the 50th  
anniversary of its closure, would be a tragedy that certainly this Government, and I am sure all  
Members of this House, would not want to see, that would leave any stone unturned to ensure  
415 never happens again.

Thank you very much. (**Hon N F Costa:** Hear, hear.) (*Banging on desks*)

**Mr Speaker:** The Hon. Roy Clinton –

If you are going to ask arising from the last intervention of the Chief Minister, I think we are  
420 going a little bit beyond what the most generous and liberal application of the Rules would  
allow. Is it a question on the original Ministerial Statement, or what the Chief Minister has now  
said in response to your questions? Otherwise, it is a never-ending process.

**Hon. D A Feetham:** Mr Speaker, I am going to sit down and I will not ask the question, but we  
425 are facing the most important decision that Gibraltar has faced –

**Mr Speaker:** That is why I am being liberal with the rules.

**Hon. D A Feetham:** – in generations. The hon. Member has said something, and I think it is  
430 important to emphasise an aspect of that because it is important for this community. I would ask  
the Speaker to give me the leeway to ask this question and not to be over-technical at this  
moment in time, because I do think it is in the interests of everybody.

**Mr Speaker:** Alright. Go ahead.

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

I think that the Hon. the Chief Minister, if I may say so, is absolutely right: the Government  
has an obligation to future generations of Gibraltarians to leave no stone unturned in the  
manner that he has said that he will not. Indeed, he has a duty and an obligation to be, in my  
440 respectful view, bold and ambitious in relation to this.

The question is this: does he not agree with me and does he not think that it is important that  
a message comes out from this House – certainly from the Chief Minister of Gibraltar – that this  
is a tremendous opportunity for Gibraltar and for Spain, and in particular for the neighbouring  
region of Spain, because if Gibraltar were able to reach a permanent differentiated deal that  
445 gives us more Europe than the United Kingdom, the attraction of establishing in Gibraltar and

the consequent economic benefits for the neighbouring region in terms of employment and economic activity would be absolutely tremendous, and that really we all have to work towards that goal with no sovereignty price attached, because if there is going to be a sovereignty, jurisdiction or control price attached, then it ain't going to happen and it will not happen with the support of this side of the House.

**Hon. Chief Minister:** Thank you, Mr Speaker.

I do think this is important and I am grateful that you have allowed the hon. Gentleman to follow through on his questioning on this.

455 He knows me. He knows I am bold and ambitious and that fortune favours the bold. That is why 27 months ago the Deputy Chief Minister and I said we need a differentiated solution in respect of what the future represents for Gibraltar. It is also true, Mr Speaker, that we said that as people who believed in the European project. We continue to believe in the European project, but we are first and foremost British, and the United Kingdom is leaving the European  
460 Union and we are leaving with the United Kingdom.

The European Union has not covered itself in glory in the way that it has dealt with Gibraltar in the past 24 months – probably the most apposite use of a number. **(Mr Speaker: Or before.)** Or, indeed, before, Mr Speaker. It is true that sometimes when things are going well we do not realise the value of things, but there have been a couple of real troughs for the European Union,  
465 in my view, in the way that they have dealt with Gibraltar in the past 24 months, and I am sure that this is something that he and I can agree on and every Member of this House too.

But it is also true that we have said on a number of occasions – and I know he is echoing this in the way that he has presented his question – that Brexit can present an opportunity, and I have said on a number of occasions that I believe that opportunity can actually favour the whole  
470 of the region. He may recall that I tried to express that earlier this year by saying that it was possible, if we worked in a way that was designed to be positive and constructive rather than negative and destructive, to create a rainbow of opportunities that would touch every part of the Bay of Gibraltar. I believe that is the case.

I believe that the future framework can allow us, in its detail, if we negotiate the right deal for Gibraltar ... that that right deal for Gibraltar is also the right deal for the area around Gibraltar and that it can bring that shared prosperity that others suggest that they want to see in this area, which is not in any way being denied to the area by Gibraltar. In other words, it is not as if we have got a big cake that we are refusing to give half of to the people who live around us. It is that we believe that if the people around us are allowed – because I am sure that they are  
480 able – if they are allowed, to do the things that we do in the way that we do them, in the proper way that we do them, then they too can grow a cake like this. The mutuality of benefit is obvious, because we would want to be a territory that is prosperous, as we are, next to a territory as prosperous as we are.

I think, Mr Speaker, that as the hon. Gentleman has indicated, there are opportunities to do that in the future if those with whom we have to negotiate are not for one moment thinking of sovereignty, jurisdiction or control, because I think it is absolutely clear that they would get no truck with anybody in this House, or indeed outside it, and if they do think about how to design a good commercial arrangement that looks at the benefits that Gibraltar brings to the equation – the many geostrategic benefits that Gibraltar brings to the equation as well as the professional  
490 benefits that Gibraltar brings to the equation – in that way I think we can create a real mutuality of interest and mutuality of benefit.

The first step, however, is an orderly withdrawal. Just to put that in context, we would be very unlikely to get to a positive differentiated solution going forward on the basis of us being in dynamic alignment with the European Union at the end of the implementation period, which is  
495 where we are talking about being – the UK will continue to follow the rules, and so will Gibraltar, until the end of the implementation period – if we did not have the implementation period. So, if we were out on 29th March and the United Kingdom continued to have an implementation

500 period, then at the end of the UK's implementation period either we would have had to put ourselves into dynamic alignment without any of the benefits of the implementation period, or we would have to catch up if we were still talking about that. I think leaving us out of the implementation period would have been such a mark of utter bad faith that it might even have been possible to persuade all of us in Gibraltar who voted Remain, who have believed in the European project, who believe in this potential mutuality of benefit going forward ... they might have been able to persuade us that we were wrong about them all the time.

505 But look, those threats seem to have receded, common sense seems to have prevailed, and what the hon. Gentleman has suggested in the context of his question, which I have confirmed in the context of my reply, I hope, seems to be what we will see happening, which is that there will be an implementation period, that we will be able to have the benefit of that period to negotiate about the future and that we will look to that future in a way that seeks to create  
510 mutuality of benefit and prosperity, not just here but elsewhere, because that is indeed in our mutual interest also.

**Mr Speaker:** The Hon. Roy Clinton.

515 **Hon. R M Clinton:** Thank you, Mr Speaker.

I have three questions, so it is really quite simple and to the point. I heard with interest the Chief Minister mention that one of the protocols that is being discussed is in respect of a double tax treaty with the Kingdom of Spain, which I must say, to be fair, would be seminal if it is achieved for Gibraltar and would certainly set a precedent to any future double tax treaties. I would ask the Chief Minister: is he, in parallel, discussing a double tax treaty with the United  
520 Kingdom? That would truly be a worthwhile exercise to conduct in parallel, so that in settling a treaty with Spain we also have a treaty with the United Kingdom. The treaty with Spain I understand will be more relevant to cross-Frontier workers who may suffer unjust double taxation in the interim, but I think it would be worthwhile to hear if there is also a double tax treaty envisaged with the United Kingdom in the same timeframe.

525 My second question relates to telecommunications. I have not heard anything so far about telecommunications. I wonder if that is also included within one of the protocols, or it may be that it does not arise from the discussions and it may be covered by some other international treaty that is not affected by our withdrawal from the European Community.

530 Finally, Mr Speaker, in respect of the control of the illicit tobacco trade, obviously we welcome measures in that respect but I would like to hear confirmation from the Chief Minister that, in respect of any fixed price differential being discussed with the Kingdom of Spain, that local industry is also being consulted on that.

Thank you, Mr Speaker.

535

**Mr Speaker:** Mr Speaker, I did not say anything about double taxation. I will read the hon. Gentleman the bit that I read:

Finally, Mr Speaker, we are also seeking to try to agree a tax treaty to settle the perennial misunderstanding by some in Spain of our internationally accepted tax system. This memorandum is also not yet agreed. I do not know if it will be possible to reach final agreement in respect of this matter at this stage, but we continue our discussions to seek agreement. The technical work on this memorandum is being ably undertaken for Gibraltar by the Financial Secretary and the Commissioner of Income Tax and their Senior Crown Counsel.

540 So I did not say anything about double taxation, but I have said – the hon. Gentleman has asked me whether we are pursuing a double taxation agreement with the United Kingdom – I have said as much in the context of the announcements that had been made after the joint ministerial council for Gibraltar's exit from the European Union. There have been a number of statements in respect of that already.

Mr Speaker, all of the memoranda and the Protocol are all about the implementation period. The only bit that survives thereafter, unless we decide to continue those arrangements, would be the arrangements in respect of citizens who are exercising EU rights. That is what the Withdrawal Agreement provides for. If the hon. Members are familiar with the Withdrawal Agreement, they will know that that is it. Anything which relates to the future is not being discussed now. This is what David Davis said would be the row of the summer in 2016, if necessary, but it was resolved by the European Commission on the first day of the first meeting in the first hour at the beginning of the summer, when he was told that the European Union would not discuss the future arrangements, just a political statement.

So, in that context, the issue of telecommunications will stay as it is until the end of the implementation period. Any future arrangements in respect of telecoms are not things that have been discussed yet. The discussion has not yet opened. That discussion does not open, other than potentially in respect of a political statement but no negotiations, until after the United Kingdom has left the European Union.

In relation to tobacco, Mr Speaker, we are confident that any differentials that may be agreed will not affect players in the market. We have talked to all those we talk to in the context of making determinations in respect of this commodity in the Budget.

560

**Mr Speaker:** The Hon. Trevor Hammond.

**Hon. T N Hammond:** Just one point of perhaps expansion rather than clarification. The Chief Minister has very well described the situation as it exists at present – the protocols, the memoranda and how they will work, and the fact that obviously the key players here are the United Kingdom, Gibraltar and the Kingdom of Spain. Could the Chief Minister perhaps give us an appreciation of – beyond the EU itself, breaking the EU down a little into its Member States – whether there has been contact with other Member States, whether there have been sympathies towards Gibraltar’s position shown, whether some have been hostile? Just a general flavour of where we stand perhaps with some of the other individual states who may be also key players in the overall process?

570

**Hon. Chief Minister:** Mr Speaker, I do not think that arises from my Statement, but I am happy to provide the answer.

The fact is that the Deputy Chief Minister and, to an extent, me too, but I think the bulk of this work was done by the Deputy Chief Minister and is done by the Deputy Chief Minister in his capacity both as Minister for Europe and Minister for Leaving the European Union – contradictory titles before the Crown if ever there might have been for this period in our history – we have been in contact with all the permanent representatives. That means all the ambassadors that the Member States have in the European Union, in Brussels. Remember, Brussels is a capital where most nations have three ambassadors – the ambassador to NATO, the ambassador to the European Union and the ambassador to Belgium. So we have been in contact with all the permanent representatives of the other Member States of the European Union. We have been in touch with a number of those in greater detail because there has been a community of interest in respect of Gibraltar and their interests also, and there is of course also the view – which I do not mind sharing with the hon. Gentleman – quite extensively throughout the European Union that the EU and this particularly seminal moment in its history should not be used by any one party to advance any claims it might have in respect of another party or a part of another party when it comes to sovereignty etc. There would be little patience for any attitude other than the attitude rightly taken by Spain under Sr Dastis and Sr Borrell if they thought that they were going to bring sovereignty to the table in any way – and not just in any material respect but in *any* way. In that respect, the position of Sr Margallo I think was very clear, very well understood and very much not shared by any one of the other 26 remaining Member States, or indeed any one of the institutions.

585

590

**Congratulations to Gibraltar Football Association  
on success in UEFA Cup of Nations**

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before I read the suspension of Standing Orders – and I ran straight into the suspension before because it was the nature of the Statement – I think the whole House will want to join me in congratulating the Gibraltar Football Association for their magnificent home win on Tuesday evening against Liechtenstein, their second successive win in the UEFA Cup of Nations. I have seen so many comparisons to a London bus: you wait for ages – this is no comment on ours – and then two come along!

600  
605 The fantastic work of ‘Chino’ in goal, both in Armenia and in Gibraltar, and a moment of utter joy that propelled me to hug the person next to me when the whistle was blown – and it happened to be my predecessor as Chief Minister. So the magic of football, Mr Speaker, knows absolutely no bounds and I am sure the whole House wants to congratulate the boys of the GFA for their magnificent performance. (**Hon. N F Costa:** Hear, hear.) (*Banging on desks*)

**Standing Order 7(1) suspended  
to proceed with Government motion**

**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 a Government motion.

610

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

**GOVERNMENT MOTION**

**Social Security (Open Long-term Benefits Scheme) (Amendment of Benefits) Order 2018 –  
Motion carried**

**Clerk:** The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2018.*

615 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. I am proposing, not putting, the question. I am proposing it, and therefore I then call on him to speak.

The Hon. Mr Licudi.

620 **Hon. G H Licudi:** Mr Speaker, following the Chief Minister’s Budget address of this year, which announced that the ‘old age pension will also increase in line with inflation’, the Order which is in draft before this House and which this motion is about seeks to give effect to that measure.

It is made, as set out in the motion, pursuant to section 46 of the 1997 Act. Section 46 says as follows and is headed 'Amendment of rates of benefit':

46. (1) The Minister may by order amend the sum in section 22 above and the sums specified in Schedules 1 and 2 below.

625 Section 22 refers to old age pension. Schedule 1 deals with sums of contribution, which we have dealt with separately, and Schedule 2 refers to the rates which are being amended by the Order attached to this motion.

Subsection (2) of section 46 says:

No order shall be made under this section unless it has been approved by resolution of the Parliament.

630 That is precisely what we are doing with this motion, seeking a resolution of this Parliament so that we can amend the rates of benefit so as to increase them in line with inflation, as set out by the Chief Minister in his speech during the Budget.

The rate at which it is to be increased is 2.5% with effect from 1st August 2018, which represents the rate which was also mentioned by the Chief Minister during his speech when he referred to inflation.

635 I beg to move the motion which stands in my name and I put the motion to the House.

**Mr Speaker:** If no other hon. Member wishes to speak, I will put the question.

640 I now put the question in terms of the motion proposed by the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. Those in favour? (**Members:** Aye.) Those against? Carried.

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### Financial Services (Insurance Companies) (Amendment) Bill 2018 – First Reading approved

**Clerk:** Bills – First and Second Reading.

A Bill for an Act to amend the Financial Services (Insurance Companies) Act.

The Hon. the Minister for Commerce.

645 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Financial Services (Insurance Companies) Act be read a first time.

650 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Financial Services (Insurance Companies) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Financial Services (Insurance Companies) (Amendment) Act 2018.

**Financial Services (Insurance Companies) (Amendment) Bill 2018 –  
Second Reading approved**

655 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill  
now be read a second time.

Section 8(1) of Schedule 10 of the Financial Services (Insurance Companies) Act states:

Where the transferor is a Gibraltar or non-EEA insurer and any policy included in the proposed transfer evidences a contract of direct insurance or reinsurance, the Commission shall not approve the transfer unless—  
... (b) it is also satisfied that every policy included in the transfer evidences a contract which was entered into before the date of the application;

660 The section envisages an insurance company seeking to transfer a portfolio after taking the  
decision to either cease operating from Gibraltar or cease operating in its entirety. The Act does  
not envisage the scenario where an insurance company would seek to continue writing  
insurance contracts despite wishing to transfer its entire, or part, as in this case, of its portfolio  
to another entity. An insurance company wishing to keep operating following a transfer to  
ensure that its market share and presence are maintained is precluded from doing so by the  
wording of section 8(1)(b) of the Financial Services (Insurance Companies) Act.

665 Mr Speaker, this amendment comes as a result of representations from a large Gibraltar  
insurance firm seeking to transfer out of its existing entity a part of its portfolio business, namely  
EU business, to a different vehicle. The group's restructure is being designed to circumvent the  
issues if Brexit is created and the sole and primary objective is that of protecting policyholders.  
This restructure has resulted in significant cost to the firm itself, but to maintain its Brexit-proof,  
basically, UK business from within Gibraltar.

670 Mr Speaker, we have reviewed the EU Directives that have been transposed into the  
Financial Services (Insurance Companies) Act and the Financial Services (Insurance Companies)  
(Solvency II Directive) Act. The aforementioned Directives do not include any provision to limit  
the transferable folio to the date of the application as it does in the Financial Services (Insurance  
Companies) Act.

675 We would propose that section 8(1) of Schedule 10 be amended as follows:

Where the transferor is a Gibraltar or non-EEA insurer and any policy included in the proposed transfer evidences a contract of direct insurance or reinsurance, the Commission shall not approve the transfer unless—  
... (b) it is also satisfied that every policy included in the transfer evidences a contract which was entered into before the effective date of the transfer;

which are the words which deal with the amendment that I am proposing.

In the circumstances, Mr Speaker, I commend the Bill to the House. *(Banging on desks)*

680 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general  
principles and merits of this Bill?

I now put the question, which is that a Bill for an Act to amend the Financial Services  
(Insurance Companies) Act be read a second time. Those in favour? (**Members:** Aye.) Those  
against? Carried.

685 **Clerk:** The Financial Services (Insurance Companies) (Amendment) Act 2018.



**Financial Services (Insurance Companies) (Amendment) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Motor Vehicles (Miscellaneous Amendments) Act 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Traffic Act 2005 and the Insurance (Motor Vehicles) (Third Party Risk) Act 1986.

The Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 and the Insurance (Motor Vehicles) (Third Party Risk) Act 1986 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 and the Insurance (Motor Vehicles) (Third Party Risk) Act 1986 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Motor Vehicles (Miscellaneous Amendments) Act 2018.

**COMMITTEE STAGE AND THIRD READING**

695 **Mr Speaker:** Chief Minister.

**Chief Minister (Hon. F R Picardo):** I have the honour to move that the House should resolve itself into Committee to consider the Financial Services (Insurance Companies) Act clause by clause.

*In Committee of the whole House*

700

**Financial Services (Insurance Companies) (Amendment) Bill 2018 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to amend the Financial Services (Insurance Companies) Act. Clauses 1 to 3.

705 **Mr Speaker:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Speaker:** Stands part of the Bill.

**Financial Services (Insurance Companies) (Amendment) Bill 2018 –  
Third Reading approved: Bill passed**

710

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Financial Services (Insurance Companies) (Amendment) Bill 2018 has been considered in Committee and agreed to, and I now move that it be read a third time and passed.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Financial Services (Insurance Companies) Act be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

**Update re Protocol on Gibraltar**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move now to adjourn the House.

Hon. Members will want to know that whilst we were considering the Statement that I made, President Sanchez of Spain has made a statement in Brussels in which he has told the assembled press corps that the Protocol on Gibraltar is agreed from the point of view of Spain. I thought I should just update hon. Members with that, given that we were discussing exactly that point.

I now move, Mr Speaker, that the House should adjourn to 8th November at 3 p.m.

**Mr Speaker:** I now propose that the House do adjourn to Thursday, 8th November at three in the afternoon. Those in favour? (**Members:** Aye.) Those against? Agreed.

The House will now adjourn to Thursday, 8th November at three in the afternoon.

*The House adjourned at 4.41 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3:12 p.m. – 4.19 p.m.**

**Gibraltar, Thursday, 8th November 2018**

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*The House adjourned at 4.19 p.m.* ..... 20

# The Gibraltar Parliament

*The Parliament met at 3.12 p.m.*

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

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

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### **Motor Vehicles (Miscellaneous Amendments) Bill 2018 – Second Reading approved**

**Clerk:** Meeting of Parliament, Thursday, 8th November 2018.

Bills – First and Second Reading.

We now proceed with the Second Reading of a Bill for an Act to amend the Traffic Act 2005 and the Insurance (Motor Vehicles) (Third Party Risk) Act 1986.

The Hon. the Minister for Infrastructure.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I beg to move that the Bill for the Motor Vehicles (Miscellaneous Amendments) Act 2018 be read a second time.

The Bill has been pursued in order to allow for the exclusion of certain types of vehicles from falling under the definition of a motor vehicle within the context of the Traffic Act 2005 and subsequently the Insurance Motor Vehicles (Third Party Risk) Act 1986. The intention is to allow the use of certain types of electric bicycles in Gibraltar. As things currently stand, without these changes electrical bicycles will be subject to the same safety requirements and road-worthiness criteria as motor vehicles.

Mr Speaker, I propose to explain the following changes. Clause 2(1) amends the definition of 'motor vehicle' in section 2 of the Traffic Act 2005 by stating that a vehicle excluded under the newly introduced section 2A would not fall under this definition.

Clause 2(2) introduces a new section 2A in the Traffic Act 2005 giving the Minister the power to exclude vehicles from the definition of 'motor vehicle' by way of regulations.

Clause 3 amends the definition of 'motor vehicle' in the Insurance (Motor Vehicles) (Third Party Risk) Act 1986 to cater for any exclusions that are made under the newly introduced section 2A of the Traffic Act 2005.

In addition to these changes subsidiary legislation will shortly follow providing for the exemption of electrically assisted pedal cycles. The maximum continuous rate of power of the electric motor on these bicycles may go up to 250 watts with the pedalling assistance cutting off when a speed of 25 kilometres per hour is reached. This exemption will not apply to any electrical bicycles that are capable of being propelled by any other means of mechanical or electric device, more specifically buttons, cables or throttles.

Mr Speaker, I will also be moving an amendment to the Bill during Committee Stage. An amendment is required to correct a numbering typo after clause 2 of the Bill.

**Mr Speaker:** Is it a typographical error, or not? If it is typographical, I think there is no need to move an amendment; but if it is other than a typographical error, then yes. My reading of the Bill is that it is typographical and, if we accept it, you do not need to move an amendment.

So, before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I would just like to ask the Minister for some clarification because there is a lot of discussion in the community at the moment.

I think he provided the clarification when he described that the Act is not designed, or the amendments or such regulations are not designed to cover electric vehicles which may be operated through a throttle, cable or button. I believe that this amendment and the subsequent regulation is designed for a very specific type of pedalled bicycle and that the likes of electric scooters, as we see many of them, remain prohibited in Gibraltar – Segways and other vehicles like that remain prohibited in Gibraltar. Could I just ask the Minister: is that the case, or is it Government's intention to expand on the regulations to allow for a wider use of electric vehicles?

**Mr Speaker:** Does any other hon. Member wish to speak on the merits of the Bill?

I call on the mover to reply. The Hon. Paul Balban.

**Hon. P J Balban:** Mr Speaker, yes, what the amendment to the Act really does is it permits the Minister to declassify at any given time a specific vehicle.

The purpose behind this one specifically is solely and exclusively for electrical bicycles, those which can only travel at speeds which do not exceed 25 kilometres per hour. They have to be pedal assisted and they cannot have any other means of propelling the bicycle forward, such as a cable or throttle etc. The way things stand at the moment, an electrical bicycle is classified as a motor vehicle because there is a motor. Albeit electrical as opposed to mechanical, it has a motor on board, so that is classified as a motor vehicle. What this allows me to do now is to make it that the electrical bicycle, with those specific requirements and conditions, now falls under the same category as a bicycle, and hence rules that apply for bicycles will apply to this specific type of electric bicycle. What will happen is that subsidiary legislation will be brought, specifying and stating what I have just said now. What this amendment does is it permits the Minister to be able to make that change.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 and the Insurance (Motor Vehicles) (Third Party Risk) Act 1986 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Motor Vehicles (Miscellaneous Amendments) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I beg to move that the Third Reading and Committee Stage of the Bill be taken today, if all hon. Members agree.

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

**Litter Control (Amendment) Bill 2018 –  
First Reading approved**

**Clerk:** We now move to the First Readings of Bills and we commence with a Bill for an Act to amend the Litter Control Act 1990.

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Litter Control Act 1990 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Litter Control Act 1990 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Litter Control (Amendment) Act 2018.

**Litter Control (Amendment) Bill 2018 –  
Second Reading approved**

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The Bill has been brought before us because of the need to update the legislation in order to allow our litter wardens to use every possible resource available to them, in particular CCTV, in the issuing of fixed penalty notices in relation to litter. The Act as it currently stands is ambiguous when it comes to the issuing of a fixed penalty notice unless it is given by hand, and so I propose to explain these changes.

Clauses 3(2), 3(3)(a) and (c) deal with the removal of the word 'give' to insert 'issue'. The purpose of these changes is to move away from solely giving a fixed penalty notice by hand and any ambiguities that the word brings. In issuing the fixed penalty notice, a litter warden is not limited to handing out a fixed penalty notice and we consequently allow several ways in which such notice may be issued. Clause 3(3) clearly states the ways in which such a notice under the Act may now be issued. The litter warden retains the ability to hand over the notice to a person but now can also address it and leave it at a person's last known address or send it by registered post. This will allow litter wardens to tackle any offences that are caught on CCTV.

Mr Speaker, in addition to these changes there will also be similar changes to subsidiary legislation in order to ensure uniformity throughout.

I commend this Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I would just like to rise to say that we will certainly support this Bill. Any measures that assist us in controlling the amounts of litter that prevail on our

streets is very welcome, and obviously anything that will assist those agents who are enforcing those laws is most welcome, so we will on this side of the House be supporting the Bill.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Litter Control Act 1990 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Litter Control (Amendment) Act 2018.

**Litter Control (Amendment) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I beg to move that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Animals and Birds (Amendment) Bill 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Animals and Birds Act.  
The Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Animals and Birds Act be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Animals and Birds Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Animals and Birds (Amendment) Act 2018.

**Animals and Birds (Amendment) Bill 2018 –  
Second Reading approved**

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I have the honour to move that the Bill be now read a second time.

Since 1948 when the Animals and Birds Act was originally enacted, animal welfare and rights issues have seen significant development. Awareness of the suffering of animals has risen and the public outcry that ensues in instances when animals have suffered cruelty or distress exceeds the levels of redress the law currently provides.

Only domestic, owned animals are protected under the current Act. The amendments, among other things, respond to public requests that cruelty offences have a wider application to animals for whom nobody is responsible. There is public condemnation of irresponsible behaviour which, whilst once commonplace, subjects animals to conditions which do not



safeguard their welfare – for example, keeping cetacea in a dolphin area or keeping dogs in closed cars. The amendments to this Act seek to ensure such actions are prevented from taking place in Gibraltar.

There are a number of new provisions: firstly, the extension of the offence of cruelty. While section 5 already contains the offence of cruelty to animals, this only applied to animals with owners. It has now been extended to also protect wild animals from cruelty. The maximum sentence was not reflective of public sentiment in respect of behaviour which subjected animals to cruelty. Accordingly, we propose to increase the penalty for this offence to 12 months' imprisonment or statutory maximum fine or both on summary conviction, and five years' imprisonment on indictment. This is consistent with planned changes in UK law and conveys the message strongly that animal welfare is taken seriously and that irresponsible pet owners will not go unpunished. Whilst the offence of cruelty already included permitting an animal to be subject to cruelty, the meaning of this has now been clarified as failing to exercise reasonable care and supervision in respect of the protection of the animal from cruelty.

In relation to dolphinaria, given the abundance of cetacea in our waters, there are concerns that these animals could be taken into captivity for entertainment or display purposes, as was proposed some 10 years ago. Whilst the Nature Protection Act provides protection against taking cetacea from the wild, it does not prevent a person in Gibraltar from acquiring an animal which was already in captivity. We have therefore included provisions based on those in the Nature Protection Act which prevent any cetacea being kept in captivity, amongst other things.

In relation to animals in distress, we have largely based the changes on the English Animal Welfare Act 2006. A new Part 5A has been introduced into the Act incorporating extensive provisions to provide authorised officers with the powers to access properties where they reasonably believe an animal is in distress. These provisions will, among other things, provide the magistrates court with powers to grant a warrant to access residential premises and to make orders relating to the rehoming or treatment of the animal. It is expected that this will be used mostly in instances where dogs are kept in hot, closed cars. An inspector or police officer who finds an animal that is suffering may take those steps that need to be taken immediately to alleviate the animal's suffering. When an animal is suffering to such an extent that there is no alternative but to put it down, a veterinary surgeon must issue a certificate to that effect before the animal can be put down, other than in exceptional circumstances. The provisions also confer powers of entry for the purposes of dealing with an animal that is believed to be suffering or likely to suffer if remedial action is not taken. When an animal has been taken into possession and the animal is being retained, this section enables a magistrates court to make an order for the treatment, giving up, disposal or, if necessary, destruction of the animal.

In relation to abandonment of animals, the threshold required for the offence of abandoning an animal to be committed has been lowered. Whilst before it had to be shown that the abandonment took place in circumstances which were likely to cause the animal unnecessary suffering, this requirement has now been removed.

We have made provision for dogs' DNA to be obtained from their saliva rather than blood in circumstances where a veterinary practitioner considers that that is more important, for whatever reason – for example, if extracting blood would cause the animal extreme distress.

Whilst the Act previously only referred to an 'owner' of an animal a person would have been able to shirk responsibility for an animal by claiming they were merely looking after it on a temporary basis. We have therefore incorporated the concept of responsibility, whether on a temporary or permanent basis, as being an essential component of ownership. The new definition of 'owner' will include parents or guardians of children who are responsible for an animal, so that people cannot avoid liability for offences under the Act by claiming that the animal belongs to their children.

For the cruelty offence, 12 months' imprisonment or statutory maximum fine on summary conviction and five years' imprisonment on indictment has been introduced, which more adequately reflects the nature of the offence.

Regarding enforcement, authorised officers, a Gibraltar veterinary practitioner, who will be a qualified veterinarian, and HM customs officers have been added as authorised persons.

I would like to acknowledge the contribution made by a number of animal welfare charities in Gibraltar, including the Cat Welfare Society and Save Gibraltar's Street Cats, for having worked with us in arriving at this proposed amendment.

I now commend the Bill to the House. (**A Member:** Hear, hear.) (*Banging on desk*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

Again, I call on the Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, again I think it is fair to say that on this side of the House we do welcome the Bill. It is an important Bill, and obviously looking after animals, whether they be pets or wild animals, is something that is a very human thing to do, I think, most importantly.

One element that I would just like to pick up on is a slight disappointment on my part and on the part of a number of Members on this side of the House that the sale of animals through pet shops is not covered by the Bill, or does not appear to be covered by the Bill. In the English law I believe it is covered.

The sight of puppies in pet shop windows all by themselves all day long, being gawped at by people, is something that I think should be a thing of the past and I wonder if the Minister would take some time to look at, at some point, amending the Bill in the future to cover such situations?

**Mr Speaker:** The Hon. Mr Feetham.

**Hon. D A Feetham:** Mr Speaker, as my hon. Friend Mr Hammond has said, this is a Bill that is very much welcomed by the Opposition.

Pets are not only property, they are companions, they are members of a family and they ought to be treated as such. Some of the penalties that were attached prior to the amendments to cruelty to some animals were, quite frankly, absolutely ridiculous and an embarrassment to any modern society and the way that we look at pets as members of the family and also as companions.

The Hon. Minister said that society is more aware of the suffering of animals and he is undoubtedly correct in relation to that, but society is also aware of the impact of human activity on wildlife and animals in particular.

The Hon. Minister has referred to dolphinariums and dolphins, but there are other areas where we would like to see the Government really also move towards introducing legislation and I would like to mention some of those areas for the benefit of the Minister. Indeed, I have to tell the Minister that before the end of the year it is my intention to send to him proposed amendments to our legislation in order to deal with some of these areas that I am going to be mentioning in a moment.

The Hon. Minister, being a conservationist himself and an environmentalist, will know that about 20,000 elephants are killed every single year because of the ivory trade and also because of Chinese traditional remedies associated with body parts, not only of elephants but also of other animals. Indeed, the Chinese government, sadly, lifted the ban very recently on animal body parts for the purpose of Chinese medicine.

In 2016 the UK government introduced a partial ban on the sale of ivory. Since then, there has been a clamour in the United Kingdom for a total ban on ivory sales and I would like to see the Government be at the forefront of that agenda so that it shows the international community how seriously we take these kind of issues here in Gibraltar.

Also, the Hon. Minister will have seen the controversy that has occurred as a consequence of some American hunters being seen photographed with wild sheep in Scotland – trophy hunting,

essentially. Trophy hunting is a massive problem internationally. Indeed, in Africa, for example, what you now get is the practice of canned trophy hunting. That is where lions are hand reared from a young age as cubs so that they are used to humans, and then they are released and hunted so that these idiots – because I can only refer to them as such, *idiots* – are then able to come in, pay huge amounts of money and take trophies to the United States and indeed to the United Kingdom.

Again, there is a significant push by conservationists and environmentalists – who are concerned that we are slowly sleepwalking towards extinction of many species, including giraffes, which have now gone up the scale of endangered species in Africa as a consequence of trophy hunting – to actually ban the importation of animal body parts that have been obtained as a consequence of hunting.

Even though we are a population of 30,000 people and this is a very small jurisdiction and a very small territory – and it is unlikely that we are going to get many body parts of African lions coming to Gibraltar and indeed it is but a grain of sand in a massive mountain represented by probably the products of ivory that we might sell here in Gibraltar – I think that Gibraltar needs to be setting an example in these areas. These are two areas that, for environmentalists and for conservationists across the world, it really is important and I would like to see the Hon. Minister – who I know takes these matters to heart and probably shares the sentiment, to the very last word, that I have expressed today – be at the forefront of that.

In relation to Lucy's Law, which is a law in the UK – I asked a question about this; it is on the Order Paper – it is not about the sale of puppies in terms of puppies being in a shop window and the effect that that may have on puppies; it is the fact that puppies that are sold by pet shops may come from puppy farms and breeders that are disreputable and that you may have, for example, a bitch that is producing three or four litters every single year, year on year, until that dog basically cannot produce any more puppies. That is really the mischief behind the introduction of Lucy's Law.

Of course, again we can say, 'Well, there has only traditionally been one pet shop here in Gibraltar, or a couple of pet shops, and this is but a grain of sand,' but I think that preventing cruelty to one animal is worth it. Therefore, introducing a law such as Lucy's Law here in Gibraltar to ensure that people buy from reputable breeders or indeed from homes, of which there are many because there are many dogs that are in homes looking for a forever home, as people who are actively involved in this area will tell you ... and those are areas that, in our respectful view, the Government also ought to be considering as well as this and indeed the other Bill that the Minister is going to be moving in relation to services.

I am very grateful to Mr Speaker.

**Mr Speaker:** The Hon. Elliott Phillips.

**Hon. E J Phillips:** Mr Speaker, just one point for clarification regarding the offences and the penalties that the Hon. the Minister described, the 12-month period and the maximum statutory fine. Did that recommendation by any chance come from the Law Commission that was constituted by the learned and Hon. Minister for Justice? I would have thought ... clearly there is a review of sentencing practice in our jurisdiction, together with parole – a separate issue, I know – and the Law Commission was particularly established ... and I welcome the learned Attorney in the House today because I know he is a constitute member of that Law Commission. I am wondering whether there was any discussion between the Minister for Justice and the Environment in relation to the penalty and the duration and the fines themselves. It is just that my understanding is that the Law Commission was looking at all sentencing guidelines, and whether there was any crossover with the Minister for the Environment.

**Mr Speaker:** Any other speaker on the Second Reading of the Bill before I call on the mover to reply?

The Hon. Dr John Cortes.

**Hon. Dr J E Cortes:** Mr Speaker, if I might first refer to the Hon. Mr Phillips' question, I am not aware of such discussion. There may have been at the level of the law draftsmen, who may have consulted, but certainly not me or my immediate team in Environment. But I think it is consistent with what the Law Commission wants to achieve anyway and a member of my team is a member of the Law Commission – Liesl Mesilio – and therefore it may well have been discussed at that level but I do not have any personal knowledge of that.

Mr Speaker, I am very grateful for the contributions by the Members opposite, in particular the narrative of the Hon. Mr Feetham. I would have loved to have heard that kind of narrative when he was Minister for Justice. It would have spared me a lot of grief and may even have kept me out of politics, (*Laughter*) but there we go – that's history for you.

Mr Speaker, if I may just confirm that I share concerns on trophy hunting. That is one of the points that I have not specifically looked at but certainly will. But I have good news for the Members opposite. My team has today finalised approving a draft Pet Animals Bill, which I hope to be publishing – once I have, obviously, taken it through Cabinet – as a Command Paper shortly, and I yesterday saw a first draft of an Ivory Bill in order to deal with the question of ivory and keep up with what is proposed in the UK so that we are consistent with the very important steps that the UK is taking in order to try and save the elephant from extinction.

Mr Speaker, I think that that is all I have to say on that. I think I have answered all the points. I am grateful for their support and I once again commend the Bill to the House. (*Banging on desks*)

35 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Animals and Birds Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Animals and Birds (Amendment) Act 2018.

**Animals and Birds (Amendment) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

40 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I beg to move that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Are all hon. Members agreeable to the Committee Stage and Third Reading of the Bill being taken later today? (**Members:** Aye.)

**Armed Forces (Gibraltar) Act 2018 –  
Second Reading approved**

45 **Clerk:** We now proceed to the Second Reading of the Armed Forces (Gibraltar) Act 2018. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

50 I take great pleasure in bringing this Bill to the Parliament. The support of our armed forces, British armed forces, is one of the key features of our unique and enduring relationship with the

United Kingdom. It is one of the key features of our role as one of the British family of nations and indeed it is the key strategic feature that makes this Rock of ours such a geopolitically relevant asset to the United Kingdom and so desirable to others. It is in that context that we are today going to be able to appreciate in this Parliament a part of the growth and maturity of our self-government in the past three decades. That growth and that maturity has manifested itself in every iteration of our successive Constitutions since the Second World War. In particular it started to manifest exactly 30 years ago when the GSLP first took over the executive branch in Gibraltar and started the work of de facto constitutional reform.

Mr Speaker, until 2006 the presence of British armed forces in Gibraltar had been covered by successive Armed Forces Acts of the United Kingdom since 1952 as periodically refreshed from time to time. The UK Acts were extended to Gibraltar in the UK legislation itself. In its 2011 iteration the mechanism for the extension of the application of the Act to Overseas Territories was amended so that it was an Order in Council that would provide for this, as opposed to it being contained within the Act itself.

Hon. Members should know that in the United Kingdom there is a convention arising from times of civil war that Parliament must renew its armed forces legislation every five years. There was a coincidence in the refreshment of that Act in 2006 with our 2006 Constitution. In fact, as a result of the current iteration of our Constitution, hon. Members will also know that there is a convention between Gibraltar and the United Kingdom that no legislative Acts are done by the UK for Gibraltar without Gibraltar's express consent. That has resulted in the sparse use of Orders in Council in respect of Gibraltar.

For that reason, the 2006 Armed Forces Act was not extended to Gibraltar. There was an agreement between the then administration of the Gibraltar Government that a piece of Gibraltar legislation would be enacted to provide the same cover as the Armed Forces Act 2006. The Hon. Mr Feetham will recall that this was one of the matters on which he and Sir Peter Caruana kindly briefed the Deputy Chief Minister and me the week after the last election in their handover session with us at No. 6 Convent Place in December 2011, just days after the glorious new dawn of socialist and liberal government.

Mr Speaker, this was the position set out in both Houses of Parliament in the United Kingdom when these UK Acts were being considered in 2006, in its refreshment in 2011 and its latest iteration of 2016. With the agreement of the current Government that I lead, the UK's 2016 Act has also not been extended to Gibraltar, given our commitment to make a Gibraltarian law for this purpose. The net effect of that is that whilst a person serving in the United Kingdom armed forces is subject to the terms of the Act and it applies wherever in the world the service person is, executive powers are not available in Gibraltar in the absence of an Act of this Parliament.

Indeed, Mr Speaker, I think it is important that I should quote for hon. Members and for Hansard the references made by the Secretary of State for Defence in his presentation of the Second Reading of the Bill for the Armed Forces Act 2016 in the House of Commons. This is the clear and most recent statement of the position as seen from the United Kingdom Government as to the territorial ambit of the 2016 UK Act. The Rt Hon. Mr Fallon said this:

Clause 13 brings the Armed Forces Act 2006 back into force in the Isle of Man and British overseas territories except for Gibraltar. Under United Kingdom law, the 2006 Act has always applied to members of the armed forces, wherever in the world they are operating, and that will remain the case. That means that a member of the armed forces commits an offence under UK law if they do something in another jurisdiction which, had they done it in England or Wales, would have been a criminal offence. In addition, the 2006 Act originally formed part of the law of the Isle of Man and the British overseas territories. However, the Act expired in those jurisdictions in 2011. Clause 13 and the schedule to the Bill revive the Act in those jurisdictions so that, as it currently has effect in the UK, it will also be in force there. That ensures that things that members of the armed forces might do under the 2006 Act in those jurisdictions, such as the exercise of service police powers of arrest or search, would be lawful there not only as a matter of UK law but as a matter of the local law. It also ensures that the civilian authorities within those jurisdictions can do things under the 2006 Act which they might not otherwise have powers to do under the local law, such as the arrest of a person suspected of a service offence under a warrant issued by a judge advocate.

An exception is being made for Gibraltar. This is because we are currently consulting the Government of Gibraltar on how best to extend the provisions of the 2006 Act—and, therefore, of the Bill—

– which hon. Members will recall is the renewal in 2016 –

to that territory.

Mr Speaker, after many years of negotiation and discussion, we have now agreed a text of a proposed Armed Forces (Gibraltar) Act, which is in this House for debate today.

95 It is also undoubtedly true that the events of February 2016 at Gibraltar Airport, when a stand-off ensued between officers of the Royal Gibraltar Police and officers of the Ministry of Defence, brought into sharp focus a jurisdictional gap in our law in respect of the presence in Gibraltar of Her Majesty's armed forces. This Bill addresses those issues by applying in Gibraltar certain provisions of the UK's Armed Forces Act 2006. It does so whilst respecting the primacy of  
100 the Royal Gibraltar Police as the lead law enforcement agency throughout Gibraltar and the primacy of the Gibraltar Constitution. It could not be otherwise, and this Government – and, I am sure, every Member of this Parliament – would not countenance any other solution. Indeed, if I may say so, I think that the actions of the Royal Gibraltar Police on the day in question have been demonstrated to have been entirely proper and a conviction has in fact since resulted  
105 outside of Gibraltar.

Hon. Members will also be aware that by section 35(2) of our Constitution there is a provision which reads as follows:

Except with the consent of the Governor, acting in his discretion, signified by the Chief Minister, the Parliament shall not proceed upon any bill (including any amendment to a bill) that, in the opinion of the Governor, acting in his discretion, signified as aforesaid, concerns a matter for which he is responsible under section 47(1).

Mr Speaker, those of course include defence and internal security. I am able to signify that consent to the Parliament today. And so now we are about to take the step of seeing through  
110 that commitment to make in this Parliament and for ourselves the law that will regulate the presence of the British armed forces in Gibraltar.

This is an important step in the emancipation of the people of Gibraltar. At the time of the last world war, Gibraltarians were oft not best treated by some parts of the hierarchy of the British armed forces. Many are the stories of Gibraltarians having to get off the pavement for a  
115 British officer. There are photographs to remind us of the different use of sanitary facilities for UK-based civilians of the Ministry of Defence, as opposed to Gibraltarians and other aliens. Those days are long gone. Our relationship is now one that arises from our common British citizenship, a relationship of partnership and complicity in pursuit of British foreign policy interests.

120 After the last world war, Gibraltarian families who had been evacuated returned to Gibraltar. Self-government developed. The Ministry of Defence, which had long been the guardian for Britain of a fortress that was also our home, slowly ceded control of it to the emerging civilian authorities. The 'useless mouths' that had been removed from their homeland had returned to become masters in this place. Slowly, civilian self-government established itself in Gibraltar.  
125 Parts of the estate previously controlled exclusively by the Ministry of Defence were released to the Gibraltar authorities. A City Council became a Government. Our nation was listed as one of the non-self-governing territories subject to the United Nations decolonisation process. The right to our land and the right to self-determination became the rallying cries of the Gibraltarians. Successive Governments entered into successive Lands Memoranda with the  
130 Ministry of Defence as more and more land in our small geography has become surplus to defence requirements and has been made available to the Gibraltar Government. No longer do our people inhabit only one third of the Rock, with the rest taken over by the armed forces. That ratio is now a thing of the past. And now, in a final step in this important process of this fortress passing from military to civilian control, the regulation of the British armed forces that had

135 previously ruled the roost in this place will arise from legislation passed in a Parliament elected  
by direct universal suffrage of the people of Gibraltar.

Mr Speaker, for all those reasons, this is a seminal moment and all hon. Members will want  
to reflect on it as such.

140 Moving now to the substance of the Bill, it is important that hon. Members should bear in  
mind that the Bill will only apply to two very specific types of persons. The first category are  
persons who are subject to service law, a term which is defined in clause 2(2)(a) and which  
effectively means members of the UK armed forces. And the second category are civilians who  
are subject to service discipline, a term which is defined in clause 2(2)(b) and which effectively  
145 means civilians with a close family or employment nexus to the UK armed forces. I shall be  
referring to these two categories of persons collectively as ‘persons subject to the Act’.

Importantly, Mr Speaker, technical discussions are currently ongoing as to the application of  
the Act to members of the Gibraltar Regiment. The relevant provisions of the Bill that will apply  
the Act to the Gibraltar Regiment – clauses 2(2)(a)(ii) and (iii), (c) and (d) – will be brought into  
effect once those discussions have been concluded.

150 Clause 4 makes it clear that the Act will not apply to ordinary civilians or to civilian property.

Clause 25 makes it clear that the Act will not affect any right conferred upon any person by  
the Gibraltar Constitution.

The Act, in fact, comprises five Parts. Part 1 contains the interpretation clause setting out the  
definitions of the key terms of the Act and it also contains provisions for the entry into force of  
155 the Act, including the power for differential commencement dates, which is relevant to my  
comments a moment ago in respect of the Gibraltar Regiment.

Part 2 is the most important part of the Act. Clause 3 makes provision for the application of  
the UK Armed Forces Act in Gibraltar.

160 Clause 5 confirms that service authorities shall have jurisdiction in Gibraltar in relation to  
persons subject to the Act.

Clause 4 specifically provides for the Act not to apply to civilians. In fact, section 4 states this,  
and I think it is important for the House to reflect on the exact terms of the clause:

Nothing in this Act is to be construed as permitting the exercise by any service court or service authority of any  
jurisdiction, powers, functions or competences under the Armed Forces Act over a person who is a civilian.

Additionally, the section provides that:

The exercise of any jurisdiction, powers, functions or competences under the Armed Forces Act in Gibraltar does  
not limit any right of a civilian in relation to any civilian property.

165 As I shall explain, Mr Speaker, the remaining provisions of Part 2 set out the cases where the  
RGP and the military police shall exercise exclusive, primary or concurrent jurisdiction in  
Gibraltar in accordance with the mechanisms for close co-operation between both police forces  
that the Act establishes.

170 Clause 7 grants the service authorities exclusive jurisdiction with respect to the offences  
punishable under forces law but not otherwise under the laws of Gibraltar. A prime example of  
such an offence would be where a soldier is absent without leave (AWOL).

175 Clause 8 sets out the cases where the service authorities enjoy primacy of jurisdiction. That is  
to say the cases where a person subject to the Act commits an offence that is punishable under  
both forces law and the laws of Gibraltar and jurisdiction is granted to the service authorities.  
The main criterion for determining such primacy in favour of the service authorities is that the  
offence arose out of and in the course of that person’s duty as a member of Her Majesty’s  
armed forces or as a civilian subject to service discipline. Other cases concern offences  
committed against other military persons or against military property and offences against the  
security of the United Kingdom.

180 In all other cases, primacy will vest with the RGP. So, for instance, where a soldier commits an offence against a civilian or civilian property, primacy of jurisdiction will vest with the RGP.

As an example of the spirit of closer co-operation between both police authorities that will result from this Act – and I am sure all of us will welcome this, Mr Speaker – clause 10 provides that one police force may waive jurisdiction in favour of the other where they both consider that the circumstances so require.

185 That spirit of closer co-operation will best be exemplified by the requirement set out in clause 13 that the Commander of British Forces in Gibraltar and the Commissioner of Police shall enter into an operational protocol between their respective forces setting out the circumstances and manner in which jurisdiction, power and competence shall be exercised by one or other of them or concurrently. Such protocols between the civilian and service authorities exist in the  
190 United Kingdom and in the Sovereign Base Areas in Cyprus and one has already been agreed for Gibraltar. It will become effective on the same day as the Act enters into force. It is the first time that such a protocol will exist in Gibraltar, and I greatly welcome it. The Protocol is intended to support the practical application of the Act by providing a guide to the co-ordination of approach to policing in Gibraltar between the RGP and the service police. Both forces have shown their  
195 commitment to establish close and regular support, consultation and co-operation, which they have recognised as being crucially important and essential in order to promote a clear and effective working relationship between them to achieve their common purpose of upholding law and order in Gibraltar.

I am aware that a lot of work has gone into the drafting of the Protocol and I would like to  
200 express my deep gratitude to both police forces for the efforts they have made to reach agreement on the Protocol and to better understand each other's concerns. In fact, here it is worth just reflecting the deep and sincere gratitude of Her Majesty's Government of Gibraltar to those who have delivered this Act, Mr Speaker.

Principal thanks must go to the Attorney General, Michael Llamas QC, who has spent many  
205 hours working with Vice Admiral Tony Radakin on this sensitive matter, to whom we must also record our thanks.

Current and former Commissioners of the Royal Gibraltar Police Ian McGrail and Eddie Yome and their respective teams have worked to deliver a sensible protocol with their MoD  
210 colleagues, together with, if I may say so, Command Secretary Richard Johnson. Their sensible approach makes the workings of these new rules possible.

Mr Speaker, I am leaving a copy of the Protocol agreed between the RGP and the MoD in the antechamber for Members to be able to consult its terms, if they wish.

Central to the Government's own concerns in this area have been the delicate issues of  
215 policing outside of MoD premises. The guiding principle in this respect is set out in clause 12 of the Bill, which provides that, as the general rule, the service police will not exercise any power of entry, search or seizure outside MoD premises in Gibraltar. This is supplemented by the Protocol, which establishes that outside MoD premises the service police shall be employed subject to such arrangements with the RGP as are set out in the Protocol and only insofar as  
220 such employment is necessary to maintain discipline and order among persons subject to the Act. This is in itself consistent with the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty Organisation 1951, which applies to Gibraltar pursuant to the UK's Visiting Forces Act 1952, which was extended to Gibraltar, in those days by Order in Council, in 1954.

Schedule 1 of the Protocol contains a clarificatory agreed list and a map of the sites which  
225 currently constitute MoD property, for the purposes of determining where that is today in the geography.

The remaining provisions of Part 2 contain further aspects of co-operation, such as how the RGP will give effect to a warrant issued by a judge advocate in the United Kingdom under section 313 of the UK's Armed Forces Act for the arrest of a person subject to the Act,



230 procedures for detention pending decisions on jurisdiction, safeguards against double jeopardy  
and a reiteration of the jurisdiction of the civilian courts and authorities in Gibraltar.

Part 3 of the Bill deals with desertion and absence without leave. It creates certain offences  
relating to the armed forces, including where a civilian knowingly aids or abets a person subject  
to service law to commit the offences of desertion or absence without leave.

235 It also grants police officers of the RGP powers to arrest any person who is unlawfully at large  
or who is reasonably suspected of being an unlawful absentee and to deal with such persons  
where they surrender themselves to a police officer.

The final Parts of the Bill deal with various general provisions that enhance the co-operation  
between the RGP and the service police, such as a person in service custody being detained in  
240 Gibraltar's Prison pending his or her removal from Gibraltar.

Clause 25, as I said earlier, makes it clear that the Act will not affect any right conferred upon  
any person by the Gibraltar Constitution. This is a hugely important clause in the assertion of the  
jurisdictional primacy of the Gibraltar Constitution. I think it is important to reflect it entirely in  
this debate and I therefore propose to take Members through the whole of this section. The  
245 section provides as follows.

No provision in this Act may be construed as in any way affecting any right conferred upon  
any person by the Constitution; and any act, whether undertaken pursuant to a provision within  
this Act or which is undertaken in Gibraltar pursuant to the Armed Forces Act, is subject to the  
Constitution.

250 The second subparagraph reads that for the avoidance of doubt, a person may seek to  
enforce any right or obligation conferred by or imposed under the Constitution irrespective of  
anything provided for in this Act or the Armed Forces Act.

The third paragraph says that no provision in this Act or in the Armed Forces Act affects the  
civilian court's powers to make orders with respect to any application before it concerning a  
255 matter provided for in the Constitution.

The fourth subparagraph provides that, for the avoidance of doubt, a person by virtue of this  
Act or by virtue of the application of forces law by this Act may apply to the Supreme Court  
where that person believes that any right conferred by the Constitution has been violated.

260 The fifth paragraph of the section provides that the Supreme Court may, on hearing an  
application under subsection (4), make such orders as it deems fit, including any temporary  
order.

And most importantly, the sixth paragraph provides that nothing in the Act or in the Armed  
Forces Act itself shall affect the right of a person who is detained at a place against that person's  
will from applying to the Supreme Court for a writ of *habeas corpus* or other prerogative  
265 remedy.

Mr Speaker, there can be no clearer statement of the utter primacy of the Gibraltar  
Constitution than that contained in section 25 of this Bill.

270 Clause 26 allows the Chief Minister, in agreement with the Governor, to make subsidiary  
legislation for the administration of the Act, and the consultation there between the incumbent  
Chief Minister and the incumbent Governor is required because of the section 32 nature of this  
legislation, which cannot be moved without the consent of the Governor.

Clause 27 preserves the immunity of the Crown in right of Her Majesty's Government of  
Gibraltar and of public officers in Gibraltar for any damage or anything done or omitted by any  
service authority to be done under the Armed Forces Act.

275 That is the extent of the Act.

Importantly, Mr Speaker, I also want to reflect what I am sure is the position of every  
Member of this House in support of that particular part of the British Army that is so innately a  
part of our DNA, the Royal Gibraltar Regiment – the Barbarians, as they are known by nickname  
in the British Army. They are part of the core of what Gibraltar is all about and part of how we  
280 express our Britishness and our British citizenship also. Now they are providing services beyond  
Gibraltar for extended periods, away from their families, taking risks just like all other members

of the British armed forces. As far as Her Majesty's Government of Gibraltar is concerned, there is no reason whatsoever why they should be dealt with in any manner that is not entirely in keeping with the manner of treatment of all other members of the British Army; X factor included.

285

Mr Speaker, more generally now, I think this Act is the product of the work of all Chief Ministers and all Ministers of Gibraltar – starting from our very first Chief Minister, Sir Joshua Hassan; through Sir Bob Peliza, a military man himself; yourself; Sir Joe Bossano, who led the de facto constitutional revolution of 1988; and Sir Peter Caruana, who delivered the 2006 Constitution; as well as the contribution of the Government that I lead.

290

This is the product of our constitutional maturity and our growth as a community and as a nation. It is the effect of the work that every single parliamentarian in their own way has done to grow our democracy and mature it to its current state. It is the effect of the work of every Gibraltarian who has worked to mature our nation as we – the civilians who flocked to the Rock in the aftermath of the British liberation of 1704 – now assert by our law what rights the British armed forces have on this our Rock.

295

That is the normal balance in any modern, constitutional, democratic monarchy, and as from today it will be the position in Gibraltar. We will cross a Rubicon today, a massive coming of age in many respects, as we create these rights for our British armed forces with great pleasure, because the British armed forces are our armed forces too. They are the defenders of this Rock, they are the defenders of freedom and justice around the world, they are the best of Britain and in so being they are also the best of us.

300

And so, Mr Speaker, I heartily, proudly, and I beg to say historically, commend this seminal Bill to the House and I congratulate this nation of ours for this collective achievement. (*Banging on desks*)

305

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. the Leader of the Opposition.

310

**Hon. E J Phillips:** Mr Speaker, we welcome and echo the words of the Chief Minister in respect of this seminal piece of legislation.

I, for one, in particular do welcome this after being a lawyer for the Ministry of Defence for over a decade in the past. I have enjoyed many interactions with the Ministry of Defence and the GDP and lawyers in London in respect of many constitutional issues that have arisen before and not before our courts but issues that have arisen over time. Therefore, it is with great pride that I see the Government putting a Bill before this House to regularise and modernise that relationship, and particularly in relation to our jurisdictional law.

315

Mr Speaker, starting with the last point that the Chief Minister made in respect of the Royal Gibraltar Regiment, of course they are members of the British Army and of course they are members of the extended British family. I would echo that and support the Chief Minister entirely in what he says in respect of the Royal Gibraltar Regiment.

320

It is clear that this piece of legislation puts issues such as the standoff that we had at our Airport in the past, and hopefully issues like that will be a thing of the past, and I am grateful that the Chief Minister has explained that that, in a practical way, escalated parts of the discussions that the Chief Minister and his Government have had with the British government.

325

Mr Speaker, I agree to a certain extent ... the Chief Minister said that these are now almost – he did not use these exact words, but these are the last colonial vestiges in our community and I am glad that this piece of legislation continues to move Gibraltar forward and modernise our relationship, particularly for our young soldiers who are doing fine work overseas and in Gibraltar, and therefore we on this side of the House welcome this very important piece of legislation and again repeat and echo the words of the Hon. Chief Minister.

330

**Mr Speaker:** Does any other hon. Member wish to speak on this Bill?

335 I call on the mover to reply. The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I welcome the words of the hon. Gentleman. I welcome the fact that hon. Members have concurred with the view of the Government as to the substance and the background of this Bill and what it means in terms of – and it is a word that the hon. Gentleman uses, not one I use – ‘colonialism’ and the coming of age that I expressed in a different way in the context of my own intervention.

I think this is a hugely important moment. We must not think that we are simply creating an Act to deal with the day-to-day administration of the armed forces. That is the practical effect of what is happening here. The important thing is that we are the ones doing it.

345 I think this must also reflect in the relationship that there is between the Government of Gibraltar today and the United Kingdom government. It is true that it has not been easy or quick for us to produce a Bill which has met with the agreement of the United Kingdom, ensuring that it does what they feel needs to be done in respect of their armed forces and the way that we felt needed to protect our Constitution. In fact, that process went through two administrations, the former administration and my current administration. But we have got there, Mr Speaker.

350 It might have been very easy – if I may say so, just to pick up on one of the things that the hon. Gentleman referred us to – for the incident at Gibraltar Airport in February 2016 to have resulted in the agreement between the Government of Gibraltar and the Government of the United Kingdom not to have an Order in Council extension of the Armed Forces Act to have fallen apart and to simply have seen the Armed Forces Act then applied to Gibraltar from London. In fact, that strengthened the resolve for there to be a Gibraltar piece of legislation; it strengthened the relationship. The Protocol that I will leave in the antechamber is a very full document that works even through examples to ensure that different police authorities understand how to deal with issues as they arise. I am sure, Mr Speaker, that given the nature of the relationship today and the practical effect of what this Bill will do, that those sorts of regrettable incidents will never occur again and I believe that with the support of the whole House together we will take a huge step today as a community.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the application in Gibraltar of certain provisions of the UK Armed Forces Act 2006, for the application of that Act to the Royal Gibraltar Regiment, for the exercise in Gibraltar of jurisdiction, powers and competences by service authorities and courts in certain circumstances, for the creation under Gibraltar law of certain offences relating to the armed forces and for matters connected therewith or incidental thereto be read a second time. Those in favour?

365  
370 **(Members: Aye.)** Those against? Carried.

**Clerk:** The Armed Forces (Gibraltar) Act 2018.

**Armed Forces (Gibraltar) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

375

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

**COMMITTEE STAGE AND THIRD READING**

**Chief Minister (Hon. F R Picardo):** I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Armed Forces (Gibraltar) Bill 2018, the Animals and Birds (Amendment) Bill 2018, the Litter Control (Amendment) Bill 2018 and the Motor Vehicles (Miscellaneous Amendments) Bill 2018.

380

*In Committee of the whole House*

**Armed Forces (Gibraltar) Bill 2018 –  
Clauses considered and approved with amendment**

**Clerk:** A Bill for an Act to make provision for the application in Gibraltar of certain provisions of the UK Armed Forces Act 2006, for the application of that Act to the Royal Gibraltar Regiment, for the exercise in Gibraltar of jurisdiction, powers and competences by service authorities and courts in certain circumstances, for the creation under Gibraltar law of certain offences relating to the armed forces and for matters connected therewith or incidental thereto.

385

**Chief Minister (Hon. F R Picardo):** Mr Speaker, just to give notice to hon. Members that I intend to move an amendment to clause 2. It is in writing and it will be circulated shortly, in time for that stage of the proceedings.

390

**Clerk:** Part 1, clause 1.

395

**Mr Speaker:** Stands part of the Bill.

**Clerk:** Clause 2 as amended.

400

**Mr Speaker:** Let me see it, at least.

405

**Hon. Chief Minister:** Mr Speaker, the amendment – which hon. Members I think will now have – in effect provides the power necessary, which is not otherwise in existence in our law now, for the officers who are discharging the role of service policemen to have the ability to carry batons, handcuffs and incapacitant sprays, which are the sorts of – I hesitate to say ‘weapons’ – implements with which we expect our own Police to be able to carry out their duties.

**Mr Speaker:** Does any hon. Member wish to comment on this proposed amendment?

410 **Clerk:** Clause 2 as amended.

**Mr Speaker:** Stands part of the Bill.

**Clerk:** Part 2, clauses 3 to 17.

415

**Mr Speaker:** Stands part of the Bill.

**Clerk:** Part 3, clauses 18 to 22.

420

**Mr Speaker:** Stands part of the Bill.

**Clerk:** Part 4, clauses 23 and 24.

**Mr Speaker:** Stands part of the Bill.

425

**Clerk:** Part 5, clauses 25 to 28.

**Mr Speaker:** Stands part of the Bill.

430

**Clerk:** The long title.

**Mr Speaker:** Stands part of the Bill.

**Litter Control (Amendment) Bill 2018 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Litter Control Act 1990.  
Clauses 1 to 3.

435

**Mr Speaker:** Stand part of the Bill.

**Clerk:** The long title.

440

**Mr Speaker:** Stands part of the Bill.

**Animals and Birds (Amendment) Bill 2018 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Animals and Birds Act.  
Clauses 1 to 3.

445

**Mr Speaker:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Speaker:** Stands part of the Bill.

**Motor Vehicles (Miscellaneous Amendments) Bill 2018 –  
Clauses considered and approved**

450 **Clerk:** A Bill for an Act to amend the Traffic Act 2005 and the Insurance (Motor Vehicles)  
(Third Party Risk) Act 1986.  
Clauses 1 and 2.

**Mr Speaker:** Stand part of the Bill.

455 **Clerk:** The long title.

**Mr Speaker:** Stands part of the Bill.

**Armed Forces (Gibraltar) Bill 2018,  
Litter Control (Amendment) Bill 2018,  
Animals and Birds (Amendment) Bill 2018 and  
Motor Vehicles (Miscellaneous Amendments) Bill 2018 –  
Third Reading approved: Bills passed**

460 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Armed  
Forces (Gibraltar) Bill 2018, the Litter Control (Amendment) Bill 2018, the Animals and Birds  
(Amendment) Bill 2018 and the Motor Vehicles (Miscellaneous Amendments) Bill 2018 have  
been considered in Committee and agreed to with some amendments. I now move that they be  
read a third time and passed.

465 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Armed  
Forces (Gibraltar) Act 2018, a Bill for an Act to amend the Litter Control Act 1990, a Bill for an Act  
to amend the Animals and Birds Act and a Bill for an Act to amend the Traffic Act 2005 and the  
Insurance (Motor Vehicles) (Third Party Risk) Act 1986 be read a third time and carried. Those in  
favour? (**Members:** Aye.) Those against? Carried.

**Brexit update**

470 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise now to adjourn.  
Before I do, just by way of information to hon. Members, the Deputy Chief Minister and I  
were yesterday involved in further travel related to Brexit negotiations. Depending on diary  
commitments, we expect we will be seeking to further brief hon. Members of the Brexit Select  
Committee either tomorrow or Monday on the latest state of play and we anticipate that there  
475 are likely still to be between and seven and 21 days of activity in respect of the work that we are  
doing to deal with Gibraltar-related matters relating to or arising from Brexit. Hon. Members will  
be contacted by the Hon. the Deputy Chief Minister.

I therefore expect, Mr Speaker, it will be possible for us to return to the House on Thursday,  
22nd November in the afternoon and I would propose that we adjourn to that date at 3 p.m.

480 **Mr Speaker:** The Chief Minister is proposing that the House do adjourn to Thursday, 22nd  
November at three in the afternoon. The House will now adjourn to Thursday, 22nd November  
at three in the afternoon.

*The House adjourned at 4.19 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.02 p.m. – 4.07 p.m.**

**Gibraltar, Thursday, 22nd November 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.02 p.m.*

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

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

## **Standing Order 7(1) suspended to proceed with Government Statement**

**Clerk:** Meeting of Parliament, Thursday, 22nd November 2018.

Order of Proceedings: Suspension of Standing Orders. The Hon. the Chief Minister.

- 5 **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 a Government Statement.

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

## **Brexit negotiations update – Statement by the Chief Minister**

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, despite the parallel storm that has been raging on Gibraltar-related matters, I returned yesterday from Madrid with the Government's Brexit team, where we have negotiated the final details of the package of measures that will apply to Gibraltar in the context of our withdrawal from the European Union together with the United Kingdom.

15 This morning I briefed the Cabinet and the members of the Brexit Select Committee. I expect to make a full ministerial statement to the nation on the nature and effect of these Gibraltar measures sometime next week. By then, we hope, the European Summit to be held on Sunday, 25th November will have reached final agreement on the draft Withdrawal Agreement and the political declaration which has just been published and which sets out the framework for the future relationship between the European Union and the United Kingdom.

20 Today, I will update the Parliament on the progress made in this week's negotiations in Madrid and the meeting held with the Prime Minister in Downing Street last week.

Mr Speaker, the Withdrawal Agreement, as hon. Members know, contains a Protocol on Gibraltar. The Protocol refers to a series of memoranda of understanding and a tax treaty that will underpin the operation of the Protocol. Those are the documents that we have been discussing and I am glad to report today that agreement on all of these documents is now virtually complete, subject to a common final political agreement. Work has been finalised on negotiations of substance in respect of all matters.

25 The four MoUs concern citizens' rights, tobacco market access, co-operation on environmental matters and co-operation on police and customs matters. The tax treaty sets out provisions on fiscal transparency and tax residency rules typical of what is found in a double taxation or information exchange agreement, those types of agreements that we have with



many countries around the world and which we have long wished to have with Spain. All of these MoUs, except for the tax treaty and the citizens' rights MoU, create obligations only until the end of December 2020. That is to say these agreements are only for the 21 months of the so-called transition period between March 2019 and December 2020. Unless we agree otherwise, they drop dead then.

All of these documents are the product of a long and intensive negotiation that has lasted virtually the whole year. Nothing in these documents compromises any of our red lines. Nothing in them alters in any way whatsoever our Constitution and our constitutional competences. There are and there will be no concessions on matters of sovereignty, jurisdiction or control. In fact, they are expressly arrangements entered into without prejudice to all sovereignty positions. Indeed, neither do these documents require us to do things that we have any problem in doing. I can assure all Members that the terms of the MoUs are far removed from what others might have wished them to contain.

Mr Speaker, we are now presently engaged in a legal scrub and text stabilisation of the documents and the necessary translation of them, and we are confident that they will be ready for final political agreement and approval by Sunday. This means that as long as the Special European Summit on Sunday reaches final agreement between the EU27 and the United Kingdom, the terms on which Gibraltar will form part of the Withdrawal Agreement have been finalised and Gibraltar will benefit from the transitional period. This is what was at stake at this stage of the complex Brexit negotiations and this is what we are on the verge of achieving.

Mr Speaker, our objective for the first phase of the Brexit negotiations was to secure continued access to the UK markets. We achieved that in October last year. We are now on the verge of securing our objective for the second phase of the Brexit negotiations. That is to say our inclusion in the Withdrawal Agreement and the transitional period.

It is of critical importance that we bear in mind that without our inclusion in the Withdrawal Agreement, Gibraltar alone would have faced a cliff edge on 30th March 2019. That is to say EU law would have continued to apply to the United Kingdom for a transitional period running to at least December 2020, but not to Gibraltar. This was not the result we would have wanted. It would provide no certainty to businesses and to individuals. It is therefore with a great sense of satisfaction that I am able to inform the House today that, notwithstanding the threats that we have faced, notwithstanding the considerable challenges that we have faced, notwithstanding the claims that some voices have wrongly suggested Brexit presented Spain with the best opportunity it has had in the last 300 years to acquire sovereignty, or some part of it, over Gibraltar, Gibraltar will nonetheless and despite all of that be part of any Withdrawal Agreement and transitional period if there is one. This will secure a vital period of legal certainty for businesses and citizens that will last until at least 31st December 2020 and during which the future partnership between the United Kingdom – including Gibraltar – and the EU will be negotiated.

The memoranda of understanding and the tax treaty will be accompanied by a number of other documents, letters and political declarations, all of which are also being finalised as I speak. All of these documents form a single package that must be read and understood as such. I will explain them in some detail in my ministerial statement once they have all been finalised and the EU27 and the UK have reached an agreement on the withdrawal process.

There are two additional points I would like to make. Firstly, during the course of this week, the Spanish government has publicly expressed its misgivings with how Gibraltar has been treated in relation to one aspect of the Withdrawal Agreement. This concerns Article 184 of the Agreement, which Spain interprets as compromising the role it wishes to play in determining how the UK's future partnership with the EU will apply to Gibraltar. Let it be clear that this has nothing to do with what we have been negotiating, which is the terms of the differentiated involvement in the Withdrawal Agreement for Gibraltar and our inclusion in the transitional period and not the terms of the future relationship with the EU. That is not what we are dealing with at this point. Indeed, those who have criticised the Gibraltar Government for not having

85 obtained now a more enduring and permanent deal for Gibraltar at this stage of the negotiations continue to profoundly misunderstand how the Brexit negotiations are being conducted and how the legal texts must be interpreted. Perhaps the events of the last 72 hours may have served to clarify this.

Secondly, the memoranda and the tax treaty we have been negotiating underpin the operation of the Gibraltar Protocol that forms an integral part of the Withdrawal Agreement. 90 They are therefore the product of requirements contained in the Withdrawal Agreement. That Agreement is an EU Treaty, which is a formally binding treaty under international law entered into by sovereign states. Gibraltar is constitutionally not, and constitutionally cannot be, a separate party to such an agreement. This said, it is important that the Protocol and the MoUs are understood in the light of Recital 2 of the Protocol, which states that the Protocol is to be 95 implemented in accordance with the respective constitutional orders of the United Kingdom and Spain. This recognises that the rights and obligations set out in the Protocol and the memoranda are enjoyed and performed by the Gibraltar Government in accordance with the terms of our Constitution. This much was specifically confirmed in my meeting with the Prime Minister in Downing Street last week. Therefore, nothing has been imposed upon us and nothing will be 100 done which is not in accordance with our Constitution. All the commitments entered into, whether under the Protocol or the MoUs, concerning Gibraltar have been negotiated by Gibraltar and the United Kingdom together. They are commitments entered into only as a result of the consent of the Cabinet of Her Majesty's Government of Gibraltar having been expressly given. The Government is the guardian of the Constitution as much as this legislature or the 105 judiciary may be. We would not have countenanced agreeing to anything which might have resulted in our constitutional order somehow being compromised.

Mr Speaker, assuming all other hurdles to agreement are therefore surmounted, we must now also start to consider in greater detail what our future relationship with the EU should be after withdrawal. In great measure that is also a consideration of what we want our relationship 110 to be with Spain, our neighbour, after our departure from the EU. We have never questioned that geographically we access Europe principally through Spain. Our geographic gateway to Europe is Spain. We have, therefore, more reasons for co-operation and discussion with Spain than we de facto do with any of the other remaining EU nations, so we wish to continue in our discussions about the future, to engage directly with Spain also in the spirit of co-operation and 115 positive engagement we have enjoyed in this withdrawal phase of the negotiations. No one should think that we read any part of the Withdrawal Agreement in any way that would persuade us to avoid that genuine, human and political reality. Nobody needs a veto to bring us to a table.

Too often, Mr Speaker, Gibraltar and its people have been lost behind a fog of international 120 legal theory. At this critical time in Europe's history Gibraltar can be the strongest foundation stone for a future relationship between the UK and the EU, not a rock on the road to agreement. That is our firm commitment and resolve.

Mr Speaker, as far as we are concerned, Brexit is a bad thing for the whole of Europe. (**A Member:** Hear, hear.) Brexit without an agreement for orderly agreed withdrawal would be an 125 even worse thing for the whole of Europe. And for us Brexit is as bad an idea today in reality as it was in theory at the time of the referendum, but for us it is always best that we stick with Britain, despite Brexit. We have stuck with Britain in the past and we will stick with Britain in the future.

Mr Speaker, I look forward to the publication of the memoranda and to debating their 130 content and effect with colleagues in this House. I will be happy to clarify any parts of my Statement that hon. Members wish me to clarify today. (**Several Members:** Hear, hear.) (*Banging on desks*)

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

135 **Hon. E J Phillips:** Mr Speaker, conscious of your warning, we appreciate the indication that we will be permitted an opportunity to respond to the Government's Statement on the current position as regards Brexit and its impact on Gibraltar.

It is important, as Her Majesty's loyal Opposition, to reflect on the momentous week in politics both here and in London. Whilst we are an optimistic and positive community, there is a growing concern amongst many in our community as to what positive measures have been secured for Gibraltar as a result of this process on which the Chief Minister and his team are said to have worked day and night for the last two years. Clearly we all want to achieve the best deal for Gibraltar, and to that extent of course the Government has had our support in these negotiations. We did not wish to leave the EU, so any deal will be worse than remaining in the EU.

145 The Chief Minister, on 15th November, issued a statement confirming that the number-one priority of the Gibraltar Government has been achieved, namely the terms of the Withdrawal Agreement and the transition period will apply to Gibraltar and that, as a consequence, Gibraltar will not crash out of the EU in March 2019 and that things will largely remain as they are until the end of 2020. The Chief Minister also confirmed that the Government of Gibraltar has been fully involved in the negotiations as they affected Gibraltar, whilst also stating that the Withdrawal Agreement, the Gibraltar Protocol and the underlying memoranda will come to an end on 31st December 2020 – of course, with exception to the two that the Chief Minister highlighted in his contribution just now. The Chief Minister has been steadfast in his support for Mrs May's efforts and fast to confirm that the deal is good for the UK and therefore Gibraltar as a member of the UK family.

The Chief Minister has issued several conclusions: (1) that the Withdrawal Agreement, or the deal, subject to the formal agreement and ratification by the EU and the UK, is far better for Gibraltar than crashing out of the EU in four months' time; (2) that the Protocol contains absolutely no concessions on sovereignty, jurisdiction and/or control and there are no issues of bilateralism that can cause any concern; (3) there are no matters which in any way change our fundamental position on key issues; (4) the Chief Minister confirmed on 15th November that he would expect to make a ministerial Statement explaining the Protocol and the memoranda this week – he has now confirmed that during the course of next week those memoranda will be explained in detail to the people in a statement to the nation. In summing up, the Chief Minister confirmed that he was satisfied – and he again repeated that word today – that the aspect of the proposed Withdrawal Agreement which relates to Gibraltar works for Gibraltar.

160 Mr Speaker, Her Majesty's Opposition provided its initial reaction on the same day and we stated that it was too early to do a complete evaluation of the impact of the deal on Gibraltar. It is clear that the Protocol refers to at least four UK-Spain memoranda. These have not been published and we have not been allowed advance copies of these documents so as to be able to study their content and implications. We understand that there are other documents that the Chief Minister and his team are working on; therefore, we will need to carefully analyse and evaluate their impact, once they are published in full, to assess whether this is the best deal for Gibraltar in all the circumstances or whether they contain features which are adverse to our interests. We acknowledge that we have had briefings from time to time ahead of all public statements by the Chief Minister, and when the remaining documents are available we will refer the matter to the party's Brexit policy group to review. Thereafter, we will make a statement on our view of whether this is good or a bad deal for Gibraltar.

175 Mr Speaker, the latest demands by the Spanish Foreign Minister and Spanish Prime Minister in recent days calling for our exclusion from negotiations as to the UK's future relationship with the EU, or the Withdrawal Agreement, until our future relationship has been negotiated bilaterally between the UK and Spain is clearly unacceptable. At best it reflects Spanish party politics, political electioneering and playing to Spain's domestic audience; or, at worst, it represents more than just an 11th-hour spanner in the works. We will all hold our collective breath to see how the next few weeks pan out.

190 There has also been speculation in Spain whether the government there will table a proposal for joint sovereignty in the context of our exit from the EU and the future relationship. Certainly from these benches opposite this is entirely unacceptable to the Opposition and the people of Gibraltar.

195 Mr Speaker, the position of the Spanish government raises further concerns as to the Spanish government's commitment to adhere to any agreement over Gibraltar. For now, we will reserve our assessment until such time as the position becomes clearer but continue to express our misgivings. I am sure that we share the dismay of the whole House that Spain should be seeking to exclude Gibraltar from negotiations on the future relationship with the EU until it gains a political advantage. The Government will need to remain vigilant that nothing is changed in the current text of the Withdrawal Agreement to further undermine Gibraltar's position.

200 Mr Speaker, we fully appreciate that the Withdrawal Agreement is temporary in nature in large measure, but we have expressed our initial misgivings about whether the Withdrawal Agreement, the Gibraltar Protocol or the full memoranda and the tax agreement meet our objectives to lay the ground to secure actual benefits for the people of Gibraltar and our businesses beyond a very short 21-month period.

205 We have also questioned whether Gibraltar has lost time over the last two years towards the opportunity of recalibrating our relationship with the EU on a more permanent basis or whether this set of arrangements represents an intrusion into our affairs by Spain. We await the publication of the documents so that we can make a full evaluation. We think the sooner the Government publishes these documents the better, so that the public can make up their own minds on such issues. We will not rush to judgement on such questions.

210 On another note, there remains a significant concern in our community in relation to our readiness and preparedness for a no-deal Brexit. We have been told that there are detailed contingency plans for all levels of Brexit, and we would appreciate clarity as to what levels of Brexit the Government are referring to.

215 Mr Speaker, we have understood that these are challenging times, which on the Chief Minister's own assessment are difficult and dangerous. There have been times in our history where we have faced challenges together and we have offered to assist the Government on Brexit in a spirit of unity. The Government has chosen to shoulder the whole burden of this challenge and simply provide the Opposition with briefings from time to time. That is their right and of course that has meant that we have not had any effective ability to participate or influence the shape of these arrangements that we will now have to fully and properly scrutinise once the documents are published. The Government has had significant leeway from us and political space to negotiate and conclude these arrangements, which we have given in the best spirit and in the public interest.

220 Mr Speaker, there is much political speculation as to whether the Brexit deal, if concluded by the European Council on Sunday, will make it through the British Parliament in December and the consequences if that were not to happen. We must be ready for any eventuality in this constantly evolving process. Indeed, there are growing voices in the UK for a people's vote or second referendum if the Brexit deal does not make it through the Parliament. As things stand, this may look unlikely, but for our part we have made it clear that if in the UK political dynamic momentum grows so that there is a vote on either supporting this Brexit deal or remaining in the EU, we would support such a vote.

230 I much suspect that there will be a month ahead of constantly shifting sands in this Brexit debate. We do not set out our stall on this possibility and agree we should be concentrating on the emerging Brexit deal and whether this is ultimately good for the people of Gibraltar.  
*(Banging on desks)*

235 **Mr Speaker:** Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for his statement in respect of what I have said to the House today, and I discern a number of points which I think he  
240 was asking for my clarification on, so I shall endeavour to provide it as succinctly as I can.

Mr Speaker, yes, there are four memoranda which we have not yet published, but I think it is  
important that hon. Members reflect to the whole community that they have seen the  
memoranda at every stage of their development. They have not been able to take copies away  
and I recognise that a full analysis requires one to be able to review the documentation, but  
245 members of the Brexit Select Committee have been able to see the documentation and I have  
today, during the course of the briefing we have had, informed them that as soon as we have  
what is known in this business into which we have been thrown as a text stabilisation – in other  
words, when we have the final texts; and we are not at final text yet, it is still going through legal  
scrub, as I told the House – we will endeavour to provide it to hon. Members immediately, even  
250 though that may not be the date of publication, so that they can start doing their assessment. I  
would have thought that they have understood now that these are at the moment  
unpublishable texts because they are not yet stable texts.

The hon. Gentleman then took us to the issue of the topical Article 3/Article 184 read across  
in the Withdrawal Agreement and the issue of how Spain, in his interpretation, was throwing an  
255 11th-hour spanner in the works, and I think it is a reference to a statement that we ourselves  
issued earlier in the week when the issue first arose. I think the important thing that we need to  
make clear ... I think the message that the Government is sending, the message that the whole  
Parliament is sending and that we have been sending as a community for many generations, is  
that Spain does not need a veto to get us to a table. In other words, the fourth largest economy  
260 in Europe does not need a whip to get the smallest economy in Europe to sit round a table with  
it and have a meaningful discussion about co-operation. We genuinely, I think from all sides of  
the community, believe that as long as we are not talking about issues relating to sovereignty,  
jurisdiction or control – as long as those things are respected – we yearn for a normal  
neighbourly relationship and that those things that would deliver genuine growth and prosperity  
265 across the board, not just for Gibraltar but for the whole region, are the things that Gibraltar  
believes we should be doing to mutual benefit. And so there is no need for us to be under the  
cosh of whatever may emerge in the next 48 or 72 hours, or under the cosh of a clause 24 style  
reference in negotiating guidelines, to be forced to do that which we wish to do. I think that is  
what I discerned from what the hon. Gentleman said was an element of common ground  
270 between us.

Mr Speaker, the hon. Gentleman then went on to this issue of whether we had lost an  
opportunity to recalibrate our future relationship with the European Union. I do not think today  
is the day for me to tell him that he got things wrong in his understanding of the architecture  
and structure of the Brexit negotiations. I just refer him to that part of my Statement where I  
275 made clear that – at the insistence of the European Union in June of 2017, I think, now two  
summers back – the EU made very clear that its interpretation of the Article 50 process was that  
there would be first only a discussion about withdrawal, and only once withdrawal had occurred  
a discussion about the future. And so the hon. Gentleman is saying that we have not been able  
to achieve that which the United Kingdom has not been able to achieve because it is set out in  
280 the interpretation of the Commission and of the Council in Article 50 of the Treaty as it is. In  
other words, ‘You cannot do the recalibration at this stage, because we will not allow it.’

I agree with him that I think that was a massive mistake on the part of the European Union  
because it compartmentalised the process of negotiation in a way that was neither good for the  
United Kingdom and therefore Gibraltar, or indeed for the European Union, but that is the  
285 political reality with which the negotiators were faced. And if I may say so, they are sometimes  
subject to I think quite brutal criticism in some sections of the British press and in some parts of  
the British Parliament, but the negotiators – not the politicians, the officials who have engaged  
across the floor from each other, who come with parameters given to them, which are in some  
instances unnegotiable parameters – have done exceedingly well to be able to produce at least a

290 document; whether you like it more or you like it less, they produced a document. But that document does not recalibrate the relationship for the future between the United Kingdom and the European Union because that is what the European Union has said it is not prepared to do.

There is now a political declaration that has been published, I think an hour ago. That political declaration sets out the parameters for the discussion in the future that might lead to that recalibration, and it does not mention Gibraltar because it is not mentioning the territorial scope of the discussion that is to be had. The territorial scope is set out in Article 3 as interplayed with Article 184, which is not in my view an axe across the territorial scope but an important reference to who is and is not covered potentially by those discussions, something which the Prime Minister, in relation to Gibraltar, has made repeatedly clear is inclusive of Gibraltar. But in respect of the recalibration, I think the hon. Gentleman needs to read again what I said.

300 In terms of preparedness for no deal, Mr Speaker, we are ready for any potential eventuality. It may sound arrogant for a government to say that, especially the government of a small community, because all of Europe is looking at what happens in the event of no deal; it is not just the United Kingdom that is looking at planning for all eventualities. But of course there is only one part of Europe, apart from West Berlin, that has had to deal with a blockade in living memory, and so I do not believe that a hard Brexit, or a no-deal Brexit, leads to a blockade, but a lot of the things that we might have wanted to consider doing in such circumstances we already do for ourselves as a matter of course. So if, for example, we were about to fall off the European grid for electricity, we never formed part of the European grid of electricity. If we were to fall off the European mechanisms for the purchase and sale of water, we produce our own water. But insofar as matters which are to be dealt with have had to come into consideration, all of them have come under consideration and all of them are eventualities that we are ready for.

Our aim is therefore to ensure that people and businesses can continue to go about their ordinary lives on 30th March in the same way as if a hard Brexit – which we all hope does not happen – had not happened, and we are ready for that eventuality. I have said, I think in the evidence I gave to the Select Committee of the House of Lords, that the planning had been done and the implementation would start after 1st January next year if we were then in a situation where there was not yet a deal. Having lived through European brinkmanship in the past six months, I will not know that there is not a deal until 11.59 on 28th March, I think, but certainly by 1st January we need to start the implementation process in respect of the planning that we would have done.

Then the hon. Gentleman said that this was a difficult and dangerous time and that we had not involved them in decision making. Well, I think to be fair to us, in the process of giving the briefings that we have given we have always asked them whether they think that we should be doing something more; and if I may say so, with the very greatest of respect to hon. Members opposite, I think Mr Feetham on occasion has made a number of suggestions and indeed the hon. Lady, and he and others I think have said more than once that the Government has done everything possible and left no stone unturned. I appreciate that hyperbole sometimes infects those who are announcing something which they believe is successful and that success has many fathers whilst failure is of course an orphan, but if you have said that somebody has done everything humanly possible and left no stone unturned, I wonder what it is that they were going to tell us to do that they have not already said that we have done. But we are open to ideas, of course, as we tell them at the end of every meeting of the Brexit Select Committee.

I want to thank members of the Brexit Select Committee, all of them across the floor of the House, for the work that they have done with us and the understanding that they have brought to the discussions and the useful contributions that they have made in the process of those meetings – and, if I may say so, also in some instances outside the course of those meetings in some of the things that they have said not about the Government but about how matters should be dealt with. But we do not have a government of national unity and we did not think there was a need for a government of national unity, and I think the fact that the nation continues to

prosper and our economy continues to grow demonstrates that we were not in a situation where we should have gone for a government of national unity.

Historians – therefore likely the Deputy Chief Minister – will write for themselves in future and determine when the moment of greatest difficulty and danger arose for this community, whether it was after the referendum on 24th June 2016 or whether it was during the course of the joint sovereignty campaign pursued by both the government of the United Kingdom and the government of Spain in 2002 and 2003. If historians conclude that the moment of greatest difficulty and danger was in 2002 and 2003 and not in 2016, then they will ergo also conclude that we did the right thing by not having a government of national unity now that there was not as much danger and difficulty as in 2002 and 2003 because they did not have a government of national unity in 2002 and 2003 or indeed a joint sovereignty select committee where they might have asked us what we thought. They only heard what we thought in the context of the debates in this House.

I do nonetheless think it is a little harsh of him to say there is no ability to influence, because I think they have influenced and Mr Feetham in particular has put some ideas, as I said in the context of my earlier discussion.

Mr Speaker, finally, I think the hon. Gentleman dealt in his final contribution with the issue of the potential second referendum. I have been on record, I think since July 2016, saying that the terminology of ‘second referendum’ was, in my view, wrong. I was harshly criticised, I think, by Members opposite at the time when I told the *Financial Times* and other international media that I did not think that there should be a second referendum because you do not go back and ask the same question again, and that is what you would describe as ‘second’. If anything, there might be a democratically legitimate opportunity, once a deal had been done about what the future meant, to put that to the people as opposed to the reality of membership of the European Union. That would not be a second referendum, it would be a first referendum, a new referendum on a new issue: now that you know what your options really are, do you wish to (a) stay as you are, or (b) go to this new status? I do not know whether it is possible to put a third question on the ballot paper, or a third option on the ballot paper; that might be democratically not so valid and the Electoral Commission might have something to say about that.

My view was very clear in July 2016 – I have not changed my view – but the political reality that this community has to deal with is that that is not an option at the moment. If it were to become an option – and I think Mr Feetham has said something about that very explicitly in that respect, with which I do not disagree – if that were to become an option, then the position of the Government of Gibraltar, and I think the position of this Parliament as a whole, would be that having participated in the 2016 referendum the people of Gibraltar should of course also be included in the franchise for such future consultations, ‘people’s vote’ as it is now called in the vernacular.

Mr Speaker, I think I have dealt with all the matters that the hon. Gentleman has raised. I think I have dealt with that already in the context of 2002-03.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I rise to seek clarification on a point, but firstly I would like to take this opportunity to thank the Gibraltar and the UK governments for their hard work and solid defence of our people by protecting our sovereignty and constitutional position in the draft Withdrawal Agreement, as well as the rest of the work they have done and continue doing at this key juncture of Brexit negotiations, which are of course so crucial and vital for the people of Gibraltar. I am pleased to note the optimism of the Chief Minister and that we are at a stage where the memoranda of understanding between us and Spain are reaching the final stages with what looks like a reasonable set of agreements for the future. Of course, we have to remain aware of the reality that we still have to wait to see how the Withdrawal Agreement will be voted on in Parliament, because without the Withdrawal Agreement passing through

Westminster all of these agreements could well come to nothing and I therefore sincerely hope this will not be the case.

395 I would like to seek clarification from the Hon. the Chief Minister regarding Spain's position  
on discussing the matter of joint sovereignty. Spain has openly talked about the tabling of this  
issue for future talks or negotiations, so I would like to ask how the Chief Minister will manage  
this aim of the Spanish government and whether it would stand any chance of impeding a  
workable deal which benefits both sides of the border. Would that be our own backstop,  
400 Mr Speaker?

**Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I want to thank the hon. Lady for her contribution today  
405 and indeed all her contributions when we have debated this issue and I have updated the House  
in the time that I have been trying to ensure that the community gets as much of the  
information on Brexit that we are able to share.

I am sorry, I just quickly needed to read that message coming in.

If I may, Mr Speaker, I think the hon. Lady is raising a point that the hon. Gentleman raised in  
410 the course of his statement and that I did not deal with, and I do not know whether that is what  
the hon. Gentleman was pointing out to me. It is absolutely true that the hon. Lady will have  
detected I think two or three occasions when some who have current responsibility have said  
that they will be considering tabling the potential for joint sovereignty in the context of the  
negotiation of what future arrangements should apply between Gibraltar and the European  
415 Union. I have heard it a lot, actually, in the last three months, but I have heard it more from  
those who do not have a responsibility than from those who do have a responsibility. I think this  
is an important point, because the hon. Lady will know in her work with us in respect of the  
Brexit Select Committee that the really seminal moment comes when the former-former Spanish  
Foreign Minister, Sr Margallo, is moved on by his party and Alfonso Dastis, until then a career  
420 diplomat – in fact, the permanent representative in Brussels of Spain – became the Foreign  
Secretary of Spain. Sr Dastis moved matters on quite considerably and quite quickly and he was  
the one who set out the new Spanish position, after Sr Margallo, that the issue of sovereignty  
would not form part of Spain's claims in the context of the Withdrawal Agreement. So when  
they were in a position of responsibility, the Partido Popular through Alfonso Dastis were not  
425 pursuing joint sovereignty. I think it is true to say that there are nuances in what they said which  
limited that position to the stage of withdrawal, not also to the future negotiation.

Mr Speaker, I thought the best and clearest position on this was actually put by Spanish State  
Secretary Marco Aguiriano, who I had the pleasure to meet earlier this week, in an interview  
430 that he gave last week when he was pressed as to why they had not put joint sovereignty to the  
Gibraltarians in the context of this discussion. He said, 'Well, if we do, we can, but they will get  
up and go.' And yesterday in a radio interview he said that he had been in meetings with the top  
tier of Gibraltarian representation in the Brexit negotiations and when asked whether he had  
put the issue of joint sovereignty he said, 'They would just literally have shut their bags and  
gone.' Mr Speaker, that is the political reality and the sooner that everybody in Spain  
435 understands that the people of Gibraltar are no closer to accepting the principle of dilution of  
our sovereignty today than we were in 2002-03 – the moment of potential greatest difficulty  
and danger that we may have faced until June 2016, or 1967 when it was last put to us – the  
sooner we can move on to a mature and genuine political relationship between neighbours.

Absolutely it should be clear beyond peradventure to whoever is misguided enough to want  
440 to countenance it that the people of Gibraltar will never pay a sovereignty price, (**Two  
Members:** Hear, hear.) in particular for something as esoteric as access to a single market.

I do not know that people have not misinterpreted in some ways what our 96% support for  
remaining in the European Union means. The people of Gibraltar voted 96% to remain in the  
European Union because we thought that was the best way to defend ourselves against the



445 Spanish sovereignty claim, not that we are so pro-European – although we may believe in the European project and its ideology – that we are prepared to pay even a sovereignty price to stay in the European Union. That would be the upside down interpretation of our 96% vote.

And so, Mr Speaker, it heartens me to hear serving politicians of the Spanish government recognise that putting the issue of sovereignty and joint sovereignty is not going to lead to anything other than to negotiations not being able to flourish because the Gibraltarians are not going to engage in them, and I think it helps to evidence where people are in the democratic spectrum when there are others who say that it should be imposed on us. Those who seek to impose sovereignties on any others are not playing the democratic game. The conclusions of democratic games can go any way the people want, but the imposition of will can only go one way, as far as I am concerned, and that is right out the door – and I know that I speak for everyone in this Parliament when I say that and when I say that the Government of Gibraltar, whoever might be forming the executive, would never be prepared to countenance any proposal of joint sovereignty that would be put and that, in fact, the sooner we move on from that the sooner we move on to a good, modern relationship based on good neighbourliness.

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**Mr Speaker:** The Hon. Daniel Feetham.

**Hon. D A Feetham:** Mr Speaker, just one point of clarification. Does the Hon. the Chief Minister agree with us that it is important that the United Kingdom hold a line in respect of Article 3 and the definition of the United Kingdom, which currently includes Gibraltar, and its interplay with Article 184, and that in holding that line it is important that the United Kingdom government does not agree to any watering down of language that gives Spain hope that it may be able in the future to extort concessions on sovereignty, jurisdiction and control as a price for reaching a permanent deal in respect of Gibraltar and its permanent relationship with the United Kingdom; and, indeed, that it is only by the United Kingdom being firm with Spain that Spain will understand that, actually, if it really was to agree something that is of mutual benefit to Gibraltar and the neighbouring region – which can be a very positive, very beneficial agreement – the only way to do so is in fact to park issues of sovereignty, jurisdiction and control and that today would be a bad time indeed to be agreeing to any watering down of language in the current Withdrawal Agreement? (*Banging on desk*)

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**Hon. Chief Minister:** Thank you, Mr Speaker.

I think that is a useful point to clarify the Government's understanding of what the state of the texts is, and I think the understanding of governments around Europe is that the Withdrawal Agreement text is closed. In other words, the Article 3 text and the Article 184 text form part of the Withdrawal Agreement, which includes the Protocol, and is closed text, and the political declaration and the future framework are also closed text and therefore there will be no change to the text of Article 3 and the text of Article 184.

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There may be interpretive notes, there may be declarations. Treaties, once agreed, are immediately the subject of buyer's remorse by one side or the other and immediately declarations are made about interpretations etc. I would imagine that the airwaves are full of discussions about those things at the moment, but as long as the texts are sound, everything else in international law does not have the standard of enforceability that legal text might have.

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But be that as it may, the provisions of Article 184 are provisions about an agreement to agree, and that is something that the Government of Gibraltar believes should be honoured in good faith and that the best demonstration of good faith that we have seen has been the repeated position of the Prime Minister of the United Kingdom, who has set out that she is negotiating, from the word go, for the whole of the British family, including Gibraltar. There were some who doubted whether she would see that through into the Withdrawal Agreement and Gibraltar's inclusion in the Withdrawal Agreement. Well, Mr Speaker, Gibraltar is now included in the Withdrawal Agreement and in the transitional period, so those who doubted the

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500 Prime Minister have at least got that piece of evidence to reassure them that she has stood her ground right the way through to the closing of the text and we are in the Agreement and in the transitional period. As long as there is an Agreement and there is a transitional period, we are in there with Britain.

505 The position that the Prime Minister has set out in relation to the application of Article 184 and the view of the United Kingdom is that she is negotiating those future arrangements in respect of the whole of the UK family including Gibraltar, for the benefit of the UK family including Gibraltar, and I think that is a clear and robust statement of position which she is now entitled to ask us to be less cynical and less sceptical about. I think everybody in this House is rightly cynical and sceptical about the assurances given to Gibraltar by UK politicians. Theresa May I think is one of the few who is entitled to say, 'I have demonstrated to you that I gave you an assurance and I have seen it through.' And she has, because in this phase 1 and phase 2 period in which we have been engaged we have had delivered to us the two things that we were 510 assured of: access to the UK market, phase 1; access to the Withdrawal Agreement and the transitional period, such as it may be if there is such an agreement by Sunday.

515 And so the hon. Gentleman is absolutely right that the best way to create confidence in Gibraltar is for the United Kingdom to be robust in the assurances it gives to Gibraltar and to stand by those assurances. What happens when Gibraltar is confident that the UK has our back is that we are confident in being able to engage in a safe dialogue with our neighbour and that helps us to get over the very difficult history that we have had with our neighbour and to demonstrate our still, in relation to our neighbour, sceptical and cynical approach to their approach to negotiations, but to at least demonstrate our willingness to engage and our good faith in trying to reach arrangements which are for the common benefit of all, always with what we might call in our bilingualism 'the fly behind our ear' that they will then actually perform on the obligations, always now knowing – and I think the hon. Gentleman will agree with me post 520 the expensive Cordoba experience, £84 million on an Airport and Spanish pensioners still being paid, something which I have never wished to see stopped – that we must calibrate our performance in a way that plays off continued Spanish performance. So we should not give open-ended commitments to perform obligations which are not linked to Spain performing obligations.

530 All of that, Mr Speaker, with a robust British Prime Minister behind you – who has demonstrated that she does what she says and that she does not wobble at the knees, as some others might have done, and at the last minute give way – is what builds confidence and enables us to go forward. That is what she has done on phase 1 – market access to the United Kingdom – and that is what she has done on phase 2, which is the Withdrawal Agreement and the transitional provision. A lot of people thought that we would not be in the position that we are in today vis-à-vis the support of the United Kingdom. We are there and I think the hon. Gentleman has recognised that in the way that he posed his question, for which I am grateful.

535 Mr Speaker, of course the best next step in that analysis is for Spain to continue to park matters of sovereignty, jurisdiction and control in order to be able to advance in areas which are not infected either by our very clear – and I am always impressed by Arlene Foster's way of expressing this, Mr Speaker – 'blood red lines' on those issues and indeed on the ingredients of sovereignty, jurisdiction and control, which are as important as sovereignty, jurisdiction and control *simpliciter*, and to be able to engage with us in a way that enables us to reach the 540 agreements and the arrangements for ordinary people who benefit from cross-Frontier movement, whether it is for trade or for personal reasons, to be able to benefit from that.

545 If there is one thing that I think it is helpful to have had in particular highlighted in the context of withdrawal – withdrawal; not the future, just withdrawal – it is the recognition of the benefit and value to the whole region of freedom of movement in the period of common membership of the European Union. Hon. Members will know from their reading of the Gibraltar Protocol to the Withdrawal Agreement that that is specifically recognised in the UK-EU document, and I think that augurs well for an understanding of the importance of free

550 movement going forward as we negotiate the future arrangements between the United Kingdom and the European Union and what will be of particular benefit in this part of the world.

I do not know whether I have dealt with everything that the hon. Gentleman wanted me to deal with. I will give way if he wants me to. I am grateful.

555 **Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

I would just like to ask the Chief Minister about a very narrow point in relation to the tax treaty, which we discussed briefly last time the House sat, and I note that this time he has, in fact, used the words 'as the sort of things you would see in a double tax treaty'. What I would like to ask the Chief Minister are two things. Is this treaty capable of surviving or being put into effect into its own right outside the Withdrawal Agreement? Really what I am trying to say is: is it dependent entirely on the Withdrawal Agreement, or can it exist in its own right? And secondly, given that it would survive the two-year transition period, how long would this tax treaty be for? Does it not have an envisaged end date?

565 **Hon. Chief Minister:** Mr Speaker, I have not said that we are entering into a double taxation agreement with Spain, having said that we were not going to. What I said was that there are tax residency rules which we are dealing with in that agreement of the type found in double taxation and information exchange agreements. Mr Speaker, the word precision is important in a Parliament where we are discussing our words, so I think it is important the hon. Gentleman have a look at the text of my Statement when it is published and he addresses what I have said, rather than what he wishes he had heard.

570 Mr Speaker, the tax agreement is not limited to drop dead on 31st December 2020 – I think I made it very clear that it was the former memoranda that fall dead on that date – because a tax agreement is not something you can put in place in such a short period. You need time to ensure that people are aware of the rules and to be able to make assessments which bring people and their information within the provisions of the agreement. Neither do we wish for there to be a definite period for determination of the obligations under the agreement. We want this to endure, Mr Speaker.

580 One of the issues that Spain has repeatedly used in the international media against Gibraltar is the issue of taxation, and therefore reaching an arrangement in respect of taxation with Spain is something that we want to see endure so that that weapon is not available in the past. We genuinely want to have an open and transparent relationship with Spain, as we do with many other nations, none of the others of which are our neighbours, in respect of taxation so far as it goes to residency rules etc. So that is one of the agreements that will not end at the end of December, and in fact I think I said so explicitly and I think the Leader of the Opposition recognised explicitly that I said that the citizens' rights memorandum and the tax agreement were the ones that did not end at 31st December.

**Mr Speaker:** Does any other hon. Member wish to raise any question?

**Standing Order 7(1) suspended  
to proceed with Government Bills**

590 **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 Government Bills.

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

**BILLS**

**FIRST AND SECOND READING**

**Crimes (Amendment) Bill 2018 –  
First Reading approved**

**Clerk:** Bills – First and Second Reading.

A Bill for an Act to amend the Crimes Act 2011 so as to make certain Acts of voyeurism an offence.

The Hon. the Minister for Health, Care and Justice.

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**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Crimes Act 2011 so as to make certain Acts of voyeurism an offence be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 so as to make certain Acts of voyeurism an offence be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Crimes (Amendment) Act 2018.

**Crimes (Amendment) Bill 2018 –  
Second Reading approved**

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**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

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This Bill makes certain acts of voyeurism, commonly referred to as ‘upskirting’, an offence in Gibraltar. This highly intrusive practice typically involves offenders taking a picture under a person’s clothing without them knowing. This unacceptable practice has seen significant media attention in recent months, especially in the UK, where a campaign was led by victim Gina Martin. Gina was at a music festival in London when two men took indecent photographs of her by angling the phone cameras under her skirt when she was distracted. These images were then shared by the men on WhatsApp.

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Reports suggest that in the UK there have been 78 cases of upskirting recorded by police since 2005, although they have been prosecuted under other existing offences such as the offence of outraging public decency. Gina campaigned for upskirting to be specifically made an offence and a Private Member’s Bill was submitted to Parliament. It did not pass its Second Reading, due to an objection by Sir Christopher Chope MP, who as a matter of principle objects to all Private Bills. However, after much outrage – understandable, in my mind – the UK Prime Minister, the Rt Hon. Theresa May MP, quickly intervened and adopted the measure as a Government Bill. The UK Bill is still working its way through the Houses of Parliament.

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There is no harm, Mr Speaker, and I think everything to be gained, to criminalise specifically this vile behaviour.

I now turn to the clauses of the Bill.

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Clause 3(1)(2) introduces the offences, under a new section 293A entitled ‘Voyeurism: additional offences’.

Subclause (1) makes it an offence for a person to operate equipment underneath a person’s clothes without their consent for the purpose of obtaining sexual gratification or to cause humiliation, distress or alarm to that person.

635 Subsection (2) sets out a similar offence for recording an image beneath another person's clothing for the same purposes.

Subsection (4) stipulates that these offences will carry a penalty, on summary conviction, of imprisonment for 12 months, or the statutory maximum fine, or both. A conviction indictment will carry two years' imprisonment.

640 Clause 3(4) amends Schedule 3 of the Act by adding the new section 293A to the list of offences. Part 13 of the Act, which deals with notification requirements and orders in relation to sex offenders, applies to all those offences listed in Part 13, which will now of course include the new section 293A.

Mr Speaker, I commend the Bill to the House.

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**Mr Speaker:** Before I put the question, does any hon. Member wish to speak to the general principles and merits of this Bill? The Hon. Edwin Reyes.

**Hon. E J Reyes:** Just simply to inform the Clerk that it is our indication to support the Bill.

650

**Mr Speaker:** Very well.

I now put the question – No? Ah, yes, my apologies. The Hon. Samantha Sacramento.

**Hon. Miss S J Sacramento:** Mr Speaker, attempting to take a photograph underneath a skirt, also known as image-based sexual abuse, is a gross violation of privacy and potentially an act of indecency; and whichever way, this is a form of sexual harassment.

655 This offence will mainly affect women, for obvious reasons, and therefore this law serves to protect women from these circumstances. As Minister for Equality, I am pleased to recommend this specific law, which is fit for purpose to combat this phenomenon. The introduction of this new law is good news and is yet another achievement from the equality lens.

660 Mr Speaker, any form of sexual abuse is an infringement against the rights of women, and as most victims of this act will be women it constitutes discrimination against women on the grounds of her sex. This new offence serves to enhance the recognition of women's rights to privacy, dignity and sexual expression.

665 We must do everything possible to protect women and girls from sexual offences and ensure that those committing such offences are punished. Therefore, Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

**Mr Speaker:** Is there any other contribution to the Second Reading of the Bill?

670 I will now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 so as to make certain acts of voyeurism an offence, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Crimes (Amendment) Act 2018.

**Crimes (Amendment) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

675 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**COMMITTEE STAGE AND THIRD READING**

680 **Clerk:** Committee Stage and Third Reading. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Crimes (Amendment) Bill 2018.

*In Committee of the whole House*

**Crimes (Amendment) Bill 2018 –  
Clauses considered and approved**

685 **Clerk:** A Bill for an Act to amend the Crimes Act 2011 so as to make certain acts of voyeurism an offence.  
Clauses 1 to 3.

**Mr Speaker:** Stand part of the Bill.

690

**Clerk:** The long title.

**Mr Speaker:** Stands part of the Bill.

**Crimes (Amendment) Bill 2018 –  
Third Reading approved: Bill passed**

**Mr Speaker:** The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Crimes (Amendment) Bill 2018 has been considered in Committee and has been approved of without amendments. I move that it should now be read a third time and passed.

700 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 so as to make certain acts of voyeurism an offence, be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

**Brexit documentation**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now adjourn to Thursday, 6th December at three o'clock in the afternoon.

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Given what we anticipate will be the timetable of progress at a European level, it is anticipated – nothing is clear, it is *anticipated* – that we may be able to see the whole suite of documentation that I have referred to the House should be published either late in the weekend or early during the course of next week, and I should then have an opportunity of letting hon. Members have it probably long before that. If I can, by close of business on Friday I hope to be

710 able to let them have that document and that then there should be a period for the whole community to be able to see the documentation.

I expect then, as I have said, to make a ministerial Statement and then to come to this House to be able to have the debate in this House, so that hon. Members are able to put to the community their views in respect of those documents and what I have said about them in the  
715 context of the ministerial Statement.

So I move that the House should now adjourn to Thursday, 6th December at 3 p.m.

**Mr Speaker:** The House will now adjourn to Thursday, 6th December at three in the afternoon.

*The House adjourned at 4.07 p.m.*

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# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3 p.m. – 3.01 p.m.**

**Gibraltar, Thursday, 6th December 2018**

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## The Gibraltar Parliament

*The Parliament met at 3 p.m.*

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

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

### **Adjournment of sitting to Friday, 14th December 2018**

**Clerk:** Meeting of Parliament, Thursday, 6th December 2018.

Order of Proceedings: the Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, simply to advise the House that at the last meeting of the briefing of the Brexit Select Committee the Chief Minister indicated that he would be discussing the MoUs relating to the Brexit agreements on Gibraltar at this meeting and the Hon. Mr Feetham indicated he would not be present in Gibraltar, so we agreed to adjourn this meeting of the House.

I move the House do now adjourn to Friday, 14th December at 10 a.m., which should allow Mr Feetham to be here.

**Mr Speaker:** I put the motion, which is that the House do now adjourn to Friday, 14th December at 10 in the morning, when we will be proceeding with a motion on the MoUs. Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn to Friday, 14th December at 10 in the morning.

*The House adjourned at 3.01 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10.04 a.m. – 10.35 a.m.**

**Gibraltar, Friday, 14th December 2018**

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# The Gibraltar Parliament

*The Parliament met at 10.04 a.m.*

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

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

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### **Mutual Legal Assistance (Council of Europe) Bill 2018 – First Reading approved**

**Clerk:** Meeting of Parliament, Friday, 14th December 2018.

Order of Proceedings: (ix) Bills – First and Second Reading.

5 A Bill for an Act to give effect in Gibraltar to the Council of Europe's European Convention on Mutual Assistance in Criminal Matters made in Strasbourg on 20th April 1959.

The Hon. the Minister for Health, Care and Justice.

10 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to give effect in Gibraltar to the Council of Europe's European Convention on Mutual Assistance in Criminal Matters made in Strasbourg on 20th April 1959 be read a first time.

15 **Mr Speaker:** I now put the question, which is that a Bill for an Act to give effect in Gibraltar to the Council of Europe's European Convention on Mutual Assistance in Criminal Matters made in Strasbourg on 20th April 1959 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Mutual Legal Assistance (Council of Europe) Act 2018.

#### **Mutual Legal Assistance (Council of Europe) Bill 2018 – Second Reading approved**

20 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

It is a pleasure to have the opportunity to present to Parliament what I am sure the House would agree is an important piece of legislation.

25 The Bill is framed to enable Her Majesty's Government of Gibraltar to request the extension  
of the Council of Europe's Convention on Mutual Assistance in Criminal Matters made in  
Strasbourg on 20th April 1959 to Gibraltar, as it presently does not apply. To extend the  
application of the Convention to Gibraltar would allow us to continue to assist in the fight  
against international crime through the gathering and exchange of information which will assist  
in the enforcement of the criminal laws of the participating parties. It will also allow for the  
request of evidence for use in criminal investigations and prosecutions. Common rules in  
30 criminal legal assistance such as these achieve the aim of fighting crime.

As hon. Members are aware, this Bill has been certified as urgent as it stems from the  
Government's Brexit contingency planning. The Convention on Mutual Assistance has been  
identified by the United Kingdom as necessary to mitigate the effects of a potential no-deal  
Brexit. Hon. Members will know that Gibraltar currently provides assistance to and seeks  
35 assistance from member states under the European Investigations Order Regulations 2017,  
which on their entry into force disapplied the Mutual Legal Assistance (European Union)  
Act 2005 to member states other than Denmark and Ireland. A hard Brexit will result in the EIO  
no longer having any force because it is a mutual recognition instrument and there will be an  
urgent and serious need to address this legislative lacuna. Further, the Government Law Office  
40 has been working with the United Kingdom's Home Office officials, who have urged Her  
Majesty's Government of Gibraltar to enact this legislation before the end of the year if the  
United Kingdom's ratification of the Convention is to be extended to Gibraltar by exit day.

It is relevant to note, hon. Members, that the Mutual Legal Assistance (International)  
Act 2005 is the mechanism by which legal assistance in criminal matters may be provided  
45 between Gibraltar and other reciprocating jurisdictions. Some of the obligations under the  
Convention are already implemented domestically in the Mutual Legal Assistance (International)  
Act 2005 and require no further implementation in this Bill. This Bill, which enables the  
Government to implement the obligations under the Convention, establishes common rules in  
the field of criminal matters between all the states parties to the Convention. Clause 16 of the  
50 Bill clearly sets out that nothing in this Bill will offend the provision of assistance under the  
Mutual Legal Assistance (International) Act 2005 or any other enactment in Gibraltar.

Mr Speaker, the Bill consists of six Parts, made up of 17 clauses.

Clause 5 of the Bill provides for the Mutual Legal Assistance (International) Act 2005 to apply  
insofar as relevant defences and corresponding requests for legal assistance are concerned.

55 Clause 6 sets out the circumstances when assistance may be refused. These are additional to  
the criteria already contained in section 3(2) of the Mutual Legal Assistance (International)  
Act 2005.

Clause 7 allows for the execution of letters rogatory in Gibraltar. This provision sets out the  
powers and obligations of the judicial authority in Gibraltar should such a request be acceded to.

60 Part 4 sets out the circumstances and conditions where persons in custody may be  
temporarily transferred to a requesting state to provide assistance in the event they are  
required to appear as a witness.

Clause 10 deals with the circumstances where section 20 of the Mutual Legal Assistance  
(International) Act 2005 applies. Section 20 sets out the provisions in relation to the immunity of  
65 witnesses when making an appearance before the judicial authorities of a requesting state.  
Clause 10 sets out the circumstances when the judicial authority in Gibraltar should grant  
immunity under the Act.

Lastly, Mr Speaker, Part 6 contains general provisions. Clause 17 is an important provision  
within this Part as treaties between Gibraltar and the United Kingdom do not apply *inter se*. This  
70 clause therefore allows Her Majesty's Government of Gibraltar to extend the Act to the United  
Kingdom in the event of a request for assistance from or to the UK.

Mr Speaker, before commending the Bill to the House I would like to take this opportunity to  
place on the record my sincere thanks to the Members opposite for their agreement to the  
urgent certification and for voting, or at least for their intention to vote in favour of this Bill. I

75 think it is important that the world understands that our Parliament stands united in its  
solidarity to fight crime.

Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

80 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general  
principles and merits of the Bill? The Hon. Daniel Feetham.

85 **Hon. D A Feetham:** Mr Speaker, very briefly. The Hon. the Minister for Justice reached out to  
us three weeks ago. He spoke to me and he also met with the Hon. the Leader of the Opposition  
in relation to this. We have no hesitation in supporting this Bill and the next Bill that we are  
going to be debating. Extradition and indeed mutual legal assistance are one of the fundamental  
pillars of the system of international justice and co-operation. Both Bills are introduced on an  
urgent basis because – and I hope that it does not happen and I believe that it will not happen –  
if the United Kingdom effectively falls off a cliff on 29th March and we have a hard Brexit  
situation, there is a need for these pieces of legislation in order to ensure that we can co-  
operate internationally in the field of extradition and in the field of mutual legal assistance, and  
therefore it is of fundamental importance for us as a Parliament to stand united, supporting  
these measures and sending a very clear message that Gibraltar is ready to co-operate with the  
international community despite Brexit and anything else that might come our way. (*Banging on  
desk*)

95 **Mr Speaker:** I now put the question –

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

100 **Mr Speaker:** Yes, sorry, the Hon. the Chief Minister.

105 **Hon. Chief Minister:** Mr Speaker, just a short note, because I think it is important that this is  
reflected in *Hansard*. Section 35(3) of the Constitution, under which I have certified these Bills as  
urgent, does not require agreement between the Government and the Opposition as to the  
urgency and the cutting, therefore, of the period. We have traditionally sought that the power  
should not be exercised other than in instances where the Opposition is in agreement, but of  
course the Constitution does not require that agreement and there might be circumstances  
where the executive is required to signify that the power under section 35(3) is to be used  
absent that agreement.

110 **Mr Speaker:** I now put the question, which is that a Bill for an Act to give effect in Gibraltar to  
the Council of Europe's European Convention on Mutual Assistance in Criminal Matters made in  
Strasbourg on 20th April 1959 be read a second time. Those in favour? (**Members:** Aye.) Those  
against? Carried.

115 **Clerk:** The Mutual Legal Assistance (Council of Europe) Act 2018.

**Mutual Legal Assistance (Council of Europe) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that  
the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Extradition Bill 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to provide for the extradition of persons pursuant to any Conventions, Treaties, bilateral or multilateral agreements that apply to and have been extended to Gibraltar or any extradition arrangement or agreements which have been entered into by the United Kingdom and extended to Gibraltar and for connected purposes.

The Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the extradition of persons pursuant to any Conventions, Treaties, bilateral or multilateral agreements that apply to and have been extended to Gibraltar or any extradition arrangement or agreements which have been entered into by the United Kingdom and extended to Gibraltar and for connected purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the extradition of persons pursuant to any Conventions, Treaties, bilateral or multilateral agreements that apply to and have been extended to Gibraltar or any extradition arrangement or agreements which have been entered into by the United Kingdom and extended to Gibraltar and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Extradition Act 2018.

**Extradition Bill 2018 –  
Second Reading approved**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Once again, it is a pleasure to have the opportunity to present to Parliament a further important piece of legislation. The Bill is framed to enable Gibraltar to request the extension of the European Convention on Extradition 1957 and its four Protocols. The Convention and the four Protocols do not yet extend to Gibraltar.

The Bill would enable the Central Authority in Gibraltar to receive and issue extradition requests from and to other states and territories under international conventions, treaties and bilateral or multilateral agreements that have been extended to Gibraltar. Further, it will include any future arrangements or agreements that Her Majesty's Government of Gibraltar would enter into.

Hon. Members will know that transnational crime is already caught under the Fugitive Offenders Act 2002 and the Transnational Organised Crime Act 2006. This Bill will instead cover crime that is not transnational in nature but caught by the criminal laws of a nation state or territory.

This Bill is based on the UK's Extradition Act 2003. Gibraltar is now in a position to offer a similar legislative framework by adopting the UK's model for legal assistance in the fight against crime.

160 As hon. Members are aware, this Bill has also been certified as urgent, as it stems from the Government's Brexit contingency planning. The Convention on Extradition and its four Protocols have been identified by the United Kingdom as necessary to mitigate the effects of a potential no-deal Brexit.

165 Further, the Government Law Office has been working with the United Kingdom's Home Office officials, who have urged Her Majesty's Government of Gibraltar to enact this legislation before the end of the year if the United Kingdom's ratification of the Convention is to be extended to Gibraltar by exit day.

170 Gibraltar currently is able to execute European Arrest Warrants and also issue the same under the European Arrest Warrant Act 2004, which gave effect to the Council Framework Decision on the European Arrest Warrant. However, if there is a hard Brexit this will not be possible, as Gibraltar, along with the UK, will no longer be a member state and an alternative way of providing assistance needed to be found. This Bill will pave the way for the Convention on Extradition to be extended to Gibraltar, which in turn will allow us to extradite and seek extradition from those Convention states.

175 The Bill consists of five Parts, 123 clauses and two Schedules.

180 Part 2 contains provisions on the procedures for dealing with extraditions to requesting states pursuant to the treaties, international conventions and agreements that apply to Gibraltar. The clauses therein sets out the Central Authority's duties when a valid request for extradition is received and also set out what constitutes a valid request. The procedure for transmitting an extradition request to the Central Authority, the basis on which a magistrate can issue a warrant for the arrest of a person, the power to remand a person in custody or on bail and the execution of warrants and provisional warrants by police and customs officers are all covered.

185 Part 2 deals with the detail concerning the commencement of extradition hearings, including the relevant timescales. The powers and duties of the magistrate in an extradition hearing, the bars to extradition, sufficiency of evidence to be considered and questions of compatibility with the Gibraltar Constitution Order are also addressed. Similarly, competing extradition claims, consideration of the physical and mental condition of the person and the transmission of the case to the Central Authority for a decision on whether the person is to be extradited are also covered.

190 Further, Part 2 concerns the functions of the Central Authority, such as the provision of information, situations covering the prohibition of extradition, the deferment of an extradition decision and the time limits for ordering extradition or discharge.

195 Part 2 comprehensively addresses appeals, procedural appeals and the powers of the Supreme Court and the Privy Council. Provision is made inter alia for the time periods for extradition when ordered, the procedure when a request for extradition is withdrawn at the different stages of the extradition process and in cases of competing extradition requests.

200 Even further still, Part 2 addresses the basis upon which a person may consent to their extradition, situations when they are to be returned to Gibraltar to serve the remainder of any sentence imposed here, costs arising from discharge after court appeals, and repatriation.

Part 3 contains provisions relating to extradition to Gibraltar. The basis and conditions upon which a person can be dealt with in Gibraltar for an offence committed before their extradition and the remission of punishment for certain offences are also dealt with.

205 Part 4 concerns police arrest powers when there has been a warrant issued under Part 2 and the issue of search and seizure warrants. The powers of a magistrate to make production orders are also covered.

Part 4 sets out the relevant application processes, the procedure, the requirements and the powers of police officers when dealing with matters relating to extradition.

210 Provisions covering treatment after arrest are within Part 4, including the taking of fingerprints and samples, searches and examination and the taking of photographs. The Central Authority may by order also apply certain provisions of the Criminal Procedure and Evidence

Act 2011, such as intimate searches, the right to have someone informed when arrested and the right to legal advice.

215 Clause 101 empowers the Commissioner of Police to issue codes of practice in connection with the exercise of the powers conferred by Part 4, namely: the retention, use and return of anything seized or produced under this Part; access to and the taking of photographs and copies of anything so seized and produced; and the retention, use, disclosure and destruction of fingerprints, a sample or a photograph taken under this Part. The Commissioner of Police has issued draft codes of practice, and following the required process these will be published and  
220 laid before the House.

Part 5 is the final Part. It contains miscellaneous provisions such as where there are competing extradition claims, the magistrates' powers in relation to deferred claims, re-extradition, special extradition arrangements, service of documents and the consequential amendments to the Criminal Procedure and Evidence Act, so that certain relevant provisions can  
225 apply where there are extradition proceedings under the Act.

Clause 120 empowers the Hon. the Chief Justice to make rules of court which supplement or modify those Criminal Procedure Rules and practice directions of the Chief Justice of England and Wales that apply to Gibraltar. The relevant provisions are currently found in part 50 of the Criminal Procedure Rules.

230 Lastly, Schedule 1 lists the conduct constituting an extradition offence and Schedule 2 deals with notifications where the provisions relating to a person's re-extradition applies.

Mr Speaker, I wish to thank the Hon. Mr Feetham for indicating that the Opposition will vote in favour of this Bill. I also wish to thank the hon. Lady for having indicated the same to me earlier on last week.

235 Once more, Mr Speaker, I think it is important that our Parliament stands united in its commonality of purpose, this time to maintain those elements of our criminal justice system that seek to ensure that those who have to face trial or sentence cannot avoid the consequences of their criminality by fleeing from a jurisdiction.

Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

240

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

245 **Hon. E J Phillips:** Mr Speaker, we will support this Bill. I am grateful to the Minister for setting out the basis on which he has approached us in relation to consulting with us in relation to the Extradition Bill and I note what the Chief Minister has said in relation to any agreement. It is not for the Government to reach an agreement with the Opposition – clearly not – under the Constitution, but I am grateful for him reaching out to us and discussing this Bill with us.

250 There was one question that was raised, just in the course of the delivery of his contribution, in relation to the definition of 'Central Authority'. I do understand from my learned hon. Friend Mr Feetham that it has always been the Chief Secretary who has been the Central Authority for the purposes of these types of cases, but in reading the Mutual Legal Assistance (Criminal) Act I noted that the Central Authority has been the Minister for Justice in respect of those matters. Can the Minister explain, hopefully in his reply, why it has always been the Chief Secretary who  
255 has been in receipt of those requests under this particular Act and the previous Act?

But insofar as what the Minister has said in relation to the criminal justice system and our support for it, I would associate ourselves with those statements and we will fully support this Bill.

260 **Mr Speaker:** I think the Hon. the Chief Minister will wish to place on record that we are proceeding pursuant to section 35(3) of the Constitution.

**Chief Minister (Hon. F R Picardo):** Thank you, Mr Speaker.



265 I think the Hon. the Minister for Justice has set out that I have certified, as I have indeed done so, under section 35(3) that the time available for consideration of this Bill before the House needs to proceed upon it is not able to be six weeks for the reasons of urgency that the Minister has already set out.

270 **Mr Speaker:** Does the hon. mover wish to reply? Yes.

**Hon. N F Costa:** Mr Speaker, I think that I understood the hon. Gentleman correctly when he asked me a question as to the Mutual Legal Assistance. If I can refer him to clause 4(2), it says the Minister or any such person or persons as he may designate by notice in the Gazette is the judicial authority in Gibraltar for the purposes of this Act, so it allows me the power to be able to nominate the Chief Secretary or any other official whom the Government deems would be appropriate in the circumstances.

**Hon. D A Feetham:** Just on that, my understanding of these –

280 **Mr Speaker:** The hon. the mover has given way to the Hon. Daniel Feetham. Carry on.

**Hon. D A Feetham:** Thank you very much. I apologise, Mr Speaker.  
My understanding has always been with these notifications and receipt of requests that it has always been channelled through the Office of the Chief Secretary, and in fact if you actually look in other areas of the law where there have been requests that are made, they come to the Chief Secretary and then from the Chief Secretary they go out. I do not know whether that has been a relatively recent phenomenon – in other words, by ‘relatively recent phenomenon’ that it has been the last 13 or 14 years – but certainly when I was there in 2007 it was always the Chief Secretary and I think it is actually much wider than just these types of measures. The Chief Secretary was always the Central Authority for the purposes of receiving and directing requests. I think Mr Peralta may actually know a little bit more about this.

My learned Friend Mr Clinton says –

295 **Hon. R M Clinton:** Not learned, thank you.

**Hon. D A Feetham:** My quasi learned Friend Mr Clinton is saying that he is making decisions. The decisions are made by, for example, the Minister, or in other areas of the law it may well be the Attorney General or elsewhere, but it is actually channelled via the Chief Secretary and on advice of – in other words, he is not making independent decisions.

300 **Hon. N F Costa:** Mr Speaker, I think just to provide some clarity, the Extradition Act stipulates that the Central Authority is the Chief Secretary. I mentioned in the course of one of my two speeches – it must have been the speech on the Mutual Assistance – that we enacted the European Investigatory Orders Regulations and so we disapplied the Mutual Legal Assistance (European Union) Act. When we did that, the Attorney General, if I remember correctly ... I do not have the Regulations in front of me, but I am quite certain that it was the Attorney General that became the Central Authority under those Regulations. We can pull those up and we can discuss them, but as I said during the course of my speech, the Mutual Legal Assistance (European Union) Act was disapplied by virtue of those European regulations and when the European Investigatory Orders Regulations came in, the Central Authority became the Attorney General. We have to confirm it by looking it up, but for the purposes of extradition it certainly is the Chief Secretary.

315 **Mr Speaker:** The situation now is that the Hon. Neil Costa has the right to reply. If any other Member wishes to add something at this late stage he will have to ask him to ... We make the

assumption that he has not finished his contribution and that that is the only way under which he can give way to somebody else from the Opposition.

320 **Hon. N F Costa:** Mr Speaker, given that the issue has been raised as to the person who is the relevant Central Authority, and I have alighted, I think, on what it is that they are asking, we can very quickly check the answer for them, so maybe they can raise it at the Committee Stage and we will have the answer for them, I am sure, by that point.

325 **Mr Speaker:** I think we will deal with the matter at the Committee Stage.  
I now put the question, which is that a Bill for an Act to provide for the extradition of persons pursuant to any Conventions, Treaties, bilateral or multilateral agreements that apply to and have been extended to Gibraltar or any extradition arrangement or agreements which have been entered into by the United Kingdom and extended to Gibraltar and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

330

**Clerk:** The Extradition Act 2018.

**Extradition Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in the circumstances and having made such quick progress through those two important pieces of legislation, I move that the House should now adjourn to this afternoon at 3 p.m.

**Mr Speaker:** The House will now adjourn to this afternoon at three.

*The House adjourned at 10.28 a.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.07 p.m. – 5.51 p.m.**

**Gibraltar, Friday, 14th December 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.07 p.m.*

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

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

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

##### **Terrorism Bill 2018 – First Reading approved**

**Clerk:** A Bill for an Act to make provision about terrorism offences, to make provision for the proscribing of organisations, to provide for orders for the freezing and forfeiture of terrorist property and funds, to provide for the investigation of terrorist offences and provide investigation measures, to make provision in connection with overseas terrorism, to repeal and  
5 replace the Terrorism Act 2005 and for connected purposes.

The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an  
10 Act to make provision about terrorism offences, to make provision for the proscribing of organisations, to provide for orders for the freezing and forfeiture of terrorist property and funds, to provide for the investigation of terrorist offences and provide investigation measures, to make provision in connection with overseas terrorism, to repeal and replace the Terrorism Act 2005 and for connected purposes be read a first time.

15

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision about terrorism offences, to make provision for the proscribing of organisations, to provide for orders for the freezing and forfeiture of terrorist property and funds, to provide for the investigation of terrorist offences and provide investigation measures, to make provision in connection with  
20 overseas terrorism, to repeal and replace the Terrorism Act 2005 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Terrorism Act 2018.

##### **Terrorism Bill 2018 – Second Reading approved**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill should  
25 be now read a second time.

Unfortunately, we are all too aware that we live in dangerous times. Just this week in Strasbourg, terrorism has struck again. Even during our General Election campaign three years ago the Hon. Mr Feetham and I had to speak in the middle of that campaign, and he will no doubt recall with as much sadness as I do that we had to agree to suspend campaigning as a result of the brutal attack in Paris that year. Then in Berlin, in London, in Barcelona and then in Manchester. All of these great cities and others have suffered the scourge of terrorism in the past five years in Europe alone. Around the world terrorism afflicts too many communities and in our own lives we have seen our own Police now regularly armed with automatic weapons. We have seen Jersey barriers going up in our pedestrianised areas and thank God that perhaps our most fractious debate in this respect has been whether or not our particular style of Jersey barriers is more or less attractive. Thank God that we are able to have discussions about that, Mr Speaker.

The terms of this Bill, however, come about as a request from the Royal Gibraltar Police for the provision of certain powers that are available to their UK counterparts. As such, this Bill contains provisions which are found in the UK's Terrorism Act 2000, the Anti-Terrorism, Crime and Security Act 2001, the Terrorism Act 2005 and the Counter-Terrorism Act 2018, each of those as subsequently amended. The Bill will also repeal and replace our own Terrorism Act 2005, and some of those provisions in that Act will be converted into new provisions of this Act.

Mr Speaker, given the length of the Bill I propose to speak to the various parts and not to descend into the relevant sections unless it is necessary to do so, although of course in reply if hon. Members want to ask any questions about any of the particular sections, we can look at them together.

The first part is a procedural part which defines what constitutes terrorism and also terrorist property. Terrorism, as defined in clause 4(1), is:

the use or threat of action where—

- (a) the action falls within subsection (2);
- (b) the use or threat is designed to coerce, compel or undermine the government or an international governmental organisation or to intimidate the public or a section of the public; and
- (c) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.

Subclause (2) sets out the act, namely if it:

- (a) involves serious violence against a person;
- (b) involves serious damage to property;
- (c) endangers a person's life, other than that of the person committing the action;
- (d) creates a serious risk to the health or safety of the public or a section of the public; or
- (e) is designed seriously to interfere with or seriously to disrupt an electronic system, and the person committing the action either intends or is reckless as to whether any of the matters set out in paragraphs (a) to (e) is produced.

Having said I am not going to go into the sections, the first thing I have done is go into that section, Mr Speaker, because it is important that everything else that we talk about this afternoon is seen through the prism of the evil that we are trying to prevent, and that is the key aspect of what that definition brings to this section. The definition is cast in this way so that it is transitional in nature, so that the actions, property or risks need not occur in Gibraltar for the Bill to treat the action as terrorism. So, acts preparatory of terrorism, if they are carried out in Gibraltar, even if the action is eventually to be carried outside of Gibraltar, are of course caught by the definition.

Clause 5 defines what constitutes terrorist property, and when read with clause 3 property is given a very wide meaning indeed and includes electronic or digital property, which is increasingly valuable, whether in the context of legitimate activity or in the context of illicit, illegal activity of this sort.

65 The second part deals with what is a proscribed organisation under the terms of the United Kingdom Terrorism Act 2000 and how that proscribed organisation can become a proscribed organisation in Gibraltar.

70 Few organisations are proscribed in the United Kingdom and the reason for this is that prior to designating an organisation as a proscribed organisation the United Kingdom undertakes considerable work through its security services and with its international partners so that it only targets appropriate organisations. Much of this work is undertaken at a very high level of security clearance and subject to strict limits of confidentiality arising from the needs of security, of course. For those reasons, and as an exception to our normal practice, we have decided to accept, as a matter of Gibraltar law, a UK designation of a proscribed organisation for the purposes of terrorism. The reason for that is that we are simply unable to make a proper determination in this respect in Gibraltar that would withstand challenge. There could be nothing worse than making an organisation a proscribed organisation without the depth of security information necessary in order to be able to do that without the international reach with other security services that would enable us to do that in a way that would be cast iron and to find that organisations so proscribed would then be able to challenge the proscription in our courts and get themselves off our register of proscribed organisations. That would be an absolutely terrible result for Gibraltar.

80 It follows that an aggrieved person – a person who has been proscribed and considers that they should not have been proscribed as an organisation or person subject to the provisions of this Act – needs to be given a remedy. Since Gibraltar is not the custodian of the information that can properly lead to a designation, a person who is aggrieved for the reasons I have set out before is directed to make an application for de-proscription to the Secretary of State in the United Kingdom. Should this not be successful an aggrieved person will be able to appeal to the Proscribed Organisations Appeal Commission which exists in the United Kingdom. Those are such sensitive proceedings that they are actually closed proceedings, they are in camera proceedings, where the interested party is represented by a Special Advocate. Due to the sensitive nature of the information, the limitations on it being divulged and the steps required in order to maintain security of such information, it is not possible for Gibraltar to recreate that regime with a domestic regime in Gibraltar; it would be impossible for us to do so.

85 This second Part of the Act also creates offences in connection with belonging to or supporting a proscribed organisation.

90 Then the third Part, Mr Speaker, sets out offences relating to terrorism and there are four main groups of terrorism offences.

Clauses 12 to 15 create the group of offences concerning the encouragement of terrorism.

95 Clauses 16 to 24 are a group of clauses creating the offences concerning the preparation of terrorist acts and terrorist training, which can include travelling abroad, funding travelling and facilitating travel for terrorist training.

100 Clauses 25 to 29 are a group of sections which provides for offences relating to radioactive and nuclear terrorism related offences.

105 Clauses 30 to 34 are miscellaneous terrorist offences covered in that group of clauses and they include the use of noxious substances and hostage-taking. These provisions also cover the collection of information of a kind likely to be useful to a person committing or preparing an act of terrorism and cover the eliciting, publishing or communicating of information about members of the Police and other law enforcement agencies.

This Part has retained and added to the offences which were already there under Part IV of the Terrorism Act 2005.

110 Schedule 1 sets out a list of terrorist offences that are referred to in this Part 3 and these represent the parallel offences in Gibraltar law to those offences mentioned in the Council of Europe Convention on the Prevention of Terrorism – and that is how we bring them into our law.

115 The fourth Part of the Bill deals with finance offences and the forfeiture of materials which have been used to finance or promote terrorist activity. With respect to finance, the financing offences include fund-raising and other kinds of financial support for terrorism.

120 Clause 39 is actually a specific money laundering offence that is committed with terrorist property and will be familiar to those conversant with our money laundering provisions elsewhere in our legislation, whether in Financial Services Acts or in the Criminal Offences Acts. Along with this offence there are corresponding provisions for disclosure to the authorities where a person has a belief or a suspicion that arises in the course of a trade, business, profession or employment, and those are also dealt with in this Part of the Bill.

125 Clauses 56 to 61 actually make specific provision for court orders for the forfeiture of moneys or other properties connected with offences in this Part and also for the issue of restraint orders; so not just offences of moneys actually having been laundered or having been used for the purposes of facilitating terrorist acts but also to restrain those moneys.

This Part in effect replaces and adds to Part II of the Terrorism Act 2005.

The associated Schedules are Schedules 2 and 3. Schedule 2 defines the regulated sector and the supervisory authorities and Schedule 3 gives more detail of what the forfeiture procedures are.

130 Then Part 5 deals with the forfeiture and freezing orders more specifically and includes the power to forfeit and freeze terrorist property and to monitor the accounts of terrorists or suspected terrorists.

135 Clause 62 and Schedules 4 and 8 of the Bill are linked. Those contain provisions to prevent terrorists from gaining access to their money. They ensure that investigative and freezing powers are available wherever funds could be used to finance terrorism.

The Bill also gives law enforcement agencies the power to seize terrorist cash and the power to freeze assets at the start of an investigation rather than when the person is about to be charged, reducing the risk that funds will be used or moved before they can be frozen.

140 Clause 63 enables the Minister to freeze the assets of overseas governments or residents who have taken, or are likely to take, action to the detriment of Gibraltar's economy or action constituting a threat to the life or property of a Gibraltarian or a resident of Gibraltar.

Schedule 5, which is connected to it, makes further provision about the content of freezing orders.

145 Schedule 8, which I mentioned earlier in the context of clause 62, introduces account monitoring orders enabling the Police to require financial institutions to provide information on accounts for up to 90 days. The existing requirement to report knowledge or suspicion of terrorist financing has therefore been strengthened for the regulated sector, so that it is an offence not to report where there are reasonable grounds for suspicion.

150 Mr Speaker, the sixth Part deals with disclosure of information and is to be read in keeping also with the provisions of Schedule 6 of the Act, which deals with information disclosure provisions for public authorities.

155 Clause 71 clarifies and extends a number of existing provisions for disclosure of information from public authorities to agencies involved in criminal investigations and proceedings. The gateways ensure that public authorities can disclose information which is subject to a statutory restriction on disclosure for the purposes of a criminal investigation or criminal proceedings.

Clause 73 creates a new gateway giving the Commissioner of Income Tax and the Collector of Customs a general power to disclose information held by them for law enforcement purposes and to the intelligence services for their own purposes.

Schedule 6 deals with information disclosure provisions for public authorities.

160 Part 7 deals particularly with terrorist investigations.

Clauses 79 to 83 confer investigatory powers included in that Schedule 7, under which a financial institution may be obliged to provide customer information in aid of an investigation, and Schedule 8, which I mentioned earlier also in relation to clause 62, under which an account monitoring order may be obtained.



165 The eighth Part of the Bill deals with counter-terrorist powers and this Part of the Bill is  
divided into five principal parts. The first, which concerns clauses 84 to 88 under the subheading  
'Suspected terrorists', provides the Police with powers to arrest without a warrant and to detain  
suspected terrorists. It also includes search powers in respect of premises, persons and vehicles.  
170 Under section 85, a police officer may arrest someone without a warrant if he reasonably  
suspects that person to be a terrorist – and nobody in this House would expect that the position  
should be anything other than that. When a person is arrested under that section the provisions  
of Schedule 9 will apply to that person.

The second subpart of this Part concerns clauses 89 to 94 under the subheading 'Powers to  
stop and search in specified locations' and it contains broad powers to stop and search vehicles  
175 and pedestrians in specified areas or places which law enforcement agencies will be able to  
deploy as a result of the passing by the House of this Act, but the powers are subject to a strict  
code of practice. The Commissioner of Police may give an authorisation under section 89 in  
relation to a specified area or place if a police officer reasonably suspects that an act of  
terrorism will take place and reasonably considers that the authorisation is necessary to prevent  
180 such an act. The specified area must be no bigger, and the duration of the authorisation no  
longer, than is necessary to prevent such an act. So, there is an element of control there which is  
of course necessary. An authorisation under this section may authorise any police officer in  
uniform to stop a vehicle or a pedestrian and anything carried by the pedestrian. A police officer  
may then seize and retain anything which the officer discovers in the course of a search and  
185 reasonably suspects may constitute evidence that the vehicle concerned is being used for the  
purposes of terrorism or the person concerned is or has been concerned in the commission,  
preparation or instigation of an act of terrorism. That is a very wide panoply from the  
commission of the act to the preparation of the act or the instigation of the act of terrorism.

The third subpart of this eighth Part of the Bill relates to parking restrictions. I am not going  
190 to go into that in any detail.

The fourth subpart relates to port and border controls and contains a single clause,  
clause 100, which is supplemented by Schedule 10, and this provides for the examination power  
at ports and borders for police officers, customs officers and borders and coastguard officers.

The fifth subpart comprises clauses 101 to 107 and taken together with Schedule 9 these set  
195 out the regime for granting bail following arrest in addition to periods of detention and the  
treatment of suspects who are detained.

A suspect's detention must be periodically reviewed in accordance with Schedule 9. The first  
review must be carried out as soon as is reasonably practicable after the person's arrest, and all  
subsequent reviews must be carried out at intervals of not more than 12 hours. A review officer  
200 may authorise a person's continued detention only if satisfied that it is necessary on one of the  
grounds set out in paragraph 30 of Schedule 9, which includes, but is not limited to, the need to  
obtain further evidence, to preserve evidence, to allow for the result of an examination or  
analysis and to decide whether the detained person should be charged with an offence.

Extensions of detention must be authorised by the court by the issue of a warrant of further  
205 detention but the total amount of time a person may be detained is up to 17 days. This is  
significantly longer than for other crimes, although it is the same period as is currently applicable  
in the United Kingdom.

The ninth Part of the Bill deals with notification requirements.

This Part comprises clauses 108 to 133 and it makes provisions about the notification of  
210 information to the Police by certain individuals convicted of terrorism or terrorism-related  
offences. When in the community, such individuals must provide the Police with certain  
personal information, must notify any subsequent changes to this information and confirm its  
accuracy annually. An individual who has had a notification requirement imposed on him may  
make an application for review and the Commissioner of Police and the court may amend the  
215 notification requirements or may make an order which ceases the notification requirements  
altogether.

Schedule 12 makes provision for notification orders. A notification order might be sought in respect of a national of Gibraltar who has been convicted of a foreign terrorism offence and who is deported to Gibraltar on release from prison abroad. It might also be sought in respect of a foreign national with such a conviction who is in or is coming to Gibraltar.

Schedule 13 makes provision for foreign travel restriction orders which may, in specified circumstances, be made by a court in respect of a person subject to the notification requirements, restricting that person's overseas travel.

Schedule 14 lists the offences in which, during sentencing, a terrorist connection is to be considered an aggravating factor for the purposes of passing sentence in respect of that individual.

Part 10 of the Bill deals with terrorism overseas, and as suggested by the title of this Part it makes provision for conduct that takes place overseas and in part gives effect to the UN Conventions for the Suppression of Terrorist Bombings and for the Suppression of the Financing of Terrorism. An amendment which I will be proposing at Committee Stage introduces a provision along the lines of section 25 of our Terrorism Act 2005 to ensure our extradition laws may be used in relation to offences under this Part also.

Finally, clauses 141 to 151 contain further technical provisions relating to police powers, consent to prosecutions, defences, corporate liability, etc.

Schedule 15 provides general powers for police, customs and borders and coastguard officers including powers for them to exchange information. In other words, it creates gateways between them for exchange of information.

The 12th part of the Bill contains supplementary provisions and deals with ancillary provisions to ensure the functionality of the Bill. It houses the power for the Minister to make orders and regulations and provides for amendment of such and of any of the sections in the Act or in the Schedule. It also provides for the repeal of the Terrorism Act 2005 and for consequential, transitional and savings provisions due to that repeal. A further amendment which I will be proposing at Committee Stage amends the Proceeds of Crime Act to clarify the intelligence functions of the Gibraltar Financial Intelligence Unit connected to this new Act.

Mr Speaker, it is regrettable that we even need to have this legislation, but that is the unfortunate reality of the world in which we live. I am conscious of the fact that I am addressing you as Speaker and you were Chief Minister the first time that unfortunately terrorism struck in Gibraltar, or attempted to strike in Gibraltar, also then in the midst of a general election campaign or with a general election campaign looming.

Our first duty as parliamentarians is to ensure the safety and security of our citizens and this legislation gives our Police the additional powers and the additional tools they need to ensure that the safety and security of our citizens is provided for in respect of potential terrorist activities and updated from the provisions of the 2005 Act.

Mr Speaker, with a heavy heart I commend the Bill to the House. *(Banging on desks)*

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. the Leader of the Opposition.

**Hon. E J Phillips:** Mr Speaker, we welcome this Bill. Terrorism is a global threat to our way of life, and it is right that our law enforcement agencies are supported and are given enhanced tools to fight this evil. It is right that we modernise and strengthen our law to mitigate attacks on our way of life.

As the Chief Minister has alluded to, terrorism is a complex situation and with improvements in technology we must be vigilant and remain up to date and increase powers available to our law enforcement agencies. It is right that with increased powers come increased responsibility for due process and upholding the rule of law, which it is hoped that this law is balanced against.

270 It our wish that no one will ever have to use these powers and I agree with the Hon. the Chief  
Minister that it is regrettable that we are all here addressing this House on the question of these  
powers, but it is what it is. It is certainly a reflection of our society and unfortunately a reflection  
of the world we live in.

275 It was particularly important that the Chief Minister mentioned Gibraltar as a finance centre  
and quite clearly we must acknowledge that within the financial centre financial service  
provision there are possibilities unwittingly and innocently for financial service providers to  
become mixed up in terrorist financing, so it is important, of course, that we strengthen those  
powers to deal with that and the forfeiture provisions in particular are to be welcomed.

280 In summary, Mr Speaker, whilst much controversy has occurred in the United Kingdom in  
relation to the passing of the 2000 and 2005 Acts, particularly in relation to stop and search  
provisions, we will support this Bill completely.

285 One question that we do have, and hopefully the Chief Minister will be able to clarify, is the  
level of training and education that will be afforded to our law enforcement agencies. I did not  
hear the Chief Minister address the House in respect of that matter, but it would be helpful to  
understand how the Government intends to deploy resources to the RGP insofar as continuing  
training and professional development in relation to terrorism and counter-terrorism and how  
this new law impacts on their work.

**Mr Speaker:** The Hon. Daniel Feetham.

290 **Hon. D A Feetham:** Mr Speaker, may I also ask the Chief Minister to just explain by way of  
clarification a number of provisions that I am attempting to understand?

One of them is section 71. It is the disclosure of information in Part 6, page 415. It basically  
says:

This section applies to the provisions listed in Schedule 6, so far as they authorise the disclosure of information.

Schedule 6 is blank. I do not know whether he explained that, but it is completely blank, so  
what precisely is the intention with section 71?

295 I make the point as well because if one looks at Section 71(2):

Each of the provisions to which this section applies shall have effect, in relation to the disclosure of information by  
or on behalf of a public authority, as if the purposes for which the disclosure of information is authorised by that  
provision included each of the following-

(a) the purposes of any criminal investigation whatever which is being or may be carried out, whether in Gibraltar  
or elsewhere;

If we then look at the definition of 'criminal investigation' at clause 74, we see:

'criminal investigation' means an investigation of any criminal conduct, including an investigation of alleged or  
suspected criminal conduct and an investigation of whether criminal conduct has taken place;

300 That does not appear to me to be limited to criminal conduct relating to terrorism and I  
would ask whether that is the intention or whether it is limited to terrorist criminal  
investigations. Of course, if it is wider than that then it may raise issues as to whether these  
provisions, which appear on the face of them to be wide... Indeed, they apply to any public  
authority, so for example the FSC may have in its possession some information that might be  
relevant to a criminal investigation outside of Gibraltar but those criminal authorities outside of  
Gibraltar would normally make an application in order to obtain that information through very  
well-known channels in terms of mutual legal assistance etc. What I am concerned about with  
305 this is that these provisions are not being used to circumvent the protections that are afforded  
to those under criminal investigations in our laws and in our statutes elsewhere.

310 Finally, and no doubt the answer is going to be in the affirmative, but definition of terrorism  
does take into account recent cases, does it not, that have been decided in the United Kingdom?  
I am thinking in particular of the Miranda case in 2016 which involved a journalist being stopped  
at one of the airports and information that was confiscated from the journalist. The court there  
took the view that the definition of terrorism does not include information that a journalist may  
have acquired that of course may well be relevant to the investigating authorities but there are  
issues of journalistic confidentiality involved and in the UK it was actually taken out, or there was  
a decision that basically it does not include this. I just wonder whether the drafters have taken  
315 that into account.

**Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

320 I would like to ask for some clarification. My colleagues obviously have dealt with the legal  
aspects. I was looking at some practical aspects in respects of the freezing orders and perhaps  
the Chief Minister can clarify. I can see under section 65 that a freezing order ceases to have  
effect after two years and under section 67 it can be annulled pursuant to a resolution of the  
Parliament. I would be grateful if the Chief Minister could confirm that effectively that is the only  
325 way in which a freezing order can be annulled, i.e. by Parliament; and if so, would the Chief  
Minister be minded to add, perhaps at the Committee Stage, some wording under section 67(2)?  
Where it says 'A freezing order must be laid', I would ask for 'must be laid as soon as practicable  
before Parliament after being laid'.

330 That are only my questions in terms of clarification. Thank you, Mr Speaker.

**Mr Speaker:** Does any other hon. Member wish to contribute to the debate on the Second  
Reading of this Bill? Then I will call on the Chief Minister to reply.

335 **Hon. Chief Minister:** Mr Speaker, I thank all hon. Members for their positive contributions in  
the context of this Bill. It is a hefty document that we have before us today because, as hon.  
Members know, what it is doing is taking existing pieces of legislation, repealing them, adding to  
them and therefore replacing in our laws the tools available to our law enforcement agents. So,  
in addressing the points that are being made by hon. Members opposite I am not going to be  
able to point exactly to areas where we are dealing already with powers that are in our laws, but  
340 I will just address the powers before the Parliament today.

I confess that this Bill has been published now for a year. We have not proceeded with it  
earlier for good reason, because we wanted to ensure that ongoing cases in the United Kingdom  
when decided did not require us to make changes. The Miranda case I will come to in a minute is  
already factored in and we now think that the Bill as it is with the amendments proposed will be  
345 an avant-garde piece of legislation which works as at today in the context of the developing case  
law.

In that respect, of course, it is absolutely right that we need to balance increased powers  
given to law enforcement agents with increased responsibility and accountability of those same  
law enforcement agents. Hon. Members will have heard what I said about the ability to extend  
350 the period of detention. It is not normal in our laws that anybody should be subject to detention  
for more than 24 hours once they have been subject to an arrest before coming to a court,  
where they would be dealt with by the judicial branch and then subject to further detention, if  
required, but not with the law enforcement agencies being the ones who make the  
determination as to whether detention should be extended. In the context of this Bill there will  
355 be a period of up to 17 days of detention and I think there is the best place to see how we have  
sought to ensure the right balance between the increase in the power to the law enforcement  
agencies and the increased accountability that will be required. So, every 12 hours there will be  
an assessment of an individual's detention and a decision whether or not to continue that

360 detention. Just to put that in context, if one is arrested today in respect of any offence, the  
Police can keep you in for up to 24 hours before taking you in front of a magistrate; and a  
magistrate, if he then decides that you should be detained and not granted bail, will remand you  
in custody and you will be coming back to have that custody assessed every seven days. In the  
context of these offences, although you might be detained for up to 17 days, your detention will  
be reviewed every 12 hours. So yes, more power, but also more requirement for accountability  
365 because it is important that our law enforcement agencies have these powers, but it is  
important that our law enforcement agencies account for the exercise of those powers. In that  
what I am doing I think is demonstrating our agreement with the point made by the Hon. the  
Leader of the Opposition and demonstrating how, in that particular case of a case of detention,  
that balance is being struck in the context of this Bill.

370 In the context of freezing and forfeiture in financial transactions, of course it is absolutely  
right that Gibraltar's financial services centre be seen for what it is, absolutely properly  
regulated subject to the international norms applicable today in the context of the restraint of  
the use of the financial system for the financing or laundering of the proceeds of terrorism, and  
this Bill, in addition to the laws that we already have in that respect, adds to the powers  
375 available to law enforcement and the obligations incumbent upon professionals in that sector to  
ensure that they never fall into a trap by not knowing what the tests are when they need to  
make sure that they are in contact with law enforcement agents about particular transactions.

Dealing finally with the point on training and education which the Hon. the Leader of the  
Opposition made, absolutely the Royal Gibraltar Police, the Customs and the Borders and  
380 Coastguard agents who will be involved in parts of the implementation of this Bill will require  
further training. There is a lot going on in respect of training. There is an international effort in  
respect of training, so it is not just training in Gibraltar or in the United Kingdom, it is  
international training and co-operation, which is relevant, and in the Estimates this year hon.  
Members will see, if they care to look at the parts which relate to the vote for the RGP, that  
385 there will be elements which relate to training in respect of the obligations incumbent on law  
enforcement under this Bill.

Mr Speaker, the hon. Member Mr Feetham took us to section 71. It is the intention, as far as I  
understand it, that at the moment the sixth Schedule should be blank, although it will not be  
blank for long, as I understand it, but it was intentional that that should be the case and it was  
390 the case in the United Kingdom at the time that the similar provisions were introduced that the  
schedule was blank. Hon. Members I think will know that it was David Anderson who assisted us  
in the preparation of this Bill, who was the commissioner in the United Kingdom for terrorist  
matters for some time and who had considerable experience of the operation of the legislation  
in the United Kingdom. Therefore, for that reason, the provisions in respect of the Miranda case  
395 are of course properly factored into here, although they are matters already determined in case  
law, and so the jurisprudence of the United Kingdom will be fully applicable because we are  
replicating parts of the statutes in the United Kingdom in part to ensure, as hon. Members know,  
that we have a good read across in terms of jurisprudence so that determinations made in the  
United Kingdom courts can help us in the interpretation of our laws.

400 He made an important point in respect of section 74, which I read as being limited to criminal  
offences which relate to the provisions which this Act is trying to deal with, but I do not think  
that that is entirely and completely clear beyond peradventure. He may be thinking not just of  
the Miranda case but of other cases where terrorism laws have been used to act in  
circumstances where parliaments did not intend those laws to be used. I cannot recall on my  
405 feet – he might be able to assist me – whether it was the United Kingdom that subjected a third  
country to provisions of the Terrorism Acts for the purposes of dealing with something which  
was clearly not terrorism or whether it was the United Kingdom itself that was made subject to a  
terrorism provision elsewhere to settle what was in effect a dispute between states. That is not  
the sort of thing that we would be seeing here but it is true that in other circumstances parties  
410 have tried to use terrorism legislation to cure ills which might be ills, but which were not the

subject that the parliament that was making those laws was seeking to deal with in the context of that particular legislation.

415 Mr Speaker, I am happy to consider with him, whether here or in the definitions section – because criminal conduct is defined at the beginning of this Act – the addition of some words which might make abundantly clear beyond peradventure that all aspects of this legislation when dealing with criminality are dealing with the criminality that we are seeking to address in this Act, which is the definition of terrorism. I think it needs to be made a little circular. It cannot be left open. If the law enforcement agencies wish to have powers akin to those here in respect of more general criminality, then they need to approach the executive so that we bring those  
420 laws to this legislature and we make the decision together that they should have those powers. I am not suggesting that they are, but they should not have those powers in respect of terrorism offences but somehow made open-ended in a way that might apply to other criminal offences. So, if I can just invite him to look with me at an amendment when we get to the Committee Stage then I think we can deal with that issue quite easily.

425 Then the Hon. Mr Clinton asked us to look at issues relating to forfeiture and freezing orders, which are the subject of sections 65 and 67. I believe that such orders can be undone also, of course, by a court, not just by the Parliament, because the court in making the order can put provisions in the order which would enable the court to come back to a consideration of such an order. But in the context of this Parliament, the practice is – and in fact I understand it is  
430 invariably so – that as soon as the office of the relevant Minister receives a document which under our statutes is to be laid in Parliament, it is immediately laid in Parliament at the next sitting of the Parliament. So, for example, if I receive a report, any report which must be laid in Parliament – so, the Employment Survey Report – immediately upon the receipt of the report by the ministerial office arrangements are made to lay it on the table in Parliament at the next  
435 sitting of the Parliament. And so I think that is already inbuilt in our mechanism and I do not think there is any reason to change this Bill in that respect, because we would have to go back and change every Act that requires something to be laid in Parliament by including the words ‘as soon as reasonably practicable’ after the requirement to lay, when in fact that is already the practice that prevails.

440 Mr Speaker, I do not know whether hon. Members have already had the letter – I think they have already had it, so I think when I spoke to the amendments that I would be circulating they have had the benefit of seeing what those amendments are, so I do not need to give way at this stage.

445 I therefore, once again with a heavy heart but grateful for the understanding of all Members of the House of the need for this legislation, commend the Bill to the House.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision about terrorism offences, to make provision for the proscribing of organisations, to provide for orders for the freezing and forfeiture of terrorist property and funds, to provide for the investigation of  
450 terrorist offences and provide investigation measures, to make provision in connection with overseas terrorism, to repeal and replace the Terrorism Act 2005 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Terrorism Act 2018.

**Terrorism Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

455 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Committee Stage and Third Reading be dealt with later today, if all hon. Members agree.

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

**Animals in Travelling Circuses Bill 2018 –  
First Reading approved**

460 **Clerk:** A Bill for an Act to make provision for offences relating to the use of animals in travelling circuses, and to provide for the enforcement of those offences, and for connected purposes.

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

465 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for offences relating to the use of animals in travelling circuses, and to provide for the enforcement of those offences, and for connected purposes be read a first time.

470 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for offences relating to the use of animals in travelling circuses, and to provide for the enforcement of those offences, and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Animals in Travelling Circuses Act 2018.

**Animals in Travelling Circuses Bill 2018 –  
Second Reading approved**

475 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This is one of a number of items of legislation related to animal welfare that I have brought and will be bringing to this House.

480 The issues of animals in travelling circuses has long been a source of unease to many, with full or partial bans now existing in many European countries both within and outside the European Union. The general public and animal welfare organisations have shown that ongoing concerns involve perceived animal welfare issues, including that circuses have been found to beat, starve and keep animals in unsanitary conditions. Circuses can never meet the needs of an animal in small, mobile accommodation whilst the act travels around. There is also the ethical  
485 point of whether it is acceptable in today's society to keep or regularly transport animals in order to make them perform for financial gain and public entertainment. Scotland and Ireland are two examples of countries with bans already in place and the Gibraltar Bill is based on the Scottish model.

490 The Bill makes it an offence for a circus operator to use, or to cause or permit another person to use, an animal in a travelling circus in Gibraltar. An animal is 'used' if it is made to perform or is displayed or exhibited, whether or not payment of money is required to view the performance, exhibition or display. 'Performance' includes tricks or manoeuvres viewed by the public. An 'exhibition' includes any proactive showing of animals to the public. 'Display' includes use in parades or deliberate positioning of animals to facilitate or encourage viewing.

495 In relation to travelling, a key criterion for an offence to have been committed is that the animal is transported, whether regularly or irregularly, from one place to another. A circus is a

travelling circus even during periods it is not travelling, for example during a temporary tour stop or during the winter closed season, and the Act further provides the Minister with the power to designate that a particular act is or is not a travelling circus.

500 Only a circus operator can commit the offence. However, this includes circus owners and people who do not own a circus but have overall charge of its operations; or, if no one in those categories is in Gibraltar, any other person present in Gibraltar who has ultimate responsibility for the circus operations. Where an organisation commits the offence, certain persons can be held criminally liable. Those persons referred to in section 6 as responsible individuals must have  
505 consented to or connived in the organisation's commission of the offence or have been guilty of neglect resulting in the organisation committing the offence. A person who commits an offence under this Act will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Sections 7 to 9 confer powers on inspectors appointed under the Act and on police officers to  
510 take enforcement action under the Act. It sets out the range and extent of these enforcement powers and creates offences in relation to hampering enforcement. It also provides for the circumstances when an inspector or police officer is authorised to exercise their powers, such as powers of entry and inspection, with or without a warrant.

Entry and search powers include entry into premises other than domestic premises if there  
515 are reasonable grounds for believing that an offence has been or is being committed at the premises. Powers are granted to justices of the peace to grant a warrant if there are reasonable grounds to believe that an offence is being or has been committed at particular premises or that evidence relating to the commission of such an offence will be found at premises and either an  
520 inspector or police officer has been refused permission to enter the premises, or they are unoccupied. If the delay of obtaining the warrant would frustrate the purpose for which the powers are being exercised, an inspector or police officer may exercise the same powers without a warrant.

An officer in uniform or an inspector accompanied by an officer in uniform may stop and  
525 detain a vehicle or vessel. A vehicle or vessel may be detained for so long as is reasonably required to enable the constable or inspector to exercise the power in relation to which the vehicle or vessel has been stopped.

There are other powers – for example, to take additional people, for example a vet, on to any  
530 premises they may enter to provide assistance to the inspector or officer in exercising a power. Inspectors or officers may also take any equipment which might be required when entering premises.

It is an offence under the Act to intentionally obstruct an inspector or an officer who is exercising one of the powers and the offence can be prosecuted in summary courts and, as I have said earlier, carry a maximum fine of level 5.

In ending, Mr Speaker, there was one response to this when it was published as a Command  
535 Paper and I want to mention it. This comes from Animal Defenders International, which is an international animal protection, non-governmental organisation with over 25 years' experience studying the use of animals in circuses, and they have written a five-page letter supporting and commending the publication of this Bill and supporting the Act.

540 With that, Mr Speaker, I commend the Bill to the House. *(Banging on desks)*

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Daniel Feetham.

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

The Opposition will be supporting this Bill. Even though here in Gibraltar we do not have and we have not had any circuses for years – in fact, I am 51 years old and I cannot remember whether there has ever been a circus in Gibraltar during that time; probably during the 1980s or



possibly the 1970s there might have been but I cannot remember one myself – anything that  
550 prohibits that type of activity here in Gibraltar, even though they are not frequent and I cannot  
remember them, is to be welcomed. Quite frankly, I think that Gibraltar needs to be at the  
forefront of placing animal welfare and safeguarding the rights of animals and we need to be  
seen as placing those at the forefront of the political agenda.

Indeed, Mr Speaker, last time the hon. Member brought a Bill in relation to animal cruelty to  
555 this House I mentioned the ivory trade and he said to me that the Government is actively  
considering banning the importation of ivory items. I also think that he was considering ivory  
items that may be used or may be traded as antiques, which is a significant problem  
internationally. Often, recent ivory is passed off as antiques and I welcome the fact that the Hon.  
Minister the last time round gave that assurance to the House.

560 Something that is very close to my heart and – I know, other Members of the Opposition, but  
certainly it is very close to my heart – is this question of trophy hunting and the importation of  
animal parts from trophy hunting. Very recently – I think it was in 2007 – the Netherlands with  
immediate effect added to the list of species that could no longer be imported to the  
Netherlands. That included white rhinos, elephants, cheetahs, lions, hippos and polar bears. I do  
565 not expect that in Gibraltar there are many people wanting to import parts of polar bears, but  
quite frankly it is the example that you set internationally. Since the 1970's. We are losing  
species at an incredible rate. From the 1970s we have lost 60% of wildlife in the world. We are  
facing extinction of species at a rate that has never been witnessed in modern times – indeed,  
not even in modern times, since extinctions many thousands of years ago. I think it is incumbent  
570 on all of us who really value wildlife, who value animals, who believe that animals have rights  
and who want our future generations to be able to enjoy seeing elephants in the wild, giraffes in  
the wild and lions in the wild, it is incumbent upon us to show an example and I am asking the  
Government ... I hope that he does not think that by my contribution I am lecturing to him by  
any means – I am not attempting to do so. On the last occasion he was particularly ungenerous  
575 when he said, 'Well, I'm glad that we now have an environmentalist on the other side – where  
were you before 2011 when I was elected to this House?' Whether I have been converted on the  
road to Damascus late on or not, the fact is that I truly believe that we really ought to be setting  
an example. I know that the Netherlands have added significant numbers to their list, that  
France has done so as well, and I would hope that the Minister follows suit. Indeed, I believe  
580 that, having looked at the legislation, it does not require any amendments, that what the  
legislation requires is for the Minister himself – it is within his powers – to add to the list of  
animal parts that cannot be imported into Gibraltar, and it would be a wonderful Christmas  
present if he could look at that quite quickly and make the decision that has been made in the  
Netherlands and in France.

585 Mr Speaker, thank you very much for your indulgence in letting me speak on things that are  
not in circuses but are related.

**Mr Speaker:** But we are of equal mind on this position.

Does any other hon. Member wish to ...? The Hon. Edwin Reyes.

590

**Hon. E J Reyes:** Mr Speaker, I ask the Minister just to clarify – for those of us who do not have  
as much legal training as many of our colleagues here have – if I look, for example, in section  
8(1), it says:

An officer in uniform may stop and detain a vehicle or vessel ...

and in 8(2):

An inspector, if accompanied by an officer in uniform,

595 There is a specific reference there to being in uniform, whereas some pages before that, in  
section 5, it says the Minister may by regulations ... Sorry, I had made a note. I seem to have lost  
my own note. In other places it just says that an officer or an inspector has certain powers  
without prescribing about being in uniform. My interpretation is that, if I can refer him to  
600 perhaps any offence happening down the street, if you see a policeman in uniform, by seeing  
the uniform you automatically recognise that person but it could be possible, and I have seen it  
happening, for a police officer who is not in uniform simply approaches an individual, shows his  
warrant and therefore that in itself proves his capacity and anything that the law allows him to  
do. Why is there a need just in this section to specify he was in uniform? Does it mean that if he  
is not wearing the uniform he does not have the powers? It could be that I am over-reading it or  
605 something, but if we clear it now it eases it for the future.

**Mr Speaker:** Is there any other contributor?

The Hon. Roy Clinton.

610 **Hon. R M Clinton:** Thank you, Mr Speaker.

Just a point of clarification from the Minister, because I note that one of the definitions of an  
animal being used is, under section 4(3)(b), being 'displayed or exhibited', and obviously that is  
in relation to a circus but I note that there is the Keeping of Wild Animals Act going back to 2002.  
I am thinking more of zoos in general and obviously we have an exempted premises in the  
615 Botanical Gardens. I was wondering whether the Minister had looked at the interaction of this  
Bill and this existing legislation in terms of the welfare of animals in the context of exhibition.

Thank you, Mr Speaker.

**Mr Speaker:** Any other person before I call on the mover to reply.?

Yes, the Hon. the Leader of the Opposition.

620 **Hon. E J Phillips:** Just to reinforce the point made by my hon. Friend, Mr Clinton. He has  
pointed to the Keeping of Wild Animals Act and there is, I believe, an exemption for the Gibraltar  
Botanical Gardens in relation to the exhibition of animals. I just wanted to probe the Minister a  
bit further on what the Government's policy towards the exhibition of animals generally is.

What this piece of legislation I understand does is to prevent that and I think that our  
625 community has adopted a position where we would frown upon the exhibition of animals, whilst  
current legislation – the Keeping of Wild Animals Act 2002, which exempts, as I said, the  
Gibraltar Botanical Gardens – allows for it. In fact, there is a specific provision which relates to  
circuses there and I just would like to hear from the Minister, combining the thoughts of  
Mr Clinton, as to what interaction and what analysis has been done between those two pieces of  
630 legislation.

**Mr Speaker:** The Hon. Dr John Cortes.

635 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I am of course aware of the other legislation being  
referred to and the way that the Botanic Gardens is exempted because it fulfils the criteria that  
allows that exemption, which was done before my time in government.

This refers specifically in the context of an animal in a travelling circus and therefore the  
policy would be to keep to the 2002 Act in respect of everything other than an animal in a  
travelling circus. So I do not think that there is a conflict there. Certainly I have been advised that  
640 there is not.

On the question of officers in uniform, again this is based on the Scottish Act and I believe  
that the criterion there has been that to actually stop a vehicle or a vessel would require a  
uniformed person rather than anybody in civilian clothes trying to stop a vehicle, which there

645 might be resistance to. I think that what is meant there is that the authority of a person in uniform would be more likely to be successful, so I think that is where that comes in.

In reference to the Hon. Mr Feetham's conversion, I hope that I have played at least a small part in that conversion and without being in any way disingenuous to him or unkind I would just like to confirm that I am expecting very early in the New Year to publish the legislation on ivory and pets and that my drafter is looking at how we can incorporate a ban on the importation of hunting trophies. So I am hoping that in the early part of the next calendar year I will be able to take those steps.

**Hon. D A Feetham:** Will you give way?

655 **Hon. Dr J E Cortes:** Yes, certainly.

**Hon. D A Feetham:** Because I am quite active on social media with this question of trophy hunting and I am in close contact with a number of organisations dealing with a campaign to ban trophy hunting etc. – there are a number of them – in respect of Gibraltar I asked for the legislation in other countries and I was sent legislation in other countries. Somebody made the point, and I then looked at it myself, that in fact you may not need to legislate in Gibraltar because all the Minister needs to do is, by way of regulation, add to a list of animals that ... trophies from those animals will not be allowed into Gibraltar, and indeed in France and in Holland those are extremely extensive.

660  
665 Of course, if what the Minister is saying is, 'Well, actually, we are going to go further than that because what we are going to do is have a blanket ban on the importation of animal trophies from outside,' and that includes for example deer, which is widespread – those types of trophies are widespread – then it will certainly be welcomed by me and no doubt this side of the of the House. But if he really wanted to just simply deal with the ones that are really problematical, he could do that tomorrow by basically adding to the list.

**Hon. Dr J E Cortes:** Yes, Mr Speaker, I am aware. This is in connection with the Endangered Species Act, which is one that I was involved in drafting back, I think, in the late 1980s, and has been subsequently amended. So it is possible to do that and that is the advice I am taking as to whether that is the best way to do it or whether we need something wider. But I am confident that we will have that done very soon.

With that further clarification I once again commend the Bill to the House.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for offences relating to the use of animals in travelling circuses, and to provide for the enforcement of those offences, and for connected purposes be read a second time. Those in favour? (Members: Aye.) Those against? Carried.

**Clerk:** The Animals in Travelling Circuses Act 2018.

**Animals in Travelling Circuses Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

685 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

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

**Port Operations (Registration and Licensing) (Amendment) Bill 2018 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Port Operations (Registration and Licensing) Act 2005. The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Port Operations (Registration and Licensing) Act 2005 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Port Operations (Registration and Licensing) Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

695 **Clerk:** The Port Operations (Registration and Licensing) (Amendment) Act 2018.

**Port Operations (Registration and Licensing) (Amendment) Bill 2018 –  
Second Reading approved**

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

700 The maritime industry has seen growing interest in the use of alternative fuels such as LNG, although it must be said that LNG-powered vessels have been around for many years. LNG is seen as a greener technology when compared to oil and petroleum derived fuels and with ever-tightening emissions regulations owners are increasingly looking at LNG propulsion technology, both when considering new orders for ships or the possibility of retrofitting existing ships to LNG. In fact, we have one ship currently being retrofitted to LNG fuel at Gibdock. Gibraltar is one of the most important ports for bunkering in the Mediterranean. As the need for LNG bunkering increases, Gibraltar must be fully prepared to provide this fuel in a safe manner in order not to lose our place in the market.

710 This Bill makes a few simple amendments to the Port Operations (Registration and Licensing) Act 2005 in order to facilitate LNG bunkering, in particular by distinguishing between LNG bunkering and other types of bunkering. The Bill seeks to amend the 2005 Act by changing the definition of 'bunkering' to confine that definition to oil and petroleum derived fuels only and to separately define 'LNG bunkering'. The amendments to this Act are part of a series of measures which will be required in order to have the full framework for LNG bunkering in place. There will be amendments to Port Rules in order to align the rules to the new bunkering definitions introduced by this Bill and to provide for relevant fees in connection with LNG bunkering. In addition, and crucially, there will be a dedicated LNG bunker code of practice which has been developed by the Gibraltar Port Authority incorporating all relevant international safety standards. There will also be new licence conditions that will be particular to LNG bunkering.

720 This Bill also amends the definition of 'port operations' to include several more activities in the port operations. None of these are new operations but they are simply being more specifically defined by this amendment.

Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. the Leader of the Opposition.

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**Hon. E J Phillips:** Mr Speaker, whilst we will, of course, support the Government on policies and the development of sectors and industries from which our community is to derive real economic benefits, and conscious as we are about increasing concerns about the impact of traditional fuels such as diesel on the environment, and acknowledging, as the Minister has quite rightly said in his contribution, the demand for sustainable fuel, we as Opposition continue to remain concerned about the risks and safety of the development of LNG bunkering in Gibraltar.

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The Government in their Bill are promoting the issuing of LNG bunkering licences alongside other activities – such as commercial diving, ship chandlery and tug operation to name a few – which were set out in the relevant section referred to by the Minister at section 2. Key questions, in our view, remain unanswered and we on this side of the House remain in the dark over the Government's plans on how LNG will be stored and, importantly, where it will be stored. We remain unconvinced that the Government has reassured the public that it has mitigated all risks to the public and we would ask the Government to disclose all risk assessments that have been conducted in relation to the location and storage of LNG.

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Of course, Mr Speaker, it is open to the Government to actively and constructively engage with Members of this side of the House in creating a form in which we ventilate the concerns in a pragmatic way. The Government, in their usual way, have sought to drive through legislation in a way without the slightest reference to those on this side of the House and the people of this community. Ultimately, the Opposition and the people of our community remain in an information vacuum in relation to the safety of the Government's proposals and therefore we regret that we cannot in this instance support the Government's Bill. In this context the Opposition will be abstaining.

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It is regrettable that the Minister has not sought to reach out in the way that I have described; and if he had, perhaps we could obtain the assurances that we seek in relation to the serious concerns that many in our community have in relation to the use of LNG and the Government's policy to promote bunkering of LNG in Gibraltar. Take it from me that we welcome the engagement by Mr Costa on most of the Bills that he brings to this House but I find it disappointing that the Minister has not picked up the telephone to speak to one of my colleagues on this side of the House to discuss with them the issues that arise here and the well-known issues that divide us in relation to LNG bunkering in Gibraltar. If the information vacuum, as I have suggested in my contribution, could be filled or at least we had some form of consultation, perhaps we could reassure members of the public who still maintain those concerns and tell us about their concerns in relation to this point.

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**Mr Speaker:** Does any other hon. Member ...? The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the world is developing how we deal with the past hundred years of human activity, and in particular humans' release of noxious fumes into the atmosphere, in particular the ability to heat the earth to the extent that we have in the short period since the turn of the 20th century. In doing so, we are adopting new technologies.

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During the course of the industrial revolution a group known as the Luddites sought to stand in the way of the changes that were then transforming industrial activity in the United Kingdom. The name that they were given is now used as a definition of those who might stand in the way of better, new technology. Hon. Members opposite – not the hon. Lady, who has not yet pronounced herself in this respect; I am addressing only those the Hon. the Leader of the Opposition has spoken for – cannot really expect to be defined as anything other than Luddites

when it comes to new technologies like LNG. This is the technology that is designed to take us away from burning diesel.

775 Only this week, from an exotic location known best to him and the lady who I understand is his new wife, in respect of which I congratulate Mr Hammond, we have seen a press release issued by the GSD with a photograph of Waterport Power Station emitting black fumes, which arises from the burning of diesel, and it being pointed out to us all how dangerous that is. Well, of course it is clear that on this side of the House we are against burning diesel and therefore we  
780 are taking steps to ensure that whether it is vessels that come to Gibraltar or the generation of electricity in Gibraltar it is done, insofar as is possible and as technology advances, without burning diesel – one of the reasons we moved away from their plan to burn diesel in the environ of the Upper Rock. So I congratulate Mr Hammond not just for his nuptials but also for now being a convert to the dangers of burning diesel. I welcome him to the fold of those of us who  
785 believe that burning LNG is safer and more environmentally friendly.

The hon. Gentleman has said that we have not persuaded the public, who he purports to speak for, that storing LNG in Gibraltar, in particular in the location where it will be stored and then subsequently burnt in the new power station, is safe – that we have not convinced the public that it is safe. Well, the last time we had a public debate on this was the General Election  
790 three years ago, and hon. Members will know and I have often said privately to friends that I thought that the former-former Leader of the Opposition ran a magnificent election campaign at a professional level. In other words, he was ensuring that there was not one minute of the day that we were not – if he will excuse the reference to the trophies that were referred to a moment ago – locking horns at every moment on every issue, in particular LNG, where it was  
795 going to be, where it was going to be stored and where it was going to be burned.

Mr Speaker, alongside having defeated Sir Peter Caruana I will consider myself proud all of my life to have been able to defeat him at the last General Election. I will consider myself particularly proud of the margin by which we beat them, which means that by 68% to 32% we were able to persuade the general public that the plan was a safe one. I do not know whether  
800 hon. Members have bothered to, wanted to, enjoyed, descended to or otherwise worked out the maths, but it is a huge split. To understand the decision that the public made on the subject which the hon. Member has pointed to, he needs to understand that the difference between 32 and 68 is 36. In other words, by a margin greater than the amount that they saw themselves returned by at the last General Election, the general public decided that we *had* given them the  
805 information necessary in this respect, and we have provided more information since. In fact, there has been an exchange of press releases on the subject.

What we are not going to do – and we all happily get together when it comes to counter-terrorism measures – is to publish a schematic diagram of a plant, to give those who might wish to do Gibraltar's national infrastructure damage the clues, if not the keys, of how to do that  
810 damage. And so, Mr Speaker, all of the relevant law enforcement and security agencies of the Government have made a determination that there are some reports that cannot be published about LNG storage in Gibraltar, in the same way they cannot be published about so many other things that we do and so many other things which are critical national infrastructure. That should not mean that something like the provision of LNG bunkering, which relies on that critical  
815 national infrastructure, is somehow unsafe because we have made the wise decision for safety's sake not to publish a detailed schematic of the plant, which is what the hon. Members seem to want in order to feel that they have the information necessary. So, I entirely repudiate the suggestion that the Government has somehow failed to publish a report that we should have published so that the public might feel safer. We have made the decision not to publish some  
820 details of some reports because to do so would make the public less safe. That is the reality.

The hon. Gentleman says therefore that they are being asked to legislate here, in this area, in a vacuum because the hon. Member has not reached out to them to legislate with them in this context. Well, Mr Speaker, given everything they have said and the fact that the hon. Gentleman has said that this, in his view, relates to the safety of this community, I put it to them that, in the

825 same way as I put it to them that having lost the election on the issue of LNG they should not  
have blithely stood by as we continued with our plans if what they had said during the campaign  
was true, they should have chained themselves to the North Mole to prevent us from installing  
the plant if they were serious about it. In the same way, the political hypocrisy of their position is  
830 he is genuine about anything he has said he should whip his people to vote against this Bill, not  
to abstain. If he is genuinely concerned about the safety issue, how could he get up in this House  
and say, 'and therefore I am going to abstain'?

So they were not genuinely concerned about the LNG storage plant because they did nothing,  
once they lost the election by that huge margin, to prevent the whole thing going ahead. And  
835 they are not seriously concerned about this Bill or LNG bunkering because they have given  
themselves away. There is a Spanish saying that says that the fish gives himself away by his  
mouth, or the fish dies by his own mouth. Well, the fish here has died by his own mouth,  
because to say, on something which you say concerns the safety of this community, that you are  
going to abstain I think gives the lie to the fact that you do not really feel that there is any safety  
840 concern.

But the hon. Gentleman said something else. He said that he was disappointed not to have  
heard Mr Licudi call him and discuss with him etc. – and I assume him or Mr Hammond, who for  
very good reason is not here, and I am not saying anything about Mr Hammond's absence other  
than congratulate him; I do not want him to think that I am doing that, but when he said 'him' I  
845 assume him or Mr Hammond. Let me put it this way to the hon. Gentleman in the context of  
what he has said and why unfortunately his call for co-operation will ring hollow with us on this  
side of the House. Without going into what has been said privately, just in respect of what has  
been said publicly, we were told by hon. Members opposite when we told them that we would  
be giving them copies of the memorandums of understanding entered into in the context of the  
850 Withdrawal Agreement ahead of that publication, that they would –

**A Member:** That is not relevant.

**Hon. Chief Minister:** No, it is very relevant, Mr Speaker, and if they bother to listen for a  
855 moment they will understand why.

They told us, when we told them that we would give them advance copies of those MoUs,  
that they would call us and ask us questions about any parts which they were concerned about  
or which they had any doubts about. Did they call us, Mr Speaker? Or did they, seven days later,  
simply issue press releases which completely misunderstand the structure of the MoUs and  
860 completely misinterpret them and try to lead people up the garden path? That is what they did.  
That is the value of picking up the phone or giving hon. Members opposite ... some of them,  
because some of them have behaved completely differently. Some with whom I used to lock  
horns before have behaved completely differently, but some of them, despite us picking up the  
phone, despite us trying to co-operate, despite us trying to ventilate the issues with them,  
865 despite them telling us that they are going to ring us and not issue public statements, what they  
go on to do is issue public statements.

So, Mr Speaker, if the Hon. Mr Licudi had asked me whether I thought he should ring them  
and ask them what they thought of the Bill, I would have said to him, 'What's the point? They'll  
say that they care about the safety of Gibraltar, they'll say it's all very dangerous and then they'll  
870 abstain.' Well, Mr Speaker, I commend to the hon. Members the terms of the Bill as advanced by  
the Minister and I commend to them seriousness in their approach to the safety in this  
community and that they should either whip themselves up into a sufficient frenzy that they  
vote against this Bill or that they whip themselves down completely and support it, but that they  
should not be that damp squib of politics and simply abstain. (*Banging on desks*)  
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**Mr Speaker:** The Hon. Daniel Feetham.

**Hon. D A Feetham:** Well, Mr Speaker, I have to say that he has persuaded me to vote against the Bill because –

880 **Hon. Chief Minister:** A man of principle.

**Hon. D A Feetham:** No, it's not a man of principle, it is because – (*Interjection and laughter*) No, he has been given an opportunity to persuade us, and everything that the hon. Gentleman has said really reinforces that actually what we ought to be doing is voting against. (**Hon. Chief Minister:** Absolutely.) The decision is one for the Leader of the Opposition and my colleagues, 885 but quite frankly yes, I do find him very persuasive that we ought to vote against the hon. Gentleman's Bill.

Before I make some substantive points, let me make these two points. First of all, we lost the General Election not because of our arguments in relation to LNG; we lost the General Election 890 because I was the Jeremiad and he was Father Christmas, (**A Member:** Hear, hear.) and when there is a political battle between a Jeremiad and Father Christmas, Father Christmas always wins hands down.

895 **Hon. Chief Minister:** Hope always.

**Hon. D A Feetham:** Absolutely. Hope always trumps the warnings on this side of the House that we were spending too much, that our public debt was far too high, and of course whilst he was offering people jobs I was saying let's watch the culture of entitlement. That is what cost us the General Election, that I was the Jeremiad and he was Father Christmas.

900 In relation to the substance of this Bill, and adding to what the Hon. the Leader of the Opposition has said, this is a Bill that allows for the licensing of bunkering in LNG. That is what we are dealing with now. I have always understood that the tanks that are attached to the power station are not going to be large enough in order to undertake bunkering activities in the quantities that are going to make it commercially attractive to anybody, because my 905 understanding is that those tanks will only keep the power station supplied with LNG –

**Hon. G H Licudi:** Will the hon. Member give way?

910 **Hon. D A Feetham:** Yes, of course.

**Hon. G H Licudi:** Just so that he does not necessarily go up a different path which this Bill is not about, this Bill is about ship-to-ship bunkering, not bunkering from –

915 **A Member:** Nothing to do with that.

**Hon. G H Licudi:** – the power station or the tanks in the power station.

**Hon. D A Feetham:** Yes, I accept that.

920 **Hon. G H Licudi:** This is ship-to-ship, power station, nothing to do with those tanks.

**Hon. D A Feetham:** But I am responding to the points that the Hon. the Chief Minister made. The Hon. the Chief Minister was talking about the tanks and the dangers associated with the LNG in the tanks. That is nothing to do with bunkering, the LNG in the tanks, because the LNG in the tanks ... have never been large enough in order to keep the power station supplied for longer, I think it was, if it is going to be working full pelt, longer than two or three weeks. 925

What does that mean? That means therefore that you have either got to have tanks that are large enough onshore – Hang on a minute. I understand what the Bill is about, but let me



930 explain. If the tanks attached to the power station are not large enough to supply the power  
 station for longer than two or three weeks, the capacity of those tanks, you then need to have  
 large enough tanks onshore or you need to have a ship that stores LNG that can then, of course,  
 supply the power station. What you cannot have is a situation where there are ships coming into  
 Gibraltar in order to supply the tanks associated with the power station every three weeks. It  
 would become uneconomical; it would be an absolute nonsense. So you need to have some kind  
 935 of storage facility. What the Government has done is it has chosen to have that storage facility  
 on a ship, not onshore, which was the argument that we were having at the last General  
 Election. It has chosen to say, 'Right, okay, what we're going to have is a floating tanker of LNG  
 and from there we might then have bunkering facilities in relation to LNG, much in fact as we  
 have now in relation to diesel,' which is what happens today in relation to diesel.

940 Our view in relation to that is that the Government does not have all its ducks in a row. We  
 do not understand the safety aspects of that. We do not understand how that can be done  
 safely in order for us to then say we are happy supporting legislation that is intended to  
 introduce that type of activity. That is why we have taken the position.

I started with a jest. The reason why the Hon. the Leader of the Opposition has taken the  
 945 position of saying we are going to be abstaining is because he is giving the Government an  
 opportunity to at some stage demonstrate that it can be done safely and in a way that would  
 satisfy us that all the safety aspects have been taken into account and that risks have been  
 minimised to acceptable levels – you are never going to have risk free with this or any other type  
 of activity of this sort. That is why we were abstaining and that is why we have taken the  
 950 position that we have taken. It is a position based on principle. It is a position that is completely  
 commensurate and consistent with the position that we took at the last General Election.

Mr Speaker, may I finish by saying this. May I congratulate my friend Mr Hammond for even  
 being on top of his brief on his honeymoon with his wife (**A Member:** Hear, hear.) in India. That  
 shows the commitment of Members on this side of the House to the people of Gibraltar.

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**Hon. Chief Minister:** May I ask the hon. Gentleman to give way?

**Hon. D A Feetham:** Yes, of course.

960 **Hon. Chief Minister:** Just to make clear that that is the position that the Government is taking  
 not in respect of his work but in respect of the fact that he is in India getting married, and that  
 what I am trying to convey is the House's congratulations to him in respect of those nuptials and  
 that he should be spending more time in his briefs than on his briefs at this happy time.  
*(Laughter and interjections)*

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**Mr Speaker:** I am wondering whether the amount of pollution in Indian cities might have  
 jogged his mind as regards air quality in Gibraltar.

The Hon. Roy Clinton.

970 **Hon. R M Clinton:** Thank you, Mr Speaker.

May I advise the Chief Minister to exercise some care when he uses the term 'Luddites'.  
 Especially when in his attempt to denigrate the Opposition, he is also denigrating the  
 Environmental Safety Group, who have expressed concerns about bunkering of this nature in the  
 past, and in fact in the recent past. Their concern was that the ship bunkering would perhaps be  
 975 coming from the existing tanks, which the Government were very quick to point out that no,  
 that would not be the case. But the environmental safety group obviously have a watching brief  
 as to how LNG bunkering operations will be undertaken in Gibraltar.

As the Chief Minister is very fond of referring back to the General Election, I remember that  
 General Election with fondness too, particularly the debate I had with Sir Joe Bossano in which,  
 980 when he was discussing the LNG plant in Gibraltar, he was very honest with the public in saying,

'Well, look, Shell wouldn't be here just to supply the power station; Shell is here to do bunkering, of course.' Then what happened was the Government spent the next two weeks saying, 'No, Mr Bossano didn't really mean to say that; no, there won't be any bunkering.'

985 **Hon. Chief Minister:** That's not what happened.

**Hon. R M Clinton:** In fact, that was always the intention. What is interesting is that on 26th August 2016 the Government of Gibraltar and the Port Authority signed the Bunker Market Development Agreement with Shell following an earlier agreement for the supply of LNG for use  
990 in the power generation in Gibraltar. So, Sir Joe Bossano, as we all know, never lies. *(Interjection)*  
The development of the bunker market, according to the report ... It says:

The joint LNG bunker market development project will be subject to the Government's policy of going through stringent environmental processes and studies, including environmental impacts assessments and control of major accident hazards procedures. Shell has committed to carry out a joint development study by 1st January 2018 which will deal with the regulatory framework, safety and technical standards, without which the project cannot proceed.

So I ask, Mr Speaker: the Government comes to the House with legislation to license and allow LNG bunkering, but we are none the wiser as to the safety and the relevant criteria surrounding such procedures. I would have thought, if Shell has produced such a report, that  
995 report should be published and then we in this House would be in a much better informed position upon what view to take on this legislation. And it is important legislation because frankly this is something which is of public interest. And the Environmental Safety Group would like to know how it is that the Government intends to go about doing this and what safety measures will be in place. At the moment, as far as I am aware – I am happy to be corrected –  
1000 nothing has been published.

And so, Mr Speaker, we take this very seriously on this side of this House, and I would hope the Government takes their responsibility seriously to provide the information that will no doubt be required from non-governmental organisations such as the Environmental Safety Group, who would like to know how this sort of operation is going to be conducted, in what kind of volumes,  
1005 what is the scale of operation. Are we talking about one big LNG tanker, two, three, ten? What is the scale of operation and to what extent is this economically viable? We do not know, but we are being asked in this House to pass legislation completely blind and I do not think that is acceptable, Mr Speaker. And frankly, I may even follow the Chief Minister's advice and vote against, **(Hon. Chief Minister:** You should.) as Mr Feetham.

1010 And talking about fish, there is a very good Greek saying that when a fish rots it usually rots to the head, and we see that here today, Mr Speaker. *(Banging on desk)*

**Mr Speaker:** Is there anybody else who wishes to contribute to the ...? The Hon. Marlene Hassan Nahon.  
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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to echo the words of the Hon. Mr Clinton, in that I feel like it is our duty on this side of the House to ask the Hon. Ministers opposite whether they have worked alongside environmental groups and stakeholders on environmental matters, whether there have been proper consultation processes undertaken in  
1020 the run up to drafting this Bill. Thank you, Mr Speaker.

**Mr Speaker:** Finally, then, I call on the mover to reply. The Hon. Gilbert Licudi.

**Hon. G H Licudi:** Mr Speaker, let me just touch on, briefly, one of the last points that the Hon. Mr Clinton mentioned, which is this issue of no consultation, being asked to do something blind, and the Hon. Mr Phillips, which has in part been answered by the Chief Minister, about not  
1025 holding out to them once the Bill was published. Well, the Bill was published on 4th October 2018. That is over two months ago. If the Opposition had any concerns in relation to that Bill, if the Opposition wanted any clarification, if they wanted any assurances, what is wrong with the  
1030 Opposition reaching out to us and saying, 'You've published this Bill – can we have these clarifications, these reassurances, so that we can make a better informed decision?' If they wanted information which they did not have, they could certainly have called us.

As far as publishing legislation blind and this process of consultation, which the hon. Lady has also mentioned, the reality is we did not have to be here today. I did not have to make an amendment for LNG bunkering. We have a Port Operations (Registration and Licensing) Act  
1035 which provides for bunkering. It does not say you need this type of licence for oil bunkering, this type of licence for gas oil or petroleum-based bunkering, this type of licence for LNG bunkering. It is generic. So there is the power already to provide licensing, codes of practice, conditions for energy bunkering in Gibraltar already. That exists because we have the power under the Act today to give bunkering licence on generic terms and each bunker licence can say, 'We know  
1040 that you're applying for a bunkering licence for this type of bunkering – gas oil bunkering, or petroleum-based bunkering, or LNG bunkering – and the conditions which are attached to that type of bunkering are this.'

We could have done that, and yet we have chosen to change the legislation, come to this Parliament, debate this matter in Parliament and give the Opposition the opportunity of airing  
1045 their views, which they are quite rightly entitled to. This is not a criticism of the view they are taking, necessarily; this as an explanation of the process that we have undergone and it is precisely because this is a matter of interest generally that we have chosen this particular process, this particular form of coming to the Act with a relatively simple amendment, quite apart from a number of definitions of port operations, which I will come to in a moment, but a  
1050 relatively simple amendment which simply seeks to differentiate between the different types of bunkering, a differentiation which we simply did not have to do, but we have done it. In the interests of the public, in the interests of transparency, in the interests of having any concerns aired in public, we have done it.

The reality is that it is not the Government that has decided to introduce LNG bunkering to  
1055 ships – or rather LNG propulsion, not energy bunkering. It is not the Government that has decided to introduce LNG propulsion to ships. That is a matter for owners. So what are we to do? Are we just to ignore that? Are we to ignore that that is now becoming a fuel that owners are interested in? Or are we to act responsibly and introduce measures for that type of fuel to be available in Gibraltar alongside other types of fuel which we already do – yes, I will do so in a  
1060 minute – and to do so in a regulated and safe environment. I will come to that in a moment, but that is, in my view, the responsible way for us to proceed.

I will give way to the Hon. Mr Feetham.

**Hon. D A Feetham:** I am very grateful to the hon. Gentleman because I know that it is difficult  
1065 sometimes giving way when you are in the middle of a reply.

I can understand the argument that fleets are moving slowly but they are moving towards LNG propulsion, but actually the imperative of having LNG bunkering does not come from that and I would just like him to confirm this or comment on this. The imperative for offering LNG bunkering does not come from fleets moving to propulsion. The imperative comes from the fact  
1070 that if you do not offer LNG bunkering it is not possible to then have an LNG power station, because the tanks that are supplying the LNG power station only have enough space for two or three weeks. It means that if you wanted to effectively keep those tanks filled with LNG, you

would have to have a ship coming into Gibraltar every three weeks, which is nonsense. The cost of that would be prohibitive.

1075 So how do you deal with that? You deal with that by basically offering commercial bunkering of LNG, and that is how it becomes ... So, effectively, it must have been in the Government's plans at the point at which it considered to build a power station that was LNG driven to basically effectively also provide LNG bunkering, because at a very early juncture it must have been clear that it would not be economically viable. Indeed, it was a point that the Hon. the Chief Minister made when we were having a general debate on GBC and this issue came up, and that was an explanation that he himself provided in 2014. Therefore it cannot be right that this is now motivated or moved by the fact that there are fleets that are moving towards LNG. This was pre-planned from the very beginning, because otherwise your LNG power station cannot be run economically.

1085 **Hon. G H Licudi:** Mr Speaker, let me just deal with that particular point before we move to the rest of the reply. The hon. Member talks of the imperative of the LNG bunkering essentially being driven by the need for the supply to the power station. Let me say to the hon. Member that LNG bunkering was coming in any event. The fact that we are opening a power station which is powered by LNG fuel may have precipitated or brought forward what we are doing in respect to ship-to-ship bunkering to coincide in terms of timing, but LNG bunkering is coming anyway and is not necessarily driven by that, although clearly that has been a factor in the planning for this particular Bill and to have it ready at this particular time.

1090 The hon. Member says in respect of the tanks and the LNG power station you would need a ship coming every three weeks and that is prohibitive. Well, the ship is actually coming every two weeks in order to supply LNG to that power station, but that power station has tanks which are dedicated, exclusive to the power station. I know the hon. Member accepts that and recognises that that is the case, that there is that distinction, but I am mindful that the Hon. Mr Clinton also mentioned comments made by the Environmental Safety Group recently and those comments were specifically expressing concerns about LNG bunkering taking place from those tanks. We made it clear that that was just based on a misapprehension, was a misunderstanding as to ... I think it arose following an interview I gave to GBC and the impression may have been given, even though I have seen what I said then and I certainly was not alluding to that but it was misunderstood as bunkering will take place from the tanks at the power station, and that was the concern that was expressed by the ESG.

1105 I just want to make it absolutely clear today, as we have already done, that the power station is one thing powered by LNG. That has nothing to do with the ship-to-ship bunkering which this Bill is concerned about. No bunkering to ships will take place from the tanks. There will be supply to those tanks from a ship, obviously, which will come in every couple of weeks, but there will be no supply to other ships on a commercial basis of LNG fuel from those tanks. That is absolutely clear.

1110 I was dealing with the point about LNG propulsion, ships ... I would not say it is becoming the norm, I would not go as far as that; it is becoming more popular. It is going to take time. It has been around for many years as a technology and used by many ships and it will take many years, I expect, before LNG propulsion in ships takes over as a fuel. It will take still a few years.

1115 The question I posed is given that that is happening and owners are taking the decision to introduce LNG propulsion to ships – in two ways, as I mentioned in my speaking notes when I introduced the Bill: firstly by ordering ships which are LNG fuel propelled; or by retrofitting, as we are seeing, and we have already got one of the customers of Gibdock having brought a ferry to Gibraltar in order to carry out that conversion of retrofitting to LNG fuel, so that is coming, that is a reality, that is a fact of life – what should we do in Gibraltar? Should we turn business away, or should we do things properly in order to have a regulated and safe environment for that business to be able to take place in Gibraltar? We have chosen the latter. Hon. Members may have done something different. By abstaining, or perhaps now even voting against, they

1125 may suggest that the business should be turned away from Gibraltar. We believe in business in Gibraltar. We believe in our economy. We believe in the creation of jobs. I hope that the hon. Members do too and find a way of supporting this, because it does have an effect on jobs and our economy.

1130 Gibraltar is a major bunkering port in the Mediterranean with an excellent reputation and what LNG bunkering will do is simply add one more strand in the activities that we carry out, in the services that we provide for the maritime industry. And it is not just bunkering companies that benefit from this. There is a whole range, a whole raft of companies. A whole industry is based around this. Ship agents clearly benefit because every ship has an agent in Gibraltar, every ship that comes into Gibraltar. Ship chandlers benefit. Supplies of provisions to ships benefit. 1135 Those who carry out crew changes benefit. Those who sell lubricating oils to ships – quite apart from fuel – benefit. Why? Because all of that industry revolves around what we do in Gibraltar in relation to bunkering. We do not have a ship, because simply it would not be cost effective for an owner to send a ship to Gibraltar simply to carry out a crew change, or simply to take lubricating oils, or simply to take a few packets of cornflakes. A lot of these ships come to 1140 Gibraltar to carry out bunkering, to take bunkers and then also carry out the crew changes, take supplies, take provisions, take oils.

1145 What does all that do? It creates employment in the industry. It creates economic activity. It would be irresponsible for the Government to look the other way, to turn any of this business away. We have to be aware of what is going on in the world. We have to embrace this. But I absolutely agree it has to be done properly, it has been done safely and it has to be done in a regulated manner, and that is why I said, when I spoke on moving the Bill, that what we are doing today by introducing these amendments ... These are just a part of a series of measures. There will be some amendments to the Port Rules and crucially, as I mentioned, there will be an LNG bunker code of practice – that is what will define the safety standards – and the code of 1150 practice will itself lead to the licence conditions, as to what an LNG bunkering company has to do and the standards that have to be applied.

1155 That code of practice, which will accompany the legislation before an LNG bunker licence is given, clearly has been subject to hazard identification assessments and workshops with a view to enable safe ship-to-ship bunkering in Gibraltar, and what those assessments and those workshops have done is improve the framework with a series of recommendations which have all been accepted and will all be incorporated either through changes in the Port Rules or in the code of practice itself. Ultimately what it leads to is the Captain of the Port and the Government being satisfied that risks are mitigated as far as reasonably practicable so that we can undertake in Gibraltar this line of business in an efficient and safe manner. The Government is certainly 1160 satisfied that that is the case.

Mr Speaker, I just end my response with a comment. I believe it was Mr Phillips who mentioned the other activities – I will give way to Mr Phillips.

1165 **Hon. E J Phillips:** I am very grateful to the Minister for giving way. He did speak at length to the commercial viability of LNG and how we as a community should be moving towards, as the other jurisdictions are moving towards, LNG as a sustainable fuel. In that context, has the Minister given consideration to the Marple IMO 2020 report, which suggests that very low sulphur fuels, an alternative, is the way forward for the future and how, in that context, if that is 1170 the future there seems to be an overreliance on this question of LNG given the fact that between 3% and 6%, it is suggested, will be on heavy fuels and that there will be a huge sway by the world fleet towards very low sulphur fuels rather than LNG? If that is the case, will the Minister clarify how that resonates with him in terms of the commercial rationale for this?

1175 **Hon. G H Licudi:** Mr Speaker, I did mention previously that, quite apart from LNG being a greener technology, part of the drive around this from a worldwide basis is what I termed earlier the ever-tightening emissions regulations, and that is happening to shipping generally.

1180 The IMO 2020 reduction in sulphur provision is precisely one of these provisions. Clearly we  
are very alive and very aware of the provisions of that and ship owners are aware and alive. That  
is a set of regulations which will be implemented in Gibraltar and adhered to in Gibraltar in any  
form of bunkering. That is something that we have clearly considered – not in the context of LNG  
bunkering, because what LNG does is remove, from a green technology point of view, remove  
many of the damaging particles that are emitted. That is why it is greener technology, but a lot  
of the particles that are emitted to the environment as part of normal bunkering activities are  
actually eliminated with LNG, so it is safer, it is a better fuel, but it has to be done safely and that  
1185 is what I addressed earlier in terms of the hazard identification assessment and the  
recommendations which have all been accepted and which will all form part of the the code of  
practice.

I was going to end by mentioning the list of port operations that are included in this Bill which  
the Hon. Member Mr Phillips, the Leader of the Opposition, alluded to, which includes  
1190 commercial diving, which was not in the previous list. The current Act provides a definition of  
port operations which says ‘includes engaging in the following activities’ and the current Act has  
six activities. There are other activities which are not specifically defined but are being carried  
out in Gibraltar, so what we are doing here is more specifically defining the type of activities that  
are already occurring in Gibraltar under the existing Act. So nothing is changing; we are just  
1195 creating more specificity, or updating the definition, taking advantage of the fact that we are  
amending the Act in the first place because the definition of ‘port operations’ says it includes all  
of this and any other industrial or commercial operation etc., which is also part of the existing  
definition, which is why those other activities are being carried out today. So it is an inclusive  
and not a definitive definition.

1200 Mr Speaker, with that and everything that has been said today and the satisfaction of the  
Government in moving forward in this direction, I once again commend the Bill to the House.  
*(Banging on desks)*

1205 **Mr Speaker:** I now put the question, which is that a Bill for an Act –

**Hon. Chief Minister:** Mr Speaker, I call a division of the House.

**Mr Speaker:** Very well – a Bill for an Act to amend the Port Operations (Registration and  
Licensing) Act 2005 be read a second time.

1210 Will you please call the division.

**Clerk:** P J Balban. (**Hon. P J Balban:** Aye.) R M Clinton (**Hon. R M Clinton:** Abstain.) J E Cortes.  
(**Hon. Dr J E Cortes:** Aye.) D A Feetham.

1215 **Hon. D A Feetham:** Despite how persuasive the Chief Minister was, I am also going to be  
abstaining – not to break the habit of the past to disagree with him.

**Clerk:** J J Garcia. (**Hon. Dr J J Garcia:** Yes.) M D Hassan Nahon. (**Hon. Ms M D Hassan Nahon:**  
Yes.) (**Hon. Chief Minister:** Hear, hear.) A J Isola. (**Hon. A J Isola:** Aye.) G H Licudi. (**Hon. G H**  
1220 **Licudi:** Yes.) S E Linares. (**Hon. S E Linares:** Yes.) L F Llamas. (**Hon. L F Llamas:** Abstain.) E J  
Phillips. (**Hon. E J Phillips:** Abstain.) F R Picardo. (**Hon. Chief Minister:** Aye.) E J Reyes. (**Hon. E J**  
**Reyes:** Abstain.)

*Voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Hon. P J Balban	None	Hon. R M Clinton	Hon. Sir J J Bossano
Hon. Dr J E Cortes		Hon. D A Feetham	Hon. N F Costa
Hon. Dr J J Garcia		Hon. L F Llamas	Hon. T N Hammond
Hon. Ms M D Hassan Nahon		Hon. E J Phillips	Hon. Miss S J Sacramento
Hon. A J Isola		Hon. E J Reyes	
Hon. G H Licudi			
Hon. S E Linares			
Hon. F R Picardo			

**Mr Speaker:** There are 4 Members absent, 8 Members have voted in favour, there are 5 abstentions and therefore the Second Reading of the Bill is carried. (*Banging on desks*)

1225

**Clerk:** The Port Operations (Registration and Licensing) (Amendment) Act 2018.

**Port Operations (Registration and Licensing) (Amendment) Bill 2018 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I beg to move that the Committee Stage of the Bill be taken later today, if all hon. Members agree.

1230

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

**Gambling (Amendment) Bill 2017 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Gambling Act 2005. The Hon. the Minister for Commerce.

1235

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, I have the honour to move that an Act to amend the Gambling Act 2005 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gambling Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1240

**Clerk:** The Gambling (Amendment) Act 2017.

**Gambling (Amendment) Bill 2017 –  
Second Reading approved**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

This Bill amends the Gambling Act to insert a provision of the industries canvassed which I am happy to accommodate.

1245 Clause 3 of the Bill inserts a new section 23A and achieves two things. In the first instance, it requires that certain payments be made to registered players; and secondly, it requires that a licensee maintains adequate financing to make those payments.

1250 Following a change to the VAT regime in the European Union there is a question mark over the basis on which to apply VAT to online gaming services. The amendment would ensure that it is clear to other tax authorities that there is an explicit statutory requirement to return the winnings to players and thereby helps strengthen the argument that VAT should be applied on a gross gaming revenue basis as opposed to being applied on all stakes.

Mr Speaker, I commend the Bill to the House.

1255 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

I then put the question, which is that a Bill for an Act to amend the Gambling Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1260 **Clerk:** The Gambling (Amendment) Act 2017.

**Gambling (Amendment) Act 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading will be taken later today, if all hon. Members agree.

1265 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE AND THIRD READING**

1270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now dissolve itself into Committee to consider the following Bills clause by clause: the Terrorism Bill 2018, the Animals in Travelling Circuses Bill 2018, the Port Operations (Registration and Licensing) (Amendment) Bill 2018, the Gambling (Amendment) Bill 2017, the Mutual Legal Assistance (Council of Europe) Bill 2018 and the Extradition Bill 2018.

**Mr Speaker:** Before we proceed with the Terrorism Bill, there was an indication during the Second Reading of the Bill of a possible amendment to section 71.

1275 **Hon. Chief Minister:** We are not in Committee yet, so I will stand up, Mr Speaker. Yes, I have got something to propose to the hon. and learned Gentlemen opposite. I do not know whether Mr Speaker would want to recess –

**Mr Speaker:** A 10-minute recess?

1280 **Hon. Chief Minister:** – for 15 minutes for an opportunity for us to discuss that. (**Mr Speaker:** Yes.) Before we go into Committee or after we go into Committee? Whatever the Clerk and you prefer.



1285 **Mr Speaker:** We will move into Committee and then recess for 10 or 15 minutes.

*In Committee of the whole House*

1290 **Mr Chairman:** The Committee will now recess for 10 minutes.

*The House recessed at 5.14 p.m. and resumed its sitting at 5.24 p.m.*

**Terrorism Bill 2018 –  
Clauses considered and approved with amendments**

1295 **Clerk:** A Bill for an Act to make provision about terrorism offences, to make provision for the proscribing of organisations, to provide for orders for the freezing and forfeiture of terrorist property and funds, to provide for the investigation of terrorist offences and provide investigation measures, to make provision in connection with overseas terrorism, to repeal and replace the Terrorism Act 2005 and for connected purposes.

Part 1, clauses 1 and 2.

**Mr Chairman:** Stands part of the Bill.

1300 **Clerk:** Part 2, clauses 6 and 7.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 8 as amended.

1305

**Mr Chairman:** There is an amendment that has been circulated by the Chief Minister. Are all hon. Members in favour of inserting that amendment? Carried.

1310 **Hon. D A Feetham:** Mr Speaker, the letter can be taken as read and accepted by the Opposition, the amendments.

**Mr Chairman:** So, clause 8 as amended stands part of the Bill.

**Clerk:** Clause 9.

1315

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 10 as amended.

1320 **Mr Chairman:** Again, an amendment has been circulated. Unless there is any objection, I take it that the Opposition are in favour, are quite happy.

**Hon. D A Feetham:** Mr Speaker, rather than stop every single time, Mr Speaker can take it that the Opposition has read –

1325

**Mr Chairman:** Unless hon. Members indicate that –

**Hon. D A Feetham:** Unless we indicate otherwise.

1330 **Mr Chairman:** Very well. So, clause 10 as amended stands part of the Bill.

**Clerk:** Clause 11.

**Mr Chairman:** Stands part of the Bill.

1335

**Clerk:** Part 3, clauses 12 to 16.

**Mr Chairman:** Stands part of the Bill.

1340

**Clerk:** Clause 17 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clauses 18 to 34.

1345

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part 4, clauses 35 to 61.

1350

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 5, clauses 62 to 70.

**Mr Chairman:** Stands part of the Bill.

1355

**Clerk:** Part 6, clauses 71 to 73.

**Mr Chairman:** Stands part of the Bill.

1360

**Clerk:** Clause 74 as amended.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have circulated a moment ago – in addition to the amendment I had circulated earlier – after a discussion between myself and the Hon. Mr Feetham, the amendment that we propose should be made to section 74, both in subsection (1) and in subsection (2), to limit the types of criminal conduct that would be in scope for the purposes of the application of this Part.

1365 That, I think, is quite clear from what I have circulated. In effect, the definition of criminal conduct is explicitly made clear to be relating to or otherwise connected to terrorism. There are two times when that appears in the definition of ‘criminal investigation’. In fact, what I have  
1370 circulated says ‘in the definition of Criminal Conduct’ but it is ‘in the definition of Criminal Investigation’, I see.

And then in 74(2) at the very end also add the words ‘relating to or otherwise connected to terrorism’.

1375 There is one other minor amendment which we discussed, which I have not put in this sheet, which is to include the word ‘such’ also. So, in the definition of ‘criminal investigation’ when you are in the third line, ‘an investigation of whether such criminal conduct has taken place’, so that it is clear that it relates back to the term ‘criminal conduct’ as we have proposed to amend it. Have you got that?

1380 **Mr Speaker:** I will now put the amendment moved by the Chief Minister to section 74. All those in favour? (**Members:** Aye.) Those against? Carried. Clause 74 as amended stands part of the Bill.

**Clerk:** Part 7, clauses 75 to 83.

1385

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 8, clauses 84 to 99.

1390

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 100 as amended.

**Mr Chairman:** Stands part of the Bill.

1395

**Clerk:** Clauses 106 and 107.

**Mr Chairman:** Stand part of the Bill.

1400

**Clerk:** Part 9, clauses 108 to 133.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 10, clauses 134 to 139.

1405

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 140 as amended.

1410

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 11, clauses 141 to 151.

**Mr Chairman:** Stands part of the Bill.

1415

**Clerk:** Part 12, clauses 152 to 159.

**Mr Chairman:** Stands part of the Bill.

1420

**Clerk:** Clause 160 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Schedules 1 to 9.

1425

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Schedule 10 as amended.

1430

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Schedules 11 to 16 as amended.

**Mr Chairman:** Stand part of the Bill.

1435

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Animals in Travelling Circuses Bill 2018 –  
Clauses considered approved**

**Clerk:** A Bill for an Act to make provision for offences relating to the use of animals in travelling circuses, and to provide for the enforcement of those offences, and for connected purposes.

1440

Clauses 1 to 11.

**Mr Chairman:** Stand part of the Bill.

1445

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

Yes?

1450

**Hon. R M Clinton:** A very minor point: just the heading on clause 8, 'Stopping and' I think it should be 'detaining vehicles' rather than 'detailing vehicles', so a minor typo, which I think I had mentioned to the Hon. Minister some time ago.

1455

**Mr Chairman:** Yes, there is a typographical error, 'Stopping and detailing vehicles' should be 'Stopping and detaining vehicles'. We take it that it is a typographical error. There is no need to move an amendment.

Have you moved the long title? No.

1460

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Port Operations (Registration and Licensing) (Amendment) Bill 2018 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Port Operations (Registration and Licensing) Act 2005. Clauses 1 and 2.

1465

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

1470

**Mr Chairman:** Stands part of the Bill.

**Gambling (Amendment) Bill 2017 –  
First Reading approved with amendment**

**Clerk:** A Bill for an Act to amend the Gambling Act 2005.  
Clause 1.

1475 **Mr Chairman:** Stands part of the Bill.  
There is an amendment there just to the date: 2017 to be amended to 2018.

**Clerk:** Clauses 2 and 3.

1480 **Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Mutual Legal Assistance (Council of Europe) Bill 2018 –  
Clauses considered and approved**

1485 **Clerk:** A Bill for an Act to give effect in Gibraltar to the Council of Europe's European  
Convention on Mutual Assistance in Criminal Matters made in Strasbourg on 20th April 1959.  
Part 1, clauses 1 to 3.

**Mr Chairman:** Stands part of the Bill.

1490 **Clerk:** Part 2, clause 4.

**Mr Chairman:** Stands part of the Bill.

1495 **Clerk:** Part 3, clauses 5 to 8.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 4, clause 5.

1500 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 5, clause 10.

1505 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 6, clauses 11 to 17.

**Mr Chairman:** Stands part of the Bill.

1510 **Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Extradition Bill 2018 –  
Clauses considered and approved**

1515 **Clerk:** A Bill for an Act to provide for the extradition of persons pursuant to any Conventions, Treaties, bilateral or multilateral agreements that apply to and have been extended to Gibraltar or any extradition arrangement or agreements which have been entered into by the United Kingdom and extended to Gibraltar and for connected purposes.

Part 1, clauses 1 to 4.

1520 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 2, clauses 5 to 74.

**Mr Chairman:** Stands part of the Bill.

1525 **Clerk:** Part 3, clauses 75 to 85.

**Mr Chairman:** Stands part of the Bill.

1530 **Clerk:** Part 4, clauses 86 to 102.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Part 5, clauses 103 to 123.

1535 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Schedules 1 and 2.

1540 **Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Terrorism Bill 2018,  
Animals in Travelling Circuses Bill 2018,  
Mutual Legal Assistance (Council of Europe) Bill 2018,  
Extradition Bill 2018,  
Gambling (Amendment) Bill 2018 and  
Port Operations (Registration and Licensing) (Amendment) Bill 2018 –  
Third Readings approved: Bills passed**

**Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Terrorism Bill 2018, the Animals in Travelling Circuses Bill 2018, the Mutual Legal Assistance (Council of Europe) Bill 2018, the Extradition Bill 2018 and the Gambling (Amendment) Bill 2018 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

**Mr Speaker:** I will now put these five Bills as a package and then we will proceed with the last one.

I now put the question, which is that the Terrorism Bill 2018, the Animals in Travelling Circuses Bill 2018, the Mutual Legal Assistance (Council of Europe) Bill 2018, the Extradition Bill 2018 and the Gambling (Amendment) Bill 2018 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

1545 **Hon. Chief Minister:** I move that the House divide, Mr Speaker.

**Mr Speaker:** You do not wish to have ...? There is a Bill ...

**Hon. Chief Minister:** Sorry, have you put the Port Operations ...?

1550

**Mr Speaker:** The Port Operations Bill separately – division?

**Hon. Chief Minister:** Yes, that is why I moved that the House should divide now when you are going to put it.

1555

**Mr Speaker:** Very well, yes. A division will now be taken on the Port Operations Bill.

**Clerk:** P J Balban. (**Hon. P J Balban:** Aye.) R M Clinton (**Hon. R M Clinton:** Abstain.) J E Cortes. (**Hon. Dr J E Cortes:** Aye.) D A Feetham. (**Hon. D A Feetham:** Abstain.) J J Garcia. (**Hon. Dr J J Garcia:** Yes.) M D Hassan Nahon. (**Hon. Ms M D Hassan Nahon:** Yes.) A J Isola. (**Hon. A J Isola:** Aye.) G H Licudi. (**Hon. G H Licudi:** Yes.) S E Linares. (**Hon. S E Linares:** Aye.) L F Llamas. (**Hon. L F Llamas:** Abstain.) E J Phillips. (**Hon. E J Phillips:** Abstain.) F R Picardo.

1560

**Hon. Chief Minister:** I think it is our duty always to decide, Mr Speaker. Aye.

1565

**Clerk:** E J Reyes.

**Hon. E J Reyes:** I abstain, Mr Speaker.

*Voting resulted as follows:*

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	None	Hon. R M Clinton	Hon. Sir J J Bossano
Hon. Dr J E Cortes		Hon. D A Feetham	Hon. N F Costa
Hon. Dr J J Garcia		Hon. L F Llamas	Hon. T N Hammond
Hon. Ms M D Hassan Nahon		Hon. E J Phillips	Hon. Miss S J Sacramento
Hon. A J Isola		Hon. E J Reyes	
Hon. G H Licudi			
Hon. S E Linares			
Hon. F R Picardo			

1570 **Mr Speaker:** There are four Members absent, 8 have voted in favour, 5 have voted against. Therefore, the Bill has received a Third Reading and is carried.

**Hon. E J Reyes:** Mr Speaker, you said they voted against; it was an abstention, no?

1575 **Mr Speaker:** Did I say that? Let's clarify that. There are 8 votes in favour, five abstentions – my apologies – and four Members are absent, so the Third Reading has been carried by majority and therefore I put that it be read a third time and carried.

Chief Minister.

**Hon. Chief Minister:** Mr Speaker, having dealt with considerable legislative business today, I move that the House should now adjourn to next Thursday at 10 a.m.

1580 I can tell hon. Members that it is the intention of the Government to then be able to deal with all questions still outstanding. I hope to be able to conclude the session with all questions dealt with by the end of Friday at the latest, so that we can adjourn *sine die* and start next year afresh, conscious of the fact that we have banned the travelling animals but that we can bring on the clowns next Thursday at 10 a.m.

1585 **Mr Speaker:** The House will now adjourn to next Thursday, 20th December at 10 in the morning, when we shall be going into Question Time.

*The House adjourned at 5.51 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10.09 a.m. – 12.50 p.m.**

**Gibraltar, Thursday, 20th December 2018**

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# The Gibraltar Parliament

*The Parliament met at 10.09 a.m.*

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

[ACTING CLERK TO THE PARLIAMENT: S C Galliano Esq *in attendance*]

## **Standing Order 7(1) suspended to proceed with laying of papers**

**Acting Clerk:** Meeting of Parliament, Thursday, 20th December 2018.

Order of Proceedings: suspension of Standing Orders. The Hon. the Chief Minister.

5

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before I start, a welcome to Mr Galliano to the chair of the Clerk, on behalf of all Members, standing in for Mr Martinez.

I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of Command Papers on the table.

10

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

## **PAPERS TO BE LAID**

**Acting Clerk:** (vi) Papers to be laid – the Hon. the Chief Minister.

15

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Command Paper for a draft Bill to amend the Crimes Act 2011 to permit abortion in certain limited cases as required by the jurisprudence of the Supreme Court of the United Kingdom.

**Mr Speaker:** Ordered to lie.

20

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to lay on the table: (1) a Command Paper on a draft Bill to provide for Gibraltar's withdrawal from the European Union; and (2) a Command Paper on a draft Bill to amend the provisions of the Parliament Act to provide for an open register of electors.

**Mr Speaker:** Ordered to lie.

25

**Acting Clerk:** The Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the table a Command Paper on a draft Bill to make provision for offences relating to the sale of energy drinks, and to provide for the enforcement of those offences, and for connected purposes.

**Mr Speaker:** Ordered to lie.

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

## Questions for Oral Answer

### DEPUTY CHIEF MINISTER

**Q467/2018**

**Car parks –**

**Consideration given to building north of runway**

30 **Acting Clerk:** Question 467. The Hon. E J Phillips on behalf of the Hon. T N Hammond.

**Hon. E J Phillips:** Mr Speaker, has Government given any further consideration to building car parks north of the runway in the vicinity of the Frontier?

35 **Acting Clerk:** Answer, the Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, the development of the old air terminal site is envisaged to include car parking.

40 **Hon. E J Phillips:** Just one further question, Mr Speaker: when is it envisaged that those plans will take place or any work will be taking place in relation to that site?

45 **Hon. Deputy Chief Minister:** Mr Speaker, the position is that that site went out to expressions of interest a few years ago. The Government had discussions with interested parties and it was all put on hold because of the relocations we needed to carry out as a result of the 2011 Lands Agreement between the Gibraltar Government and the MoD. That is why that has not progressed. Once those relocations are all in their permanent sites, we will then be able to progress with that development.

50 **Hon. E J Phillips:** Does the Chief Minister have any view as to how many parking spaces will be provided as a result of such project?

55 **Chief Minister (Hon. F R Picardo):** It is not something I was actually dealing with; it was something that the Deputy Chief Minister was dealing with, Mr Speaker, but I think the expressions of interest provided varied amounts depending on the submission of how many parking spaces were to be provided.

60 I confess, Mr Speaker, I did not quite expect to be pressed in respect of a development project given that hon. Members spend most of their time in press releases telling us that we are doing too much too quickly, but I will assume that this is just the typical say one thing today, do another thing tomorrow.

**Mr Speaker:** Next question.

**Acting Clerk:** Question 468 –

65 **Hon. E J Phillips:** Mr Speaker, we have not had an answer to that specific question that we raised, and we really need an answer after the jibes.

**Hon. Chief Minister:** To what specific question, Mr Speaker?

70 **Hon. E J Phillips:** How many spaces are envisaged to be placed at the site in question?

**Hon. Chief Minister:** Mr Speaker, I recommend an ear syringing to the hon. Gentleman. I started by telling him that different numbers of parking spaces were proposed in the different numbers of projects which were submitted. But he has not given notice of that question; and if  
75 he did, he would be asking us a question not about anything that we have done but about proposals that have been put to us by third parties, which are not yet Government projects because they have not yet been awarded.

80 It was the first thing I said when I got up to answer him. I do not know whether he just gets so nervous when he sees me get up to answer him that for the first few moments he is not able to hear what I say, but if he calms down and listens he will not have to ask me to stand up again to repeat the same thing.

**Q468/2018**  
**Four Corners site –**  
**Date for handover to MoD**

**Mr Speaker:** Question 468.

85 **Acting Clerk:** The Hon. E J Phillips on behalf of the Hon. T N Hammond.

**Hon. E J Phillips:** When does Government expect to hand over the Four Corners site currently under construction to the MoD?

90 **Acting Clerk:** Answer, the Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the construction of the accommodation units for the MoD at Four Corners will all be completed by February 2019. The handover will, however, be undertaken in three phases, with the first set of blocks having already been handed over in early November 2018 and the second set handed over in late  
95 November 2018. The third and final set of blocks, although programmed for completion by February 2019, will be handed over once the MoD infrastructure works within Four Corners are completed in April 2019.

**Mr Speaker:** Next question.

**Q469/2018**  
**Nuffield pool –**  
**Plans after handover of Four Corners site**

100 **Acting Clerk:** Question 469. The Hon. E J Phillips on behalf of the Hon. T N Hammond.

**Hon. E J Phillips:** Reference the Nuffield pool, in their 2015 manifesto Government say that on completion and handover of the Four Corners site a pool will be open to the public. Will that be the current Nuffield pool or something else?

105

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the policy of the Government remains to provide a pool at the site of the Nuffield pool. No decision has yet been taken on whether it will be the existing pool or a new facility. Expressions of interest have been invited in respect of the current facility to allow us to gauge interest in the operation thereof.

**Q470/2018**  
**Parliament building –**  
**Provision of lift**

110 **Acting Clerk:** Question 470. The Hon. E J Phillips on behalf of the Hon. T N Hammond.

**Hon. E J Phillips:** Is Government still intending to provide a lift for the Parliament building; and if so, when is the project likely to proceed?

115 **Acting Clerk:** Answer, the Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes. The cost of the project is now being updated before it proceeds.

120 **Mr Speaker:** Next question.

**Q471/2018**  
**Bayside, St Anne's and St Martin's Schools –**  
**Details of successful developer and premium offered**

**Acting Clerk:** Question 471. The Hon. R M Clinton.

125 **Hon. R M Clinton:** Thank you. Mr Speaker, can the Government advise if it has identified a preferred tender for the site of Bayside, St Anne's and St Martin's Schools; and if so, who is the successful developer and what premium has been offered?

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

130 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the plot at St Martin's will become an open area. No decision has yet been taken in respect of the plots at St Anne's and Bayside.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can he give the House an indication as to when a decision might be made on the award of any tender in respect of Bayside and St Anne's?

135

**Hon. Deputy Chief Minister:** Mr Speaker, it is very difficult to provide an indication as to the timescale. Bear in mind that the schools at St Anne's and Bayside are still under construction, so there is not that degree of urgency at the moment for the Government to arrive at a decision at all on the tender.

140

**Hon. L F Llamas:** Mr Speaker, in 2015 in the Government's manifesto the Government had envisaged relocating possibly St Bernadette's or Dr Giraldi Home to the current St Martin's School once it was vacated. Seeing that is going to become an open area, could the Government provide some details as to what their plans are with regard to St Bernadette's and Dr Giraldi, if any?

145

**Hon. Deputy Chief Minister:** Mr Speaker, I can confirm that the Government are looking at a different site for that but I am not in a position to actually say what site that would be.

150

**Mr Speaker:** Next question.

## INFRASTRUCTURE AND PLANNING

### Q472/2018

#### Glacis Road temporary roundabout – Plans to make permanent

**Acting Clerk:** Question 472. The Hon. E J Phillips on behalf of the Hon. T N Hammond.

**Hon. E J Phillips:** Mr Speaker, considering the so-called temporary roundabout on Glacis Road has been there for three years, when does the Government foresee that it will be made permanent?

155

**Acting Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the roundabout will be made permanent once Ocean Spa Plaza development is completed, as previously explained to the hon. Member in answer to Question 62/2016.

### Q473/2018

#### Vehicles registered in Gibraltar – Breakdown by fuel type

**Acting Clerk:** Question 473. The Hon. E J Phillips on behalf of the Hon. T N Hammond.

160

**Hon. E J Phillips:** Mr Speaker, of all vehicles registered in Gibraltar, how many are petrol, diesel, hybrid and fully electric as of 1st June 2017 and 1st June 2018?

**Acting Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.



165 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, 1,957 petrol, 779 diesel, 62 hybrids and six electric vehicles have been registered in Gibraltar between 1st June 2017 and 1st June 2018.

**Acting Clerk:** Question 474.

170

**Hon. E J Phillips:** Mr Speaker, insofar as the answer that we were seeking, of all vehicles registered in Gibraltar how many are petrol, diesel, hybrid and fully electric as of 1st of June, not in relation to those that have just been registered in that year.

175

**Mr Speaker:** As I read the question the Hon. Minister has not been asked about how many vehicles have been registered between 1st June 2017 and 1st June 2018. That is not the original question. If he does not have the information because it has been misread, I think the answer is to defer the question and it can be answered subsequently.

180

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think the Government has interpreted this question as meaning in the period, but I can perfectly see why hon. Members think that they asked up to the period and thereafter in the second period. I think even during the course of this session it should be possible ... I do not know whether the Department has that information easily available, but I think during the course of the session we can come back and indicate whether we can give that figure now as the total number registered as at that date.

185

**Mr Speaker:** The information that is required is how many were of each category as of 1st June 2017, because then if you add the numbers given by the Minister to those figures you arrive at 2018. Okay?

190

Let's move on to the next question.

**Q474/2018  
MoT testing –  
Emissions testing**

**Acting Clerk:** Question 474. The Hon. E J Phillips on behalf of the Hon. T N Hammond.

195

**Hon. E J Phillips:** Mr Speaker, how many vehicles, while undergoing MoT testing, have failed their emissions test since 1st October 2017; and has every vehicle undergoing an MoT test during that same period undergone emissions testing?

**Acting Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

200

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, further to my answer to Question 581/2017, and as already set out in *Hansard*, the Department has never kept statistics of specific vehicle faults which have led to vehicles failing a roadworthiness test. As already set out, it would be a very laborious task to keep these sorts of statistics, requiring further extra human resources. Hence my reply remains the same.

205

Furthermore, and as previously explained, under the Motor Vehicle Test (Amendment) Regulations 2017 it is compulsory for all vehicles to have their emissions checked when undergoing their roadworthiness tests.

**Hon. E J Phillips:** Does the Hon. Minister agree with me that we should, and hopefully within the resources we have, be able to monitor those vehicles that are failing emission tests? This

210 Government has a commitment to the environment and I would have thought that it would be  
easy just to record the number of vehicles being tested and vehicles failing those emission tests.

**Hon. P J Balban:** Mr Speaker, no, in fact it is not simple. What happens is when a vehicle fails  
its roadworthiness test it fails for a number of different reasons. It does not have to necessarily  
215 be one reason; it could be a multitude of reasons. It all goes down on a manual form and that is  
filed per vehicle, and for us to be able to actually ... The whole system is not computerised,  
whereby it would be easy to just press a button to see exactly how many cars on that date were  
failed because of x reason, y reason or z reason. It is literally impossible to go through per file to  
220 see exactly whether a vehicle has failed exclusively because of emissions or whether it has failed  
its emissions apart from other reasons. Normally, as cars age there are a number of reasons why  
they could fail, but there have been also cases where a vehicle has just failed because of their  
emissions and nothing else.

**Hon. E J Phillips:** So, am I right in concluding then that the Government, your Department,  
225 has no idea, effectively, of the number of cars on our roads that are polluting our air with these  
harmful emissions?

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, that is absolutely right. The Department  
that we inherited from them had absolutely no idea of what emissions there were and it still is  
230 not able to provide at the press of a button the information that they appeared not to be  
interested in when they were in Government and they are seeking now from Opposition.

**Hon. E J Phillips:** Therefore, Mr Speaker, my question is: given the fact that the Government  
has no intention of changing what they say we did badly in the first place, they will continue in  
235 the same vein of polluting our streets with these dangerous and harmful emissions?

**Hon. Chief Minister:** No, Mr Speaker, that is not what we have said. It is not even a logical,  
fair or clever extrapolation of what I indicated, because what we are talking about is vehicles  
having to pass their MoT tests in order *not* to be on our roads.

240 I do not know whether he is just trying to set himself up to be diagnostic in the ability to see  
vehicles and determine whether they are polluting, because that is apparently what he is  
suggesting he should be able to do if we were able to give him the answers, but this is not in any  
way going to assist the environmental objectives. If it did, Mr Speaker, it is very likely that it  
would have been implemented either by them or by us. This is not a question of, I assume, any  
245 of us having a disagreement as to, if something is a worthy measure, not pursuing it. It is just not  
seen as something which can assist in any material respect.

**Mr Speaker:** Next question.

**Q475/2018**  
**Electric scooters –**  
**Clarification of legal status**

**Acting Clerk:** Question 475. The Hon. E J Phillips on behalf of the Hon. T N Hammond.  
250

**Hon. E J Phillips:** Mr Speaker, does Government intend to clarify the legal status of electric  
scooters as may pertain to the Traffic Act 2005 or any other appropriate legislation?

**Acting Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

255 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, as the hon. Member may be aware, Government has been working in consultation with the RGP, HM Customs and Gibraltar Law Officers to see how best to deal with these novel means of personal transportation.

I would refer the hon. Member to Press Release No. 763/2018 issued last week, which is self-explanatory.

260 Mr Speaker, as the hon. Gentleman may appreciate, this matter is not one that is unique to Gibraltar. In fact, these novel electric personal transporters have for some time now been increasing in number throughout cities in the UK and other parts of Europe, and therefore we are keeping a watchful eye on how other jurisdictions deal with these with a view to perhaps taking on board their findings and relevant actions.

**Hon. E J Phillips:** Mr Speaker, whilst I appreciate that the Government is keeping an eye on developments in other jurisdictions in relation to electric scooters, I do receive many comments, sometimes positive ones and others negative, in relation to electric scooters particularly in areas where there is heavy pedestrian traffic and vehicular traffic. The general comment that I get from people who approach me is that they are dangerous insofar as most of the people on these scooters effectively are navigating through quite congested streets. One of the reasons I believe my hon. Friend Mr Hammond asked this question was because of those concerns over public safety on our streets and the volume of pedestrian and vehicular traffic combined with electric scooters.

275 I would be grateful if the Government could clarify when it intends to complete this analysis of other jurisdictions and their use of electric scooters and legislation, to give us a bit more information so we can communicate that to the public.

280 **Hon. P J Balban:** Mr Speaker, it is for this very reason that we have engaged this consultation process with the RGP and other interested parties, for example Customs, as I have mentioned, and the Law Officers.

It is not necessarily the instrument itself, the transporting device and the way it is being used which is the issue. These scooters have come in by storm. They have hit worldwide, they are causing all sorts of problems and they are starting to result even in fatalities in certain areas. The problem is because these scooters are so new the law has not caught up and there is nothing in most laws throughout the world which covers and caters for these instruments. They are not classified as should they be used on the road or should they be used on the pavements.

290 The biggest problem is the differential in speed. If a pedestrian is walking at say 4 km/h and if a scooter were in theory to travel at the same speed, then the conflict would be non-existent in that respect. If the same thing happens on the road, if a scooter travels at only 4 km/h and cars go much faster, then obviously the conflict there is greater. So what we are looking at now is to see exactly how we classify these vehicles, and for that we would need to bring things to Parliament as part of the Traffic Act.

295 In the interim period we are looking at getting rid of the scooters from the pavements initially and seeing whether we can get through regulations. In fact, we have found a mechanism to do that in the interim period until we can see how we proceed. But it is not just the scooter. There is a whole myriad of different things that are coming on to the market, from Segways to hoverboards and scooters. Some of them travel at different speeds, some of them are manufactured to go at 25 km/h, others will do 32 km/h, others, a lot less.

300 Every city is responding differently to these scooters. In cities where there is a big open space, where the pavements are very wide and where they have maybe bicycle lanes, they are considering whether they should be put in a bicycle lane only to be used in a bicycle lane, or they should be allowed an area in the pavement. What is happening is that they are everywhere. Sometimes they are ridden on the road without lights, but they are not captured under the law. This is why it has been such a difficult task to look at, because if you think about it, are they good

for the environment? These are electrical vehicles and if it takes someone off a car then there could be some use in them. Having said that, there is the other side of the equation, which says they are made of plastic and they have got a lithium battery – how long will they last? If you  
310 knock them down, if they fall and they break, spares will not be available so they will end up being thrown out, and they are literally almost disposable items at the price that they sell.

So there is a whole list of things that need to be considered and this is why this is taking its time – not only in Gibraltar, it is taking its time throughout the world and different cities are grappling to see how they are going to target these things which really do not fall in either one  
315 category or another.

**Mr Speaker:** I suggest to the Hon. Minister while they are about it he might look into the question of the incident at Gatwick Airport this morning, also an incursion, another danger.

**Hon. P J Balban:** Mr Speaker, we are even seeing now, in Dubai for example, these motorised police vehicles that fly. We do not know what is coming. Technology is changing so quickly that we do not know what is going to come through the Frontier tomorrow.

**Mr Speaker:** Yes. Next question.

**Q476-477/2018**  
**Upper Town escalator –**  
**Update re unserviceable periods and recent vandalism**

**Acting Clerk:** Question 476. The Hon. E J Phillips on behalf of the Hon. T N Hammond.

**Hon. E J Phillips:** Can the Government say if the Upper Town escalator has been unserviceable since 1st January 2018; and if so, provide figures for the number of occasions and the length of each occasion that the escalator has been unserviceable, by month, since that  
330 date?

**Acting Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 477.

**Acting Clerk:** Question 477. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide details on the vandalism inflicted on the escalators to the Upper Town, including (a) the date, (b) the cost of repair and (c) the law enforcement result?  
340

**Acting Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Hon. P J Balban:** Mr Speaker, the answers to Questions 476 and 477 are contained in the schedule I will now hand over.  
345

**Answer to Q476/2018**

Date Faulty	Escalator Affected	Date repaired	Duration (days)
07/01/2018	DOWN	11/01/2018	5
09/01/2018	UP	11/02/2018	3
20/01/2018	UP	22/01/2018	2
08/02/2018	UP	12/02/2018	4
22/02/2018	DOWN	23/02/2018	1
03/03/2018	DOWN	05/03/2018	2
04/03/2018	UP	06/03/2018	2
16/03/2018	DOWN	16/03/2018	1
19/03/2018	DOWN	21/03/2018	3
31/03/2018	BOTH	03/04/2018	8
12/05/2018	DOWN	15/05/2018	3
29/05/2018	DOWN	01/06/2018	4
02/06/2018	DOWN	10/06/2018	8
04/07/2018	DOWN	04/07/2018	1
15/07/2018	DOWN	18/07/2018	4
19/07/2018	BOTH	19/07/2018	2
25/07/2018	DOWN	26/07/2018	2
26/07/2018	DOWN	26/07/2018	1
15/08/2018	DOWN	29/08/2018	14
29/08/2018	DOWN	29/08/2018	1
30/08/2018	DOWN	29/09/2018	30
31/09/2018	DOWN	04/10/2018	4
31/10/2018	BOTH	ongoing	1
01/11/2018	BOTH	02/11/2018	2
06/11/2018	DOWN	06/11/2018	1
22/11/2018	DOWN	27/11/2018	5
07/12/2018	DOWN	ongoing	3

**Answer to Q477/2018**

Date	Cause of Breakdown	Amount
21/04/2014	Call out Vandalism - Stop button pressed	£49.94
15/07/2014	Call out Vandalism - Stop button pressed	£34.24
01/02/2015	Call out Vandalism - Stop button pressed	£268.51
04/02/2015	Call out Vandalism - Stop button pressed	£72.64
10/02/2015	Call out Vandalism - Stop button pressed	£79.97
13/09/2015	Call out Vandalism - Stop button pressed	£63.17
10/03/2016	Call out Vandalism - Stop button pressed	£83.15
01/04/2016	Call out Vandalism - Brake burnt out due to someone sitting on the moving banister	£1,053.00
02/12/2016	Call out Vandalism - Stop button pressed	£167.00
15/12/2016	Call out Vandalism - Stop button pressed	£136.18

13/12/2016	Call out Vandalism - Stop button pressed	£136.73
31/12/2016	Call out Vandalism - Stop button pressed	£20.00
07/05/2017	Call out Vandalism - Stop button pressed	£25.54
24/04/2018	Call out Vandalism - Stop button pressed	£15.39
09/05/2018	Call out Vandalism - Stop button pressed	£105.09

*The RGP say that pressing the stop button on the escalators is not an offence*

**Mr Speaker:** Let's go on to Question 478 and come back to the other, if necessary.

**Q478/2018**  
**Disabled parking –**  
**Permit for use outside of Gibraltar**

**Acting Clerk:** Question 478. The Hon. L F Llamas.

350 **Hon. L F Llamas:** Mr Speaker, will the Government consider the issuing of an additional disability badge, which would not entitle the holder to parking in Gibraltar but would assist persons in accessing services outside Gibraltar in particular, where persons with similar conditions are entitled?

355 **Acting Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

360 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, at present the Blue Badge model issued in Gibraltar is a European Communities model that is recognised throughout the whole European Union. As the hon. Member may appreciate, any holder of a Gibraltar Blue Badge can take advantage of any concession afforded in an EU member state by displaying their badge.

365 **Mr Speaker:** Until 29th March. *(Laughter) [Inaudible] the Hansard.*  
Is there any supplementary arising from that?

**Hon. L F Llamas:** Yes, I have got one on Question 477.

**Hon. E J Phillips:** Yes, I have one.

**Q479/2018**  
**Official cars –**  
**Use by Ministers**

370 **Acting Clerk:** Question 479. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state for the last 12 months the use by each Minister of official cars?

375 **Acting Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information the hon. Member is requesting is available online.

**Acting Clerk:** Question 480. The Hon. L F Llamas.

380

**Hon. L F Llamas:** Mr Speaker, can the Government provide details of the contract entered into with Deloitte's in relation to e-services?

**Mr Speaker:** Is somebody answering on behalf of the Minister for Commerce?

385

**Hon. L F Llamas:** Shall we go back to Question 477?

**Hon. E J Phillips:** Mr Speaker, in relation to Question 477 I have one further question. It appears from 2018 the escalators were out of action over 117 days. Does the Minister agree with me that an out-of-action escalator for 117 days out of a year is completely unacceptable and therefore represents a failure of this particular project? Will he agree with that analysis?

390

**Hon. P J Balban:** Mr Speaker, I would not say it is a failure of the project at all. The issue with the failures is predominantly vandalism. What can we do with vandals? A lot of the stoppages unfortunately are because the stop button, which is an essential feature of any escalator, is being abused. They are literally just kicking it or pressing the button and it stops. Every time that happens it can be reset again, but if it keeps happening, after a certain number of times the escalator mechanism software assumes that there is something inherently wrong with it, something seriously wrong with it, and it will shut down completely and then you have to call the technical team in to take a look at that. That is when it can take a day to repair.

395

400

Because there is constant abuse ... and it is a massive shame because there has been a big investment on something which is extremely positive for the people who live in the Upper Town, which has changed the lives of many people when it is working ... It is very unfortunate that these acts ... Predominantly this is the reason why most of the breakages occur, or the stoppages occur. They should be paying the consequence, the people who are just not looking after the equipment.

405

**Hon. E J Phillips:** Mr Speaker, whilst I accept that vandalism is totally unacceptable, what is the Government doing in order to catch these offenders, and what steps are the Police taking to enforce the law in relation to vandalism on this particular site?

410

Clearly the Government is spending a lot of money on this project – a lot of public money has been spent on this escalator, a lot of public money has been spent on maintaining this escalator – and it is out of action for nearly half a year. Therefore, what attempts are being made by the Government or the Police in trying to prevent vandalism at this particular site?

415

**Hon. P J Balban:** Mr Speaker, there are CCTV cameras on site which do look at the escalator, so it is a matter of policing. If the person who does it cannot be seen or cannot be detected by the cameras ... but I think enough measures are being taken as mitigation. We have CCTV cameras. The only other thing we can have is a security guard at the top of the steps and a security guard at the bottom of the steps to ensure that ... This is just an unfortunate thing that happens in the area. People seek fun, so I think it is all down to policing and looking at the CCTV cameras, and I don't think it is a failure in that respect.

420

**Mr Speaker:** We are going to postpone the questions for the Minister for Commerce. Next question.

425

**HEALTH, CARE AND JUSTICE**

**Q544/2018  
PwC review of GHA –  
Date for publication**

**Acting Clerk:** Question 544. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, will the Government publish the review of the GHA conducted by PwC; and if so, by when?

430

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I refer the hon. Gentleman to the answer provided to Question 55/2018.

435

**Mr Speaker:** Next question.

**Q545/2018  
GHA software –  
Details of programming and maintenance**

**Acting Clerk:** Question 545. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, since December 2011 can the Government provide details on what software programming and maintenance has been carried out in the GHA, including by whom and at what cost?

440

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, details and costs of software programming and maintenance carried out at the GHA since December 2011 are contained in the schedule I now hand over to the hon. Gentleman.

445

**Answer to Q545/2018**

<b>Program/Maintenance</b>	<b>Provider</b>	<b>Paid</b>
Ambulance software	Priority Dispatch	£77,039.36
Antivirus & Security	Newton Systems	£68,845.00
Appointment Application	Informatica Systems Ltd	£18,257.00
Asset Management and Inventory	Idox Software Limited	£25,671.20
BNF Medicine Dictionary	First DataBank Europe Ltd	£217,218.00
Barcode Scanning Software	Barcode Technologies Ltd	£1,896.25
Cad Drawings	Cadline Ltd	£11,170.00



Cad Related	Talon Solutions Limited	£6,700.00
Cad Related plugin (UK Gov)	Department of Health	£6,700.00
CCTV Software and services	OSG Ltd	£18,315.10
Complaints Application	Datix	£60,596.84
Database Server Monitoring Tools	Red Gate Software	£14,262.00
Dental Software	Graham Parsons Services	£278.36
Desktop Management Software	Ivanti UK	£16,006.55
Desktop Management software	LANDesk International Ltd	£67,581.15
Desktop Management software	LANDESK UK Limited	E.15,245.30
Development Software	CeTe Software	£1,079.35
Development Tools	Telerik Inc.	£7,922.76
Digital Dictation	Bighand Ltd	£66,970.19
Door Access or CCTV Application	G4S Gibraltar	£10,000.00
Endoscopy	Olympus Keymed	£15,474.58
EPR E H R systems	Cloud 21	£475,486.31
EPR E H R systems	Egton Information Systems Limited	£677,425.00
EPR E H R systems	EMIS Health	£372,029.00
HLC7 Integration	Orion Health	£23,372.82
Hospital Ticket System	Kayako Limited	£5,078.00
Hospital Ticket System Support	Kayako Support Systems Pvt.Ltd.	£697.87
Library Management	Sirsi Ltd	£2,265.79
Mailbox Reports	Promodag	£2,720.96
Mobile Device Server Management	Rove Enterprise Software forE Handhelds	62.33
Morph salaries program	TQS Ltd	£113,333.30
Network Monitoring tools	Nouveau Solutions Ltd.	£47,871.81
P2P	PROACTIS Group Ltd	£173,361.62
Pagersystem	WaveWare Technologies Inc.	£1,210.88
Pathology software	Werfen Espana S.A,U.	£5,569.72

Radiology Imaging	Brainlab Sales GmbH	£3,438.80
Records Software and Tracking software	Micro Business Systems Ltd	£85,521.77
Server Backup Software	Nexstor	£19,650.22
Server Visualization	Transact Technology Solutions Limited	£8,100.00
Software and hardware for Radiology	Phillips Healthcare	£86,733.15
Windows User Management Tool	Namescape Corporation	£6,676.35

**Mr Speaker:** We will come back to Question 545, if necessary, arising from the schedule.

**Q546/2018**  
**GHA prescription database –**  
**Items removed since December 2011**

**Acting Clerk:** Question 546. The Hon. L F Llamas.

450

**Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide a list of items removed from the GHA prescription database, detailing: (a) if they have been replaced or not; (b) if replaced, what the saving has been so far; and (c) if not replaced, what the annual cost of supplying the item represented to the taxpayer?

455

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA has had a brand substitution policy since 1999, which results in the removal of brands from the prescribing system if an exact generic alternative is launched which cost less than the brand.

460

The list of items removed from the GHA prescription database detailing (a) if they have been replaced or not, (b) if replaced, what the saving has been so far, and (c) if not replaced, what the annual cost of supplying the item represented to the taxpayer is in the schedule I now hand over to the hon. Gentleman.

**Answer to Q546/2018**

Drug	Date Removed	Replaced yes or No	If Yes, saving to GHA to date	If No, annual cost
Ibuprofen 600mg tablets	01/02/2018	Yes	*N/A	
Voltarol Gel	01/02/2018	Yes	*N/A	
Traxam Gel	01/12/2017	Yes	*N/A	
Omacor (Omega fish oils)	01/07/2018	No		Saving of £288k per annum
Glucosamine tablets	01/07/2018	No		Saving of £156k per annum

\*The items removed were not replaced by one particular item, as a clinician may prescribe a variety of different options, dependant on the case presented. As a result, it is not possible to provide an exact calculation.

**Q547/2018**

**Alzheimer's and dementia patients –  
Numbers and residential location**

465 **Acting Clerk:** Question 547/2018. The Hon. L F Llamas.

**Hon. L F Llamas:** Can the Government provide statistics in relation to the number of members in our community who currently suffer from Alzheimer's or dementia, stating (a) how many are living in the community, (b) how many are living in each ERS facility, and (c) how many are at St Bernard's Hospital?

470

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

475 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, as at the end of October 2018, there were 189 persons diagnosed as living with Alzheimer's or dementia within the community, five within St Bernard's Hospital, and in respect of ERS facilities the information is as follows: Mount Alvernia, 68; John Cochrane Ward, 22; Calpe Ward, 10, Hillside, 48; and John Mackintosh Home, 31.

**Q548/2018**

**Hospital admissions –  
Excess alcohol and drug overdose diagnoses**

480 **Acting Clerk:** Question 548. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, since January 2017, can the Government provide a schedule of patients admitted into A&E who have been diagnosed with excess alcohol consumption or

substance abuse, detailing: (a) the date admitted, (b) the diagnosis, (c) the age, (d) the sex and (e) aftercare provided?

485

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman a schedule of patients admitted into A&E who have been diagnosed with excess alcohol consumption or substance misuse detailing: (a) the date admitted, (b) the diagnosis and (e) aftercare provided.

490

Before I hand over the schedule to the hon. Gentleman, I note to the House that I will provide him with the details relating to the month of admission, diagnosis and the aftercare provided; I will not provide the hon. Gentleman with the date of admission nor the age or sex of the person for fear of inadvertently identifying the patient and therefore, again inadvertently, falling foul of our data protection obligations.

495

**Mr Speaker:** I am sorry to say that in handing over the schedule we cannot provide the hon. questioner and other Members with magnifying glasses. *(Laughter)*

500

**Hon. L F Llamas:** *(Laughter)* Indeed, Mr Speaker.

**Hon. E J Reyes:** I understand what the Minister for Health is saying here and I am supportive that we should be cautious so as not to identify particular individuals, but would it be possible perhaps to provide some sort of general guideline in respect of ages, saying how many would be under the age of 25, how many would be age 25-50? At least that gives us a general view of whether we are dealing with people of Dr Cortes's age and mine, who technically are senior citizens, or are we dealing with youngsters like the Hon. Mr Llamas and Mr Costa himself. It does at least bring a certain perspective and the community is able to be aware whether we are dealing with an ageing population that perhaps is the most inclined to cause work for the A&E department.

505

510

**Hon. N F Costa:** Mr Speaker, it is not a question that I have asked my officials, but I am sure that we will be able to bracket the ages and the sexes so we can say so many women, so many men within the ages of 15-20, 20-25, so we can give the hon. Gentlemen opposite a flavour of the details that they seek.

515

Answer to Question 548

a) Arrival Date	b) Diagnosis	e) Discharge Outcome
13/09/2018	Alcohol (ethanol) Intoxication, Gastritis, Social Problem	Referred to Social Services
10/09/2018	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
10/09/2018	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
10/09/2018	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
10/09/2018	Toxic Effect Of Alcohol	Admitted / Bed Available
07/09/2018	Alcohol (ethanol) Intoxication	Referred to CMHT
05/09/2018	Recreational Drug Use	Admitted / Bed Available
04/09/2018	Overdose (see Free Text)	Discharged - follow up treatment by GP
01/09/2018	Closed Fracture - Ankle, Overdose (see Free Text)	Admitted / Bed Available
31/08/2018	Overdose (see Free Text)	Admitted / Bed Available
30/08/2018	Recreational Drug Use	Discharged - no follow up
29/08/2018	Alcohol (ethanol) Intoxication	Referred to CMHT
29/08/2018	Overdose (see Free Text)	Discharged - no follow up
29/08/2018	Recreational Drug Use	Discharged - follow up treatment by GP
27/08/2018	Alcohol (ethanol) Intoxication	Referred to other Health Care Professional
26/08/2018	Alcohol Withdrawal Syndrome	Admitted / Bed Available
24/08/2018	Recreational Drug Use	Discharged - advised return to dept if further problems
23/08/2018	Overdose (see Free Text), Alcohol (ethanol) Intoxication	Left Department - Self Discharge
21/08/2018	Overdose (see Free Text)	Referred to CMHT
21/08/2018	Recreational Drug Use	Discharged - follow up treatment by GP
19/08/2018	Alcohol Dependence Syndrome	Referred to other Health Care Professional
17/08/2018	Overdose (see Free Text)	Discharged - advised return to dept if further problems
14/08/2018	Alcohol Dependence Syndrome	Discharged - follow up treatment by GP
14/08/2018	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
12/08/2018	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
11/08/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
11/08/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
11/08/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
11/08/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
11/08/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
09/08/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
08/08/2018	Toxic Effect Of Alcohol	Discharged - follow up treatment by GP
08/08/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
07/08/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
05/08/2018	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
04/08/2018	Recreational Drug Use	Discharged - follow up treatment by GP
04/08/2018	Overdose (see Free Text)	Referred to CMHT
02/08/2018	Social Problem, Recreational Drug Use	Discharged - no follow up
24/07/2018	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
11/07/2018	Recreational Drug Use	Discharged - follow up treatment by GP
09/07/2018	Overdose (see Free Text)	Admitted / Bed Available
07/07/2018	Other Drug/alcohol Disorder (see Fr	Discharged - advised return to dept if further problems
07/07/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
05/07/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
02/07/2018	Overdose (see Free Text)	Admitted / Bed Available
30/06/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
29/06/2018	Transient Ischaemic Attack, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
25/06/2018	Overdose (see Free Text)	Discharged - follow up treatment by GP
25/06/2018	Alcohol Withdrawal Syndrome	Admitted / Bed Available
23/06/2018	Alcohol (ethanol) Intoxication	Referred to CMHT
18/06/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
16/06/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
15/06/2018	Alcohol Withdrawal Syndrome	Discharged - follow up treatment by GP
03/06/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
03/06/2018	Alcohol Withdrawal Syndrome	Discharged - advised return to dept if further problems
02/06/2018	Toxic Effect Of Alcohol, Depression	Left Department - Self Discharge
28/05/2018	Overdose (see Free Text), Other Mental Health Disorder (see F	Admitted / Bed Available
19/05/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
12/05/2018	Overdose (see Free Text)	Admitted / Bed Available
08/05/2018	Overdose (see Free Text)	Discharged - advised return to dept if further problems
06/05/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
05/05/2018	Alcohol (ethanol) Intoxication	Admitted / Bed Available
05/05/2018	Alcohol (ethanol) Intoxication	Admitted / Bed Available
29/04/2018	Alcohol Withdrawal Seizure	Discharged - follow up treatment by GP
27/04/2018	Other Drug/alcohol Disorder (see Fr	Discharged - follow up treatment by GP
27/04/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
27/04/2018	Other Drug/alcohol Disorder (see Fr	Discharged - follow up treatment by GP
25/04/2018	Overdose (see Free Text)	Left Department - Self Discharge
24/04/2018	Toxic Effect Of Alcohol	Discharged - follow up treatment by GP
22/04/2018	Recreational Drug Use	Discharged - advised return to dept if further problems
22/04/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
21/04/2018	Minor Head Injury (gcs>12), Toxic Effect Of Alcohol, Closed Fracture - Facial Bones/ Man	Left Department - Self Discharge
16/04/2018	Alcohol Dependence Syndrome, Gastro-oesophageal Reflux	Discharged - advised return to dept if further problems
10/04/2018	Recreational Drug Use	Discharged - advised return to dept if further problems
07/04/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
05/04/2018	Vasovagal Syncope, Recreational Drug Use	Discharged - advised return to dept if further problems
31/03/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
30/03/2018	Type 1 Diabetes Mellitus, Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
30/03/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
26/03/2018	Overdose (see Free Text)	Admitted / Bed Available
26/03/2018	Malignant Tumour, Lower Respiratory Tract Infection, Overdose (see Free Text), Acute Renal Failure	Admitted / Bed Available
17/03/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
17/03/2018	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face	Discharged - advised return to dept if further problems
11/03/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
09/03/2018	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head	Discharged - advised return to dept if further problems
09/03/2018	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)	Discharged - advised return to dept if further problems
06/03/2018	Urinary Tract Infection, Alcohol (ethanol) Intoxication	Left Department - Self Discharge
05/03/2018	Toxic Effect Of Alcohol, Overdose (see Free Text)	Discharged - advised return to dept if further problems
03/03/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
03/03/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
03/03/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
03/03/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems

Cont....

GIBRALTAR PARLIAMENT, THURSDAY, 20th DECEMBER 2018

Continued Answer to Question 548		
a) Arrival Date	b) Diagnosis	e) Discharge Outcome
03/03/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
02/03/2018	Other Mental Health Disorder (see F, Recreational Drug Use, Alcohol (ethanol) Intoxication	Referred to CMHT
27/02/2018	Overdose (see Free Text)	Return for intervention
24/02/2018	Alcohol (ethanol) Intoxication	Admitted / Bed Available
23/02/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
19/02/2018	Alcohol (ethanol) Intoxication	Referred to CMHT
19/02/2018	Alcohol Dependence Syndrome	Other
17/02/2018	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Bruise/ Contusion/ Abrasion - Head	Discharged - advised return to dept if further problems
17/02/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
16/02/2018	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
16/02/2018	Hypokalaemia, Overdose (see Free Text)	Admitted / Bed Available
14/02/2018	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
14/02/2018	Muscle Injury Lower Back, Alcohol Dependence Syndrome	Discharged - advised return to dept if further problems
14/02/2018	Overdose (see Free Text)	Discharged - advised return to dept if further problems
09/02/2018	Depression, Alcohol (ethanol) Intoxication	Referred to CMHT
09/02/2018	Overdose (see Free Text)	Admitted / Bed Available
04/02/2018	Overdose (see Free Text)	Discharged - no follow up
01/02/2018	Gastritis, Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
27/01/2018	Other Drug/alcohol Disorder (see Fr	Discharged - no follow up
25/01/2018	Overdose (see Free Text)	Left Department - Self Discharge
23/01/2018	Alcohol (ethanol) Intoxication	Referred to other Health Care Professional
20/01/2018	Overdose (see Free Text)	Admitted / Bed Available
16/01/2018	Recreational Drug Use	Left Department - Self Discharge
13/01/2018	Recreational Drug Use	Discharged - advised return to dept if further problems
13/01/2018	Recreational Drug Use	Discharged - advised return to dept if further problems
13/01/2018	Overdose (see Free Text)	Referred to CMHT
06/01/2018	Overdose (see Free Text)	Admitted / Bed Available
01/01/2018	Toxic Effect Of Alcohol	Referred to CMHT
01/01/2018	Alcohol (ethanol) Intoxication	Left before Clinician assessment
01/01/2018	Alcohol (ethanol) Intoxication	Discharged - no follow up
29/12/2017	Minor Head Injury (gcs>12), Bruise/ Contusion/ Abrasion - Face, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
29/12/2017	Alcohol (ethanol) Intoxication	Other
26/12/2017	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
23/12/2017	Overdose (see Free Text)	Referred to CMHT
23/12/2017	Alcohol Withdrawal Seizure	Admitted / Bed Available
22/12/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
20/12/2017	Overdose (see Free Text)	Referred to CMHT
19/12/2017	Recreational Drug Use	Discharged - no follow up
17/12/2017	Alcohol Dependence Syndrome	Referred to CMHT
17/12/2017	Overdose (see Free Text)	Discharged - follow up treatment by GP
15/12/2017	Alcohol (ethanol) Intoxication	Admitted / Bed Available
14/12/2017	Overdose (see Free Text)	Admitted / Bed Available
13/12/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
08/12/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
07/12/2017	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
05/12/2017	Other Drug/alcohol Disorder (see Fr	Left Department - Self Discharge
02/12/2017	Recreational Drug Use	Discharged - follow up treatment by GP
02/12/2017	Anxiety, Alcohol (ethanol) Intoxication	Discharged - no follow up
02/12/2017	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
29/11/2017	Pseudoseizure, Alcohol (ethanol) Intoxication, Overdose (see Free Text)	Left Department - Self Discharge
26/11/2017	Alcohol Withdrawal Syndrome	Admitted / Bed Available
25/11/2017	Alcohol (ethanol) Intoxication	Left Department - Self Discharge
25/11/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
22/11/2017	Overdose (see Free Text)	Admitted / Bed Available
21/11/2017	Alcohol (ethanol) Intoxication, Recreational Drug Use	Discharged - no follow up
18/11/2017	Overdose (see Free Text), Other Mental Health Disorder (see F	Admitted / Bed Available
18/11/2017	Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
13/11/2017	Overdose (see Free Text)	Referred to other Out-patient Clinic
11/11/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
05/11/2017	Gastritis, Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
05/11/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
05/11/2017	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
04/11/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
03/11/2017	Vasovagal Syncope, Alcohol Dependence Syndrome	Discharged - advised return to dept if further problems
03/11/2017	Overdose (see Free Text)	Discharged - advised return to dept if further problems
02/11/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
28/10/2017	Overdose (see Free Text)	Admitted / Bed Available
27/10/2017	Alcohol (ethanol) Intoxication, Hypoglycaemia Without Coma	Discharged - advised return to dept if further problems
27/10/2017	Toxic Effect Of Alcohol	Discharged - no follow up
22/10/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
21/10/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
21/10/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
19/10/2017	Overdose (see Free Text), Other Mental Health Disorder (see F	Referred to CMHT
16/10/2017	Toxic Effect Of Alcohol	Referred to other Health Care Professional
09/10/2017	Recreational Drug Use, Social Problem	Referred to CMHT
07/10/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
06/10/2017	Overdose (see Free Text)	Admitted / Bed Available
01/10/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
01/10/2017	Alcohol (ethanol) Intoxication	Left before Clinician assessment
01/10/2017	Alcohol (ethanol) Intoxication	Left before Clinician assessment
30/09/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
30/09/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
27/09/2017	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
25/09/2017	Upper Respiratory Tract Infection, Other Drug/alcohol Disorder (see Fr	Discharged - advised return to dept if further problems
24/09/2017	Alcohol Dependence Syndrome	Referred to CMHT
22/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
21/09/2017	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
19/09/2017	Alcohol Dependence Syndrome, Social Problem	Other
17/09/2017	Alcohol Withdrawal Syndrome	Other
16/09/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
15/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
13/09/2017	Overdose (see Free Text)	Admitted / Bed Available
12/09/2017	Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems

Cont....

Continued Answer to Question 548		
a) Arrival Date	b) Diagnosis	e) Discharge Outcome
12/09/2017	Alcohol (ethanol) Intoxication, Muscle Injury - Shoulder	Discharged - advised return to dept if further problems
11/09/2017	Alcohol (ethanol) Intoxication	Other
11/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
11/09/2017	Alcohol (ethanol) Intoxication	Left Department - notification given
10/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
10/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
10/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
10/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
10/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
09/09/2017	Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
09/09/2017	Postural Hypotension, Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
07/09/2017	Anxiety, Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
06/09/2017	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
04/09/2017	Alcohol (ethanol) Intoxication	Referred to CMHT
03/09/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
02/09/2017	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
30/08/2017	Alcohol Dependence Syndrome, Pr Bleeding	Referred to other Health Care Professional
25/08/2017	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head	Discharged - advised return to dept if further problems
25/08/2017	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head	Discharged - advised return to dept if further problems
24/08/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
24/08/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
22/08/2017	Other Mental Health Disorder (see F, Recreational Drug Use	Referred to CMHT
17/08/2017	Thrombocytopenia, Chronic Liver Disease, Alcohol Dependence Syndrome	Admitted / Bed Available
16/08/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
13/08/2017	Depression, Overdose (see Free Text)	Referred to CMHT
10/08/2017	Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
09/08/2017	Alcohol (ethanol) Intoxication, Depression	Referred to other Health Care Professional
07/08/2017	Overdose (see Free Text)	Admitted / Bed Available
07/08/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
05/08/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
05/08/2017	Toxic Effect Of Alcohol	Discharged - advised return to dept if further problems
04/08/2017	Toxic Effect Of Alcohol, Other Mental Health Disorder (see F	Admitted
01/08/2017	Overdose (see Free Text), Alcohol (ethanol) Intoxication	Discharged - no follow up
01/08/2017	Alcohol (ethanol) Intoxication	Left Department - Self Discharge
31/07/2017	Alcohol (ethanol) Intoxication, Recreational Drug Use	Discharged - no follow up
31/07/2017	Alcohol Withdrawal Syndrome, Infectious Gastroenteritis	Discharged - advised return to dept if further problems
29/07/2017	Overdose (see Free Text)	Referred to CMHT
29/07/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
29/07/2017	Other Drug/alcohol Disorder (see Fr	Other
29/07/2017	Recreational Drug Use	Discharged - no follow up
29/07/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
23/07/2017	Schizophrenia, Alcohol Dependence Syndrome, Social Problem	Referred to CMHT
22/07/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
21/07/2017	Alcohol (ethanol) Intoxication	Left Department - no notification given
20/07/2017	Overdose (see Free Text)	Admitted / Bed Available
20/07/2017	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
20/07/2017	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
19/07/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
18/07/2017	Overdose (see Free Text)	Discharged - advised return to dept if further problems
17/07/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
16/07/2017	Other Drug/alcohol Disorder (see Fr, Atrial Fibrillation & Flutter, Lower Respiratory Tract Infection	Discharged - advised return to dept if further problems
15/07/2017	Toxic Effect Of Alcohol, Sprain/ Ligament Injury Foot	Discharged - no follow up
15/07/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
14/07/2017	Toxic Effect Of Alcohol	Discharged - follow up treatment by GP
13/07/2017	Toxic Effect Of Alcohol	Discharged - follow up treatment by GP
13/07/2017	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F	Admitted / Bed Available
09/07/2017	Alcohol Dependence Syndrome	Discharged - follow up treatment by GP
07/07/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
06/07/2017	Overdose (see Free Text)	Referred to other Health Care Professional
05/07/2017	Alcohol (ethanol) Intoxication	Other
02/07/2017	Alcohol Dependence Syndrome, Alcohol (ethanol) Intoxication	Referred to CMHT
02/07/2017	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
28/06/2017	Overdose (see Free Text), Other Mental Health Disorder (see F	Admitted / Bed Available
25/06/2017	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face	Left Department - notification given
24/06/2017	Alcohol (ethanol) Intoxication, Recreational Drug Use	Discharged - advised return to dept if further problems
24/06/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
22/06/2017	Alcohol (ethanol) Intoxication, Hypertension	Discharged - no follow up
22/06/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
22/06/2017	Depression, Alcohol (ethanol) Intoxication	Referred to CMHT
20/06/2017	Other Drug/alcohol Disorder (see Fr	Discharged - no follow up
14/06/2017	Overdose (see Free Text)	Admitted / Bed Available
11/06/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
10/06/2017	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face	Discharged - advised return to dept if further problems
10/06/2017	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
08/06/2017	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
08/06/2017	Other Mental Health Disorder (see F, Recreational Drug Use	Referred to CMHT
07/06/2017	Overdose (see Free Text)	Admitted / Bed Available
01/06/2017	Alcohol Dependence Syndrome, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
28/05/2017	Anxiety, Overdose (see Free Text)	Discharged - follow up treatment by GP
27/05/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
25/05/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
21/05/2017	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Thigh	Discharged - no follow up
19/05/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
19/05/2017	Alcohol (ethanol) Intoxication	Left before Clinician assessment
12/05/2017	Toxic Effect Of Alcohol	Discharged - follow up treatment by GP
10/05/2017	Overdose (see Free Text)	Discharged - no follow up
10/05/2017	Toxic Effect Of Alcohol	Other
09/05/2017	Overdose (see Free Text), Depression	Direct to Specialty
08/05/2017	Grand Mal Epilepsy, Overdose (see Free Text)	Discharged - follow up treatment by GP
08/05/2017	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication	Discharged - follow up AE dressing clinic
08/05/2017	Recreational Drug Use	Discharged - advised return to dept if further problems
07/05/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems

Cont....

Continued Answer to Question 548		
a) Arrival Date	b) Diagnosis	e) Discharge Outcome
06/05/2017	Toxic Effect Of Alcohol, Overdose (see Free Text)	Discharged - no follow up
05/05/2017	Overdose (see Free Text), Overdose (see Free Text)	Admitted / Bed Available
30/04/2017	Gastritis, Alcohol (ethanol) Intoxication, Drug Reaction	Discharged - advised return to dept if further problems
30/04/2017	Minor Head Injury (gcs>12), Bruise/ Contusion/ Abrasion - Face, Bruise/ Contusion/ Abrasion - Head, Alcohol (ethanol) Intoxication	Discharged - no follow up
26/04/2017	Other Drug/alcohol Disorder (see Fr	Admitted / Bed Available
26/04/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
25/04/2017	Overdose (see Free Text)	Admitted / Bed Available
23/04/2017	Overdose (see Free Text)	Admitted / Bed Available
23/04/2017	Toxic Effect Of Alcohol	Discharged - awaiting blood results
22/04/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
22/04/2017	Wound: Lac/ Incised/ Bite - Face, Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
22/04/2017	Recreational Drug Use	Discharged - no follow up
20/04/2017	Toxic Effect Of Alcohol	Discharged - no follow up
19/04/2017	Other Nervous System Disorder (see , Toxic Effect Of Alcohol	Referred to other Health Care Professional
10/04/2017	Anxiety, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
08/04/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
07/04/2017	Social Problem, Homelessness, Alcohol Dependence Syndrome	Referred to CMHT
05/04/2017	Social Problem, Social Problem, Alcohol Dependence Syndrome, Alcohol (ethanol)	Discharged - advised return to dept if further problems
02/04/2017	Overdose (see Free Text)	Discharged - advised return to dept if further problems
01/04/2017	Toxic Effect Of Alcohol, Alcohol (ethanol) Intoxication	Discharged - no follow up
30/03/2017	Overdose (see Free Text)	Admitted / Bed Available
27/03/2017	Overdose (see Free Text)	Referred to CMHT
25/03/2017	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)	Discharged - follow up treatment by GP
21/03/2017	Overdose (see Free Text)	Admitted / Bed Available
18/03/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
16/03/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
15/03/2017	Alcohol Dependence Syndrome, Social Problem	Discharged - advised return to dept if further problems
13/03/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
10/03/2017	Overdose (see Free Text)	Admitted / Bed Available
09/03/2017	Alcohol (ethanol) Intoxication	Left Department - Self Discharge
08/03/2017	Other Drug/alcohol Disorder (see Fr	Admitted / Bed Available
04/03/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
03/03/2017	Recreational Drug Use	Discharged - follow up treatment by GP
28/02/2017	Alcohol (ethanol) Intoxication	Discharged - follow up treatment by GP
26/02/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
26/02/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
26/02/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
25/02/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
22/02/2017	Injury Of Liver, Recreational Drug Use	Referred to GP
19/02/2017	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F	Referred to CMHT
18/02/2017	Overdose (see Free Text)	Admitted / Bed Available
17/02/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
16/02/2017	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F	Referred to CMHT
10/02/2017	Alcohol Dependence Syndrome, Bruise/ Contusion/ Abrasion - Thora	Discharged - advised return to dept if further problems
10/02/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
09/02/2017	Recreational Drug Use, Other Ophthalmic Disorder (see Free	Discharged - advised return to dept if further problems
09/02/2017	Overdose (see Free Text)	Admitted / Bed Available
09/02/2017	Alcohol Dependence Syndrome, Dental Caries, Gingivitis / Gingivostomatitis	Discharged - no follow up
08/02/2017	Alcohol (ethanol) Intoxication	Other
04/02/2017	Toxic Effect Of Alcohol	Discharged - no follow up
03/02/2017	Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication	Other
02/02/2017	Alcohol (ethanol) Intoxication	Admitted / Bed Available
30/01/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
29/01/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
29/01/2017	Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
28/01/2017	Overdose (see Free Text), Toxic Effect Of Alcohol	Left Department - Self Discharge
28/01/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
25/01/2017	Delirium (acute Confusion), Alcohol (ethanol) Intoxication	Return for intervention
22/01/2017	Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication	Admitted / Bed Available
20/01/2017	Alcohol (ethanol) Intoxication	Discharged - no follow up
15/01/2017	Hypoglycaemia Without Coma, Allergic Reaction Unspecified, Alcohol (ethanol) Intoxication	Admitted / Bed Available
14/01/2017	Simple Tooth Fracture, Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
13/01/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
13/01/2017	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)	Discharged - advised return to dept if further problems
09/01/2017	Recreational Drug Use	Discharged - advised return to dept if further problems
02/01/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
01/01/2017	Overdose (see Free Text)	Referred to CMHT
01/01/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems
01/01/2017	Alcohol (ethanol) Intoxication	Discharged - advised return to dept if further problems

520 **Acting Clerk:** Question 549. The Hon. L F Llamas.

**Hon. E J Phillips:** Mr Speaker, just one further question in relation to that. I think my hon. Friend asked in (e) what aftercare was provided. I think that the initial care by the service provider is provided in the schedule. Does the Minister know whether patients who present in A&E with particular alcohol/drug dependency issues, or at least overdose issues, are then referred to a secondary programme where they can be reviewed later on? Most of the entries here say 'advised return to dept if further problems'. It does not necessarily refer to a specific counselling team or drug dependency team which would look into any issues relating to these particular individuals. What I am getting at effectively is what secondary care is available to the very long list, sadly, of people being admitted for alcohol overdose or drug overdose.

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman will know that, I think it was last year or the beginning of this year, the Government announced for the first time the establishment of a clinic



of a GP with special interest in substance misuse and alcohol consumption. So we now have a GP who specialises specifically on those conditions.

535 If the hon. Gentleman were to take a further look at the schedule that I provide to him, he will also see that there are references to 'discharged' and 'follow up treatment by GP'. So there are cases where on discharge there is advice that this particular person ought to be seen subsequently by a GP.

540 You will also see, Mr Speaker, that in some cases the person is admitted, which means that at that point other protocols would be in place because of perhaps the acuity of the person presenting or because further help in the manner that he has indicated is required.

I have not made a statistical calculation but I think it may be right to say that the majority of people are basically told to return if there is a further problem, but there is also maybe less than half of people who are advised to attend to a GP for further advice and treatment by the GP. But  
545 for those who present with a particularly high acuity and obviously require additional treatment immediately after the A&E presentation, they are admitted into St Bernard's Hospital.

**Hon. E J Phillips:** *[Inaudible]*

550 **Hon. N F Costa:** Well, Mr Speaker, there is only one GP who specialises in substance misuse, so she prioritises those cases because of course there are another 23 GPs who provide either the ordinary day clinic, the evening clinic or the emergency clinic and provide either continuous support and treatment for chronic conditions or for people who just present at A&E. So, so long as the GP is available to provide treatment and support on that particular day for this particular  
555 person, then yes of course that person will be prioritised. If, for whatever reason, Dr Taylor's clinic on that particular day is full, which could also happen, the GPs of course also have training in dealing with substance misuse. It is just that this particular doctor has particular further training that allows her to register with a special interest in substance misuse.

560 **Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

I would just like to go back to Question 545, if the Minister would be so kind, in relation to the cost of software maintenance and programming.

565 I appreciate that, the way the question is phrased, this will cover a period since December 2011, so we could be talking about a cumulative period of close to seven years, but I would like to ask three very specific questions.

One is that on the schedule that we have been handed there is an item called EPR E H R systems –

570

**Hon. N F Costa:** Would the hon. Gentleman give way?

**Hon. R M Clinton:** Yes, of course.

575 **Hon. N F Costa:** Mr Speaker, only to say that I had not come to the House prepared with any answers on any of the particular maintenance companies because, as he will have seen, the schedule runs into two pages. So, if he has specific questions on any specific contract, I am more than happy to oblige but I would need notice of that question.

580 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister's answer and explanation and I accept... I am not going to ask for details of contracts, but this particular item, EPR E H R systems, which is over about £1.5 million over – and I assume it is the seven-year period; I do not know if this is a bolt payment, but it is irrelevant ... I would like to ask the Minister a simple question: what is EPR E H R systems?

585 **Hon. N F Costa:** Mr Speaker, the EPR system is a project that was introduced by my hon.  
colleague Dr John Cortes for primary care. So, when a patient now attends primary care there is  
a program that is able to produce, for example, repeat prescriptions that people can now attend  
to the PCC to receive. Where you can have a repeat prescription for a series of say six months,  
that program is able to produce the repeat prescriptions. It is an electronic software system that  
590 allows doctors to be able to provide the better treatment and better quality of treatment that it  
does because they are able to recover notes quickly, are able to scan notes, especially for  
patients who have chronic conditions and when they have a very thick file because of all of the  
attendances that the person may make to the PCC. In this context it bears repeating that almost  
double the population attends the PCC during the course of one year, so a patient who has a  
595 chronic condition may well attend the PCC on many occasions. The EPR system allows the GP to  
be able to better access and better search electronic records.

**Hon. R M Clinton:** I am very grateful to the Minister for his answer. Can he advise why there  
are three different providers listed for the same system? Do they do different things, or is it that  
600 the provider has changed over time?

**Hon. N F Costa:** Mr Speaker, as I advised the hon. Gentleman, he will need to give me notice  
of that question because, as I say, the schedule runs into almost two pages. I provided the  
information that was requested. If he has particular questions on any particular item in the  
605 schedule provided, I would need notice, but if he provides me with notice I will be more than  
happy to answer his questions.

**Hon. R M Clinton:** Mr Speaker, I thank the Minister for his answer.  
My second question is in relation to the Morph salaries program. I do not know whether the  
610 Minister has the information to hand whether this is an actual maintenance fee or the program  
licence fee. And would I be correct in stating that the GHA runs its own salaries program rather  
than using a system that might be available to the Government in general?

**Hon. N F Costa:** Mr Speaker, I will ask my office and revert. I think the answer is yes, that the  
615 GHA does do its own salaries, but I am not confirming that to him; I need to ask the question.

**Hon. R M Clinton:** Mr Speaker, again I am grateful to the Minister for his answer.  
I have just one final question. Unfortunately, there seem to be a lot of abbreviations here.  
620 Could the Minister just advise the House: what does P2P stand for?

**Hon. N F Costa:** Again, Mr Speaker, I am not confirming this to him, I will ask, but Dr Cortes  
and I both are quite sure it is 'purchase to pay'. Again, I will confirm it for him.

#### Q549/2018

#### Ambulance transportation – Payments made to service providers

**Acting Clerk:** Question 549. The Hon. L F Llamas.

625 **Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide details for  
each financial year on the payments made in respect of ambulance transportation, including the  
amount paid to each service provider?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

630

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, Since December 2011, payments made in respect of ambulance transportation, including the amount paid to each service provider for each financial year, is in the schedule I now hand over to the hon. Gentleman.

**Answer to Q549/2018**

<b>FINANCIAL YEAR 11/12</b>	
ATLAS Executive Air SA	£89,135.80
Beds & Bucks	£1,290.00
Flying Doctors S.L.	£11,246.38
Heathrow Air Ambulance Services	£4,324.00
Helicopteros Sanitarios	£2,547.80
Medical Solutions	£405.00
S.S.G Andalucia S.L	£5,269.34
St John's Ambulance Gibraltar	£11,158.50
Wings Medical Centre	£2,150.00
Xanit Hospital Int	£95,318.41
<b>FINANCIAL YEAR 12/13</b>	
ATLAS Executive Air SA	£249,051.26
Flying Doctors S.L.	£19,848.62
Heathrow Air Ambulance Services	£13,117.00
Manchester Medical Services Ltd	£600.00
S.S.G Andalucia S.L	£11,527.77
St John's Ambulance Gibraltar	£25,493.00
<b>FINANCIAL YEAR 13/14</b>	
ATLAS Executive Air SA	£157,715.91
Empresa Publica de Emergencias Sanitarias	£6,239.24
Flying Doctors S.L.	£20,739.96
Heathrow Air Ambulance Services	£12,148.25
S.S.G Andalucia S.L	£30,435.38
St John's Ambulance Gibraltar	£27,046.50
<b>FINANCIAL YEAR 14/15</b>	
Atlas executive air	£247,850.00
Atlas Ltd	£31,980.00
Empresa Publica de Emergencias Sanitarias	£279.86
Flying Doctors S.L.	£36,677.53
Heathrow Air Ambulance Services	£11,433.25
S.S.G Andalucia S.L	£22,279.11
St John's Ambulance Gibraltar	£21,677.55
<b>FINANCIAL YEAR 15/16</b>	
Air Medical Ltd	£12,380.00
Atlas executive air	£181,685.00
Clinica Universidad De Navarra	£32,860.55
Flying Doctors S.L.	£40,423.11
Heathrow Air Ambulance Services	£5,898.75
S.S.G Andalucia S.L	£40,733.02
St John's Ambulance Gibraltar	£37,656.06
<b>FINANCIAL YEAR 16/17</b>	
Atlas executive air	£31,700.00
ATLAS Executive Air SA	£21,562.88
Capital Air Charter	£12,630.00
Flying Doctors S.L.	£49,087.91
Heathrow Air Ambulance Services	£13,438.85
Medical Air Service (Vendana GmbH)	£19,778.48
S.S.G Andalucia S.L	£56,923.85
St John's Ambulance Gibraltar	£36,992.25
World Marine Service Ltd	£176,337.32
<b>FINANCIAL YEAR 17/18</b>	
Ambulancias Andalucia, S.Coop.And	£55,503.65
Heathrow Air Ambulance Services	£12,600.75
S.S.G Andalucia S.L	£43,435.01
St John's Ambulance Gibraltar	£25,290.24
World Marine Service Ltd	£109,500.00

**Q550/2018**  
**Attempted suicides –**  
**Number since January 2012**

635 **Acting Clerk:** Question 550. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, since January 2012, can the Government provide details per calendar year of how many attempted suicides have been identified by the GHA?

640 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA cannot provide this information, as the GHA does not record whether the accident or emergency being treated occurred as a result of suicidal intent.

645 Following discussions between my Ministry and the Accident and Emergency Consultant, we concluded that it would be very difficult to obtain accurate statistics for the hon. Gentleman, if for no other reason than a genuinely suicidal patient may not reveal his or her intention.

**Q551-554/2018**  
**Psychiatric doctors –**  
**Numbers employed; average waiting times; number of patients seen**

**Acting Clerk:** Question 551. The Hon. L F Llamas.

650 **Hon. L F Llamas:** Mr Speaker, can the Government state, since January 2012, how many psychiatric doctors have been employed by the Government, detailing the date employed and the date the doctor ceased being an employee of the Government, if applicable?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

655 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 552 to 554.

**Acting Clerk:** Question 552. The Hon. L F Llamas.

660 **Hon. L F Llamas:** Mr Speaker, can the Government state, as at 13th September 2018, how many psychiatric doctors are permanently employed by the GHA?

**Acting Clerk:** Question 553. The Hon. L F Llamas.

665 **Hon. L F Llamas:** Mr Speaker, can the Government state what is the average waiting time to see a psychologist?

**Acting Clerk:** Question 554. The Hon L F Llamas.

670 **Hon. L F Llamas:** Mr Speaker, can the Government provide statistics in relation to how many persons are routinely seen by psychiatric doctors and the frequency of their visits, and whether this routine has been compromised in the last three months, whether daily, weekly, monthly, quarterly or yearly?

675 Mr Speaker, obviously this question was filed in September, so I appreciate the answer may be from June to September rather than to date.

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

680 **Hon. N F Costa:** Actually, Mr Speaker, just to tell the hon. Gentleman that the answer has been updated, so it is as up to date as it can be.

Two consultant psychiatrists have been employed by the GHA since January 2012, one in February 2013 and one in January 2014. The former retired from the service in May of this year.

685 I now hand over to the hon. Gentleman a table setting out the information in relation to the number of mental health nurses and consultant psychiatrists up to and including 1st April 2018.

**Answer to Q551/2018**

	Mental Health Nurses	Consultant Psychiatrists
As at 1st April 2004	6	1
As at 1st April 2005	7	1
As at 1st April 2006	9	2
As at 1st April 2007	10	2
As at 1st April 2008	15	3
As at 1st April 2009	17	2
As at 1st April 2010	22.5	2
As at 1st April 2011	28	2
As at 1st April 2012	28	2
As at 1st April 2013	28.5	2
As at 1st April 2014	32.5	3.5
As at 1st April 2015	34.5	3.5
As at 1st April 2016	34	3.5
As at 1st April 2017	33	4.5
As at 1st April 2018	31	4.5

As the hon. Gentleman will note, the number of mental health nurses has increased from 28 as at 2011 to 31 and the number of consultant psychiatrist posts from two as at 2011 to 4.5 posts in 2018.

As at 11th December this year, there were 4.5 consultant psychiatrists employed by the GHA.

690 The average waiting time to see a psychologist was eight weeks in September 2018. These waiting times compare favourably with other European countries, where the target is for 90% of people referred for psychological therapy to be seen within 18 weeks. Further, in cases where a referral is classified as urgent, a member of our Community Mental Health team will make contact with the patient within 24 hours of the referral being received.

695 Mr Speaker, it pleases me greatly to report to the House that the average waiting time to see a psychologist has now been reduced from eight weeks to six weeks. This is testament to the Government's unwavering commitment and care towards our Mental Health Services.

700 In addition, we have contracted an additional counsellor to provide extra weekly sessions; further, the current counsellor and chartered counselling psychologist have increased their sessions by an extra day each.

705 July 2017 saw the introduction and development within our community of the mental health team for crisis and outreach services, comprising three mental welfare officers. The new service aims to provide continued support for individuals known to the mental health team when in crisis in order to prevent admissions; or, if admission is required, to support the discharge process. As announced in November of this year, the service has been restructured to comprise four approved mental health professionals.

It is worth noting that an average of 20% of appointments offered to see psychologists are not attended and are not cancelled in advance. This further stretches resources in a field where, unlike with other health professionals, appointments may last for a full hour.

710 Further, I was delighted and proud to announce for the first time in this year's Budget and again in October of this year the introduction of Gibraltar's very first Child and Adolescent Psychology Service, which commences in January of next year.

715 Patients are routinely seen by consultant psychiatrists as follows. An average of 141 patients are seen every month, including an average of 10 new patients. Of these, an average of 136 patients are seen once a month, two patients are seen once a week and three patients are seen fortnightly. The frequency of the visits is determined by the consultant psychiatrists during initial consultation, depending on the individual patient's needs.

720 There was one occasion during the beginning of August 2018 when clinics were compromised, which resulted in some appointments being cancelled. These, however, were rescheduled for the following week.

**Q555-558/2018**

**Pregnancy and child birth –**

**Under-18 pregnancies; Down's syndrome; neonatal abstinence syndrome**

**Acting Clerk:** Question 555. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state, since January 2012, how many pregnancies confirmed by the GHA were of women under the age of 18?

725

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 556 to 558.

730

Mr Speaker, before I sit, just as a nod and a thanks to my excellent public officials just to confirm that they have already confirmed the answers I gave to the Hon. Mr Clinton. It is, as I told him before, purchase to pay. And as I noted to him, the GHA Finance has its own salary system and therefore does its own salaries.

735

**Acting Clerk:** Question 556. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state, since January 2012, how many tests on pregnant women for Down's syndrome have come back positive?

740

**Acting Clerk:** Question 557. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state, since January 2012, how many babies have been born with Down's syndrome?

745

**Acting Clerk:** Question 558. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, since January 2012, can the Government state per calendar year how many babies have been born with neonatal abstinence syndrome?

750

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Hon. N F Costa:** Mr Speaker, since January 2012 there have been 16 pregnancies confirmed by the GHA of women under the age of 18.

755 Harmony tests were introduced in July 2014 and since then there have been nine tests on women which have returned a positive result on Trisomy 21, also known as Down's syndrome. No data is available prior to this date.

Since January 2012, four babies have been born in St Bernard's Hospital with confirmed Down's syndrome.

760 Mr Speaker, given the real risk of identification, I will not provide the hon. Gentleman with the number of babies which have been born with Neonatal Abstinence Syndrome across the floor of the House. I will, however, be happy to advise him of the number in confidence.

**Q559/2018**  
**GHA and ERS premises –**  
**Number of thefts reported**

**Acting Clerk:** Question 559. The Hon. L F Llamas.

765 **Hon. L F Llamas:** Mr Speaker, can the Government state, for each calendar year since January 2012, how many reports in relation to theft of goods or property have been raised by patients, residents or relatives within the GHA or ERS?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

770 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the number of reports in relation to the theft of goods or property which have been raised by patients or relatives within the ERS since January 2012 is as follows: 2012, three; 2013, one; 2014, one; 2015, one; 2016, zero; 2017, six; 2018, seven.

775 In relation to the GHA, thefts were not being logged prior to November 2017. After the introduction of the Datix program in November 2017 a record of such incidents was introduced and they are now recorded electronically. In 2018, the GHA reported 14 incidents of this nature.

**Q560/2018**  
**Care Agency employees –**  
**Number of non-resident carers**

**Acting Clerk:** Question 560. The Hon. L F Llamas.

780 **Hon. L F Llamas:** Mr Speaker, can the Government state how many carers employed by the Care Agency are not resident in Gibraltar, including their date of employment?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

785 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the total number of care workers currently employed by the Care Agency who are not resident in Gibraltar is 29. These carers were employed between January 2000 and December 2011 as follows: 2000, one; 2001, one; 2002, one; 2003, three; 2004, one; 2005, zero; 2006, three; 2007, two; 2008, three; 2009, four; 2010, one; and 2011, nine.

**Q561/2018**  
**GHA default judgment –**  
**Reason for failure to respond to doctor**

790 **Acting Clerk:** Q561. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain why the Government failed to respond to the claim from the doctor suing the GHA, resulting in a judgment in default?

795 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, as the hon. Gentleman surely knows, this matter arises from facts dating to their time in office, is currently *sub judice*, and in any event it is not in the interests of the conduct of the litigation for such matters to be discussed publicly.

800

**Q562/2018**  
**Multi-Disciplinary Team –**  
**Meetings with Ocean Views patients**

**Acting Clerk:** Question 562. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state for each patient who was under the care of Ocean Views as at 1st June 2018 until 9th September 2018, the dates on which each patient met with the Multi-Disciplinary Team?

805

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, this information is not kept electronically. To retrieve this data would require an exhaustive manual exercise that would prove a significant demand on the GHA's resources. It is, therefore, not feasible to complete the answer, as this will affect patient care and running of the services.

810

However, Mr Speaker, on average, the Multi-Disciplinary Team review admitted patients on a weekly basis.

815

**Hon. L F Llamas:** Mr Speaker, I appreciate that if the information is not kept electronically it may provide some difficulty in providing an answer. However, I am informed by some of the service users, families and relatives who are at Ocean Views that they have actually struggled throughout the summer period. It may be something which has been resolved now, but they did struggle quite heavily during the month of July and in particular in August when these weekly meetings were actually not happening, with an actual span of up to three weeks where some of the service users were not actually met, with a disability.

820

Is the Minister satisfied that that might have occurred and whether they have now put procedures and policies in place so that that does not happen and the Minister is made aware immediately when these systems do fail?

825



830 **Hon. N F Costa:** Mr Speaker, I will start with the last part of his question. I am not sure that I  
am informed immediately when the system fails but I can assure him that I am informed,  
because if it does not come from the official side, which it almost invariably does because I have  
to say my officials are very good at telling me if there is a problem, but if the officials do not get  
835 to me first then a family member will, and so I will have very good visibility when systems are  
not working as they should.

I have told the hon. Gentleman in answer to another question that the number of employed  
psychiatrists has gone from two to 4.5, which means that there is now huge resiliency within the  
Mental Health Services. In addition, the hon. Gentleman will have read the press release where  
840 the Government announced the addition of another psychologist, consultant psychologist, for  
Ocean Views. So, in addition to there being 2.5 further psychiatrists, we also have an in-house  
psychologist. So, what happened in August, which I have accepted to him in answer to the  
previous question did happen, should certainly not happen again.

I do not want the hon. Gentleman, though, to leave the House thinking that it was because of  
any fault of the GHA, and he can believe me that if it were the fault of the GHA I would also tell  
845 him, but sometimes even with the best planning in the world, where we know that somebody is  
retiring and we start the recruitment process early and we advertise in the UK and locally and  
the selection boards are held, sometimes the person who comes to that selection board is not  
suitable, so that sets us back, or even people come to the selection board, they commit  
themselves to coming and, literally a day or two before, they tell us they are not going to come.  
850 You can imagine the stress that that causes when you think you have got a professional coming  
to your service to be able to deliver that service.

But given that we have 4.5 psychiatrists and we are going to have I think four psychologists –  
because in addition to Dr Barber, who is in Ocean Views, we have two for the CAMHS service – I  
really do not think that the week of August that we had where people were unfortunately sick –  
855 these things happen – should happen again.

**Mr Speaker:** Next question.

**Q563/2018**  
**Primary Care Centre –**  
**Telephone appointment system**

**Acting Clerk:** Question 563. The Hon. L F Llamas.

860 **Hon. L F Llamas:** Mr Speaker, since the introduction of the telephone appointment system at  
the Primary Care Centre, can the Government state how many calls have been handled by staff  
members and how many calls have successfully resulted in appointments via the automated  
system?

865 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this  
question together with Question 564.

870 **Acting Clerk:** Question 564. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide details in relation to the cost for  
the automated telephone appointment system for the GHA?

875 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Hon. N F Costa:** Mr Speaker, since the introduction of the automated telephone appointment system at the Primary Care Centre, calls handled by staff members and calls that have resulted in appointments are as follows: calls handled by staff, 30,385; calls via MyGHA successfully  
880 resulting in appointments, 12,776.

The cost for the automated telephone appointment system for the GHA was £75,000.

**Q565/2018**  
**Squadron Medical –**  
**Confirmation of negotiations**

**Acting Clerk:** Question 565. The Hon. R M Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

885 Can the Government advise whether it or the Gibraltar Health Authority has entered into or is negotiating a supply contract with Squadron Medical?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

890 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Gibraltar Health Authority had made enquiries with Squadron Medical; however, it has not entered into a supply contract with them.

**Mr Speaker:** Next question.

**Q566/2018**  
**Xanit –**  
**Termination of contractual arrangements**

895 **Acting Clerk:** Question 566. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, further to Questions 656/2017, 68/2018, and 381/2018, is the Minister now in a position to make a full statement to the House in respect to the termination of the contractual arrangements with Xanit?  
900

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the position remains the same as per my answer to Question 381/2018.  
905

**Hon. E J Phillips:** Mr Speaker, whilst I appreciate that there are sensitive discussions with both service providers, the Minister will also appreciate that this question has been outstanding for some time. Can the Minister give any further information that would allay any concerns that we have in relation to patients currently using either one of these service providers, particularly  
910 the one in which we have spoken about the termination of the contractual relationship? It does concern citizens who have asked this question to me before.

**Hon. N F Costa:** Mr Speaker, first of all to say that the answer is not outstanding. I have given him the answer, which is that the negotiations are still in train.

915 If I recall correctly, the last time he asked me this question I pointed out to him that we were not only seeking to enter into contractual arrangements with two but in fact also a third tertiary centre in Spain that is very much known to Gibraltarians and which specialises in cancer treatment. The importance of a contractual arrangement with a Spanish tertiary centre is extremely important, as I am sure the hon. Gentleman will agree with me, because we want  
920 to ensure that our clinical standards, which are taken from the NHS, are adopted by the Spanish tertiary centres. The GHA has, through the appointment of a responsible officer – basically he is an officer who ensures that all our doctors are GMC compliant and they keep up to date with the training and so on. He has visited Spanish tertiary centres and he has told us categorically that the GHA is, beyond a shadow of a doubt, at least 10 years ahead of Spanish tertiary centres  
925 in terms of the quality of the care that we provide. The hon. Gentleman knows that in the past two years, following on from the work of the Hon. Dr John Cortes, we have quickened the pace of repatriating as many services as possible, not only because it makes sense for people not to have to travel when they are sick and all the stress that that entails, but also because we want to make sure that we have as much capability within our homeland as possible.

930 So, he is right when he says that these negotiations are sensitive. They are sensitive because we need to make sure that the clinical standards are appropriate and we are happy with them. Let me tell him something else. If I had to choose whether to go to the UK or to Spain, I would always choose to go to the UK for any complex treatment. There is no better place than an NHS university hospital if you have something seriously wrong with you. However, of course if there  
935 is an emergency and you really are sick and you cannot fly, then we need to make sure that the care that we provide to our people is the best that we can, and we can only do that by making sure that the tertiary centres agree to those standards.

There is one tertiary centre, and I spoke with my lawyers yesterday on a contract which is about to be signed, so I will not be able to make a statement on that one before Xanit, but I can  
940 assure the hon. Gentleman that if we are taking time it is only because we need to get it right, because we are not talking here about a typing pool or any other service, we are talking about the care of our patients, of our community.

**Hon. E J Phillips:** Whilst that is a very helpful explanation in relation to the tertiary providers that the Government may well contract with in the future, or whether the ink is dry on the document or not, I was referring to obviously the termination arrangements in relation to Xanit  
945 itself.

The issues surrounding the termination of Xanit as a tertiary provider, do they relate to a financial issue or is this just in relation to transferring patients from Xanit to have the services  
950 provided in some other tertiary hospital? My question was specifically about the termination of Xanit rather than the contractual arrangements that the Government intends to enter into with other tertiary providers.

**Hon. N F Costa:** In respect of that specifically, Mr Speaker, we are in negotiations as to price, and as the hon. Gentleman should know – I have told him before in the House – we do continue  
955 to refer patients to Xanit.

**Hon. E J Phillips:** So, insofar as the question, without going into too much detail because it is clearly sensitive, we are clearly looking at what has previously been owed to Xanit insofar as  
960 their services and how we can continue to work with Xanit in the future in relation to the special services that they provide for our community?

**Hon. N F Costa:** We are negotiating all aspects of the commercial work. We are negotiating all commercial aspects of the contract.

965 **Mr Speaker:** Next question.

**Q567/2018**  
**Medicinal cannabis –**  
**Statement of Government policy**

**Acting Clerk:** Question 567. The Hon. E J Phillips.

970

**Hon. E J Phillips:** Can the Government state its policy in respect to the use of medicinal cannabis in Gibraltar?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

975

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, Her Majesty's Government of Gibraltar and the Gibraltar Health Authority are currently considering its policy as to the use of medicinal cannabis in Gibraltar.

980

**Hon. E J Phillips:** Will the Minister be laying a Command Paper in respect of this subject?

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman, I know, knows that of course I am looking at it strictly from a clinical perspective and we are looking at what he will have read, as I have, the system in the UK, and so we are looking at how we can best benefit our patients for the use of medicinal cannabis products. Once we have clarity and a clear view on how we can benefit our patients, I need to discuss the matter with the Hon. the Chief Minister, as the Minister with responsibility for drugs, and then of course we will have to take that matter to the Drugs Advisory Council. So it is not one area in which it is purely clinical and I can just make a decision. It is, I can assure him, actively looked into and once the GHA is ready we will then refer the matter to the Office of the Hon. the Chief Minister.

985

990

**Hon. E J Phillips:** Obviously the reason why I asked that question is of course that our community had ... I think the hon. learned Lady on that side of the House and I engaged in a debate with the hon. Lady on this side of the House in relation to Sativex. In fact, it was one of the parts of the debate that we had. The Government by regulation introduced Sativex in order to give reassurance to our medical practitioners that Sativex could be administered to patients with specific conditions. So, the Government has shown that propensity to deal with a request from medical professionals in relation to Sativex. Is the Government considering looking at a wide range of medicinal cannabis products that will be licensed and regulated in our jurisdiction to assist others with particular ailments? Or is the scope of medicinal cannabis going to be wider than just specific requests from medical practitioners?

995

1000

**Hon. N F Costa:** Mr Speaker, at this point in time we are taking the widest look at what we can provide and, to answer the first part of the preface to his supplementary, that will require legislative changes.

1005

**Mr Speaker:** Next question.

**Q568/2018**  
**HM Prison –**  
**Increase in prison officers**

**Acting Clerk:** Question 568. The Hon. E J Phillips on behalf of the Hon. D A Feetham.

1010 **Hon. E J Phillips:** Does the Government intend to increase the complement of prison officers at HM Prison?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1015 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, following my Budget speech in July of this year, where I announced the recruitment of five additional prison officers, I am pleased to confirm that since September 2018 these additional resources are now in place.

It bears pointing out to this House that under this Government the number of prison officer posts has increased from 38 in financial year 2012-13 to 50 posts in the current financial year.

1020 Following the outcome of the resources review conducted by the Prison Review Working Group, further recruitment is expected and planned over the next two years.

**Hon. E J Phillips:** Mr Speaker, in relation to those further resources that the Minister has referred to, from 38 to 50, how many of those specific officers have received training insofar as education and counselling in respect of the inmates?

1025 The reason why I ask this question is of course that traditionally we have imported, effectively, from outside the community into the Prison, resources for teaching and counselling hopefully to deal with inmates and their particular issues. I wonder whether this process has been evolved internally so that we can provide for training and education internally to assist the inmates. That is why one of the questions I had was in relation to resources, because if there is an increase in prison population, of course there is going to be increased pressure on prison officers, but I wondered whether the Government had been looking at it from a different end as well.

1035 **Hon. N F Costa:** Mr Speaker, the question asked me specifically about the increase of the complement of prison officers. If he wants to ask me about training, which of course he is perfectly entitled to do, I would ask that he please give me notice of the question because then I can ask the Superintendent to provide me with those details. I do, of course, have an idea but I do not want to even unintentionally mislead him by giving him information that may prove to be incorrect.

1040 **Mr Speaker:** Next question.

1045

**Q569/2018**  
**HM Prison –**  
**Parole qualification time**

**Acting Clerk:** Question 569. The Hon. E J Phillips on behalf of the Hon. D A Feetham.

1050 **Hon. E J Phillips:** Does the Government intend to increase the time an inmate serves in prison before he or she qualifies for parole, which is currently set by the Prison Act at a third of sentence?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1055 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Law Commission is presently considering whether to amend the required proportion of the sentence to be served prior to a qualification for release on licence.

**Hon. E J Phillips:** Mr Speaker, does the Minister know when Law Commission last met?

1060 **Hon. N F Costa:** Actually, we had another meeting pencilled in for today, and of course we have been unable to hold that meeting and so the last meeting was on 21st November.

**Mr Speaker:** Next question.

**Q570/2018  
HM Prison –  
Drugs testing of inmates**

1065 **Acting Clerk:** Question 570. The Hon. E J Phillips on behalf of the Hon. D A Feetham.

**Hon. E J Phillips:** Mr Speaker, how many inmates at HM Prison have been subject to (a) mandatory drugs testing and (b) voluntary drugs testing in the last seven years?

1070 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, in the last seven years 255 inmates have been subject to voluntary drugs testing.

1075 No inmates have been subject to mandatory drugs testing. However, the mandatory drugs testing implementation process is well under way. The Prison Superintendent is taking the relevant steps to introduce the MDT programme as soon as it is reasonably practical. This includes the drafting of relevant documents, including information leaflets for inmates, information leaflets for staff, authorisation forms and adjudication forms. Information leaflets for inmates will be translated into various languages to cater for non-English speaking individuals. A comprehensive Prison Service Order has also been drafted which will serve as a complete reference on MDT. The commissioning of new IT software and staff training is also required. The Prison now has three qualified sample takers, with more officers to be trained early in the new year.

1080 As a result of representations received, we are also looking at various legal issues raised. Consideration is being given to the level of assistance required by the adjudicating Justices of the Peace in adjudication hearings following a positive result. Further, questions as to legal assistance at adjudications and the process for independent testing of samples by prisoners are also being carefully deliberated.

**Mr Speaker:** Next question.

**Q571/2018**

**Europa Point facilities for children –  
Nature of facilities**

1090 **Acting Clerk:** Question 571. The Hon. E J Phillips on behalf of the Hon. D A Feetham.

**Hon. E J Phillips:** Mr Speaker, will some of the facilities for children which the Government has intimated in documents filed with the Town Planner, that it proposes to build at Europa Point, be in the nature of a young offender institution, or a secure training centre, or secure children's home?  
1095

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the documents illustrate plans for a secure children's home. As the hon. Member will be aware, a secure children's home is a place where children and young peoples' liberties are restricted under an order made in court and they serve two main purposes: (a) to protect young people who are placing themselves or others at risk of harm through a range of behaviours, or (b) to provide an alternative venue to a custodial sentence that is not an adult prison.  
1100

**Hon. E J Phillips:** I am not too sure whether the Government's plans have further matured in relation to the secure children's home. I am grateful to the Minister for clarifying that the principal objectives are to protect those young people and also in relation to their attendance as an alternative to custody.  
1105

The Minister may not know this at this stage, given the maturity of those plans, but does the Minister know what forms of education will be available in the context of this secure children's home and the availability and access to education and teaching aids?  
1110

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman raises some good questions, but they are very far ahead of where we are right now. The hon. Gentleman, though, I think should be comforted in the fact that the secure children's home will be under the aegis of the Care Agency rather than under HM Prison, which means that the central philosophy of the secure children's home will be to be able to educate and take care of young children – or children, not necessarily that young – so that they are able to reintegrate into society, depending of course if it is one under a custodial sentence, then that would be determined by the courts, and also if it is in relation to other behaviour but not through a custodial sentence but through a court order and the time limits will be set therein, but should be able to ensure that once the young person is out into the community the education of that young person has not been stunted or interrupted by being in a secure children's home as opposed to normal education.  
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**Hon. E J Phillips:** The difficulty that I have encountered in wearing a different hat, my professional hat – my other professional hat – is that people, when they leave prison, particularly adult inmates, find it difficult to transition back into society, and I am sure the Minister would agree that is more important, of course, with younger children as well who have had issues where custodial sentences have been imposed, that we try to avoid them falling into a pattern of criminality.  
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1130

The reason for the question is especially important because if there is availability of alternatives and further education that will stop them falling back into criminality... I agree with what he says about that, and obviously the plans are not significantly matured, but I think it is especially important in the context of children that we stop them falling into the cycle of crime. I am sure that the Minister would agree with that.  
1135

1140 **Hon. N F Costa:** Yes, Mr Speaker, which is, as I said, why we have taken the route, after a lot of deliberation with the Hon. Chief Minister and the Hon. Deputy Chief Minister, about how best we ensure that, when a young person is in a secure children's home we ensure that there is the minimum interruption to that young person's trajectory in life, which obviously pivotally includes receiving an excellent education.

**Mr Speaker:** Next question.

1145

**Q572-577/2018**  
**Convictions and fines –**  
**Dogs; weapons; drugs**

**Acting Clerk:** Question 572. The Hon. E J Phillips on behalf of the Hon. D A Feetham.

1150 **Hon. E J Phillips:** Mr Speaker, how many convictions or fines issued have there been in each of the last 10 years for failure to register or licence a dog in Gibraltar?

**Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1155 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 573 to 577.

**Acting Clerk:** Question 573. The Hon. E J Phillips on behalf of the Hon. D A Feetham.

1160 **Hon. E J Phillips:** Mr Speaker, how many convictions or fines issued have there been for dog fouling in each of the last 10 years?

**Acting Clerk:** Question 574. The Hon. E J Phillips.

1165 **Hon. E J Phillips:** How many convictions have there been in each of the last 10 years for crimes associated with carrying or injuries caused by the carrying of knives, guns or other offensive weapons in Gibraltar?

**Acting Clerk:** Question 575. The Hon. E J Phillips.

1170 **Hon. E J Phillips:** How many convictions have there been in each of the last 10 years in respect of (a) the importation and (b) the supply of cocaine, cannabis and heroin in Gibraltar?

**Acting Clerk:** Question 576. The Hon. L F Llamas.

1175 **Hon. L F Llamas:** Mr Speaker, since December 2011 to date can the Government provide details of illegal drugs recovered by our law enforcement officers in venues where festivals and events took place, including (a) the type of illegal drug, (b) the amount, (c) the date recovered and (d) the associated festival or event?

1180 **Acting Clerk:** Question 577. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm the classification and amount of drugs seized by law enforcement agencies during National Day?



1185 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1190 **Hon. N F Costa:** Mr Speaker, I now hand over a schedule to the hon. Gentleman showing: (1) the number of convictions issued or fines issued in respect of the last 10 years for failure to register or license a dog in Gibraltar; (2) the number of convictions or fines issued in each of the last 10 years for dog fouling; (3) the number of convictions in each of the last 10 years for crimes associated with the carrying or injuries caused by the carrying of knives, guns or other offensive weapons in Gibraltar; and (4) the number of convictions in each of the last 10 years in respect of (a) the importation and (b) the supply of cocaine, cannabis and heroin in Gibraltar.

**Answer to Q572-577/2018**

YEAR	How many convictions or fines issued have there been in each of the last 10 years for failure to register or licence a dog in Gibraltar? (RGP1)	How many convictions or fines have there been for dog fouling in each of the last 10 years? (RGP2)	How many convictions have there been in each of the last 10 years for crimes associated with the carrying, or injuries caused by the carrying of knives, guns or other offensive weapons in Gibraltar? (RGP3)	How many convictions have there been in each of the last 10 years in respect of a) the importation and b) the supply of cocaine, cannabis and heroin in Gibraltar? (RGP4)	
				a)	b)
2008-2009	2*	2*	46	8	112
2009-2010	8	4	69	9	83
2010-2011	8	NIL	90	10	139
2011-2012	19	8	70	28	117
2012-2013	10	7	28	18	42
2013-2014	4	2	60	12	25
2014-2015	3	1	64	21	28
2015-2016	2	1	15	27	13
2016-2017	7	2	33	10	16
2017-2018	NIL	NIL	39	11	30

\* Please note that the data in respect of this question was corrupted hence we cannot vouch for its total accuracy.

1195 **Hon. N F Costa:** Mr Speaker, the RGP does not record statistics on venues where illegal drugs are recovered.

Further, the following drugs were seized by the RGP during the National Day policing operation: Class A MDMA, 2 g; Class B cannabis resin, 10.2 g; Class C Valium, two tablets.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q578/2018

Lathbury barracks –  
Surveys undertaken before removal of green area

**Acting Clerk:** Question 578. The Hon. E J Phillips on behalf of the Hon. T N Hammond.

1200

**Hon. E J Phillips:** Mr Speaker, what surveys of the green area recently removed at Lathbury Barracks as part of the sports complex construction were undertaken prior to its removal?

**Acting Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1205

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, surveys and assessments were carried out, as is the norm, to present to the Development and Planning Commission. These refer to environmental impact assessments that included an ecological survey carried out by Wild Life Gibraltar Limited.

1210

**Mr Speaker:** Next question.

Q579/2018

GSLA –  
Update re Grade 9 AA post

**Acting Clerk:** Question 579. The Hon. E J Reyes.

1215

**Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 363/2018, can the Minister for Sport update this House in respect of the Grade 9 (Administrative Assistant) post which was vacant within the Gibraltar Sports and Leisure Authority and being covered temporarily by a supply worker via S&K Recruitment?

**Acting Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1220

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the S&K worker who was covering the post temporarily decided to explore other avenues and the GSLA is currently working with S&K Recruitment for a suitable replacement to continue to cover the post temporarily.

1225

**Hon. E J Reyes:** Mr Speaker, in previous answers relating to this question, the Minister said that this post was on a temporary basis by a recruitment agency because he was reviewing staffing levels and so on. Are there any updates? Having taken someone else on still via a recruitment agency means that (1) there is still an ongoing process in respect to the staffing level, or (2) some other reason that the Minister may enlighten us with.

1230

**Hon. S E Linares:** Yes, Mr Speaker, the GSLA is still under review but it is only at this level, i.e. the AA level, as opposed to all the others. As the hon. Member knows, we have done the review from top to bottom and we are at the stage, I think, that it is going to be decided very soon whether we do keep that post or we actually do not need that post for the GSLA. That is why they are using a temporary cover, to see if there is enough work or enough for that person to be

1235

doing. Like I said, they are still using S&K but it will get to a point where they will decide we do not need this post or we then have a permanent one.

1240 **Mr Speaker:** Next question.

**Q580/2018**  
**Sports Performance Director –**  
**Details of post**

**Acting Clerk:** Question 580. The Hon. E J Reyes.

1245 **Hon. E J Reyes:** Can Government provide details of the duties assigned to the Sports Performance Director's post, indicating within which Department this post holder is based and what relevant qualifications does the individual possess?

**Acting Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1250 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the post of Sports Performance Director was removed from the approved establishment pages for the financial year 2017-18, and I can therefore confirm that this post no longer exists.

1255 **Hon. E J Reyes:** Yes, thank you, Mr Speaker, I had noticed that the estimates of 2016-17 had one post catering for Sports Performance Director and then in 2017-18 it went to zero, which is why I asked him the question where is the post holder based.

Is the Minister confirming that there is no current post holder? And, therefore, if there was one before, what has happened to that individual?

1260 **Hon. S E Linares:** No, Mr Speaker, there was –

**Mr Speaker:** You do not have to answer the second part, what would he do; just confirm whether there is a post holder or not.

1265 **Hon. S E Linares:** Thank you, Mr Speaker.  
Basically, we put that post in the book, nobody had covered it, so there is no reason why ... what they were going to do anyway, but the post was there because at the time during the review that the hon. Member and I have explained before, we envisaged that we were going to have a Sports Performance Director. Now, with the review and all the things that have happened within the GSLA, it is not necessary to have that post.

1270 **Mr Speaker:** Next question.

**Q581/2018**  
**Sports-related grants –**  
**Payments this financial year**

**Acting Clerk:** Question 581. The Hon. E J Reyes.

1275 **Hon. E J Reyes:** Can the Minister for Sports provide updated consolidated details of all payments made during this current financial year in respect of any sports-related grants?

**Acting Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1280 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite updated consolidated details of all payments made in respect of sports-related grants during this financial year.

I take this opportunity to remind the hon. Member opposite that updated information is posted on the GSLA website regularly.

**Answer to Q581/2018**

**Grants awarded for Hosting of Special Sports and Leisure Events  
2018/2019**

Backgammon Association	£67,000.00
Tenpin Bowling Association	£16,000.00
Chess Tournament	£40,648.00
Professional Darts Corporation	£298,549.20
Harley Davidson Rally	£1,180.00
Mixed Martial Arts Association	£1,592.80
Netball Association	£10,850.40
Match Point (International Pool Tournament)	£85,250.00
Rhythmic Gymnastics Association	£1,150.00
Snooker Open	£4,105.75
Special Olympics	£9,065.50
International Ladies Football Tournament	£29,693.14

**Grants awarded to Sporting Societies, 2018/2019**

**Official International Competitions**

Netball Association	6,652.72
Shooting Federation	22,972.16
Darts Association	5,002.34
Hockey Association	6,125.00
Athletics Association	7,821.88
Basketball Association	34670.55
Triathlon Association	1,834.20
Ju-Jitsu Association	1,367.19
Rowing Association	5,186.20
Sea Angling Federation	5,389.18
Squash Association	2,145.00

**Multi Sport International Competitions**

Straits Games	£628.00
Island Games Triathlon	£967.50
Special Olympics	£9,065.50

**Sports Development Projects**

Cycling Association	227.96
Basketball Association	455.04
Hockey Association	832.50
Badminton Association	893.75
Target Shooting Association	1,349.00
Cricket Association	860.00

1285 **Mr Speaker:** Next question.

**Q582/2018  
Cultural grants –  
Awards this financial year**

**Acting Clerk:** Question 582. The Hon. E J Reyes.

1290 **Hon. E J Reyes:** Can the Minister for Culture provide updated consolidated details of all cultural grants awarded during this current financial year?

**Acting Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1295 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite updated consolidated details of all the cultural grants awarded during this financial year.

I take this opportunity to remind the hon. Member opposite that updated information is posted on the HMGoG website regularly and the culture.gi website.

1300

**Mr Speaker:** The advantage of the website is that you do not need a magnifying glass, which you do for this schedule again.

**Answer to Q582/2018**

**CULTURAL GRANTS FOR FINANCIAL YEAR 2018-2019**

Stylos Dance Studio – Participation at the Dance Excellence International Festival of Young Dancers	5,000.00
Gibraltar Productions – Sponsorship of World Music Festival 2018	50,000.00
Gibraltar Academy of Music and Performing Arts - Participation at World Choir Games	4,004.00
Ambrose Avellano – Support towards Exhibition	1,000.00
Gibraltar National Dance Organisation – GNDO for IDO affiliation fee/dance workshops & International Events	12,724.00
The White Light Theatre Group – Participation at the West End Stage Summer School	2,348.00
Gibraltar Arts and Crafts Association – St Bernadette’s School workshops	1,750.00
Gibraltar League of Hospital Friends – Relaunch of the Gibraltar Cookery Book	6,420.00
Gibraltar Academy of Music and Performing Arts – Support towards the Festival of Young Musicians	3,000.00
Transitions Dance Academy – Equipment and support towards workshop in Manchester	1,680.00
Gibraltar Photographic Society – Purchase of Equipment	4,100.00
Comic Con Festival and ZDay Horror Festival	11,050.00
Art in Movement – Support towards Art Dance Festival 2018	2,320.00
M.O Productions – Organisation, staging and production of the 17 <sup>th</sup> Gibraltar International Dance Festival	5,000.00
Bayside & Westside Drama Group to travel to Rochester, UK to participate in the Duncan Youth Festival	2,500.00
Gibraltar Face & Body paint Association – Assistance for the Gibraltar Body Painting Festival 2019	2,100.00
DSA Sequence Dance Club – Travel Expenses for international couple to attend the 65 <sup>th</sup> Anniversary	1,000.00
Gibraltar Artisan Market – Gibraltar Christmas Markets	6,000.00
Harmonics Choir – Production “The Armed Man – A Mass for Peace”	1,000.00
Joseph Gingell – Book Grant - Second edition publication on the Evacuation of the Civilian Population during WWII	6,000.00
Dr M G Sanchez - funding of university conferences	1,200.00
Alan John Perez – Cost of Travel, equipment hire etc. to exhibit in Alcultura Exhibition	4,500.00
Group 2000 – Production of a World War II Presentation	400.00

**Q583/2018**

**Victoria Stadium –**

**Moneys outstanding from sale of lease**

**Acting Clerk:** Question 583. The Hon. E J Reyes.

1305

**Hon. E J Reyes:** Can the Minister for Sports indicate when does Government expect to receive the balance, which is £6.5 million, still outstanding for the sale of the lease of Victoria Stadium?

**Acting Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1310

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, it is expected for the Gibraltar Football Association to pay HM Government the outstanding balance of £6.5 million during this financial year.

1315

**Mr Speaker:** Next question.

**Q584/2018**

**Gibraltar National Dance Organisation –  
Breakdown of grant awarded**

**Acting Clerk:** Question 584. The Hon. E J Reyes.

1320 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Q368/2018, can the Minister for Culture now provide a detailed breakdown of the £11,700 granted to the Gibraltar National Dance Organisation?

**Acting Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1325 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, further to the answer provided to Q368/2018, the £11,700 grant to the Gibraltar National Dance Organisation was awarded and used for their participation in the IDO Commonwealth Dance Games held in South Africa and at the IDO World Show Dance Championships held in Riesa, Germany. The grant also went towards the IDO affiliated membership fee.

1330 **Hon. E J Reyes:** Yes, Mr Speaker, very similar to what I was told last time, and in the schedule we have a grand total of £11,700, which was to do with the IDO affiliation dance workshops, and I had requested how much was the affiliation fee. That was the one that mainly concerned me. The Minister did not have the information at that moment. He said he would try and chase it up. I never wrote to him and he obviously did not do that, which is why I posed the question, but if  
1335 the staff who help to prepare the answer for the Minister had followed it up from *Hansard* he would really find out that what we were trying to establish was is the affiliation fee simply £700, for example, and therefore £11,000 was the actual participation, or what? One has no idea, especially when looking at schedules of how much is given in grants to other people, and so on. That was the main purpose, which can easily be derived from looking at *Hansard* from the  
1340 previous occasion. So maybe the accounting staff would have been able to provide the Minister with information more so in respect of the affiliation fees.

**Hon. S E Linares:** Mr Speaker, I will give the hon. Member, by the end of business today, exactly the amount of money that the IDO paid for their affiliated membership fee.

**Q585/2018**  
**Victoria Stadium –**  
**Compensation paid to catering establishments**

1345 **Acting Clerk:** Question 585. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise whether any money has been paid in compensation to catering establishments conducting business at the Victoria Stadium due to the sale of the stadium to the GFA; and if so, what amounts to whom?

1350

**Acting Clerk:** Answer the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, no money has been paid in compensation to any catering establishment conducting business at the Victoria Stadium.

**Q586/2018**  
**Lathbury Barracks Sports Complex –**  
**Parking spaces**

**Acting Clerk:** Question 586. The Hon. R M Clinton.

1355 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many parking spaces are to be built at the Lathbury Barracks Sports Complex and how many are envisaged to be sold commercially and for what value?

1360

**Acting Clerk:** Answer the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, an announcement will be made shortly with details of the number of parking spaces available for sale and value.

1365 **Hon. R M Clinton:** Mr Speaker, I appreciate that the Government may wish to make an announcement. I am actually asking him now: can he provide that information to the House?

**Hon. S E Linares:** No, Mr Speaker.

1370 **Hon. R M Clinton:** Mr Speaker, I have asked a specific question to which I would like an answer. Either the Minister has the information available and can provide the answer to that question, or he is just plain blank refusing to provide that information to this House because it does not suit his timetable.

1375 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is neither of the two.

**Mr Speaker:** Next question.



**ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION**

**Q483/2018**

**Government website –**

**Table ED.8**

**Acting Clerk:** Question 483. The Hon. L F Llamas.

1380 **Hon. L F Llamas:** Mr Speaker, can the Government provide an up-to-date schedule of Table ED.8 formerly published on the Government website?

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

1385

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information is available on the website.

**Q484/2018**

**Teachers –**

**Details of vacant posts**

**Acting Clerk:** Question 484. The Hon. E J Reyes.

1390 **Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details in respect of any vacant teaching posts, identifying the school/establishment where these may exist and indicating how many are being covered in an acting capacity?

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

1395 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the details are provided in the schedule I now hand over.

1400 May I, though, qualify that by saying that one deputy head post was announced this week and there are several other teaching posts which have been interviewed and the results are expected shortly. I can share with the hon. Member exactly which they are, but I have just received notification that a number of them will have been filled certainly within the next week or two.

**Answer to Q484/2018**

**VACANT TLR POSTS DUE TO PROMOTIONS**

QUALIFIED TEACHER TLR 1B	Westside School	SCIENCE CO-ORDINATOR (RING-FENCED)
QUALIFIED TEACHER TLR 1A	Westside School	SENIOR TEACHER
QUALIFIED TEACHER TLR 2B	Westside School	ASST TO KS3 COORDINATOR
QUALIFIED TEACHER TLR 2B	Westside School	ASST TO KS4 COORDINATOR
DEPUTY HEAD	NOTRE DAME	DEPUTY HEAD
QUALIFIED TEACHER TLR 2C	ST ANNE'S MIDDLE	FOUNDATION SUBJECT PE
QUALIFIED TEACHER TLR 2B	ST PAUL'S FIRST	CORE SUBJECT LEADER ENGLISH
QUALIFIED REACHER TLR 1A	Westside School	SENIOR TEACHER
QUALIFIED TEACHER TLR 2C	ST BERNARD'S MIDDLE	FOUNDATION SUBJECT LEADER ICT
QUALIFIED TEACHER TLR 2C	HEBREW SCHOOL	ICT AND FOUNDATION SUBJECT
QUALIFIED TEACHER TLR 2B	HEBREW SCHOOL	CORE SUBJECT LEADER MATHEMATICS AND SCIENCE
QUALIFIED TEACHER TLR 2D	ST JOSEPH'S MIDDLE	FOUNDATION SUBJECT LEADER
QUALIFIED TEACHER TLR 2C	ST ANNE'S MIDDLE	FOUNDATION SUBJECT ICT
QUALIFIED TEACHER TLR 2C	ST BERNARD'S MIDDLE	ICT COORDINATOR
QUALIFIED TEACHER TLR 2D	ST BERNARD'S MIDDLE	FOUNDATION SUBJECT ART AND DT

**VACANT TLR POSTS DUE TO RETIREMENTS**

QUALIFIED TEACHER TLR 1B	GIBRALTAR COLLEGE	IT COORDINATOR
QUALIFIED TEACHER TLR 1B	WESTSIDE SCHOOL	DESIGN AND TECHNOLOGY COORDINATOR
QUALIFIED TEACHER TLR 2B	NOTRE DAME	SESCO
QUALIFIED TEACHER TLR 2B	HEBREW SCHOOL	ENGLISH AND SESCO COORDINATOR
QUALIFIED TEACHER TLR 1B	WESTSIDE SCHOOL	HEAD OF BIOLOGY

ALL ABOVE POSTS ARE BEING COVERED ON AN ACTING CAPACITY

**Q485/2018**

**Government-registered nurseries –  
Breakdown of registered pupils**

**Acting Clerk:** Question 485. The Hon. E J Reyes.

1405 **Hon. E J Reyes:** Can the Minister for Education provide a breakdown of nursery pupils registered in Government-administered nurseries, indicating the establishment where these pupils are registered and showing if they are morning or afternoon placements?

1410 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I am handing over a schedule to the Hon. Member which contains the information requested.

**Answer to Q485/2018**

<b>NURSERY</b>	<b>AM</b>	<b>PM</b>
St Joseph's	62	30
Notre Dames	30	19
Varyl Begg	33	30
Early Birds	8	7
St Bernard's	39	
Governor's Meadow	41	
St Paul's	42	
St Mary's	33	

**Q486/2018**

**Government schools –  
Breakdown of registered students**

**Acting Clerk:** Question 486. The Hon. E J Reyes.

1415

**Hon. E J Reyes:** Can the Minister for Education provide a breakdown indicating the school and class year, i.e. Reception to Year 12, in respect of students registered in Government schools for the academic year 2018-19?

1420

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

1425

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, with apologies to the member of staff who is going to rush across the Chamber, yet again, for the third successive time – perhaps I should have given them all together – the information is in the schedule that I will now hand over.

**Answer to Q486/2018**

SCHOOL	RECEPTION	YEAR1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10	YEAR 11	YEAR 12
GOVERNOR'S MEADOW	60	74	64	51	X	X	X	X	X	X	X	X	X
NOTRE DAME	53	79	91	68	X	X	X	X	X	X	X	X	X
ST. BERNARD'S F	40	46	36	45	X	X	X	X	X	X	X	X	X
ST. MARY'S F	40	39	40	50	X	X	X	X	X	X	X	X	X
ST. JOSEPH'S F	93	79	99	107	X	X	X	X	X	X	X	X	X
ST. PAUL'S F	79	73	80	60	X	X	X	X	X	X	X	X	X
HEBREW PRIMARY	20	19	24	16	15	26	10	19	X	X	X	X	X
BISHOP FITZGERALD	X	X	X	X	103	111	110	101	X	X	X	X	X
ST. ANNE'S M	X	X	X	X	122	106	115	107	X	X	X	X	X
ST. BERNARD'S M	X	X	X	X	119	86	76	88	X	X	X	X	X
ST. JOSEPH'S M	X	X	X	X	124	108	97	89	X	X	X	X	X
ST. MARTIN'S	7	5	5	4	4	6	5	3	3	2	1	4	X
BAYSIDE	X	X	X	X	X	X	X	X	215	215	189	180	156
WESTSIDE	X	X	X	X	X	X	X	X	184	197	198	161	156

**Hon. E J Reyes:** Mr Speaker, while the schedule is being handed over, I have a very short supplementary in respect of the answer given in the schedule to Question 484. Would it be convenient for me to pose that now?

1430 The first entry is 'Qualified Teacher TLR 1B' at Westside School, which is a Science Co-ordinator, and it says '(Ring-fenced)'. Could I have a little bit of clarification of what is meant by ring-fenced in respect of this particular post?

1435 **Hon. Dr J E Cortes:** Mr Speaker, I will have to enquire as to exactly what that would mean. I assume that it is possibly personal to the holder in relation to certain conditions, but I would need to get that information.

1440 **Hon. E J Reyes:** Mr Speaker, I would be grateful for that, in fact my first reaction was very similar to the Minister's – could it be something personal to the holder – but because it is vacant, it should not be personal to holder; personal to holder is when someone occupies something personally. I will wait for the Minister to get information as and when he can.

**Q487/2018**  
**Notre Dame School –**  
**Cost**

**Acting Clerk:** Question 487. The Hon. E J Reyes.

1445 **Hon. E J Reyes:** Can the Minister for Education say what was the original contracted cost in respect of construction of the new Notre Dame School and what the final cost has been?

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

1450 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, in view of the fact that we will shortly be inviting proposals for similar schools, this information cannot yet be made public.

**Q488/2018**  
**St Martin's and Notre Dame Schools –**  
**Outreach programme**

**Acting Clerk:** Question 488. The Hon. E J Reyes.

1455 **Hon. E J Reyes:** Can the Minister for Education provide details of any delays or variations in respect of the outreach programme hereto enjoyed by pupils of St Martin's School due to the pending transfer of Notre Dame School into a new site?

1460 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there was no significant impact.

**Q489/2018**  
**St Martin's School –**  
**Kusuma Trust**

**Acting Clerk:** Question 489. The Hon. E J Reyes.

1465

**Hon. E J Reyes:** Can the Minister for Education provide details of the monetary value of donations made by the Kusuma Trust in 2013 in favour of St Martin's School and what is envisaged will happen to these upon the eventual transfer of St Martin's School to new premises?

1470

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1475 Mr Speaker, the monetary value of donations made by the Kusuma Trust in 2013 amounted to £310,823.42.

This money went towards building extensions which therefore cannot be transferred to the new school.

**Q490/2018**  
**TLRs –**  
**Equalisation between lower and upper primary schools**

**Acting Clerk:** Question 490. The Hon. E J Reyes.

1480

**Hon. E J Reyes:** Can the Minister for Education provide an update in respect of any progress made towards the equalisation of TLRs between lower and upper primary schools?

**Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and  
1485 Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, this has been agreed and the matter settled.

1490

**Mr Speaker:** And it was the subject of a very recent press release. Couldn't the Minister have held it up until today?

1495

**Chief Minister (Hon. F R Picardo):** No, Mr Speaker, for a very good reason. The question has come from three months ago and there are press releases which have been backing up because we try and keep to that convention, but the business of Government and in particular the business of Government informing citizens is not one that can be indefinitely held up, although Question Time has been unfortunately held up by the need for us to be dealing with Brexit matters. I am sure it is neither in the interests of hon. Members or ours to be, in the last 48 working hours of the year, dealing with matters which relate principally to questions posed in  
1500 September of this year, although that used to be the case when I was elected and Members opposite used to run the Government; but it has not been our practice and it will not be our practice, I hope, in the next calendar year.

**Mr Speaker:** Next question.

**Q491/2018**

**GCSEs –**

**Details of classes with more than 25 pupils**

1505 **Acting Clerk:** Question 491. The Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education provide details in respect of how many GCSE classes are currently being taught with more than 25 pupils per class, indicating the subject area and the establishments concerned?

1510

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

1515 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there are currently six GCSE classes being taught with more than 25 pupils per class. Three of these are in Westside. They correspond to two Spanish classes and one history class. The other three correspond to Bayside, with one Spanish class, one sociology class and one English class being over 25 pupils.

1520 **Hon. E J Reyes:** Thank you, Mr Speaker.

Given that there is some sort of agreement or understanding with the Teachers' Association in respect of class sizes, one presumes that there must be exceptional cases why these classes are bigger than 25. Can the Minister confirm is it because there is a shortage of a specialist teacher in that subject area, or is it a question of shortage of available rooms to be able to provide two classes, or for some other valid reason?

1525

1530 **Hon. Dr J E Cortes:** No, Mr Speaker, the average still remains well within. For example, for history classes the average is 23, for Spanish year 10 the average is 22 and for Spanish year 11 in year 11 the average is 20 in Westside. In Bayside the average is 20, 23 and 18 for Spanish, sociology and English.

The fact is that they are over 25 by very little. Four of the six have 26 in the class and the other two have 28 in the class, so it is a question of ... You cannot really have a whole new class just for one or two, so the additional ones are spread out in order to make them very close to 25 and therefore with no significant negative impact on teaching. That is the reason. It is not that we are well over; it is just the odd individual students that are fitted in, in order to not have to provide a full new class for very few students.

1535

**Q492/2018**

**Portakabin classrooms –**

**Details of use**

**Acting Clerk:** Question 492. The Hon. E J Reyes.

1540 **Hon. E J Reyes:** Can Government provide details of how many classrooms are currently being conducted in portakabins and the schools they relate to for this academic year?

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

1545 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, the number of classes currently being conducted in portakabins – and fine portakabins most of them are too – and the schools they relate to are as follows: two in the Gibraltar College, three in St Martin’s and four in Bishop Fitzgerald.

**Q493/2018**

**Casais contract re Bayside/Westside School –  
Government company signatory to contract**

**Acting Clerk:** Question 493. The Hon. R M Clinton.

1550

**Hon. R M Clinton:** Mr Speaker, can the Government advise which Government company signed the contract with Casais for the construction of the new Bayside/Westside school?

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

1555

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, the company is GEP Ltd.

**Q494/2018**

**New comprehensive school –  
Cost of ICT, fixtures, fittings and equipment**

**Acting Clerk:** Question 494. The Hon. R M Clinton.

1560

**Hon. R M Clinton:** Mr Speaker, can the Government advise what is the anticipated cost of ICT and fixtures, fittings and equipment for the new comprehensive school?

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

1565

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, the procurement process for the new comprehensive school’s ICT, fixtures, fittings and equipment is currently underway, so it is not possible to advise on the anticipated costs.

**Q495 and Q499-500/2018**

**St Martin’s, Governor’s Meadow and Bishop Fitzgerald Schools –  
Expected completion date and cost re Westside site; logistics re walking route;  
engagement with parents**

1570 **Acting Clerk:** Question 495. Hon. R M Clinton.

1575 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that it is now its intention to demolish the existing Westside School once vacated and build new schools for St Martin's, Bishop Fitzgerald and Governor's Meadow on that site; and if so, what is the expected completion date and cost?

1580 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this Question together with Questions 499 and 500.

1585 **Acting Clerk:** Question 499. The Hon. Ms M D Hassan Nahon.

1590 **Hon. Ms M D Hassan Nahon:** In connection with the interim arrangements for Governor's Meadow and Bishop Fitzgerald Schools, has Government decided on how the logistics, ranging from lunch areas and pick-up and drop-off points, to the walking route, given the extended journey for many within the catchment area, will work?

**Acting Clerk:** Question 500. The Hon. Ms M D Hassan Nahon.

1595 **Hon. Ms M D Hassan Nahon:** With regard to Governor's Meadow and Bishop Fitzgerald Schools, is Government satisfied that it has engaged sufficiently with parents in connection with the new interim arrangements while the new school is built?

1600 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Hon. Dr J E Cortes:** Mr Speaker, in answer to Question 495, no, sir, St Martin's will be built on the area currently taken up by the Westside playing fields. Governor's Meadow and Bishop Fitzgerald will be built on their current sites.

1605 In relation to Question 499, the design process, which is underway, will take account of all of these considerations.

In answer to Question 500, this will of course happen as soon as it is appropriate.

1610 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may ask the hon. Gentleman ... Parents have reported that they feel that there is a lack of communication and they have actually been hearing about arrangements through the kids from the teachers. So, if I may ask the Hon. Minister, would he be willing to enhance communication methods with the parents to give them some comfort and information for future arrangements?

1615 **Hon. Dr J E Cortes:** Mr Speaker, not only would I be willing, as I have said, it is a part of the process, but it is just too soon for that. They will be consulted, as has been the case throughout. In fact, the St Martin's School, which is the one that is commencing imminently, there has been discussion with the parents and in fact parents were invited to the presentation which the Chief Minister and I gave in No. 6 a couple of weeks ago. So, at the appropriate time, absolutely they will be allowed to form part of the process.

1620

**Mr Speaker:** The Hon. Roy Clinton.

1625



**Hon. R M Clinton:** Thank you, Mr Speaker.

1630 I am grateful to the Minister for his answer. Could he perhaps elaborate on his answer as to what he has in his mind in terms of the planning and logistics for building the new Bishop Fitzgerald, Governor's Meadow and St Martin's? Is it the Government's intention to first have decanted Westside into a new comprehensive before building on the playing field or the sports ground at the back of Westside? And, is it also the Government's intention, where will they decant the pupils in Bishop Fitzgerald and Governor's Meadow while construction is occurring on that footprint?

1635 **Hon. Dr J E Cortes:** Mr Speaker, this was actually stated in our press call just a couple of weeks ago. (*Interjection*) It may not have been in the press release, Mr Speaker, but it was mentioned.

1640 The construction of St Martin's will be starting very soon and that will not be awaiting the decanting of Westside School. Arrangements will be made so that there will be no need to pass through Westside School as part of the construction process during school hours.

Bishop Fitzgerald and Governor's Meadow will be decanted into schools that are going to be vacated next summer with the building of new ones. The detail of which exactly is going where is being assessed with the headteachers, but that is the plan.

1645 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can he give the House a categorical assurance that there will be no use of portakabins for decanting?

**Hon. Dr J E Cortes:** Yes, sir.

**Mr Speaker:** Next question.

#### Q496/2018

#### Excluded and suspended students – Numbers in last 12 months

1650 **Acting Clerk:** Question 496. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many students have been excluded or suspended from our schools in the last 12 months?

1655 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1660 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, from September 2017 to December 2018 – the question came in September but I have been generous and added a couple of months more, so it is more than 12 months; it is from September last year to the current date, or as recently as we have been able to get the information – 37 students have been suspended or excluded from school, a total of 48 suspensions, given that some students have been excluded more than once.

1665

1670 **Hon. E J Phillips:** Mr Speaker, just to make a point, I am grateful for the hon. Gentleman giving us a further two months, given the fact that we have not had Questions since September.

1675 Although I take the point that the Chief Minister made, that the business as usual for Government should take place and PRs need to be issued, clearly the Chief Minister has used a mechanism within this Chamber to prevent us from asking further questions as from September by listing one of the Bills for First Reading, and therefore we have not been in a position to ask those further questions. I am grateful. I understand the difficulties that the Chief Minister has been in, in relation to the negotiations on Brexit, and that takes priority obviously, but we have been unable to continue asking questions during this period of time because of a mechanism that has been deployed to prevent us from doing so. But I am grateful that the Minister has seen some way to giving us further information related to the question.

1680

**Mr Speaker:** Next question.

1685 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the only mechanism that I think is relevant here is the Constitution, which provides that there shall be three meetings for questions in any calendar year, and two meetings for questions in any year where there might be an election. Given that hon. Members thought that there was going to be an election during the course of this year and have said so on a number of occasions and are on record as having estimated that that was going to be the case, they might have been surprised to see that we are not taking advantage of that part of the Constitution.

1690 The part of the Constitution that is relevant is that there should be three meetings for questions. I think this is the sixth meeting for questions that we have had this year, double the number set out in the Constitution, and indeed I believe double, if not almost double, the number of meetings that hon. Members held for questions when they were in government in all the time that they were in Government. So I am satisfied that we have not used any device, as  
1695 the hon. Gentleman suggests, to avoid them being able to carry out their constitutional functions or the right that they have to ask questions; but, as he rightly says, we have had to be engaged in respect of other matters, so if he accepts that, I would have thought he cannot then move himself into a position where he is purporting to make a complaint that we have not been able to proceed with questions. We are now dealing with the questions.

1700 It is true that in some instances the questions have been overtaken by events. We fully understand that. It is not our practice not to respect the covenant or the undertaking that we have all to this House not to pre-empt the answers to questions, but in this particular instance it has been impossible. Hon. Members would not have wanted us, I am sure, not to announce the new schools when we were about to get the process of construction, etc. going, simply because  
1705 we had a question pending from them, because I do not think that is either politically something that they would be able to defend or indeed something that, in their heart of hearts as Gibraltarians, they would have wished to see.

1710 So, in those circumstances, could I suggest, Mr Speaker, that we use the time available to ask and answer questions?

**Mr Speaker:** Next question.

1715 **Hon. E J Reyes:** Mr Speaker, may I try to ask the Minister – he may just happen to have the information. In respect of his answer to Question 496, where he referred to the suspension or exclusion of 37 students covering 48 separate instances, does he happen to know if all these are within the secondary schools sector or some are in the primary sector? I know we may be conscious of trying not to identify the pupils in particular, but at least by sector.

1720 **Hon. Dr J E Cortes:** Yes Mr Speaker, I am going from memory rather than from any figures that I have; I do not have the breakdown and will be happy to share it privately with the hon. Member. The majority are in the secondary sector, but I believe there are some that are in the primary sector and, I would have thought, the middle school sector. I would be happy to share that with him if he reminds me later.

1725 **Hon. E J Reyes:** Thank you, Mr Speaker, and I accept the Minister will share it with me privately as and when he can.

1730

**Q497/2018**  
**PGCE programmes –**  
**Number of students in United Kingdom**

**Acting Clerk:** Question 497. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many students are currently pursuing PGCE programmes in the United Kingdom?

1735

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, we currently have 27 students pursuing PGCE programmes in the United Kingdom.

1740

**Hon. E J Phillips:** Mr Speaker, one of the reasons why I have brought this question is that from the numbers of student teachers that have approached us it would appear that we would tend to have an oversupply of our students going to study for these further professional examinations. What plans does the Government have to attempt to ensure that the people that we have sent out and the people who are studying these particular courses have a job when they return home?

1745

**Hon. Dr J E Cortes:** Mr Speaker, we –

1750

**Mr Speaker:** May I suggest that the Hon. Minister may answer this particular supplementary after the next question, because the matter is related?

**Hon. Dr J E Cortes:** If that is all right with –

1755

**Mr Speaker:** Next question.

**Q498/2018**  
**Teaching supply list –**  
**Number of teachers on list**

**Acting Clerk:** Question 498. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many teachers are on the supply list?

1760

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

1765 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there are 118 teachers on the supply list and I am happy to go straight into that supplementary.

I suppose you could say the same of any profession. We have students out there – dare I mention lawyers – who then come back and they cannot be guaranteed a job, but the  
1770 Government policy for decades has been that we support young people following the career of their choice, whether or not we can then offer them a job. Actually, of the 118 teachers on the supply list, many of them are called in very regularly, particularly... obviously when there are vacancies that, as you can see, we are making efforts to fill on a regular basis ... Also maternity leave. Many teachers are young women, who obviously have children at this time in their career.  
1775 So, a lot of them are used on a fairly regular basis, but it is something that goes with any profession if you are going to support students who want to further their career in their chosen path and not have any limitations, and it has not been the policy of this Government now, or previous Governments, to curtail that.

1780 **Hon. E J Phillips:** Whilst I agree entirely with what the Chief Minister says in relation to allowing choice for every one of our students to take a subject that is in their interest and in the interest of our community as young ambassadors going out to university and studying specific courses, would the Minister agree though that we should sort of, undertake advanced career management and planning and also manage our students' expectations of a job properly?  
1785 Because if we do have an oversupply, or many of our students are going out to do a particular course – say in teaching and we have an oversupply and very few jobs to fill in respect of teaching – don't you think we should be managing those expectations more appropriately and preparing them for future careers and advanced career management?

1790 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, that is already done, but I think in particular we should also make clear to the hon. Members opposite that although there is going to be an election next year I do not anticipate there being any vacancies for Government.

1795 **Hon. Dr J E Cortes:** Mr Speaker, if I may just confirm, at the time of a student going to the Department of Education to discuss their scholarship and so on, they are given this advice. Certainly some students will come to me and I always tell them that they cannot have an expectation, but I always encourage them to follow the career of their choice because things do usually tend to work out. This kind of advice is already provided and we are hoping to enhance that even further in the future.

1800 **Mr Speaker:** Yes. The Hon. Daniel Feetham.

1805 **Hon. D A Feetham:** Mr Speaker, in relation to the 118 teachers on the supply list, does the Minister have the statistics as to how many of those have been working as supply teachers for more than 12 months?

**Hon. Dr J E Cortes:** No, Mr Speaker, I do not have that information. It is not a part of the Question.

1810 In many cases, or in some cases at least, somebody may be covering one person's maternity leave and then another one goes and it moves over, but I do not have that kind of information here; I would have to request it.

1815 **Hon. D A Feetham:** Does the Hon. Minister have this information: how many of those 118 are actually covering a vacancy, for example? The Hon. Minister mentioned vacancies in his previous answer?

1820 **Hon. Dr J E Cortes:** Mr Speaker, it cannot be more than the number that I gave in answer to Question 484, which listed the vacancies. So it is not more than 15 or 20 and the vacancies are regularly being filled. In fact, there are some posts that have been announced this week, some that are due to be announced shortly, and more vacancies have actually been advertised this week – which, if I may, Mr Speaker, is one of the reasons why this press release had to go at the time. The vacancies were being held back because this equalisation meant that the pay was changing and, therefore, the pool of interested teachers would have been interested in knowing what the new pay grade was going to be, and therefore, in order not to delay this further we had to make an announcement so the advert could go out.

1825 The vacancies are being filled regularly, I am happy to say, and so it will not be more than that number. I think that other absences like long-term sickness or maternity are two of the major reasons that one would find for the use of supplies.

1830 **Hon. Ms M D Hassan Nahon:** Mr Speaker, could I ask the Hon. Minister how it is that six or seven years ago when the Government came into administration they proudly wiped off the supply list with the 40-odd or 50-odd and now we see ourselves with triple that amount? How does this discrepancy pan out?

1835 **Hon. Dr J E Cortes:** Mr Speaker, it is very different. The others were permanent supplies taking up posts, or posts that had cropped up and were being filled without any regularisation. This is different. This is covering for absences, so it is a very different situation.

**Mr Speaker:** Next question.

**Q501/2018**  
**The Mount –**  
**Listing under Heritage and Antiquities Act**

1840 **Acting Clerk:** Question 501. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if it intends to list the Mount buildings under the Heritage and Antiquities Act; and if not, why not?

1845 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1850 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Mount is one of the sites that will be assessed by the new Heritage and Antiquities Advisory Council, which will then make recommendations to me as to whether they consider that it should be added to the schedule.

1855 **Hon. R M Clinton:** Mr Speaker, the Minister will recall having attended the Heritage Trust AGM recently and he did intimate he would be making an announcement shortly in relation to the Mount. Can he give this House some indication as to what would have been the nature of that announcement? Is that in terms of the sale of the Mount or the use of the Mount; or is it in fact, as he just mentioned, some deliberation as to whether it should be listed?

**Hon. Dr J E Cortes:** Mr Speaker, it is in relation to a number of issues but we are not yet ready to make that Statement.

1860

**Hon. R M Clinton:** Mr Speaker, can the Minister give any kind of assurance to the House today that there is no intention to demolish any of the buildings on the Mount?

1865

**Hon. Dr J E Cortes:** Yes, sir. I have to qualify that, because there may be some buildings in the Mount which are old, ramshackle and not part of the historical building. There is, for example, an old electricity substation which may at one stage be demolished. My confirmation does not extend to that sort of thing.

1870

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer and I appreciate he may not have the answer to this question, but has the Mount, to his knowledge, been sold or is it in the process of being sold?

**Hon. Dr J E Cortes:** No, sir. *(Interjections)*

1875

**Chief Minister (Hon. F R Picardo):** I am quite happy to speak on behalf of the whole Government – I think once again, Mr Speaker, because I think we have been asked this before – to say that the Mount has not been sold. But I recommend to the hon. Gentlemen that he put the question every six months – or every month, if he likes, and we can give him the answer every month.

1880

**Mr Speaker:** Next question.

**Hon. R M Clinton:** No, Mr Speaker, if I may –

1885

**Mr Speaker:** I do not want any unnecessary controversy. We move on.

**Q502/2018  
Governor's Parade –  
Refurbishment**

**Acting Clerk:** Question 502. The Hon. L F Llamas.

1890

**Hon. L F Llamas:** Mr Speaker, when does the Government envisage refurbishing Governor's Parade?

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

1895

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, plans are being considered.

1900

**Hon. L F Llamas:** Mr Speaker, whilst plans are being considered, would the Hon. Minister take note and perhaps implement some sort of maintenance programme, because it is looking rather poor at the moment and shoddy? Whilst plans are considered – and years and months may pass – the place is looking rather grim, so could the Minister assure us whether they would implement some sort of maintenance programme in the area?

**Hon. Dr J E Cortes:** Yes, Mr Speaker. I am reminded that it is looking a lot better than when it had a big hole next to it. At least you can look across at the beautiful trees in the park.

1905 The reason why we are seriously considering plans to improve the area is precisely because we realise that the area needs improving, and it will be improved when we are ready to do so.

**Mr Speaker:** Next question.

1910

**Q503/2018**

**New Harbours industrial estate –  
Agreement re solar panels**

**Acting Clerk:** Question 503. The Hon. L F Llamas.

1915 **Hon. L F Llamas:** Mr Speaker, can the Government provide a copy of the agreement entered into for the installation of solar panels on the roof of New Harbours industrial estate?

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

1920 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there is a power purchase agreement in place with regard to the installation of solar panels on the roof of New Harbours industrial estate. This is the standard template which is being used in all renewable projects. It is commercially sensitive, Mr Speaker, and therefore a copy cannot be provided.

1925

1930 **Hon. L F Llamas:** Mr Speaker, given that the Government allowed this commercial project to happen without a proper tender process or a fair and transparent process whereby other providers could have provided the Government with equal or at least a competitive bid, why has this now become a, sort of, commercially sensitive agreement whereby the Opposition and the community are not able to scrutinise the details that the Government has entered into – and now the Government, in September, have actually gone out for tender for different projects, which are similar and perhaps even actually smaller than this one?

1935 **Hon. Dr J E Cortes:** Mr Speaker, this particular project dates back quite a number of years. It was at a time when this Government, for the first time in decades, there was a Government here seriously looking at renewable energy – or looking at renewable energy at all – and a number of different parties came forward making proposals. They were all spoken to and they were all entertained and this is the only one that was able to deliver. Therefore, it was not that there was any preference given to that; this was the only one that was able to deliver. Precisely in order to encourage others and more at this time when people were seeing that this was actually happening and there was more interest being generated, we have gone out and we are now considering a number of different companies to be able to carry on our solar projects for the future.

1945 **Mr Speaker:** Next question.

**Q504/2018**

**Third-party puppy and kitten sales –  
Intention to ban**

**Acting Clerk:** Question 504. The Hon. D A Feetham.

1950 **Hon. D A Feetham:** Mr Speaker, does the Government intend to consider the banning of third-party puppy and kitten sales in Gibraltar, as is proposed in the UK following the Lucy's Law campaign?

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

1955 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, yes, sir.

1960 **Hon. D A Feetham:** Mr Speaker, will the Government, as part of legislating in this area, also consider imposing an extra territorial ban on the importation of puppies and kittens from effectively puppy farms in Spain? Because of course, here in Gibraltar we do not have any puppy farms; we had one pet shop, but really the problem is going to be importation from Spain.

1965 **Hon. Dr J E Cortes:** Yes, Mr Speaker, this is why I say we are considering it. We are looking at how we can apply the principles of Lucy's Law in Gibraltar, where we do not have these commercial institutions. So this is being drafted into the Pet Animals Act and the hon. Member will be able to see that draft very soon, and I would be very happy to share it with him in advance of publication given his interest in the matter.

1970 **Hon. D A Feetham:** Mr Speaker, I am very grateful to the hon. Gentleman; and indeed if the hon. Gentleman thinks that it might be useful to him, if he can send me the legislation on ivory and also the importation of trophies from animals, I will give him my views in advance.  
Thank you very much.

**Q505-6 and Q515-16/2018**

**Dogs –  
Numbers registered; DNA testing re fouling**

**Acting Clerk:** Question 505. The Hon. D A Feetham.

1975 **Hon. D A Feetham:** Mr Speaker, can this Government please state how many dogs were registered in Gibraltar under the Animals and Birds Rules 2004 as at the end of 2008, 2012 and 2017; or, if those statistics are not available, please provide any reliable statistics to show the increases or decreases in the number of dogs lawfully in Gibraltar over the last 10 years?

1980 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 506, 515 and 516.

1985 **Acting Clerk:** Question 506. The Hon. D A Feetham.



**Hon. D A Feetham:** Mr Speaker, in relation to any convictions and/or fines for dog fouling, how many have resulted from the Government's DNA testing initiative?

**Acting Clerk:** Question 515. The Hon. D A Feetham on behalf of the Hon. T N Hammond.

1990

**Hon. D A Feetham:** Mr Speaker, how many DNA samples of dog faeces have been tested since 1st January 2018 and how many fines have resulted from that testing?

**Acting Clerk:** Question 516. The Hon. D A Feetham.

1995

**Hon. D A Feetham:** Mr Speaker, how many checks for unregistered dogs have been made since 1st January 2018 and how many fines have been issued?

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

2000

**Hon. Dr J E Cortes:** Mr Speaker, the schedule I now hand over lists the number of registered dogs under the Animals and Birds Rules.

**Answer to Q505/2018**

Number of registered dogs:

YEAR	Number of Dogs
2008	1569 Dogs
2012	1665 Dogs
2017	3012 Dogs

**Hon. Dr J E Cortes:** In relation to Question 506, all of these have resulted from the Government's DNA testing initiative.

2005

At the time of drafting the question – this is probably a couple of months old; this is one of the ones I do not think has been updated to the current date – 146 samples have been taken and have been sent for analysis. As a result of the DNA testing, eight fixed penalty notices have been issued, five have been paid and three are pending court proceedings.

2010

Since 1st January 2018, 220 dog owners have been checked. Four fines have been placed by the Environmental Protection and Research Unit for non-registration of dogs.

**Mr Speaker:** Supplementary, the Hon. Daniel Feetham.

2015

**Hon. D A Feetham:** In answer to a question that I lodged and my learned Friend the Leader of the Opposition, Mr Phillips, asked earlier on – how many convictions or fines had there been for dog fouling in each of the last 10 years – for 2016-17 there were two, and for 2017-18 there were nil. That is the answer that was provided by Minister Costa.

2020

As I understand it now, the answer to the question that has been posed to the Hon. Minister is that 146 samples had been sent for analysis and eight fixed penalty notices had been issued. I do not understand what the discrepancy – it may not be a discrepancy – between the two answers is. Can he just explain that for our purposes, please?

2025

**Hon. Dr J E Cortes:** Yes, Mr Speaker, fixed penalty notices are issued there on the spot or sent by post and would not have gone through the courts and therefore they would not appear in my hon. Friend's statistics. They would not have been the subject of court proceedings because they would have been settled, except for three which were pending at the time and, not knowing

2030 exactly whether we are talking about the same timeframe, these three may or may not have been captured in my hon. Friend's reply. But the fixed penalty notices are different if they have been paid; if they have not been paid, then that would trigger off the court proceedings.

2035 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, can I just add that fixed penalty notices are not convictions and therefore one thing is an answer in relation to convictions, another thing is an answer in relation to fixed penalty notices. They are, as the Hon. Minister has said, different things. Fixed penalty notices are not convictions. It is not just a different procedure and therefore differently recorded; fixed penalty notices are not convictions.

2040 **Hon. D A Feetham:** Yes, it is not controversial, but the question that I asked of Minister Costa was how many convictions *or fines* had been issued. A fine – (*Interjection*) Of course, a fine can be issued pursuant to a fixed penalty notice. You choose to pay the fine and therefore the process does not go any further.

2045 **Hon. N F Costa:** A fixed penalty notice is different to a fine.

**Hon. D A Feetham:** My understanding is a fixed penalty notice gives rise to a fine.

**Hon. N F Costa:** No. It is an administrative penalty.

2050 **Hon. G H Licudi:** Mr Speaker, a fine generally arises from a conviction. A fixed penalty notice is not a conviction and therefore not a fine; it is just a fixed penalty notice, as defined by law.

**Hon. D A Feetham:** We are, with respect –

2055 **Mr Speaker:** May I suggest that the legal practitioners should suspend these discussions for another time outside this Chamber.

**Chief Minister (Hon. F R Picardo):** Hear, hear.

2060 **Hon. N F Costa:** And the best in Chairman in history, Mr Speaker.

**Hon. D A Feetham:** Indeed, Mr Speaker, because we are really splitting hairs in relation to this.

2065 Of the eight fixed penalty notices, those eight have been this year – or were they in 2017? Does he have a split in relation to those eight, at all?

**Hon. Dr J E Cortes:** Mr Speaker, Question 515 actually defines the answer to that supplementary because it asks 'since 1st January 2018'. So therefore yes, this year.

2070 **Mr Speaker:** Any other supplementary? Okay, we then go to –

**Hon. D A Feetham:** No, Mr Speaker, please. (**Mr Speaker:** Yes.) I have been asking questions on my own behalf and on behalf of Mr Hammond. (**Mr Speaker:** I know.) My questions are phrased slightly differently from Mr Hammond's.

2075 In terms of the number of dogs, in 2008 there were 1,569 dogs legally registered in Gibraltar; While in 2017 there were 3,012 dogs registered in Gibraltar, so that is almost double the number of dogs. Does he have any kind of explanation for what is a very significant increase in the number of dogs in Gibraltar?

2080 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I do not think this is reflecting an increase in the number  
of dogs; I think it is reflecting an increase in the number of dogs that actually are getting  
registered. When we introduced new legislation requiring them to be microchipped and DNA  
2085 and tested, there was a big response from dog owners wanting to comply with the law. Obviously we  
also increased the fine for non-registration to £1,000 and clearly this has had the desired effect  
and therefore we have seen an increase in dogs being registered, rather than in the number of  
dogs in Gibraltar. That is what my team advise me and I actually believe that is correct.

**Hon. D A Feetham:** Well, I have to say, as a dog owner myself, as an owner of four dogs,  
obviously I am ... But I am not the worst culprit on this side of the House, I can tell you – there  
2090 are people who own more than four dogs.

One of the comments that is often made to me about the state of our streets, for example,  
and dog fouling, is 'Well, because there are far more dogs today than there were 10 years ago.'  
That is the reason why I asked this, because I wanted to see whether that was correct or it was  
not correct. So what the Hon. Minister is saying is effectively if there is an increase in dog fouling  
2095 and our streets are worse because of fouling by dogs, this has nothing to do really with the  
number of dogs; this has got to do with habits by the owners of dogs, and indeed potentially  
also it has to follow with the way that our streets are cleaned by whoever it is that is tasked with  
cleaning our streets.

2100 **Hon. Dr J E Cortes:** Mr Speaker, the dog fouling in the streets is the responsibility of the dog  
owners and therefore, if they do not clean up, this would ... If there were an increase it would be  
a reflection of the number of irresponsible dog owners or the number of times an irresponsible  
dog owner takes their dog for a walk. You cannot have any convincing statistics on this, but I do  
not agree that dog fouling is worse. Any dog fouling is more dog fouling than any of us would  
2105 want to see, but I am told by those who enforce the law that it has got more difficult to find dog  
fouling in certain areas which have been targeted. We have still got a lot of work to do, but I  
think that slowly we are beginning to win the battle.

**Hon. D A Feetham:** Well, thank you very much and that is a very helpful answer, as  
2110 somebody who owns dogs and who does not want dogs to be used as a scapegoat for the state  
of our streets. So, that is very welcome, certainly to my ears.

Mr Speaker, when I asked the supplementary about the eight fixed penalty notices and I was  
told to refer back to Mr Hammond's question – Mr Hammond's question was 1st January 2018,  
as from that date – my own question related to any convictions and/or fines for dog fouling and  
2115 how many have resulted from the Government's DNA testing initiative. That was my question. It  
was not time limited at all. Does he have any statistics pre 1st January 2018 in terms of fixed  
penalty notices? Let's put it that way to avoid any further controversy. Does he have any  
statistics of that pre 1st January 2018?

2120 **Hon. Dr J E Cortes:** Not here, Mr Speaker.

**Mr Speaker:** The House will now recess until four this afternoon.

*The House recessed at 12.50 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 4.05 p.m. – 7.12 p.m.**

**Gibraltar, Thursday, 20th December 2018**

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# The Gibraltar Parliament

*The Parliament met at 4.05 p.m.*

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

[ACTING CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

## **Standing Order 7(1) suspended to proceed with Government Statement**

**Mr Speaker:** The Hon. the Chief Minister.

5 **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 a Government Statement.

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

## **State Aid Decision, No-deal planning and Joint sovereignty – Statement by the Chief Minister**

**Mr Speaker:** The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, there are three European matters I would like to address in this Statement to the House. The first will be the State Aid Decision of yesterday; also, aspects of no-deal planning; and finally, some repeated remarks I hear in the Spanish political system about matters relating to joint sovereignty in the context of our departure from the European Union.

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Turning first to the issue of state aid, a press release was issued by the European Commission yesterday announcing that it had adopted a final Decision closing its state aid investigation into Gibraltar's Income Tax Act 2010. It is an important Decision in that it concludes an investigation, that has lasted over six years, into the entirety of our corporate tax system, and I wish to give the House some element of background in respect of this matter.

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The Income Tax Act 2010 was presented to the Parliament by the former administration. It entered into force on 1st January 2011. The former administration decided not to notify this new measure to the EU Commission at the time that it was adopted. Six months after coming into office, on 1st June 2012, I was informed that the Spanish government had filed a complaint with the European Commission claiming that the Income Tax Act 2010 as a whole constituted unlawful state aid. In particular, the Spanish government considered that the aim of the Income Tax Act 2010 was to maintain what it called the 'offshore tax regime' that the Gibraltar Government had put an end to when it abolished the legislation on exempt and qualifying companies. The Spanish government was also using this complaint to revive the spectre of their

30 earlier complaints on regional selectivity. Hon. Members will recall earlier cases before DG competition on regional and material selectivity.

After examining the numerous allegations made by Spain and after hearing extensive submissions from the Her Majesty's Government of Gibraltar, on 16th October 2013 the Commission opened a formal investigation. However, it did so only in relation to two discreet  
35 aspects of the Income Tax Act 2010, namely, a tax exemption given to certain interest and royalty income. The Commission's concerns with respect to these two matters were addressed, on a without prejudice basis, by the Gibraltar Government through amendments made to the Income Tax Act back in July 2013, then dealing with interest, and in January 2014 dealing with royalty payments.

40 In parallel to the above, the European Commission also asked questions on the practice of tax rulings by the then Income Tax Office in Gibraltar. In the view of Her Majesty's Government of Gibraltar, the Commission's questions were mistakenly influenced by the inquiries it was making into certain tax rulings given in other European tax jurisdictions in wholly different cases concerning individual companies. Hon. Members will remember the publicity given to cases  
45 involving companies such as Starbucks, Apple and Microsoft and the Commission's subsequent policy to investigate the practice of tax rulings throughout the whole of the European Union.

Notwithstanding the Gibraltar Government's submissions, on 1st October 2014 the Commission decided to extend its investigation to the practice of tax rulings by the Income Tax Office in Gibraltar. The decision was taken by the Spanish Commissioner, Sr Almunia, who at that  
50 time was responsible for state aid whilst discussions regarding a large number of tax rulings were still ongoing. Sr Almunia had, in other cases, been suspected of national partiality, I think it is fair to say. He took the decision to commence the investigation in haste, just weeks before the end of his term as Competition Commissioner. The decision contained a number of palpable errors. In fact, Mr Speaker, I feel I should inform the House today that the information reaching  
55 the Government of Gibraltar at the time was that Sr Almunia had been persuaded that there was no good reason to pursue the investigation, but he nonetheless took the formal decision to commence the investigation. The decision, as I say, contained a number of palpable errors. It triggered a series of events, including direct communications between myself and the then new President of the European Commission and the then new Competition Commissioner,  
60 Mme Vestager. Those errors were, to a large extent, acknowledged by the Commission.

Hon. Members will see that this explains why the decision into opening an investigation into the practice of tax rulings in Gibraltar was not published until 7th October 2016 – that is to say almost two years after it had been taken. It was immediately challenged by my Government before the General Court of the European Union and that case is currently still pending.

65 At the same time as bringing the legal challenge, we remained fully engaged with the Commission in its investigation of the tax rulings practices in Gibraltar. During that time, extensive exchanges have taken place and numerous meetings have been attended to by the Gibraltar team in Brussels. I have attended some of the higher-level meetings on this subject myself. In that process, we have been able to persuade the Commission that there was no  
70 systematic problem with the practice of tax rulings in Gibraltar, as the Commission had been led to believe that there was. We have also demonstrated that, in its tax rulings, the Income Tax Office simply provided an expression of the law applicable to a particular case and based on the facts submitted to it.

It is vitally important that the House should bear in mind that in yesterday's Decision the Commission has accepted Gibraltar's arguments that the tax ruling practice, as a whole, under  
75 the Income Tax Act 2010 does *not* constitute State Aid.

I would like to thank and congratulate the excellent team at the Income Tax Office, past and present, for this finding. They have come under severe criticism and suspicion by the European Commission that they simply did not apply rigour or seriousness to how they went about  
80 performing their important functions. Nothing could have been further from the truth, as is now established beyond any reasonable dispute.

Mr Frank Carreras, in particular, when he was Commissioner of Income Tax, was subjected to severe and unjustified and unfair cross-examination by the Commission on more than one occasion. He has come out of this process with flying colours and with his reputation vindicated and enhanced, Mr Speaker. (*Banging on desks*)

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I would also like to thank the current Commissioner, John Lester, who joins me in the House today, and Terence Rocca, Crown Counsel at the Income Tax Office, also in the House today, for the tremendous work they have done in producing the material that was necessary to dispel the wholly unjustified suspicion that there was a systematic non-compliance of the law by the Income Tax Office in Gibraltar.

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In the discussions with the Commission, the Government has agreed to introduce legislation regulating the practice on tax rulings in order to place it on a legislative footing, as well as providing some guidance notes in respect of those rulings. Those notes include references on the interpretation of the territorial principle of taxation. These were published by Her Majesty's Government of Gibraltar in October 2018. Isaac Levy of Hassans International Law Firm, of which I declare I am a partner on a sabbatical, was a key part of the Government team also. He is the practitioner instructed to draft the regulations on tax rulings and all the guidance notes and he joins me in Parliament today.

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The Government's approach has been fully vindicated in yesterday's Decision, which allows us to continue with the practice of tax rulings even whilst we remain members of the European Union. Furthermore, of the 165 rulings that the Commission has been investigating it has found errors only in relation to five of them, all of which concern transactions involving Dutch Ltd partnerships, which have also been controversial in other EU jurisdictions. None of the five in Gibraltar present any serious problems or issues. I think it is worth setting out that this represents just 3% of the rulings initially concerned; or to put it another way, the fact is that the Commission investigation instigated by Commissioner Almunia was found to be groundless in 97% of the cases it investigated.

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Last night I was provided with a copy of the Commission Decision to be adopted. As a party to the Decision, we are currently examining it in relation to matters relating to confidentiality or for manifest errors before confirming to the Commission that we agree to its publication. It is quite a detailed Decision, which will be made public shortly.

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There are other important findings in the Commission's reasoning for the Decision which we have been able to make submissions on during the time that the investigation has been open. Most importantly, the Commission has vigorously rejected Spain's attempt to reopen the regional selectivity issue and has found that Gibraltar, and Gibraltar alone, constitutes the reference framework for analysing any tax measure adopted by the Gibraltar Government. This is of great value and importance. It would, of course, have set us up magnificently well for operations in the European Single Market. The result of the 2016 referendum, however, will now likely see us leave membership of the Single Market in 99 days' time, on 29th March next year. If there is a Withdrawal Agreement, we may enjoy access for another two years, although I note that Members not opposite do not see any value to the Withdrawal Agreement.

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Returning to the Decision, Mr Speaker, the Commission also recalls that Gibraltar has full internal self-governance, in particular with respect to tax matters.

In the forthcoming days I will be examining with the team the order for recovery made by the Commission. Our first reaction on initial reading is that the Commission has greatly exaggerated the level of the recovery and that the order is nowhere near as high as the Commission's press release indicates.

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I am therefore absolutely delighted by yesterday's ruling. Although it is termed a negative Decision, it is in effect a minor Decision in the context of what is negative for Gibraltar whilst at the same time it vindicates our view that there is nothing fundamentally unlawful or wrong with our Income Tax Act 2010. Indeed, considering that the entirety of the Act was under examination by the European Commission, the result of the investigation, which in total has

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taken over six years, is a remarkable success for Gibraltar and a massive blow for all those who seek to denigrate Gibraltar as a tax jurisdiction.

135 The propaganda war against us will, no doubt, not end here; but every time that we are challenged in future we will, as a jurisdiction, be able to point to this seminal important Decision. We will be able to point to the fact that our Income Tax Act has survived challenge on the grounds of state aid. We will be able to point to the fact that 97% of the rulings investigated by the Commission survived full and detailed inquiry. I doubt we will hear much of that excellent  
140 record in the propaganda war.

The entire investigation has required us to only make minor amendments to the Act, on interest and royalties, and to place on a legislative footing the practice of tax rulings in Gibraltar. The net result of this investigation is that the Income Tax Act now enjoys a full, clean bill of health from the Commission. This is great, great news indeed. In fact, Mr Speaker, whether we  
145 are in the EU or out of the EU, this is an important feather in our cap as a jurisdiction.

In the forthcoming days, I will be studying further the Decision with the team and shall make any further announcements that may emerge from that analysis. In particular, we will consider whether we should now withdraw the pending court case.

For many years Gibraltar's tax system has been a constant subject of examination by the European Commission, whether under state aid rules or by the Code of Conduct Group on  
150 Business Taxation. On each occasion, these investigations have been at the suit of the government of the Kingdom of Spain. Even though we may now be leaving the European Union, it is with a measure of great satisfaction that we will be doing so with a corporate tax regime that has been found to be fully compliant with EU rules. I have no doubt that this will stand us in  
155 good stead, whatever the future may bring.

During all these years of investigation and court cases, which have spanned close to 18 years and covered both my administration and the previous administration, the Gibraltar negotiating and legal team has been led by the Government's Chief Legal Adviser and now Attorney General, Michael Llamas QC. I would like to express my sincerest thanks and gratitude to him for all his  
160 work and commitment to this matter on behalf of my Government and the former administration also. Mr Llamas's legal skills have thwarted the underlying Spanish complainants or objectors in all fields where they have sought to damage Gibraltar: from voting in European parliamentary elections to admission in UEFA and FIFA, from the Code Group to the European Commission and from the European Court of Human Rights in Strasbourg to the Court of Justice  
165 of the European Union, Michael Llamas has been the legal scourge of those who unfairly seek to taint our nation's practices in every field. **(Several Members: Hear, hear.) (Banging on desks)** And so, Mr Speaker, as we prepare to leave the European Union, with the further challenges that this will likely entail, Gibraltar could have no better senior law officer, no better Attorney General.

170 During all this time, he has been ably flanked by two leading practitioners in this field, Mr Asger Petersen and Mr John Temple Lang. These two gentlemen are one Danish and the other Irish. Both have long worked alongside Michael Llamas during his time in Brussels, and although neither is a Gibraltarian they have done an absolutely excellent job in defending Gibraltar. Although they are unknown to almost everyone in Gibraltar, I would like to express my  
175 deep gratitude to both of them on behalf of the Government and on behalf of the people of Gibraltar.

And for some years now, the team has also been composed of the Financial Secretary, Mr Albert Mena, who has brought his financial and fiscal expertise to the team and to whom I also extend my sincerest thanks and gratitude. He has spent many hours supporting the  
180 Attorney General in respect of this matter and has been a hugely important part of the team that has delivered this result for Gibraltar. *(Banging on desks)* I brought them here, Mr Speaker, on the basis that they needed to help me to answer questions, not because they thought they were going to be thanked and embarrassed with banging on the table. *(Laughter)*

185 Mr Speaker, the second matter I would like to address is the Communication published yesterday by the European Commission on its Contingency Action Plan ahead of a no-deal Brexit. This is Commission Communication 890/2018. In that Communication the Commission states:

By virtue of Article 355(3) of the Treaty on the functioning of the European Union TFEU and to the extent provided for in the 1972 Act of Accession of the United Kingdom to the European Communities, Union law applies to Gibraltar as a European territory for whose external relations a Member State is responsible. Article 355(3) TFEU will no longer apply to Gibraltar when the United Kingdom is no longer a Member State. As a consequence, contingency measures will not apply to Gibraltar.

190 Mr Speaker, that statement has not taken me or anyone in the Government's Brexit team by surprise, as you can imagine. In fact, it has served to strengthen my conviction that, in the context of the United Kingdom leaving the European Union, the best and safest outcome for Gibraltar in the Brexit negotiations is that the Withdrawal Agreement is approved by the House of Commons and the European Parliament. That is how Gibraltar's interests will be best safeguarded, because the statement made by the Commission in the Communication yesterday gives us a good taste of the prospect of what may lie ahead for us in a no-deal scenario.

195 In that context I also want to clearly reflect that our position is that the Memoranda of Understanding that have been agreed by us with Spain are agreed in the context of the existence of the Withdrawal Agreement. They are agreements designed to implement commitments set out in the Protocol on Gibraltar in the Withdrawal Agreement. Without a Withdrawal Agreement there is no Protocol on Gibraltar. Without a Protocol on Gibraltar, there are no effective memoranda hanging off it.

200 But that is not to say that in a no-deal context we would not wish to consider with Spanish colleagues how to adapt arrangements to ensure we work to soften the blow of no deal for our respective citizens and continue to seek co-operation on the terms of the MoUs in those important policy areas. We will start consideration of such matters in early January in meetings in London with UK and Spanish colleagues. But we do not consider that it is accurate to say that the MoUs can automatically be considered to be in effect if there is no withdrawal agreement. The opposite is our legal view.

205 Now, as we are 99 days short of leaving the European Union, let us be clear, Mr Speaker: the position of Her Majesty's Government of Gibraltar is that the best course for Gibraltar is to remain in the European Union. I have detected attempts by not Members opposite to suggest that we prefer the Withdrawal Agreement to remaining in the EU. Utter nonsense, Mr Speaker. Our preferred course is for this Brexit nightmare to end. The best way to end it is for the Article 50 notice to be revoked, as the Court of Justice of the European Union has now agreed is possible at any time before 29th March. An alternative might be a new referendum in the United Kingdom, as I set out in July 2016.

215 Hon. Members will have different assessments of the likelihood of any of those eventualities becoming a reality. The fact, however, is that if we are leaving on 29th March, then there is enormous value in leaving on the basis of an agreement for that purpose. The notice from the European Union yesterday shows the types of issues we may face with the remaining 27 if we leave without a deal. And therefore, when I am criticised by some not opposite, who with compulsive blindness still do not appear to understand the importance of my Government's achievements in ensuring that Gibraltar forms part of the Withdrawal Agreement and the transition period, I tell them to look at statements of the type issued yesterday by the EU Commission and I take it as an indicator of what may well lie ahead of us and what we can avoid with the agreement we have ensured will apply to Gibraltar if it is brought into effect.

225 I have already made my position clear on the various scenarios that may emerge with Brexit in the next 99 days and I will not repeat them now. In any event, as you know, the Deputy Chief Minister and I returned from London yesterday, from meetings precisely on contingency planning. The people of Gibraltar should be in no doubt that we are keeping every eventuality in mind and planning for each one of them. We are also now ramping up implementation for a no-

230 deal scenario. We will be ready for the morning of 30th March, but we will unashamedly look  
out for the interests of our citizens and residents above all else in such circumstances and those  
who might think it wise or clever to seek to exclude Gibraltar from some EU mitigation measures  
in the event of a no-deal Brexit need to know one thing: a careful analysis will actually show that  
235 the Gibraltarians and the residents of Gibraltar will not be the ones to be most affected by such  
steps. Additionally, a hugely important measure in respect of freedom of movement has been  
stated by the EU Commission to be applicable to Gibraltar residents, namely the freedom to  
access the Schengen Area without a visa.

Mr Speaker, I have designated the Deputy Chief Minister to deal with all logistical aspects of a  
potential no-deal exit from the EU. I have no doubt that his cool and calm efficiency will assist  
240 me in harnessing all the power of the Civil Service and the public sector for the challenges to  
come.

We should also not lose sight of the fact that we are now able to boast of two things which  
can provide security for our people as we move into the festive season. The first is that we are  
able to boast about our arrangements with the UK in order to see continued access to the UK  
245 market in financial services, gaming, etc. The value of this cannot be underestimated. Matters  
also relating to education, health, etc., which are going to become bilateral between Gibraltar  
and the UK but which have until now been underpinned by EU rules, are going to continue  
seamlessly also as a result of the work we have done with colleagues in the United Kingdom.  
This is of huge value and only some individuals not opposite have seen fit to try to denigrate the  
250 value of that. Indeed, I fully expect that the temporal period of those arrangements will, in any  
event, be open to extension beyond 2020, if necessary.

The second matter of great value, which some not opposite have chosen to denigrate, is the  
Gibraltar parts of the Withdrawal Agreement presented by the Prime Minister and agreed with  
the EU. Slowly I think it will dawn on many that if we are to leave – which we do not want to  
255 do – it is better to leave on the basis of the Agreement and not without it, and what should not  
be allowed to fly is the ‘unicorn’ that we should be directing our energies to trying to bring  
about remaining in the European Union at this stage. If there is a further referendum, we will  
back remain. If there is no deal after the UK Parliament votes on Mrs May’s deal, we will back a  
recision of the Article 50 notification before an extension. But we have a duty as a reasonable  
260 and a responsible Government to be ready for eventualities. We do not have the freedom to be  
irresponsible and simply ignore reality. We have to work on the basis of the realities that are  
before us and which we are dealing with in our relationship with the UK government, and we  
have to work on the basis of the work that has already been carefully done – the heat maps and  
the understanding of the matters that will arise in a no-deal scenario. In that way, with great  
265 effort and energy, we will ensure that, if necessary, we will be ready on the morning of  
30th March to welcome a dawn that will rise as optimistic and positive for our people as the  
morning of 1st January 1973. Let no one think that preparing for a no-deal Brexit will be easy or  
comfortable, but prepare we will and prepared we will be for that morning of our new future as  
a people.

270 Additionally, Mr Speaker, I must also, I feel, address directly the question of the motion of  
the Spanish Senate urging the government of the Kingdom of Spain to put the issue of joint  
sovereignty to the United Kingdom now.

I think it is important that we put on record the unanimous position of the people, Parliament  
and Government of Gibraltar, first of all, that it is nonsense to suggest that matters relating to  
275 the sovereignty of Gibraltar should be raised with the United Kingdom, given the clear and  
unequivocal position of the UK in respect of the double lock – and the people, Parliament and  
Government of Gibraltar are not going to unlock the double lock.

But secondly, and more seriously, Mr Speaker, I think it is important that we should send a  
clear and unequivocal message together to anyone in Spain who thinks that there is any chance  
280 that any proposal for Spanish sovereignty over Gibraltar will ever prosper. In particular, given  
the return to influence of the not missed Mr Margallo and his ideas, let us be very clear:

Gibraltar will not waiver. We will not soften. We will not ripen. That message unfortunately appears to have to be delivered in a way that is inordinately clear; otherwise it does not appear to get through. So, I was clear that Jose Manuel Garcia Margallo should wake up and smell the coffee, because Gibraltar is never going to be Spanish. When he pressed, I told him clearly that the answer was 'no way, Jose'.

Now we see a resurgence, in particular but not exclusively from the Spanish right wing, of the idea of joint sovereignty. I think that there is no depth of understanding in any political party in Spain of how foolish this notion is. Gibraltarians are not going to change their minds. We are not going to be bribed with access to the EU market. We are not going to be bribed with any sweet or reward. We are not going to be cajoled by any threat or by any action. Can they, please, get it into their heads in all of the political factions in Spain? Can they, please, just forget it?

As the current Spanish Minister for Europe, Sr Marco Aguiriano, recently said in one of his interventions before one of the select committees in Madrid, the fact is that they know that if the question of sovereignty or joint sovereignty is put to us, we will not have the discussion; we will close our files and leave the room. That is what Sr Aguiriano told the parliament would happen. There will be no discussion to be had. I commend Sr Aguiriano's understanding to all of his parliamentary colleagues because our 96% vote to remain in the European Union should never be misinterpreted by anyone to be a vote to choose Europe over Britain. That would never be our position.

Thank you very much, Mr Speaker. *(Banging on desks)*

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

**Hon. E J Phillips:** Mr Speaker, I thank the Chief Minister for the Statement, which he kindly gave me as soon as he rose to his feet so that we can fully consider his Statement. We will, of course, study the Statement that he has provided this House and reply publicly in due course.

In relation to the first point he made in relation to state aid, we welcome that particular Statement by the Chief Minister. We will, of course, ourselves study the Decision itself and we congratulate all of those who are sitting behind the Chief Minister and beyond this House who have contributed to protecting Gibraltar's position.

In respect of the Chief Minister's jibe on our position on the Withdrawal Agreement, we maintain that position, Mr Speaker. It is not a debate for now; it is certainly a debate that we may have in due course, depending on the position in the Westminster Parliament in January.

In respect of the Chief Minister's comments on a no-deal Brexit, we will of course consider the notice that has been referred to this House and the position that has been clearly articulated.

In respect of the Chief Minister's comments and the part of his contribution in relation to joint sovereignty, we of course join the Chief Minister in his challenge set out in his Statement, and, of course, Mr Speaker, our community has faced more than 14 sieges, both economic and otherwise, and certainly will face this challenge together, Mr Speaker.

**Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Thank you, Mr Speaker.

How remarkable that a Leader of the Opposition decides that on the main issue of the day, which is what is going to happen in 99 days, he tells me that he just wants to think about what I have said and does not want to ask me any particular questions about that. I am surprised, because given I have been very careful to say that my criticism is not of Members opposite but of individuals not opposite, I would have thought he might have had something to say.

It is not a jibe to respond to criticism that has been put of the Government's approach to the Withdrawal Agreement. It is not a jibe; it is to respond on probably the most serious issue facing our community and to respond in the place where one should perhaps respond, which is in the

335 Parliament. Hon. Members this morning were getting upset at the fact that we had said  
something in a press release about a school rather than saying it in answer to one of their  
questions here, and yet this matter, which goes to the core of our community's future, is termed  
a jibe because it is something I refer to in the context of a Statement. It is a matter entirely for  
them, but what I must tell them, Mr Speaker, is that with 99 days left for us to leave the  
European Union there is no time for us to engage in jibe and counter-jibe, and that is why hon.  
340 Members need to understand that the die is cast.

There are a number of different options available. If the British people decide through their  
representatives in the British Parliament to go with the Withdrawal Agreement, what we have  
done is ensure that Gibraltar is protected in that context.

345 I have a lot of respect for the work that the Hon. Mr Feetham has done in identifying himself  
with the people's vote. It is not something that we are against on this side of the House. A  
people's vote is potentially, unfortunately, another roll of the dice and could go to leave instead  
of to remain, but I think everybody recognises, Mr Speaker, that if there is a stalemate in  
Parliament then of course the decision has to somehow be shaken out of the United Kingdom as  
a nation and the only way to do that is likely to be with a referendum.

350 But it is one thing to say that we would like there to be another referendum, which is what  
Mr Feetham has rightly pointed to as his wish and desire. Intergovernmental relationships are  
with governments and the hon. Members, in their criticisms – which you could also term jibes  
against the Government – need to understand that. The only issue that the British government is  
putting on the table is that it has done a Withdrawal Agreement and that is its option for leaving  
355 the European Union on 29th March, and hon. Members would do well, in the context of their  
corporate view – not their individual views of whether or not there should be a people's vote,  
but in their corporate view – they should understand that if they were ever to be on this side of  
the House in similar circumstances they would be bound to deal on an intergovernmental basis  
with the position put by the British government, not with the factions in the British Parliament.

360 Mr Speaker, I am grateful that the hon. Gentleman has said that they welcome my Statement  
in respect of joint sovereignty. It has not always been the case in the context of the last 60 years  
of the political history of the people of Gibraltar that this House has been firmly united on the  
issue of a particular approach to a particular agreement, but it is true that we have always been  
united on the issue of sovereignty, joint or in any other way affected by an attempt by Spain to  
365 take any part of it. I think it is important that we reflect that unanimity in the way that the world  
hears the message from Gibraltar and that is why I wanted to say in the context of the issue of  
joint sovereignty that I was clear that the message was from the people of Gibraltar, from the  
Parliament of Gibraltar and from the Government of Gibraltar, all three as distinct but united  
and unanimous entities on this subject.

370

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I want to thank the Government for their work  
with regard to the EU's final Decision on the state aid investigation into Gibraltar's Income Tax  
375 Act 2010. I want to thank the Government and their team for their hard work and take this  
opportunity to ask them if maybe next year we will see a lowering of taxes, given that it is  
election year and we might have the scope for it after all.

380 Never has it been truer to say that hon. Members can rise on a point of clarification when  
responding to ministerial statements, because in these times there are umpteen points on the  
Brexit situation that one would want to raise for clarification here and in the UK. But if I may, I  
would specifically like to ask the Chief Minister if he could explain further the relationship  
between the Memoranda of Understanding and the Withdrawal Agreement and how it is that  
he and his Government expect exactly the latter to come into effect in the eventuality of a no-  
deal scenario.

385 I would also request from the Chief Minister an update on how advanced contingency planning mechanisms are at the present moment and what structures are in place to enhance these very necessary steps in every key sector which is likely to be affected by a no-deal Brexit.

Also, Mr Speaker, I would like to ask the Chief Minister how he intends to seek UK support to ensure that the courtesy that the EU has extended to the UK in allowing for special measures to be taken in the event of a no-deal Brexit will also be extended to Gibraltar.

390 In addition, I ask Government – or the Deputy Chief Minister, given that he has pointed out that the Deputy Chief Minister will be dealing with logistics – if they are aware of EU Directive 97/78/EC, which relates to checks on food products entering the EU from third countries. La Linea does not have a border inspection point capable of issuing and reading health transit electronic paperwork. Spanish customs and health authorities have confirmed that foodstuffs would be unable to be exported into Gibraltar via the land border. Is Government aware of this and that it applies, deal or no-deal? And what steps have been taken to ensure that we can effectively eat?

400 Lastly, Mr Speaker, I would like to ask Government whether it has indeed communicated our preference of revocation of Article 50 officially to the UK government?

Mr Speaker, they say in Westminster how parliamentarians are behaving as if they are in a pantomime, and I have to say I am sorry to report that things do not look too different here at the moment. At a time when Gibraltar faces one of its biggest challenges in our modern political history, our local political leaders are throwing words at each other like ‘skirt-chaser’, ‘cheerleader’, ‘poodle’, ‘ridiculous’, ‘reckless’, ‘political shapeshifter’, ‘ineffective’, ‘wedded to Theresa May’s skirt’, ‘soft’, ‘unreliable’, ‘collective amnesia’, ‘immature’, ‘amateur’ and ‘simplistic’. What is simplistic is not realising that we are all aligned in this crisis and we all have to sail in the same direction for the best outcome because none of us are immune to the potential effects of post 29th March 2019.

410 I call on this House to take this matter seriously and confront it with a united front, where we are more interested in pooling our skills and resources to make the best of the situation than using it as a soapbox to grandstand and try to seek political points, because we all need to come out of this stronger rather than fractured, battered and bruised by each other and to date it has been sad to note the lack of collaboration between parties on this serious matter. I pray that the new year will bring some sense, maturity and spirit of collaboration on this grave matter that none of us wanted to be a part of.

**Mr Speaker:** Chief Minister.

420 **Hon. Chief Minister:** Well, Mr Speaker, I thank the hon. Lady for her thanks to the team that has delivered the result on the state aid matters relating to the Income Tax Act. Of course, that is entirely unrelated to the level of taxation in Gibraltar, as I assume she knows; therefore, I find it difficult to see how she can connect that to any concept that there might be a lowering of taxes at the next General Election.

425 In fact, if I can just start there by telling the hon. Lady that ... I am not prone to give advice to members opposite, because I do not want them to succeed in their politics. I think that the parties on this side of the House deserve to be returned after a General Election next year and I am not going to give her any advice on how she could advance her position to get to this side of the House. But advice I would give to all hon. Members and anybody not here who is thinking of contesting the next General Election is that, if we are going to be responsible, we should all avoid the next General Election becoming another auction. If we all say that we understand what the seriousness of the situation is, then what we need to avoid is an auction, a race to the bottom, at the next General Election.

435 If that is the case, infecting the debate even before we have started with suggestions of lowering taxation is not, frankly, the right way to approach a mature process in an election, as indeed it is not to suggest that we could have a race to the bottom on house prices – something

that I also detect manifesting itself when the Government is trying to ensure that when we produce affordable housing we do so on the basis of not losing money and ensuring that we only pass construction costs and the cost of infrastructure to purchasers. So, my sincere advice to the hon. Lady is that sustainability comes from not taking the low road on taxation and on costs of affordable housing etc.

She asked a more serious point when she drove me to the issue of the memoranda and how they would or would not be legally effective in the context of the absence of a withdrawal agreement. Well, Mr Speaker, the hon. Lady has seen the memoranda, and in fact so has the whole of the community – they are on our website – and she will see that, for example, the first memorandum, which is the memorandum on citizens’ rights, is really just the creation of a committee for the administration, in the context of Gibraltar, of the rights contained in the Withdrawal Agreement. So all you are doing in the first memorandum, on citizens’ rights, is dealing with the day after departure from the European Union with a withdrawal agreement in place, because all of the rights that you are administering are the rights continued under the main agreement. Therefore, it is impossible to see that there is in existence a memorandum on citizens’ rights if there is not a withdrawal agreement in place. And so she will agree with me that although that is likely to be a good starting point for the basis of where we would all wish to see co-operation go, it cannot legally be what occurs or what comes into effect on 30th March. It is in fact a legal nonsense to suggest that were the case, and I think that is what she was rightly hinting at in the way that she asked her question.

The memorandum, for example, on environmental matters talks specifically about the implementation of the regime in the Protocol. In fact, I have just got here the first paragraph that says:

In order to deliver the enhanced cooperation on environmental protection and in accordance with article 4 of the Protocol ...

So, the whole creation of the memorandum and the committees there is to deliver what is provided for in the Protocol. No Protocol, nothing to deliver on. Indeed, the whole basis of the memorandum is that the European Union’s directives and other rules on environmental matters continue in effect by dint of the Withdrawal Agreement for the transitional period, and therefore this committee deals with the issues that arise in that context.

All of the memoranda refer to committees that report upwards to a specialised committee and upwards to a joint committee as the dispute resolution mechanism which is contained in the Withdrawal Agreement. And so, Mr Speaker, no withdrawal agreement, no joint committee; no specialised committee, nowhere for the committees to go in the context of the new dispute resolution mechanism, which eventually takes you all the way up to arbitration and not to the Court of Justice of the European Union.

So, I think she is right to ask for the architecture of the logic that I was sharing. I hope that I have said enough about that and therefore she will understand why I say, and I hope she agrees, that in the absence of a withdrawal agreement here is the basis for co-operation – in this and other areas, because these memoranda flesh out four areas but the Withdrawal Agreement continues co-operation in all areas for the whole of the period of transition – between us and the European Union and, in particular, our neighbours.

Finally, Mr Speaker, she asked about contingency planning. I think we have to be clear, when we are talking about what happens on 29th March if there is no agreement, that of course there are issues that will be difficult and challenging, but we know that we are going to eat. We know that. That is not an issue and it ill behoves a Member of this Parliament to suggest that we might not be able to eat, because all that can do is create in some the thought that they have to worry about how they are going to feed their families. Nothing could be further from the truth. None of that is a concern.

485 First of all, the directive that she points to is adopted under the Common Agricultural Policy; it is not a policy that has applied to Gibraltar. The Government is fully aware of these issues. We have been aware, not now, we have been aware for a number of years now, since we did our heat mapping and we analysed what the issues might be in the event of a no-deal Brexit. There are a number of solutions already prepared for, the implementation of which will start in January, as I have already indicated will be the case, to ensure that these are zero issues by the time we get to the end of the first quarter of next year.

490 She needs to be careful with how she asks questions about how effectively are we going to eat. Mr Speaker, we are going to eat and that is not going to be an issue at all, and I can give the community that comfort as we go into this festive season, that that is a zero issue going forward.

495 Mr Speaker, she has asked me whether we have indicated to the British government that our preference is a revocation. We have indeed given that indication and we have given it because of the dangers that an extension might provide for. A revocation is a unilateral act of the United Kingdom before 29th March next year which does not require either qualified majority or unanimity on the part of the member states. All it requires is a single act of the United Kingdom, therefore holding no part of the United Kingdom, or the wider British family hostage to the views of any member state or any institution.

500 Then, Mr Speaker, the hon. Lady, perhaps teasing out the Prime Minister yesterday in Prime Minister's Question Time, talked about things becoming a pantomime and went through a litany of things said in the context of press releases outside of this House by Members – or rather by individuals not opposite, Mr Speaker – and she said two things which we have said in our press releases: 'amateur' and 'simplistic', which I think are not insulting terms; they are terms which have a common meaning in the English language.

510 She also referred to much more figurative language which has been used in the context of the debate and I agree with her that it is entirely unnecessary language, but I fully disagree with her when she says that there has been a lack of collaboration on this sensitive matter. In fact, I have repeatedly thanked her and I have thanked Mr Feetham and other members of the GSD's Brexit committee, or the GSD Members on the Brexit Select Committee, for the way that we have worked constructively over the past two years, and I am not going to be moved from that position or from that view by the irate statements that I have read in the press in the past 14 days by those who appear to want to remind us that they exist and want to have their voice heard and their name bandied about.

515 She should not fall into the trap of thinking that we do not appreciate the work that she has been doing with us, and hon. GSD Members in the Select Committee have been doing with us, in the context of the past two years. I think it is an excellent display of the co-operation that is possible between hon. Members on a serious issue such as the issue of Brexit inasmuch as it relates to a deal or a no-deal Brexit, and I am not going to be drawn into giving any opinion other than she has been, with other hon. Members, a helpful part of that. Even from a sedentary position I will not mouth any words which might be misinterpreted as being in any way derogatory of her, as happened at the end of the other pantomime that she might have been referring to in the context of PMQs yesterday.

525 Going forward, Mr Speaker, I think it is hugely important that we continue that collaboration, that we are not just seen to work together but that we do work together in the context of what is coming and that we always bear in mind, in the context of the planning that needs to be done for 29th March 2019, that we already to a very great extent in this nation operate as an island economy. The effect of the siege between 1969 and 1982 is that we operate as an island economy. We have not got to gear up to operate as an island economy; we already operate as an island economy. The key issues – the lights, the Hospital, the water, all of those things – are island-economy driven already, and therefore in the context of the planning that we have to do we are much more advanced than anybody else might have been. That is something to keep in mind, something to ensure that people feel secure about, and with the continued business links to the United Kingdom, which are already secured, there will be very little that will change on



the morning of 30th March. Unfortunately, Mr Speaker, although I hope to have regained my discipline, it will be possible for me to eat and eat and eat on 30th March; I just have to make sure that I stop at the first eat, because eating will not be an issue.

540 **Mr Speaker:** The Hon. Daniel Feetham.

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

Three questions. The first is I welcome the statement that the Hon. Chief Minister has made about a change of attitudes at political level. He has said that the next election should not be an  
545 auction, and I absolutely agree with that. I think that we can trace some of the problems that we may be facing in the future to the election in 2011, where there was an auction on both sides; they won it and they were able to effectively deliver. Certainly, what Gibraltar cannot afford is every four years for there to be an auction of who offers more to people, because that really is going to lead to the road to ruin, if not a hugely difficult road up ahead. But does he not agree  
550 with me that in fact ... and again, I think I accept my part of the responsibility, but as politicians we all ought to accept some responsibility for also fuelling what is a culture in Gibraltar of entitlement, of expectation, of not understanding and realising how blessed we are in this community in the things that we have and that we take for granted in everyday life, and that really we ought to, all of us, understand and appreciate what we have and change our collective  
555 chip, not only at a political level but at a popular level as well? Always when I talk about this, and think about this, the words of J F Kennedy come to mind: 'Think not what your country can do for you, but what you can do for your country.' Every Gibraltarian, I think, ought to think about that in the months and in the years ahead, because there are potentially some very difficult years ahead. I would like him to comment in relation to that.

560 Secondly, in relation to the Withdrawal Agreement, leaving aside the political cut and thrust, the exchanges that we have had as a collective – and in my words today I do not resile at all, let it be known for the avoidance of doubt, from anything that has been said collectively as a party, but there are three things that the Withdrawal Agreement, I think, does positively. It prevents a hard Brexit in circumstances where the United Kingdom would have had a cushioned  
565 withdrawal, which would have been a disaster for Gibraltar, and that is accepted on this side of the House; it also gives the Government of the day 21 months within which to reposition the economy. I hear what the Government has said over the last few years, that most of our business is done with the UK, but there is always going to be an element of repositioning of the economy and 21 months is a time that the Government can use in order to reposition the  
570 economy. Does he not agree with me that unless Spain changes its own chip and accepts that Gibraltar will never pay the price of joint sovereignty, the realpolitik of the situation is that you are going to have a situation, whatever is said in the Withdrawal Agreement, where 26 member states are going to support the 27th member state, Spain; and if Spain says joint sovereignty is the price for a good permanent relationship, ultimately Gibraltar is effectively going to be out of  
575 the European Union? I would like for him to comment. He has already said Gibraltar is not prepared to pay the price, and obviously he is supported from this side of the House. How optimistic is the Hon. the Chief Minister that Spain will change its chip and that within those 21 months Gibraltar will be able to negotiate a permanent relationship that does not involve the payment of that price?

580 Thirdly, I detect from the way that the hon. Gentleman has put things today – and nobody here is naïve; we all know that every incumbent Government in Gibraltar has got to support the UK government to a lesser or greater extent and at least has got to be careful what it says not to alienate the incumbent government in the United Kingdom. But from what he was telling me, really, is this, his preference is not the Withdrawal Agreement; his preference is to remain. His  
585 second preference is a second referendum, so-called people's vote; and thirdly is obviously the Withdrawal Agreement, because nobody wants a hard Brexit. Can he explain why it was that he went that extra mile – I feel too much of an extra mile, and we have certainly criticised from this

side of the House – to support Mrs May’s deal when we do not know where we are at in terms of whether that deal is going to be accepted or is not going to be accepted? I fully recognise that the Government has been at the heart of those negotiations. It is has got to defend its position – it defends the Withdrawal and it defends its MoUs and it defends the Protocol; that is what the Government has to do. But there is a difference between that and effectively really canvassing MPs in the United Kingdom to vote in favour of the Withdrawal Agreement, and I would like to give him an opportunity to comment on that.

Thank you very much, Mr Speaker.

**Hon. Chief Minister:** What kindness, Mr Speaker! Well, let me start by telling the hon. Gentleman that I think it is positive to hear him agree with me that we should not have an auction at the next election. I do not agree with him, however, that the first auction was the 2011 auction and that we just happened to win it, because I remember sitting in the John Mackintosh Hall in the 2003 election hearing cheering members of his party saying that Gibraltar would neither buy itself or sell itself, in the Spanish language, and the 2007 election became the buy-sell auction to end all auctions, which they won by 400 votes.

We would fall into the hon. Lady’s trap of saying yah boo sucks to each other at pantomime season if all we were to do now is to say, ‘No, it was you,’ ‘No, it was me,’ ‘No, it was you,’ ‘No, it was me.’ They have banned Punch and Judy and he and I have also moved on beyond our Punch and Judy days – (*Applause*) thank you – so I do not think it behoves us well to just go down that road. But he did say again, and I have heard him say before, ‘because otherwise this is the road to rack and ruin’. When he was in a different position, slightly more to the centre of the semi-circle, he would sometimes say that, until it was finally teased out of him that actually, in his view, Gibraltar is not going to go bankrupt, that this allegation of bankruptcy – as I think I demonstrated in the Budget speech two years ago, Mr Speaker, going back to your first exchanges with Mr Bossano in 1972 – the allegation of purported or near bankruptcy has been one thrown from the Opposition benches, whoever might have been the incumbent, to those on this side of the House, whoever might have been the incumbent, without even the shame of waiting for a year when people had changed chairs. So, I think we should leave this concept of the road to rack and ruin where the hon. Gentleman rightly parked it as he purported to depart stage left – and I choose each of those words very carefully, Mr Speaker.

I do agree with him that the quote from John F Kennedy – not written by J F Kennedy but which J F Kennedy had the privilege of speaking to in the context of his inauguration – about what one can do for one’s nation is an important one to bear in mind, in particular in a place as blessed as Gibraltar, where each of our citizens, even those who might feel that they do not have as much as they want, have more than most citizens in most places. I loved that quote when I was a teenager and I thought that it had been so overused that it was not helpful to fall back on it. But I do agree with the hon. Gentleman that in Gibraltar it has come time that people do realise that.

There was an article in yesterday’s *Panorama* which was highly complimentary of the Government and which I therefore enjoyed reading, but not for that reason, because actually it was a very careful analysis of how calm and how well Gibraltar is today compared to some other European nations which are going through social or political turmoil. It comes from something I said during the course of my media party to journalists this year when I said that 90 days before I became Chief Minister ... The hon. Gentleman will recall whooping in support of the then incumbent of my post when I was said to be unfit to govern. I do not know whether he recalls that or whether he was in such apoplexy and ecstasy at the attack that was directed towards me that he missed it, but the Hon. Sir Peter Caruana said that I was unfit to govern, all as a result of a now famous video message on social media which has not been viewed ... is the most viewed Gibraltar podcast in history. (**A Member:** Grubby podcast) That was 90 days before I became Chief Minister, winning by half a whisker the amount of votes that Sir Peter had won at the first election. What I said to journalists was that seven years later I have the confidence – and I think

640 this is good for all sides – have the confidence of being able to say I run the most stable Government in the European Union. Put in that context, Gibraltar today is in a very good place.

I wish Gibraltar stable government, whoever is in government, like I wish the United Kingdom, Spain and every other nation stable government. Stable coalitions are things that we might give people lessons on, Mr Speaker, in the context of Gibraltar. There is no road to rack  
 645 and ruin. We have a very stable Government. People do not have to wonder whether we are going to be able to eat on 30th March, and actually things are going very well in Gibraltar. That is an important thing for people to realise in the context, as the hon. Gentleman says, of the Kennedy remarks. People need to think a little bit more about what they can give to continue to stabilise the ship, to continue to keep it on an even keel and to ask less. But we must all be in it  
 650 together. We must be co-conspirators that we should not encourage those who come to us to ask for more. Gibraltar is fairly transparent in that respect. If people come to me and say, ‘I want x% pay rise, I want this allowance and’ – I will just use his name facetiously for once, Mr Speaker – ‘Danny has told me if he gets elected he will give it to me,’ either Danny has told them if he gets elected he will give it to them, or they will say that anyway: ‘A N Other will give it  
 655 to me.’ So we have to be complicit in understanding that if things are actually unfair we will fix them, but that people should not simply be looking or thinking or idling away their time thinking of things they can ask for to get more out of the cow.

The hon. Gentleman then asked me to look at the Withdrawal Agreement and said that there are three things that the Withdrawal Agreement did which were good for Gibraltar, and I am  
 660 grateful that he does that because I think that is absolutely the right position. The Withdrawal Agreement is not perfect, it is not our choice; our choice, as he indicated, and expressed very clearly, is to remain in the European Union if we can, and I think I have said that in my Statement quite explicitly this afternoon, as I have said it before in other public statements. But if we are leaving, then this is a safer route than leaving without an agreement, and the Agreement does a  
 665 number of things.

I must say to the hon. Gentleman he has been consistent in his position for some time now. I remember in 2016, when I was talking about another referendum, he told me that I should not be saying those things, that I might upset the Brexiteers and that we had to ensure we did not alienate our friends in Parliament who happened to be Brexiteers and had succeeded in the  
 670 referendum. (*Interjection by Hon. D A Feetham*) I am sure he cannot remember, Mr Speaker, but as he will recall from our battles when we were at each other’s throats, *El Chibatito* – also known as *Hansard* – will serve to remind him of it, if necessary. But I do not want to take him there. I just want to say that there are still people in what I will call loosely ‘his executive committee’ who behave as if they were Brexiteers wishing upon us a no-deal Brexit. I fully  
 675 respect his position that he would rather, than any exit, another chance to vote to try and remain, and I think he feels a lot of sympathy with our position that we would rather actually not even that, just a straightforward revocation and forget this nightmare, but I think jointly we would say that those who might, from the executive committee of the party opposite, advocate for a Brexit without a deal – that is to say no referendum, no revocation, no Withdrawal  
 680 Agreement, just a straight out hard-Brexit, pulling out as hard as you pushed in – well, those people do not have Gibraltar’s best interests at heart and they need to understand that. He might be embarrassed that I say this, but I think it is right that I should say that his position is much more favourable from the point of view of the Government than those who are taking this very hard Brexit stance.

In all of that he says Spain needs to understand that there is a price Gibraltar is never going to pay. He and I started in politics with black hair; we now have, he more than I, some white hair. (*Interjections and laughter*) That is the one thing he knows I envy him, and he should not be throwing it in my face this close to Christmas, Mr Speaker! I do not know what Mr Clinton is laughing about, though! (*Laughter*) But in all the time that we have had black hair, and now  
 690 some white hair, we have been consistent in our position, as every politician almost to a man and woman has been in this House. But Spain just does not seem to do a deep enough analysis.

They spend so much in trying to understand the Gibraltar and analyse us politically and they do not see that there is no price we will pay. This is the one issue on which we are 100% united. We want co-operation, we want friendship, we want to work with them. We want all of that, but we will not pay a sovereignty price. And we want to continue to be part of the European dream and project and ideal, but we will not pay a sovereignty price. I think he was rightly pointing to this concept of the statements in the Spanish press, and by some senior Spanish politicians who seem blind to this issue, that the fact that we voted 96% to remain in the European Union means that we must now be ready to pay a price in order to stay in the EU. In fact, recently, the Spanish Partido Popular has set out the key measures they would offer us, with joint citizenship, a special economic zone with Ceuta, etc; and access to the single market – all of this which is designed to be a panacea that is offered to us as if it were a price worth paying. Well, we are not shopping. We are not in the market. We are not going to buy. This is not what the issue is for us. They need to understand that and he is absolutely right that they need to understand that. I think I said that clearly in the context of my opening Statement too.

He asked me whether I was optimistic that Spain would change. I can never be optimistic that Spain will change. I can be hopeful that Spain will change and I think it would be a real pity if we were not all hopeful that Spain might actually finally change, because then we would have been as jaded in our approach to them as they are to us. We will always try to work for more co-operation, for more neighbourly relations, but always with a cynical and sceptical eye because history has taught us too many lessons about how all Spaniards – unfortunately, I have to say with a heavy heart, of all political complexions – have acted in relation to Gibraltar, even some who are purportedly modern, progressive and internationalist in their approach. So I am not optimistic but I am hopeful that we may one day find the opportunity for that co-operation.

Mr Speaker, then the hon. Gentleman ended with his kind offer of opportunity for me to explain why it was that I might have taken a step further than he might have considered advisable in proposing to Members of the House of Commons in the United Kingdom that they should support the Prime Minister's Withdrawal Agreement. I make absolutely no apology for that, Mr Speaker. We have to be very clear of what it is that is in play here. This is the point I was making to the Hon. the Leader of the Opposition. When you are in government, one deals with intergovernmental relations. The intergovernmental position between the Government of Gibraltar and the government of the United Kingdom is that we have reached a Withdrawal Agreement. The Government of Gibraltar has been allowed to negotiate the parts that relate to Gibraltar in respect of that Withdrawal Agreement, much to the chagrin of others who have not been able to negotiate their parts or indeed did not expect us to be the ones negotiating our part. So, it is our work product.

I saw that the Hon. Mr Clinton purportedly said that I had no mandate to support the Withdrawal Agreement because Gibraltar had voted 96% to remain, so all I could do was to advocate remain. Well, I have come to learn what little Mr Clinton knows of politics, because if he thinks that one spends 12 months negotiating an agreement – in particular, 12 months negotiating an agreement, going back to a Brexit Select Committee, reporting to them on it, showing them drafts, etc. – and then one does not have a mandate to defend that Withdrawal Agreement, one would have thought that the obvious thing was to have said to me, 'You don't have a mandate to negotiate a withdrawal agreement,' not 'You don't have a mandate to defend the Withdrawal Agreement that you have negotiated.' The lack of logic is really quite remarkable.

So, because we negotiated it, because it is our work product and because the only issue on the table, as far as the United Kingdom government is concerned, in the Commons today, whatever we might read of rumours of what is happening in Cabinet or not, is that there is the Withdrawal Agreement or withdrawal on 29th March without an agreement, the right position at an intergovernmental level is to say we therefore endorse this Agreement.

The hon. Gentleman must also bear in mind that there is a piece now of primary English law, the Withdrawal Act, which says the United Kingdom leaves the European Union at 11 p.m. on

29th March 2019. That is the position in law in the United Kingdom, and therefore I do not think  
745 that his advocacy for a people's vote is a unicorn, but to suggest that there is anything on the  
table other than that, to support or not support, would be to try and take us down the route of  
what is not on the table, and the Government of Gibraltar has to defend what is on the table and  
what we have negotiated, but always with the caveat – and he can go back and look at all of our  
press releases – always with the caveat, that what we prefer to do is to remain in the European  
750 Union, not just because there was a 96% vote for it, but because we think that that is the safest  
thing to do, and we would think it was the safest thing to do if there had only been a 48% vote in  
Gibraltar to leave the European Union. The hon. Gentleman will know that representatives of  
the Democratic Unionist Party insist that the best thing to do is leave the European Union  
without the Northern Irish backstop, even though the majority of people in Northern Ireland  
755 voted to remain in the European Union. So that, I hope, goes some way to explaining to the hon.  
Gentleman what my position has been.

**Hon. D A Feetham:** Will he give way?

760 **Hon. Chief Minister:** I would not usually, but in this new world that we inhabit ...

**Hon. D A Feetham:** Well, given that I am no longer a threat to the hon. Gentleman, in those  
circumstances I can see that he gives way.

Does he not agree with me there is a difference here? This is where I myself have been very  
765 critical of that last tactic of the Government, which is there is a difference between defending a  
withdrawal agreement ... As I said during the course of my questioning earlier, you have  
negotiated the Protocol, you have negotiated the MoUs. You have got to defend it and what you  
are not going to do is resile from the overall Withdrawal Agreement. But bearing in mind that  
actually your preference really is not the Withdrawal Agreement, your preference is to remain  
770 and your preference is, as a second option, a people's vote, do you not think that you  
overstepped the mark in the letter to *The Times* asking MPs to support the Withdrawal  
Agreement? And is there not a danger, in that in effectively also alienating others that perhaps  
do not share the hon. Gentleman and Mrs May's view, that at the moment appears to be  
everybody and his dog in the United Kingdom, and that if she is defeated, then of course it could  
775 count against the Government of Gibraltar because it could have been interpreted as  
descending into the UK political arena?

**Hon. Chief Minister:** Mr Speaker, every time I thought he was a threat I wanted him to say  
780 more, not less. (*Laughter*) But now that I consider him as much of a threat as I ever have, I am  
happy to give way to hear what he has to say because of his current position.

Of course, I do not share his analysis, because otherwise I would not have done it. I do not  
think that there is a risk of alienating Members of Parliament, because at the same time as I was  
writing not a letter but a 'Thunderer' column in *The Times* – he wrote a letter; I wrote a  
'Thunderer' column in *The Times* – I was also being very clear with all members of the All-Party  
785 Group of Gibraltar what our preferences were, which were actually as set out in the 'Thunderer'.  
The issue is what is before the Parliament: the only issue before the Parliament – and this is well  
ventilated – is the Withdrawal Agreement. That is all there is, so the choice on the 14th is not  
this notion of an indicative vote whether there is a majority in Parliament for anything; it is just  
this or leave on 29th March without a deal. That is where I think he and I are totally against  
790 those in his executive who would be in favour of a hard Brexit, and we will look at any of the  
other permutations before we look at those issues. I think people should realise that he and I are  
long enough in the tooth that if we manage to find something that we agree on, they should  
listen and they should listen hard.

I hope that has helped to deal with the points that he helpfully raised.

795 Finally, just on the issue of the auction, when he said two years ago, 'I'm going, going, gone,' I  
am the only one who really heard, 'I'm coming, I'm coming, I'm coming,' and I am sure,  
Mr Speaker, the second coming is coming.

**Mr Speaker:** The Hon. Roy Clinton.

800

**Hon. R M Clinton:** Thank you, Mr Speaker.

I have two questions, but first of all I would like to start by repeating the comments of the  
Leader of the Opposition in congratulating the Government and its tax and legal team in finally  
slaying the state aid demon which has been stalking us for far too long. Certainly going back to  
805 my days sitting on the Finance Sector Council it has always been an issue and I am glad to see  
that this has now, to all intents and purposes, been resolved; although it is, as the Chief Minister  
has noted, with supreme irony that we are now facing the Brexit scenario that we are.

On that subject, in terms of the state aid ruling and the large numbers that are being bandied  
around in the press, my understanding is that that is not a threat to our exchequer and I would  
810 be grateful if the Chief Minister would indicate that my understanding is correct. There are some  
people not understanding the process, thinking that this is something that would damage us and  
be a drain on our exchequer, which I do not believe it is.

Secondly, Mr Speaker, we have spoken about the MoUs, but as yet we have heard nothing  
about the tax agreement that was due to be concluded as a package with the MoUs, and I would  
815 be grateful if the Chief Minister would give the House an update as to where we are on the legal  
polishing of that agreement, or indeed if there is going to be such an agreement.

Thank you, Mr Speaker.

**Hon. Chief Minister:** Mr Speaker, on the issue of the state aid finding, the reason that I said  
820 to the House that it is going to stand us in good stead whether we are in or out of the European  
Union after 29th March is because hon. Members will know that there is a move to create a  
blacklist of territories. There is an EU blacklist of territories. Gibraltar is not on that blacklist and  
indeed neither are any of the other Overseas Territories, because the United Kingdom was able  
to point out that it was to be a blacklist of third countries and this could not include a member  
825 state or the territories of a member state. Some in Spain you could see chomping at the bit once  
the Brexit decision was announced, on the basis that after 29th March Gibraltar would therefore  
immediately be put on the list of blacklisted territories. There are many ways that you can  
design a criterion to put a territory on a blacklist. We have just deprived, with this decision,  
those who are staying behind of a criterion that they might have used to try and distinguish us as  
830 a jurisdiction that might go on a blacklist. So this is a hugely important advantage in that context,  
although unrestrained it is possible to find a way of singling out a jurisdiction and putting it on a  
blacklist in a way that is totally spurious and could still be applied to us.

But, of course, if we have a tax agreement with our usual antagonist, then that too might be  
harder, and what I can tell the hon. Gentleman in that respect is that the text is still in legal  
835 stabilisation. This is a much more complex agreement than an MoU. This is an international tax  
treaty and therefore it is subject to a level of scrutiny quite unlike anything that we might have  
seen politically in the context of agreements in the past or now. Therefore, we are not able to  
publish it. I do look forward to publishing it because there has been foolish speculation – not  
from the hon. Gentleman, I would suggest for one moment – that this might be an agreement  
840 that might allow Spain to set our tax rate and other nonsense of the sort. Of course it is not, and  
the sooner people see the black upon white of it, the sooner they will be able to see it is the sort  
of arrangement that you would expect between neighbours with the sort of mobility issues that  
there are between these neighbours in the context of the relationship that we have. So I very  
much look forward to being told that we have a final stabilised text and to being able to publish  
845 that.

Of course, Mr Speaker, it is absolutely wrong for anyone to think that the numbers incorrectly bandied about by the Commission – and I have already indicated that we think they are grossly exaggerated – would in any event have any repercussion on our exchequer. This is about recovery against third parties; in other words, taxpayers who are alleged to have had an unfair advantage and need to repay to that exchequer the amount put. So, to take another example, hon. Members will know that I alluded to the litigation on state aid involving large companies in other jurisdictions, like Apple. I think in the context of Apple it was many billions of pounds which were alleged to have been evaded from the Irish exchequer. The Irish disagreed with the decision of the European Commission but were duty-bound to go and recover that tax for Ireland. So it was not money that was then paid to the Commission as a fine; it is actually three billion or thirty billion, or something really quite horrendous like that, which Ireland was required by the Decision to obtain from Apple and bank for itself and not allowed in any way to give back to Apple by any back door. So, if anything, Mr Speaker, the hon. Gentleman will be accusing me of flattering the Government's accounts with moneys that might come in as a result of this Decision if we were to enforce it in the way that is provided for by any amount that would have been paid into the exchequer by these third parties who might have taken the advantage of the state aid, not that the exchequer itself has to put its hand in its pocket to pay it as a fine to the Commission. That would be the wrong way to understand what the Decision entails.

I think I have dealt with all the points he raised.

865

**Mr Speaker:** Any other question or clarification before we move on to Questions? No.

## Questions for Oral Answer

### **Q473, Q484 and Q584/2018 – Further information**

**Mr Speaker:** I have had an indication from at least two Ministers that there were matters that arose this morning on which they undertook to provide information later in the day. I think the Hon. Steven Linares has some information; also the Hon. Paul Balban.

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**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Yes, Mr Speaker, the Hon. Member opposite wanted clarification as to the amount of money that was paid for the membership fee of the GNDO towards the INDO and I can confirm that the amount of money passed for that specifically was £1,200, so now the hon. Member has the full answer which he requested.

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**Mr Speaker:** The Hon. Paul Balban.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, thank you. With reference Question 473/2018 this morning, if I may add, to complete the question, the reply should have been, if we had read the question in the way that it had been intended: 30,614 petrol, 7,339 diesel, 162 hybrids and 28 electric vehicles have been registered in Gibraltar as at 1st June 2017; and as at 1st June 2018 there were 32,520 petrol, 7,978 diesel, 225 hybrids and 33 electric vehicles registered.

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**Mr Speaker:** Is there any other matter?

**Hon. S E Linares:** Mr Speaker, just for clarity, it was Question 584, the one I answered – for the *Hansard*.

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**Mr Speaker:** Question 507, then. The Hon. Danny Feetham.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** If I may, Mr Speaker, I had to clarify –

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**Mr Speaker:** You had also something left over, did you?

**Hon. Dr J E Cortes:** Yes, Mr Speaker. I have already exchanged with the Hon. Edwin Reyes the question of pupils excluded from school. We agreed that that would not be stated here for fear of perhaps identifying the pupils in question, but I have already given that information.

900

The other question, which I am happy to share here, is in relation to Question 484, the explanation of ‘ring-fenced’ next to the science co-ordinator. Mr Speaker, I can now confirm that it is ring-fenced because the only teachers who are eligible for this are the heads of the three sciences – biology, physics or chemistry – because the science co-ordinator role goes together with one of those three. So, the head of physics, chemistry or biology will be the science co-ordinator and therefore it is ring-fenced within those posts. I also shared that with the hon. Member, but this is something that, because it was raised here, I am very happy to state across the House.

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## ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

### Q507/2018

#### Electricity Authority – Number of vacancies

**Mr Speaker:** Question 507, then. The Hon. Daniel Feetham.

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**Hon. D A Feetham:** Mr Speaker, how many vacancies are there within the Electricity Authority?

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

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**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, 17.

**Hon. D A Feetham:** When does the Government intend to fill those vacancies, or at least advertise for those vacancies?

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**Hon. Dr J E Cortes:** Mr Speaker, it is the intention to do this as soon as possible.

**Hon. D A Feetham:** Mr Speaker, the concept of ‘as soon as possible’ is pretty elastic. Can he be more specific than that?

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**Hon. Dr J E Cortes:** Mr Speaker, this is a time of change in the energy sector. We are moving to a new power station and we also will be closing down certain other power stations which are run either by private concerns or by a Government-owned company and therefore there could

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935 be an element of redeployment in order to guarantee posts in those that may be closed down. So we are going through an exercise now to ascertain which of those posts can be filled in what way. Also, with the new power station there will be a certain need for different skills, particularly in relation to software, so this is a time when we have to analyse all this and there are ongoing discussions in order to ascertain how best to fill these posts.

940 **Hon. D A Feetham:** So, we have vacancies and what we have is an exercise by the Government to see what kind of diversification in employment skills, if I can call it that, is necessary within the new power station. That may involve some of these 17 being deployed as specialists in software or more IT-orientated posts. I understand that, but the Government surely must have a backstop, longstop date by when it envisages this ought to be sorted out.

945 **Hon. Dr J E Cortes:** Mr Speaker, that is part of the explanation I gave. The other part of the explanation is the fact that we will be closing down other power stations with personnel and we are assessing whether some of those personnel could in fact apply for some of those vacancies and where the skills are. So it is a bit of a pot at the moment in order to analyse and make sure that we get this absolutely right.

950 **Hon. D A Feetham:** But is there a longstop date by when he envisages that this exercise ought to be completed?

955 **Hon. Dr J E Cortes:** Mr Speaker, some of those posts sooner than others, and obviously it is related also to exactly when the other power stations are going to be closed down. That is an exercise that we will see in the coming months but no more than a few months.

960 **Hon. D A Feetham:** So is the answer to the longstop question a couple of months? I cannot believe that that is the answer. The specific question that I have asked is can he give me a longstop by when he believes that this exercise will be completed, and I am talking about the entirety of the exercise. He must know when the two old generators are going to be decommissioned, so he must have somewhere a timetable which he can then, even if he adds another six months, say 'Well, look, by this particular date we think that we will have completed this exercise.'

965 **Hon. Dr J E Cortes:** Very difficult to say, Mr Speaker. I visited the new power station and the old one yesterday and we are confident that all will go well. It is working extremely well, but in these things you never know exactly what the detail might be, so it would be dangerous for me to commit to that. Certainly as soon as possible, and this is a responsible way of dealing with this, Mr Speaker.

970 **Hon. D A Feetham:** And in relation to the supplementary answer that he has provided, which is that there are two generators that need to be decommissioned and that is going to then lead to some of those posts going – obviously, because they are no longer necessary – how many jobs does he envisage are going to be lost, as a consequence of that, that may then transfer over?

975 I understand, as with all of these things, that some of those jobs will be ... people will retire, receive early retirement, but he must have an idea of the number of jobs that may be relocated into the electricity department, or the pool of jobs, the number that might be available for that purpose.

980 **Hon. Dr J E Cortes:** Mr Speaker, that is exactly the subject of the exercise we are undergoing at the moment and it would not be correct for me to speculate.

**Q508/2018**

**Shore-supplied power to ships under repair –  
Progress re provision by Gibdock**

**Acting Clerk:** Question 508. The Hon. T N Hammond, replied by the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government say what progress has been made regarding the requirement for Gibdock to provide shore-supplied power to ships under repair and when there might be an outcome to those negotiations?  
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**Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

990 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, negotiations are ongoing with the involvement of the Gibraltar Electricity Authority.

A potential supplier paid a second visit to Gibraltar during the first week of October. They have requested further information from Gibdock Ltd insofar as their electrical system is concerned, with a view to proposing a more detailed solution regarding the provision of shore power supplied to ships under repair.  
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**Q509-510/2018**

**Spanish fishing vessels –  
Unlawful incursions since 1st January 2017**

**Acting Clerk:** Question 509. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, how many unlawful incursions by Spanish fishing vessels, by month, have occurred since 1st January 2017?  
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**Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1005 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 510.

**Acting Clerk:** Question 510. The Hon. E J Phillips.

1010 **Hon. E J Phillips:** Mr Speaker, how many vessels have been boarded by the Royal Gibraltar Police, the Port Authority or any other agency, for compliance checks with the marine protection regulations, by month and nationality, since 1st January 2017?

**Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.  
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**Hon. Dr J E Cortes:** Mr Speaker, the information requested by the hon. Member in Question 509 is in the schedule I now hand over.

**Answer to Q509/2018**

Month	2017	2018
January	12	1
February	3	1
March	7	5
April	0	1
May	2	5
June	0	4
July	1	11
August	3	18
September	1	9
October	1	11
November	6	22
December	2	/

1020 **Hon. Dr J E Cortes:** In answer to Question 510, the RGP has boarded three vessels during this period: two Spanish vessels were boarded in September 2017 and one Spanish vessel was boarded in July 2018. In addition, the Environmental Protection and Research Unit boarded one Spanish vessel.

**Q511/2018**  
**Upper Rock Nature Reserve –**  
**CCTV cameras**

**Acting Clerk:** Question 511. The Hon. E J Phillips.

1025 **Hon. E J Phillips:** Mr Speaker, of the 57 CCTV cameras on the Upper Rock, can the Minister provide records of their serviceability, by month, since 1st January 2017?

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

1030 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, all CCTV cameras within the Upper Rock Nature Reserve are maintained and serviced on a monthly basis.

**Q512/2018**  
**Windsor Suspension Bridge –**  
**Security arrangements**

**Acting Clerk:** Question 512. The Hon. E J Phillips.

1035 **Hon. E J Phillips:** Mr Speaker, what are the current security arrangements for the Windsor Suspension Bridge?

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

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**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, routine checks are carried out by the Upper Rock supervisors on a regular basis.

1045 **Hon. E J Phillips:** Mr Speaker, what is meant by 'a regular basis'? Does the Hon. Minister have any information?

1050 **Hon. Dr J E Cortes:** Mr Speaker, the supervisors, who include staff of the Department and security contractors, patrol areas of the Upper Rock and they patrol the bridge, as well as other areas, at least twice a day – when they commence at the start of the day and at nightfall before the gates close – and then they may also attend at other times during the day, depending on what other duties they have.

1055 **Hon. E J Phillips:** Mr Speaker, I am grateful for the clarification as to what is determined as 'regular'. I am grateful for the answer to that question.

1060 Just going back to Question 509/2018, in respect of Spanish fishing vessels, insofar as what I noted from the statistics that have been given in the useful schedule to the answer it would appear that there has been a 231% increase in incursions by Spanish fishing vessels into our waters. Does the Minister have any idea as to the very significant increase in Spanish fishing vessels into our waters over the last year? Quite clearly there has been, it seems to me, a further attempt at further incursions into our waters, and does the Minister have any information as to why there has been a very significant increase in Spanish fishing vessels into British Territorial Waters?

1065 **Hon. Dr J E Cortes:** Yes, Mr Speaker. There was an increase from fairly low numbers last year and the first half of this year up to June. There was a significant increase in July. This may have coincided with a period of time when one of the Environment's vessels was under repair. There has also been reference to the possibility of deliberate provocation at a time when perhaps those who have an influence on some of the Spanish fishermen may have thought they were sensitive times because of Brexit negotiations, but that is just speculation.

1070 But I am glad to say that the Environment Department, with the support of the Royal Gibraltar Police, has stepped up its challenging of vessels over the last few weeks and I can report that the figures for December up to today – that is about three weeks' worth of December – is that there have been three incursions reported, so it seems that after a rather active period the figures are going down again, and we are hoping that sustained effort on the part of the Environment and the RGP will ensure that this continues as it had been for a year and a half before July this year.

1080 **Hon. E J Phillips:** Mr Speaker, just one further question in relation to that: there has clearly been a growing trend over the last six months of increased incursions into the waters by Spanish fishermen. This month, I do not have the information [Inaudible] but I do have it now that there were three. In November it peaked at 22 in a month, which the Minister has alluded to Brexit reactions, potentially, to increased Spanish fishing vessels in the waters, but is the Minister confident that we have sufficient resources to deal with, next month, another 20 or 30 incursions potentially?

1085 **Hon. Dr J E Cortes:** Mr Speaker, we must remember that I am responsible for the Environment vessels, and the Environmental Protection Unit has a certain limit as to its powers. We do have the support of the RGP, who have their resources. I do not answer here for them, and indeed the Government has very often stated that the RGP does have its own priorities, but I think that we have shown, certainly in the last three weeks, that we are at least ensuring that there has been a decrease, and we can only see how it goes.

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**Mr Speaker:** Next question.

**Q513/2018**  
**Upper Rock Nature Reserve –**  
**Use of chlorination at watering points**

**Acting Clerk:** Question 513. The Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, is any chlorination being used for the Upper Rock Nature Reserve watering points?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, no, sir.

**Q514/2018**  
**Macaque Management Plan –**  
**Date for publication**

**Acting Clerk:** Question 514. The Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, when does Government intend to publish the Macaque Management Plan?

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

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**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, as I have stated before, many of the measures in the plan have already been implemented. We are, however, reviewing the management of our natural areas with a view to introducing improvements. This will include a further review of macaque management.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the clarification, but if many of the measures have been implemented what is the reason for not publishing it?

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**Hon. Dr J E Cortes:** Mr Speaker, we want to get it even better. Some of the measures we have implemented: the increase in the size of feeding areas, the provision of water in all the sites, better facilities for food storage and preparation.

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I suppose the answer to that is that there is no sinister reason for not publishing it other than we want to tighten it a bit more and we are reviewing a lot of aspects of how we manage our national areas, which I will be able to share quite soon.

**Mr Speaker:** Next question.

**Q517/2018**  
**Bluefin tuna –**  
**2018 season catch**

**Acting Clerk:** Question 517. The Hon. E J Phillips.

1130 **Hon. E J Phillips:** Mr Speaker, what tonnage of bluefin tuna was caught this past season?

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

1135 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the tonnage of bluefin tuna caught in the 2018 season was 14,603 kg.

**Q518/2018**  
**Noise complaints –**  
**Numbers and nature of complaints**

**Acting Clerk:** Question 518. The Hon. E J Phillips.

1140 **Hon. E J Phillips:** Mr Speaker, how many noise complaints, by month, have been received by the Department for the Environment, the Police or any other agency during 2018, and what was each complaint referring to?

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

1145

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedules that I now hand over.

**Answer to Q518/2018**

Number of noise complaints received by the RGP by month

Complaint Type	Month								
	January 18	February 18	March 18	April 18	May 18	June 18	July 18	August 18	September 18
Household Complaints	10	22	8	6	10	20	20	14	1
Public Area Complaints	0	3	2	4	5	13	17	5	3
Works	0	5	2	2	0	1	0	4	1
Dog Barking	4	1	5	0	1	0	0	2	1
Dockyard	1	1	0	0	1	0	0	0	0
Fireworks	1	0	0	0	0	0	0	0	0
Bars/Nightclubs	1	0	3	1	12	13	7	6	2
Squatters	1	0	0	0	0	0	0	0	0
Buskers	0	2	0	0	0	0	0	0	0
Event	0	0	0	0	0	1	4	2	2
Vehicle	0	0	2	1	0	0	0	0	0
Alarm	0	0	0	0	0	0	0	1	1
Suspected Tobacco Activity	0	0	0	0	2	1	0	0	0

Breakdown of noise complaints investigated by the Environmental Agency

Complaint Type	Month								
	January 18	February 18	March 18	April 18	May 18	June 18	July 18	August 18	September 18
Household Complaints	10	22	8	6	10	20	20	14	1
Public Area Complaints	0	3	2	4	5	13	17	5	3
Works	0	5	2	2	0	1	0	4	1
Dog Barking	4	1	5	0	1	0	0	2	1
Dockyard	1	1	0	0	1	0	0	0	0
Fireworks	1	0	0	0	0	0	0	0	0
Bars/Nightclubs	1	0	3	1	12	13	7	6	2
Squatters	1	0	0	0	0	0	0	0	0
Buskers	0	2	0	0	0	0	0	0	0
Event	0	0	0	0	0	1	4	2	2
Vehicle	0	0	2	1	0	0	0	0	0
Alarm	0	0	0	0	0	0	0	1	1
Suspected Tobacco Activity	0	0	0	0	2	1	0	0	0

**Q519-520/2018**

**Environmental Noise Steering Group –  
Number of meetings and nature of discussions**

**Acting Clerk:** Question 519. The Hon. E J Phillips.

1150 **Hon. E J Phillips:** Mr Speaker, how often has the Environmental Noise Steering Group met in 2018 and what has been discussed?

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

1155 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 520.

**Acting Clerk:** Question 520. The Hon. E J Phillips.

1160 **Hon. E J Phillips:** Mr Speaker, has the Environmental Noise Steering Group made any recommendations to Government since 1st January 2017, and what have those recommendations been?

1165 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1170 **Hon. Dr J E Cortes:** Mr Speaker, the Noise Core Steering Group's function is to advise on the preparation of the Noise Action Plan as required by the EU Directive on Environmental Noise in Relation to Traffic. This work was completed in 2016. Management of noise and dealing with complaints is not dealt with by this group but by the Environmental Agency. The group has now been reconvened to discuss the next action plan, which runs from 2018 – sorry, Mr Speaker, I think that should read 2019; there is an error there in my prepared answer – and has already met once.

1175 In answer to Question 520, the measures recommended in the current Noise Action Plan for  
priority areas, most of them have been implemented not only in priority areas but throughout  
Gibraltar. A lot of these, incidentally, are part of the Sustainable Traffic and Transport Plan. They  
include: promoting public transport usage; a transport policy initiative; controlling noise at  
1180 source from vehicles by means of enforcement, such as speed-calming measures; driver  
behaviour awareness, like smooth driving, keeping music to an acceptable level and limiting the  
use of horns; increasing awareness of noise insulation measures, such as double glazing and  
sound-attenuated ventilation; noise barriers; and changes and enforcement of the speed limit.

**Hon. E J Phillis:** Mr Speaker, just one supplementary in relation to that question. In relation  
1185 to the breakdown in Question 518, which I think leads on to Question 520, the schedule refers to  
construction works as being particularly prevalent and consistent during that particular year. I  
was wondering whether the Hon. Minister would have a view as to what steps should be taken  
to reduce construction work noise and what his Department is doing.

1190 **Hon. Dr J E Cortes:** Mr Speaker, construction can be noisy and measures include, as far as is  
possible, particularly restricting certain activities to daylight hours, but undoubtedly for certain  
periods of construction works more than others ... for example, driving piles into the ground is  
going to be noisy. Some of the measures that are recommended have been included. For  
example, regarding double glazing, the new Notre Dame School has superb noise insulation. If  
1195 you shut the window, you cannot hear anything outside, and that has helped a lot in dealing  
with the pile driving next door. But it is clear that construction works do produce noise.

#### Q521/2018

#### Environment (Control of Dust) Regulations 2010 – Details of proceedings and fines issued

**Acting Clerk:** Question 521. The Hon. E J Phillips.

1200 **Hon. E J Phillips:** Mr Speaker, have any proceedings been issued for breaches of the  
Environment (Control of Dust) Regulations 2010 since 1st January 2017; and if so, how many  
resulted in fines, who was fined and how much?

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

1205 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, three cases have been through the courts for breaches of the Environment (Control  
of Dust) Regulations 2010.

1210 When my answer was prepared, the cases had not yet been heard. I believe they have now  
been heard, so as to who it was and the result of the fines will now be in the public domain but I  
need to check that information and I will be happy to share that at a future date. At the time,  
because they had not yet been heard, it was not appropriate to give the names of the entities  
involved.



**Q522/2018**  
**North end of town –**  
**Real-time air-quality monitoring**

1215 **Acting Clerk:** Question 522. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, does Government intent to provide real-time air-quality monitoring in the north end of town as per its manifesto commitment; and if so, when is it likely to happen?

1220

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

1225 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, yes, sir, the equipment has been purchased and installed and is currently being tested.

**Mr Speaker:** Next question.

**Q523-524/2018**  
**Sewage treatment plant –**  
**Date for commencement of works; plans for power production from waste**

1230 **Acting Clerk:** Question 523. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, when does Government foresee works commencing on the sewage treatment plant?

1235 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 524.

1240 **Acting Clerk:** Question 524. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, will the project for the sewage treatment plant include any plans for power production from waste?

1245 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Hon. Dr J E Cortes:** Preparation works, including initial site preparation and environmental assessments, are ongoing with construction works expected to commence early in 2019.

1250 There are no plans at present to include power generation from waste, although this might be possible in the future.

**Q525/2018**  
**North Mole LNG terminal –**  
**Safety reports**

**Acting Clerk:** Question 525. The Hon. E J Phillips.

1255 **Hon. E J Phillips:** Mr Speaker, in answer to Written Questions 45 and 46/2017 the Government stated that the North Mole LNG safety reports were with the Competent Authority and that these would be published 'in accordance with the requirements of PHA sections 95M and Schedule 10A'. This being so, what did the Government make available to the public in October of 2015, which it described at the time as safety reports and which it led the public to believe were the definitive safety reports for the North Mole LNG terminal?

1260

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

1265 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, in October 2015 the Government published the assessment by the HSE on the proposed viability of the future LNG project. The assessment gave what is known as a 'hazardous substance consent' for the project to proceed to the next stage.

**Q526-528/2018**  
**Power stations –**  
**Fuel burn and power output**

**Acting Clerk:** Question 526. The Hon. E J Phillips.

1270 **Hon. E J Phillips:** Mr Speaker, what is the total fuel burn, by month, of all power stations since 1st September 2017?

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

1275

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 527 and 528.

**Acting Clerk:** Question 527. The Hon. E J Phillips.

1280

**Hon. E J Phillips:** What is the total fuel burn, by month, of the temporary power stations since 1st September 2017?

**Acting Clerk:** Question 528. The Hon. E J Phillips.

1285

**Hon. E J Phillips:** What is the total power output, by month, of all power stations, providing the contribution to the total for each power station, since 1st September 2017?

1290 **Acting Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Hon. Dr J E Cortes:** Mr Speaker, the information requested by the hon. Member is in the schedules that I now hand over.

**Answer to Q526/2018**

The total fuel burn, by month, for all the power stations since September 2017 is as follows

**Schedule A**

<i>Fuel Used</i>	
<i>Ltrs</i>	
SEPTEMBER 2017	4,890,248
OCTOBER	4,713,568
NOVEMBER	4,524,555
DECEMBER	2,867,303
JANUARY 2018	5,208,237
FEBRUARY	4,800,324
MARCH	5,037,629
APRIL	4,429,599
MAY	4,873,237
JUNE	4,783,347
JULY	4,345,755
AUGUST	4,385,461
SEPTEMBER	5,157,752
OCTOBER	5,020,755
NOVEMBER	4,458,286

**Answer to Q527/2018**

The total fuel burn, by month, of the temporary power stations since 1st September 2017 is as follows

**Schedule B**

<i>Fuel Used</i>	
<i>Ltrs</i>	
SEPTEMBER 2017	4,274,894
OCTOBER	4,107,599
NOVEMBER	3,943,948
DECEMBER	2,241,879
JANUARY 2018	4,506,781
FEBRUARY	4,192,326
MARCH	4,429,139
APRIL	3,849,937
MAY	4,286,529
JUNE	4,216,646
JULY	3,731,245
AUGUST	3,853,261
SEPTEMBER	4,595,288
OCTOBER	4,458,548
NOVEMBER	3,076,614

**Answer to Q528/2018**

The total power output, by month, of all the power stations, providing the contribution to the total for each power station, since 1st September 2017 is as follows

**Schedule C**

<i>Units Gen</i>	
<i>kWh</i>	
SEPTEMBER 2017	18,561,885
OCTOBER	18,188,024
NOVEMBER	17,725,486
DECEMBER	11,071,212
JANUARY 2018	20,135,857
FEBRUARY	18,714,501
MARCH	19,494,395
APRIL	17,043,348
MAY	18,237,029
JUNE	17,835,696
JULY	16,233,605
AUGUST	16,716,554
SEPTEMBER	19,406,116
OCTOBER	18,749,725
NOVEMBER	16,664,430

**Q529/2018**  
**Midtown car park –**  
**Dustbins on first floor**

**Acting Clerk:** Question 529. The Hon. E J Phillips.

1295

**Hon. E J Phillips:** Will the Government consider placing dustbins on the first floor of the Midtown car park, where tourist buses currently operate from?

1300

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there are a total of three wall-mounted litter bins and five standalone bins on the ground. The number of bins in all areas is under constant review.

**Q530/2018**  
**Litter Committee –**  
**Number of meetings and recommendations made**

1305

**Acting Clerk:** Question 530. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, how many meetings of the Litter Committee have occurred since 1st January 2017 and what recommendations have been made to the Government?

1310

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, a total of six Litter Committee meetings have been held.

1315

Recommendations include reduction in use of single-use plastics, extra monitoring of hotspot areas, refuse collection review, increase in awareness of litter, review of litter fining system, letters to housing estates to ensure proper use of bins, review of CCTV litter areas, signage, recycling points, increases in fines for littering and improvement of litter laws. All of these issues have been or are being taken up by the Department of the Environment, sometimes in conjunction with other Government Departments and agencies.

1320

**Q531-532/2018**  
**Littering –**  
**Number of fines issued**

**Acting Clerk:** Question 531. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, how many fines for littering on the Upper Rock have been issued since 1st January 2017?

1325

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 532.

1330

**Acting Clerk:** Question 532. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, how many fines for littering have been issued since 1st October 2017?

1335

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

**Hon. Dr J E Cortes:** Mr Speaker, we cannot determine how many fines have been issued in the Upper Rock specifically, as the fining system does not specify areas.

1340

Forty-three fixed penalty notices for littering have been issued since October 2017. Of these, 21 have been paid and 11 have been passed for prosecution. Clearly the difference are still in the process of awaiting payment and considering passing for prosecution.

**Hon. E J Phillips:** Mr Speaker, in relation to Question 531, given the fact that fining, insofar as littering is concerned, is a paper exercise, one would have thought that there would have been a record of a particular fixed penalty fine or a fine itself, so I am at a loss to understand why there is no administrative trace of this type of fine.

1345

I do not want to get into a legal debate as to fixed penalty or fining here, but I would have thought, given the fact it is a document management issue, potentially ... why the Hon. Minister cannot give me that information.

1350

**Hon. Dr J E Cortes:** Mr Speaker, I share that view and I have asked that in future that information should be available.

1355

**Mr Speaker:** Next question.

**Q533/2018**  
**New cleaning contract –**  
**Annual value**

**Acting Clerk:** Question 533. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, what is the annual value of the new cleaning contract?

1360

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the annual value of the new cleaning contract awarded to Britannia Premium Cleaning Ltd is £5,602,750 per contract year.

1365

**Mr Speaker:** Next question.

**Q534-543/2018**

**Gibraltar Industrial Cleaners Ltd –  
Management structure and vacancies; running costs;  
refuse collectors and vehicle drivers: numbers, vacancies,  
average gross pay and annual earnings, duties and responsibilities;  
number of refuse vehicles owned and used; Gibraltar Fair**

1370 **Acting Clerk:** Question 534. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm who are the persons in post as part of the management structure of Gibraltar Industrial Cleaners Ltd (GIC) and whether there are currently any vacancies in the management structure?

1375

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

1380 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 535-543.

**Acting Clerk:** Question –

1385 **Mr Speaker:** I think, for the sake of better progress, the *Hansard* should show that Questions 535 to 543 are all going to be asked by the Hon. Elliot Phillips and they are all going to be answered by the Hon. the Minister for the Environment, Energy, Climate Change and Education and we do not need to specify in each case; all we have to do is to ask the Hon. Elliot Phillips to ask them. Thank you.

1390 **Hon. E J Phillips:** Mr Speaker, of course the hon. Lady on this side of the House will have a number of questions in relation to Gibraltar Industrial Cleaners, but I suppose at that point we can distinguish those questions.

**Acting Clerk:** Question 535.

1395

**Hon. E J Phillips:** Mr Speaker, what was the average gross pay, including overtime, of drivers and refuse collectors employed by Gibraltar Industrial Cleaners in financial years 2016-17 and 2017-18?

1400 **Acting Clerk:** Question 536.

**Hon. E J Phillips:** What is the complement of refuse collectors and drivers at GIC?

**Acting Clerk:** Question 537.

1405

**Hon. E J Phillips:** Are there any current vacancies for drivers or collectors within GIC?

**Acting Clerk:** Question 538.

1410 **Hon. E J Phillips:** How many refuse vehicles does GIC own and are all used when collecting refuse around Gibraltar?

**Acting Clerk:** Question 539. The Hon. Ms M D Hassan Nahon.

1415 **Hon. Ms M D Hassan Nahon:** What are the duties and responsibilities of (1) the refuse collectors and (2) the drivers working for Gibraltar Industrial Cleaners?

**Acting Clerk:** Question 540. The Hon. Ms M D Hassan Nahon.

1420 **Hon. Ms M D Hassan Nahon:** What are the average annual earnings of a Gibraltar Industrial Cleaners (1) driver and (2) refuse collector?

**Acting Clerk:** Question 541. The Hon. Ms M D Hassan Nahon.

1425 **Hon. Ms M D Hassan Nahon:** What are the running costs of Gibraltar Industrial Cleaners per annum?

**Acting Clerk:** Question 542. The Hon. Ms M D Hassan Nahon.

1430 **Hon. Ms M D Hassan Nahon:** Who is currently running Gibraltar Industrial Cleaners?

**Acting Clerk:** Question 543. The Hon. Ms M D Hassan Nahon.

1435 **Hon. Ms M D Hassan Nahon:** How much has it cost the taxpayer to fund the collection of the nine refuse bins at this year's Gibraltar Fair?

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

1440 **Hon. Dr J E Cortes:** Mr Speaker, I will run through them in sequence.

The Government does not share the names of public sector workers in Parliament.

There are currently three posts in the management structure. These are the Assistant Managing Director, the Managing Director and the CEO of the Department of the Environment, Heritage and Climate Change. The post of Managing Director is currently vacant.

1445 All payroll costs for 2016-17 and 2017-18 can be found within the Approved Government of Gibraltar Estimates of Revenue and Expenditure books. The average gross pay, including overtime, in 2016-17 was £55,979.64 for a refuse collector and £64,544.70 for a refuse driver. The figures for 2017-18 are £55,763.72 for a refuse collector and £64,110.12 for a refuse driver.

The overall running cost for 2017-18 was £3,090,000, including wages and general expenses.

There are currently 34 refuse collectors and nine drivers.

1450 There are two vacant driver positions at present.

GIC does not own any vehicles.

1455 The duties of the refuse collectors are to collect refuse from specific areas around Gibraltar and load refuse onto the collection vehicle. The duties of the refuse driver are to drive and be responsible for their refuse vehicle. This includes carrying out vehicle checks, washing the vehicles after each use and completing any paperwork in relation to vehicular faults, etc.

The collection of refuse from the Gibraltar Fair is part of GIC's yearly programme and forms part of the overall running costs, which can be found, as I said earlier, in the Approved Estimates of Expenditure, but the cost of collection of refuse for the fair was £23,000.

At present, the post of Managing Director is covered from elsewhere in the public sector.

1460 **Mr Speaker:** Are there any supplementaries? Yes, the Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, is it true to say that since the director was removed from his position there has been (1) no permanent new director and (2) management

1465 and admin staff at the GIC have been moved out of the GIC premises due to conflicts between  
refuse collectors and refuse drivers against management?

**Hon. Dr J E Cortes:** Mr Speaker, the post of Managing Director is covered either from  
elsewhere in the public sector or in an acting capacity. The overall responsibility, of course, is  
1470 with the CEO of the Department of the Environment.

I am not aware of necessarily any conflict. I know this is honing into detail that was not asked  
initially; there were no questions on the admin staff and so on. I know that the admin staff do  
spend some time in the headquarters of the Department of Environment, where they obviously  
liaise with the people there; but I do not have a specific question on the admin staff, so I do not  
1475 have that answer available.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have been led to believe that at present Gibraltar  
Industrial Cleaners is being run by a Unite shop steward than an appointed representative of  
Government. Is this the case?  
1480

**Hon. Dr J E Cortes:** Mr Speaker, there is a person currently acting in the role. Whether or not  
he is a Unite shop steward I do not think is relevant. No, in fact he is not the Unite shop steward.  
No, that is actually the case: he is not the Unite shop steward.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, given that there is some sort of controversy or  
conflict going on, has the Chief Minister or the Minister for the Environment – yourself – spoken  
with the admin staff to clarify the situation that is going on over there?  
1485

**Hon. Dr J E Cortes:** Mr Speaker, the administrative staff regularly have interaction with the  
Department and I am sure that on some occasions I will have spoken to them, but I have not  
1490 personally been involved in dealing with any issues of conflict.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have been made to understand that the cost to  
the taxpayer for an average of three and a half hours – 30 minutes a day over seven days –  
1495 during the fair came to £5,000. Can the Minister ascertain whether these ... you could say micro-  
costs, but costs that obviously compound and affect the budget, have been looked at or  
managed or analysed in order to keep costs down in future?

**Hon. Dr J E Cortes:** Mr Speaker, again, that is going into details of the day-to-day  
1500 management of the budget, which I am not involved in personally. I am sure that there are  
people in the Department who do look at this on a regular basis with a view to keeping costs  
down, but it is not something that I do myself.

**Mr Speaker:** Any other supplementary?  
1505 I think this would be a convenient point to give the Speaker a break until 6.30 p.m.

**Chief Minister:** Hear, hear.

*The House recessed at 6.14 p.m. and resumed its sitting at 6.30 p.m.*



**HOUSING AND EQUALITY**

**Q457-458/2018  
Government flats –  
Unlawful occupation**

**Acting Clerk:** Question 457. The Hon. E J Phillips.

1510 **Hon. E J Phillips:** Can the Government confirm how many cases of unlawful occupation of Government flats are currently being investigated by the relevant authorities?

**Acting Clerk:** Answer, the Hon. the Minister for Housing and Equality.

1515 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 458.

**Acting Clerk:** Question 458. The Hon. E J Phillips.

1520 **Hon. E J Phillips:** Can the Government confirm how many cases of unlawful occupation of Government flats are currently proceeding through our courts?

**Acting Clerk:** Answer, the Hon. the Minister for Minister for Housing and Equality.

1525 **Hon. Miss S J Sacramento:** Mr Speaker, in relation to Question 457 the number is six, and for Question 458 the number is one.

1530 **Hon. E J Phillips:** Insofar as Question 457 is concerned, does the Minister have information in front of her insofar as at what stage the unlawful occupation is in terms of warning letters? I am not too sure how the Department deals with warning letters and then final written warning and institution of proceedings, but can the Minister give any information as to what stage those six in particular are at?

1535 **Hon. Miss S J Sacramento:** Mr Speaker, the different cases are at various stages. As the hon. Gentleman knows, litigation and resorting to court is always the last resort. Everyone will have received letters in this case; either that, or they are at the initial stages where we are still receiving legal advice as to options. But certainly we write to all individuals and subsequently serve them the legal notices, as the Department is required by law.

**Q459/2018  
Laguna Estate –  
Health and safety standards re refurbishment**

**Acting Clerk:** Question 459. The Hon. E J Phillips.

1540 **Hon. E J Phillips:** Mr Speaker, can the Government confirm that all health and safety standards and relevant regulations are being met/adhered to by those responsible for refurbishment works at Laguna Estate?

1545 **Acting Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, not only are all health and safety standards and relevant regulations being met at Laguna Estate, they are met on all Government refurbishment projects.

1550 Both GJBS and the Housing Works Agency are working closely together to deliver an unprecedented refurbishment project, the first of its kind in Gibraltar. Considering it is a live site, it is being delivered as safely as possible.

1555 **Hon. E J Phillips:** Whilst I appreciate that. I would have expected an answer like that from the Minister for Housing, it has been given a number of times. Opposition Members here have been allowed to walk around some of the housing estates that are undergoing maintenance works and often we have found what can only be described as gaping holes without covers and without warning signs at these sites. Although I take the point that of course the Government will say that regulations are being adhered to, we do still have very strong concerns about some of these sites in terms of the health and safety of people walking past them, for instance. Some  
1560 of them, for example at Devil's Tower Road, adjoin the pavements, where scaffolding is laid on the ground and some of the scaffolding that is put in place does not have protective material around it if children and parents are walking up and down that particular road. So I wonder whether the Minister could assure me that those concerns have been dealt with.

1565 **Hon. Miss S J Sacramento:** Mr Speaker, of course health and safety concerns are paramount for everyone – the Government as the commissioner of these works, as well as the subcontractor and the subcontractor's subcontractor and anyone else involved. I know that everybody is always conscious of ensuring that we meet health and safety standards, and  
1570 invariably it is a live site, so all the more reason for that. Not everything is actually technically a breach of health and safety and these things needs to be taken account of. From time to time there are things which look like they could be done better and as soon as it is alerted either to myself or anyone in the Department we immediately refer it on and action is taken to safeguard whatever position, because we want to ensure that everything is as safe as possible.

1575 **Hon. E J Phillips:** In this House sometimes we can have sterile debates about health and safety, but obviously it is in our interests on both sides of the House to ensure that our housing estates, in terms of works being conducted, are as safe as possible, and of course what I would do, actually ... If the Minister is willing to accept an invitation for her and I to go round the  
1580 housing estates to look for ourselves and to satisfy both ourselves that the health and safety regulations are being met, I am quite happy to walk with her round many of our housing estates to have a look ourselves and satisfy ourselves of the issues there.

1585 **Hon. Miss S J Sacramento:** Mr Speaker, as much as I enjoy the hon. Gentleman's company, it is not necessary for us to visit any estate together; I frequently visit all the estates myself. Thank you.

**Q460/2018**  
**Housing estate residents –**  
**Complaints**

**Acting Clerk:** Question 460. The Hon. E J Phillips.

1590 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the number of complaints it has received by the residents of each of our housing estates in relation to (1) refurbishment works, (2) antisocial behaviour and (3) maintenance of communal areas over the last 12 months?

**Acting Clerk:** Answer, the Hon. the Minister for Housing and Equality.

1595 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, it is very difficult to quantify the number of complaints in relation to each of the three points, especially as most of them are not reported officially or through proper channels. However, the main contractors in relation to the refurbishment – GJBS, the Housing Works Agency and the Housing Department – have been working tirelessly with tenants and all the relevant estate tenants' associations to immediately address all concerns in relation to the refurbishment and maintenance works taking place. Insofar as complaints of antisocial behaviour, there have been 21 complaints to the  
1600 Housing Department.

1605 **Hon. E J Phillips:** So I have this clear in my mind, in relation to (1) refurbishment works and (2) maintenance of communal areas, it is difficult for the Government to ascertain what the levels of discontent there were in terms of residents of these housing estates. Obviously, clearly if a resident sends an email to GJBS saying, 'I've got a problem with my window,' or 'I've got a problem with damp,' or 'I've got a problem with my communal area – someone's letting their dog foul in my communal area,' those things will be recorded by the fact that they sent an email. I can understand that sometimes things are picked up very easily just by walking around and someone informs them of a complaint and therefore you cannot record it; but insofar as  
1610 complaints are received, nowadays people send emails – right? – and there are other forms of messaging, and therefore the Minister must have some idea as to the level of complaints in terms of numbers.

1615 **Hon. Miss S J Sacramento:** Mr Speaker, this question has three parts to it and I would like to distinguish the third part from the first two because the third part, the one which relates to antisocial behaviour, people tend to report that in a different way and there is a different system and that is logged.

1620 In relation to complaints on the refurbishment work, I am afraid that it is not as simple as the hon. Gentleman seems to think, because of the way that the reporting system works. If someone has a problem with their window, it is not for them to report to the agent/subcontractor/GJBS; they should report it to the Housing Department's reporting office and that would then trigger a procedure. Those kinds of reports, as the hon. Gentleman can imagine, when we are talking about the three biggest estates that we have in Gibraltar, are numerous and it is not necessarily ... The way that we do not record it is whether the complaint  
1625 is attributable to general maintenance that is required or as a result of the refurbishment works.

1630 That is the first issue, but the bigger issue is that people do not send the email at all. People may go to the hon. Gentleman, as they are perfectly entitled to, who would then properly refer that matter to me, which would then be logged. But more frequently people post images on Facebook, hoping or wishing that someone is checking Facebook, and they think that that is the normal way to properly report matters, and it is not. I certainly am not checking Facebook all the time. From time to time people may see a comment on Facebook and may send me a screenshot, in which case of course I refer it. Unfortunately, we are caught up in this world where people think that Facebook and posting things on Facebook is the be-all and end-all of  
1635 doing things and communicating things. In fact, the Hon. Mr Reyes, the Member opposite, quite frequently sends me things that he sees on Facebook which look to him to be irregular, and it is very helpful that he checks Facebook more than I do because he gives me the heads up and I can follow it up, and I always do. But, unfortunately, not that many people actually report things in the proper way to the proper Department, (*Interjection by Hon. Chief Minister*) and when we do receive the reports they are actioned as reports for repairs and are not necessarily distinguished  
1640 as to whether they are necessarily as a result of wear and tear or as a result of the refurbishment works.

1645 **Hon. E J Phillips:** Would the Hon. Minister agree with me, therefore, that people's complaints about housing are serious – they are serious complaints that affect their day-to-day lives and therefore it is right that if people are resorting to social media in order to pursue their complaints there must be something wrong with the complaints procedure? You would have thought that there was something in place that would allow people to air those complaints properly. And therefore would the hon. Lady agree with me that we should put in place further education in terms of notices to estates on how complaints can be dealt with in a proper way?

1650

**Hon. Miss S J Sacramento:** Mr Speaker, I am afraid I cannot agree with the hon. Gentleman that there is something wrong with the system, because the system is very clearly marked. Everybody who is a tenant will be given information upon receipt of their tenancy of how things work at the Housing Department, and if you are having a problem that is to be reported there is a specific number for the reporting office, but if they report it to any other number, whether it is another section in the Housing Department or indeed my office or anywhere else, they will be directed to the proper section within the Department.

1655

And insofar as notices, Mr Speaker, I do not know what else I have to do to try and encourage people to report things officially through the proper channels. There are notices throughout the estates, so there are communications. We try and educate people through the tenants of estates associations as well. I do not think the problem is with the system; I think the problem is worldwide, the way that people just expect things to happen because things are put on social media.

1660

1665 **Mr Speaker:** The Hon. Edwin Reyes.

**Hon. E J Reyes:** Mr Speaker, the Minister provided the figures in respect of the antisocial behaviour and I believe she was quantifying that by saying those were reports given to her Ministry, as such. Am I correct in assuming that does not include any reports that may have been made directly to the RGP? I know sometimes some tenants ... I happen to live in an estate, and although it is not a Government rental estate I know especially late in the evenings you cannot get hold of anyone from the management company of the estate where I live and reports tend to be made to the RGP.

1670

Alongside that – what I am trying to do is work together as far as possible, like the Minister has acknowledged – what advice shall we give to tenants who feel there is antisocial behaviour? Is it best to report the matter to the RGP, or to report it to her Department, or to do both if that does not already exist under a co-ordinated system?

1675

**Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman is very right in the question that he asks and it is a very relevant question. The answer to that is it depends what the incident is. We have a policy within the Housing Department where the treatment of a complaint of antisocial behaviour will, of course, depend on the nature of the complaint. Sometimes there can be antisocial behaviour which is not of an acute nature and it is just maybe a neighbour putting a plant pot in front of the door of the other neighbour, in which case the Housing Department, as landlord, addresses it with the tenants. However, if cases are more serious and they escalate, they are often referred to the Police or Social Services, or indeed both, or sometimes even other Departments; and when cases are particularly serious, upon receipt of a report the Housing Department may call a multi-agency meeting between various agencies, including the Police, Social Services, Mental Health or the Environmental Department, as required. What we tend to do is we may run both procedures in tandem.

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Of course, if there is antisocial behaviour which is of a violent nature in the middle of the night, then of course we advise that people call the Police immediately. What will usually happen is that the Police will inform the Housing Department because we have established an excellent working relationship with the Royal Gibraltar Police and, in particular, their Community

1695 Policing section. Both departments meet on a regular basis, so it is either referred to immediately or referred to in the context of an interdepartmental meeting, and that of course depends on the nature of the incident.

**Mr Speaker:** Next question.

**Q461/2018**

**Government housing estates –  
Management of maintenance post completion of works**

1700 **Acting Clerk:** Question 461. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm it intends to manage the maintenance of our housing estates when all works have been completed?

1705 **Acting Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Government is looking at different options to ensure that the maintenance of the estates is continued once the refurbishment is complete, so that our estates no longer fall into the desperate state of disrepair into which they plummeted as a result of the reckless abandon to which they were subjected during the time that Members opposite were in power.

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

1715 **Hon. E J Phillips:** Mr Speaker, as part of those options ... I am going to ignore the usual replies that I get from the hon. Lady on the 'forgotten' estates, where she forgets, of course, the forgotten people – she is now forgetting to answer letters – who write to her on a regular basis. I am still waiting six months for a letter of reply from the hon. Lady. (**Hon D A Feetham:** Shame! Shame!)

1720 But anyway, Mr Speaker, in relation to the management of maintenance after the works have been completed, is the Government considering outsourcing that work? The hon. Lady talked about various options, but is the Minister considering outsourcing that type of work?

**Hon. Miss S J Sacramento:** Mr Speaker, I will ignore the jibe from the hon. Member opposite because I do not think anybody will ever believe –

**Minister for Health, Care and Justice (Hon. N F Costa):** Don't. Don't ignore it.

1730 **Hon. Miss S J Sacramento:** – that anyone from that side of the benches will give more importance to people from our housing estates than we do. Yes, really, Mr Speaker, because all we have to do is compare track records: 16 years of neglect; seven years of tremendous investment in buildings, because it is an investment in people – we are the party in government who actually care about people in Gibraltar.

1735 Insofar as the maintenance, it is something that we are considering. We are considering all options. I cannot say either way until I have looked at the best solution for the maintenance of the estates.

**Hon. D A Feetham:** Mr Speaker, bearing in mind that the Government has now been in office, or the parties opposite have been in administration now for eight years – (*Interjection by*

1740 *Mr Speaker*) Seven years, Mr Speaker, I stand corrected. Mr Speaker has stepped in and has corrected me, yet again; it is seven years, (*Laughter*) not eight.

**Mr Speaker:** Seven this month.

1745 **Hon. D A Feetham:** Mr Speaker keeps a tab on these things.

**Hon. E J Reyes:** Once a maths teacher, always a maths teacher!

1750 **Hon. D A Feetham:** Yes, well, exactly. That glorious day seven years ago when they were elected! (*Interjections and banging on desks*) But bearing in mind that we have had seven years since the New Dawn, what she is suggesting with her jibe about how we maintained those estates seven years ago is that, today, the estates are just as badly managed as they were seven years ago. What is the relevance to my hon. Gentleman's question to the hon. Lady of what happened seven years ago? (**Hon. Chief Minister:** Context.) What we want to know is what is the  
1755 Government doing now about maintenance and what does the Government intend to do in the future.

The Hon. the Chief Minister says from a sedentary position that it provides context, but it cannot provide context ad infinitum. This is seven years ago. At some point the shine just rubs off. We have got to continue and do the job that people are electing us to do, which is to get on  
1760 with it and do the job properly.

**A Member:** Hear, hear.

1765 **Hon. Miss S J Sacramento:** Mr Speaker, alas, it is that time of the day when we have to plummet into theatrics – and the Hon. Mr Feetham has been very quiet for a long time. Unfortunately, we have all been trying to avoid the pantomime but it seems that pantomime season is commencing.

**A Member:** Oh, no, it hasn't! (*Laughter*)

1770 **A Member:** Oh, yes it has. Yes

1775 **Hon. Miss S J Sacramento:** Unfortunately, Mr Speaker, at this time of day we just cannot control the Members opposite, can we, and they just love to make statements that are completely irrelevant.

Let me just explain the relevance of the comment that I made. It is because we have to set the refurbishment in context. The context is important because the estates had to undergo major refurbishment on account of the long-term neglect before we took office. Now that our refurbishment programme is coming to an end we are planning the maintenance programme,  
1780 which is what will continue from the refurbishment programme to ensure that our housing estates do not fall into the level of disrepair as we inherited from the Members opposite.

1785 **Hon. D A Feetham:** Well, thank you very much to the hon. Lady for that clarification, but bearing in mind that the refurbishment has taken seven, not eight, years, Mr Speaker, can she at the very least guarantee that having proper maintenance in place is not going to take another eight years?

1790 **Hon. Miss S J Sacramento:** Mr Speaker, two issues. If the hon. Member is going to criticise us about the length of the refurbishment works in these estates, may I remind him that they are the three largest estates in Gibraltar, and may I also remind the hon. Member that it was he who

encouraged us to slow down the refurbishment works on the estates on account of the expenditure that resulted from it? That is point number one.

1795 Insofar as the maintenance, Mr Speaker, I just do not understand the point that he is making. The point of maintenance is not that we are going to have maintenance for eight years; it is that we will have a maintenance programme that will continue forever. Maintenance is not something that you do as a one-off, like a refurbishment; maintenance is something that we will do on a continuous basis so that these estates do not fall into disrepair. The refurbishment of the estates are almost complete and by the time they are complete we will be ready with our programme of maintenance that we will take on thereafter. Of course, in the meantime we continue with the day-to-day maintenance in the way that we undertake and in the way that they actually never undertook when they were in government.

1800 Mr Speaker, I do not have the statistics to hand, but the number of pending maintenance and repair works that we inherited when we took office was absolutely shameful and disgraceful, and thankfully –

1805 **Mr Speaker:** I am sorry, that is totally irrelevant even to the answer that you have given to the question, and it is out of order.

Any other supplementary question? The Hon. Roy Clinton.

1810 **Hon. R M Clinton:** Thank you, Mr Speaker.

Can the Hon. Minister confirm to the House that it is indeed part of the agreement under which these estates were mortgaged by the Government for £300 million, that it is Government's responsibility to maintain these estates?

1815 I also recall the Chief Minister announcing on a *Viewpoint* programme that he was about to announce an exciting new programme to do with the maintenance, but to date we have heard nothing. Can the Hon. Minister enlighten us as to what the Chief Minister was alluding to? And can she confirm that indeed the maintenance of those mortgaged estates is the responsibility of the Government?

1820 **Mr Speaker:** You do not have to answer as to what the Chief Minister was alluding to, because you cannot possibly be expected today to remember what it was all about. But you can answer the second part of the supplementary.

1825 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and I will start with the hon. Gentleman's comment that he says that the Chief Minister said that it is now the Government's responsibility to maintain these estates. Well, Mr Speaker, it has always been –

**Hon. R M Clinton:** I am saying under the mortgage agreement.

1830 **Hon. Miss S J Sacramento:** Mr Speaker, whether it is as a result of an agreement or not, I would say that it is always a responsibility of the Government to maintain the estates that belong to the Government, regardless, and that is exactly what we are doing.

**Hon. R M Clinton:** Will you give way? I thank the hon. Lady.

1835 Just a point of clarification: the Government technically no longer owns the estates, which is why I was asking the question about the responsibility for maintenance.

1840 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I really do not know how it is that the hon. Gentleman wants to frame this set of questions. Let's be very clear. The Government, before the investment into Gibraltar which is secured on these estates, had an obligation to maintain the estates. When we were elected we found that they had not been maintained to a standard. We therefore invested a very large amount of money in the upgrading and maintenance of the

1845 estates. When that upgrading and maintenance has been finished, we are going to continue the  
process of those estates being maintained to the same standard, which is what I was alluding to  
on television, as part of what we think should be the case going forward. And the hon.  
Gentleman is right: that is recorded as one of the obligations under the documents securing this  
investment.

1850 What is it that he does not understand about the fact that we found neglect in the estates,  
we invested in those estates, we upgraded them, and we maintained them and have delivered  
them now to a new standard and will keep them to that standard? Does he think that that is not  
the right thing to do, Mr Speaker?

1855 **Hon. R M Clinton:** Mr Speaker, I guess I heard a question there, but my question to him  
would be: does he accept the fact that although he no longer owns the estates, although he is  
no longer the beneficiary of the rental from those estates, he has a financial obligation to  
maintain those estates?

1860 **Hon. Chief Minister:** Mr Speaker, if I were to accept for one moment the definition that the  
hon. Gentleman wants to insist on, which is a definition of mortgage, then it would be clear that  
it is always incumbent upon the mortgagee to maintain the property although legal title is held  
by the mortgagor. The hon. Gentleman needs to understand that in the context of mortgages, as  
the balance shifts and the equity of redemption becomes shifted in the context of repayment,  
ultimate beneficial ownership may not always be where the hon. Gentleman suggests it is, which  
is where legal ownership is. So, I do not know what it is that he is trying to suggest.

1865 Yes, he did hear from me a rhetorical question, because at the end of the day we are here in  
Parliament not to debate the niceties of mortgage law or of investment law; we are here to  
debate how we maintain estates for our citizens. I do detect a reticence on his behalf to see us  
spend money on maintenance of our estates. He will not detect that reticence on our part. We  
believe that our estates should be properly maintained, all of them, whether they are subject to  
1870 legal security documents or not. That we have demonstrated in the time we have been here,  
that is what we are going to do for the rest of the time that we are here, and that is why I think  
we are going to be returned to here by people at the next General Election.

**Mr Speaker:** Next question.

**Q462/2018**  
**Rent-controlled tenancies –**  
**Government position**

1875 **Acting Clerk:** Question 462. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state its position on rent-controlled  
tenancies?

1880 **Acting Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the  
Government's position on rent-controlled tenancies is that outlined in Part II of the Housing Act  
2007, which came into operation on 1st June 2008.

1885 **Acting Clerk:** Question 463. The Hon. E J Phillips.



**Hon. D A Feetham:** Can we go back?

1890 **Mr Speaker:** Do you wish to revert to the previous question?

**Hon. D A Feetham:** Yes, just to the last one.

1895 We are all aware – well, certainly some of us are aware – of what the Act says in relation to rent control. Are there any plans by the Government to amend those rent-control provisions within the Act?

**Hon. Miss S J Sacramento:** Mr Speaker, the matter is under consideration, as are various other parts of the Act.

1900 **Mr Speaker:** Next question.

**Q463/2018**  
**Rent control –**  
**Number of dwellings affected**

**Acting Clerk:** Question 463. The Hon. E J Phillips.

1905 **Hon. E J Phillips:** Can the Government state the number of dwellings that are subject to rent control?

**Acting Clerk:** Answer, the Hon. the Minister for Housing and Equality.

1910 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there is no central register of dwellings that are subject to rent control and therefore an exercise would need to be conducted to ascertain this. The information requested is too voluminous and therefore too onerous to be obtained right now.

**Q464/2018**  
**Bayview, Cumberland and Beach View Terraces, Nelson's View and Mons Calpe Mews –**  
**Details re properties resold by original purchasers**

**Acting Clerk:** Question 464. The Hon. E J Phillips.

1915 **Hon. E J Phillips:** Can the Government confirm how many homes have been resold by original purchasers of the properties at Bayview Terraces, Cumberland Terraces, Nelson's View, Beach View Terraces and Mons Calpe Mews, and the total amounts received by the Government under the terms of the arrangements between the vendors and the Government?

1920 **Acting Clerk:** Answer, the Hon. the Minister for Housing and Equality.

1925 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the numbers of resales by original purchasers at the mentioned estates are as follows: Waterport Terraces, 43; Cumberland Terraces, 22; Bayview Terraces, 11; and Nelson's View, 18. There has been one permitted assignment at Mons Calpe Mews, where the property owner passed away and there was no premium payable. There have been no resales at Beach View Terraces.

The total amounts received by Government from original purchasers under the terms of their respective underleases for these resales is just short of £1 million, broken down as follows:

Waterport Terraces, £562,071.71; Cumberland Terraces, £151,809.15; Bayview Terraces, £76,645.53; and Nelson's View, £162,352.59.

1930

**Mr Speaker:** Next question.

**Q465/2018**

**Bishop Canilla House scaffolding –  
Parking arrangements**

**Acting Clerk:** Question 465. The Hon. E J Phillips.

1935

**Hon. E J Phillips:** Can the Government set out what temporary or alternative parking arrangements have been put in place in respect of those parking spaces which have been lost as a result of the erection of scaffolding at Bishop Canilla House?

1940

**Acting Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, due to the much-needed major repair works at Bishop Canilla House, scaffolding has been erected on the external faces of the building.

1945

Tenants were clamouring for these works to be done, and because of this parking spaces have had to be relocated temporarily. These have been relocated within the vicinity of the ball-playing area north of Bishop Canilla House, where visitors parking used to be located, and to the east of Bishop Canilla House parallel to the site fence/scaffolding. These arrangements are more than enough to accommodate Bishop Canilla residents who are in possession of parking permits. The visitors parking will now be temporarily relocated to the west of Bishop Canilla House. As a result, no parking spaces have been lost as a result of the erection of scaffolding referred to by the hon. Gentleman.

1950

In fact, Mr Speaker, as an aside, I have been to Morrisons quite a lot in the last few days and I have noticed – (*Laughter*) I have been in the area of Europort a lot in the last few days and there are a lot of empty spaces on the area that is parallel to the scaffolding, and that leads me to believe that there is no issue with parking if these spaces are continually empty.

1955

**COMMERCE**

**Q480-481/2018**

**E-services –  
Details of contract with Deloitte; 2012 road map**

**Acting Clerk:** Question 480. The Hon. E J Phillips on behalf of the Hon. L F Llamas.

1960

**Hon. L F Llamas:** Mr Speaker, can the Government provide details of the contract entered into with Deloitte in relation to e-services?

**Acting Clerk:** Answer, the Hon. the Minister for Commerce.

1965

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 481.

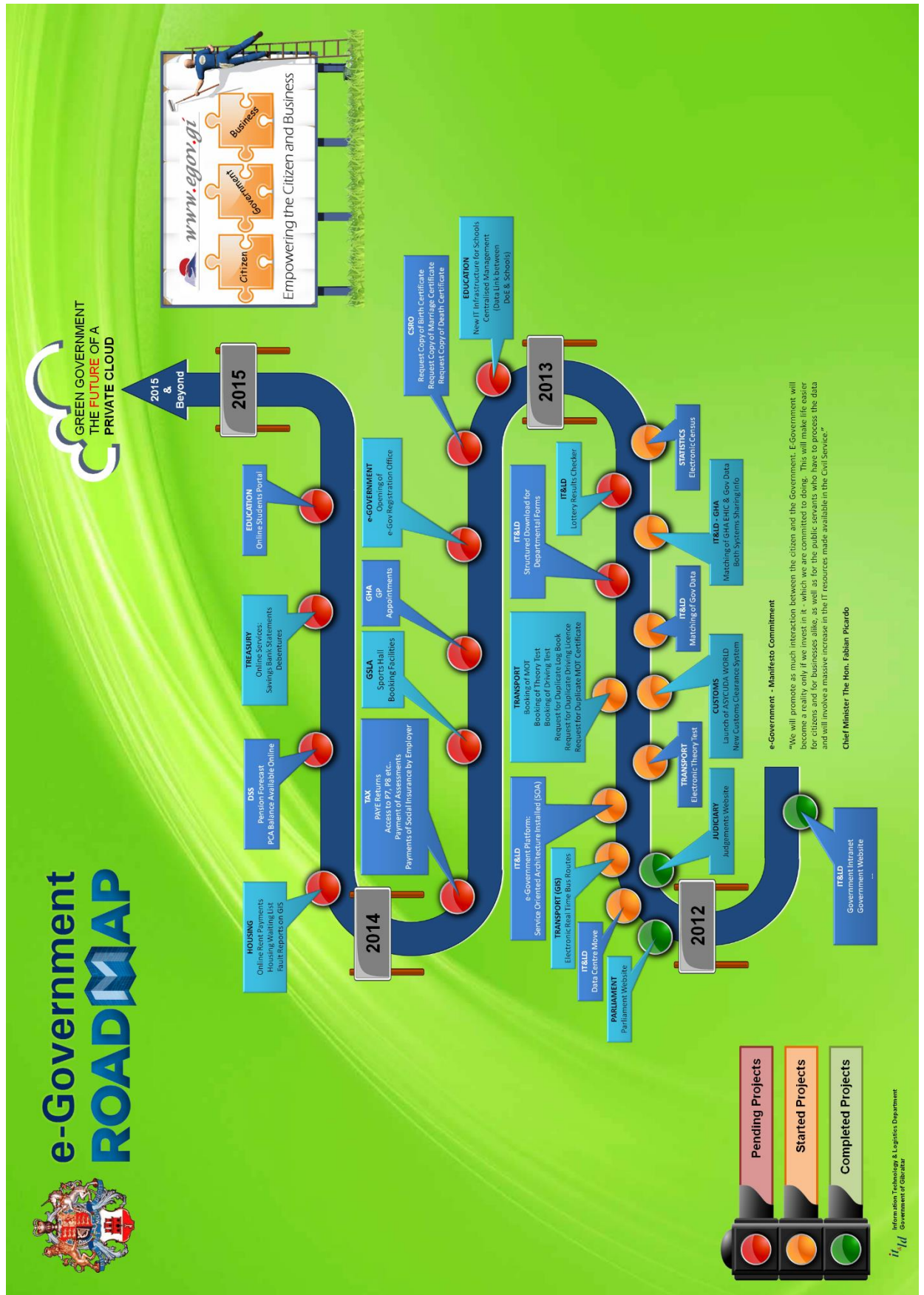
**Acting Clerk:** Question 481. The Hon. E J Phillips.

1970 **Hon. E J Phillips:** Can the Government provide a copy of the road map prepared by the ITLD back in 2012 for the preparation and timeline for e-government, digital services, and the associated costing requirements?

**Acting Clerk:** Answer the Hon. the Minister for Commerce.

1975 **Hon. A J Isola:** Mr Speaker, the road map referred to in the question was in part agreed and the work to deliver this was progressed by ITLD. I am not aware that the original road map was costed. I now hand the member a copy of the road map.

Answer to Q481/2018



1980 **Hon. A J Isola:** What we are now doing is a far more comprehensive delivery of these services, as I have previously advised the hon. Member. The Government has carried out an independent audit of all of our systems, networks and infrastructure. The original strategy has been varied by the introduction of back-office administrative systems and a more accessible front-facing interface with users.

1985 Mr Speaker, Deloitte MCS (Deloitte) has been contracted to assist the Government to achieve this vision. We have assessed the state of Government's IT infrastructure and the software applications that are used to drive Government systems. We have rolled out a number of platforms, which have allowed new and more efficient ways of working with the use of e-procurement and e-purchasing systems. Our security policy has been rewritten in view of new technology and work has already begun on a data classification policy and corporate governance model which will allow the use and flow of data to be more dynamic.

1990 As the hon. Member will appreciate, systems and security issues have radically changed since 2012. Most processes and transactions in the Government are manually driven and controlled. This way of working is highly inefficient and, quite frankly, difficult to sustain. After an extensive procurement process, Deloitte and system providers were identified by a steering committee, leading to the purchase of an ERP system. Significant work is going into its implementation. In simple terms, an ERP system integrates government accounts, HR and payroll into one software platform. ERP software will allow the Government to transform from manual processes to digital ways of working, and this change is likely to be the most significant change to the public service in a generation. Deloitte's role in this area is not only to assist the Government with the technical implementation, which involves design and build, but also to guide and support Government employees in adopting to the new ways of working. The Deloitte engagement is for 12 months at a fee of £792,000, covering all of these services.

2000 The other major project we are working on is digital services. This project intends to modernise the way in which the Government delivers its public service. Digital services is about analysing core business processes and automating functions, removing manual effort and inefficiency where possible. At the moment, we are working with three Government organisations: the Gibraltar Health Authority, the Department of Employment and the Income Tax Office, with specific focus on 32 services identified as viable candidates for online solutions. Digital users will be able to interact with Government departments in a meaningful way 24 hours a day, and by that I mean citizens, businesses and Government officials performing activities when it is convenient for them. With the new online Government service portal, users – subject to important identity-verification mechanisms – will be able to register and interact with online applications to actually carry out work which currently would require an appointment with an official or attending a Government counter. By automating tasks and providing access to digital information, Government officials will spend less time inputting and managing data or dealing with low-level queries. By introducing online profiles, we intend to enable users – people and businesses – to manage their online information and keep these records up to date. This is aimed at reducing the volume of work being done by our staff, especially across our counters, enabling them to focus on other tasks that deliver more value to the Government as a whole. This work will lead, on a gradual basis, to all Departments intelligently communicating with each other. The Deloitte engagement for these services is for 12 months at a fee of £1.356 million, covering all of these services.

2025 **Hon. E J Phillips:** I am sure, Mr Speaker, that the hon. Member will return to this House to ask another question at the next session in relation to this [Inaudible]. How will this now extend to the fact that this is a 2012 plan? How does the Minister see it, sort of, moving into the future, in terms of... I take the point that technology has moved on and, therefore, it hasn't been formulated, can the Minister give any further information as to how [inaudible] and produce to this House, maybe, a further chart showing 2025, so to speak?

2030 **Hon. A J Isola:** Mr Speaker, I think the difficulty with that question is that the chart does not  
reflect what we are doing today. For example, you will not see on that chart the Ministry of  
Employment ETB, which is one of the ones that we are working on first. There is no reference  
there to security. That was a different mode of putting things online. What we are doing is  
2035 actually putting in place the back office to automate the systems in the back office to enable the  
interface with users to be genuinely online by transporting forms into processes. And so there  
has been a material shift in the thinking behind what we are doing, which will produce very  
different results. That was very much paperwork being done digitally, and what we are doing is  
very different to that.

2040 **Hon. E J Phillips:** Is the Government giving serious consideration to the use of distributive  
ledger technology insofar as incorporating that? Is that one of the plans, given the fact that we  
have made such progress – or your Ministry in particular has made progress in relation to that  
area?

2045 **Hon. A J Isola:** We are studying the introduction of a part of the process using blockchain in  
the area of identity, where it is extremely strong.

**Mr Speaker:** The Hon. Roy Clinton.

2050 **Hon. R M Clinton:** Thank you, Mr Speaker.

As my hon. colleague has mentioned, this is obviously an out-of-date plan now, but in terms  
of this original plan, just on basic percentage terms, what proportion of this was actually  
achieved, in the Minister's opinion?

2055 **Hon. A J Isola:** I think the plan has got different lights on it – red, yellow, and green – and that  
is self-explanatory as to what was done at the time it was introduced.

As I have said already, the way that we are approaching it is very different to what was  
envisaged at the time; so, in the manner that was envisaged then, you are comparing apples and  
pears – it is completely different.

2060

**Hon. R M Clinton:** No, I appreciate that, but what I am saying in terms of the original plan is  
did the Minister achieve 10% of his original plan, or 20%; or is he just saying forget this plan, we  
are going to start with a brand new one which has different deliverables and different key stages  
and different projects? I would understand that, but I am just trying to understand – and I ask  
2065 this question in the context of Sir Joe Bossano's commentary in his Budget speech that he was  
disappointed with the e-government delivery for the money that have been spent on it – in  
terms of what was spent in the past on this, how much would the Minister think had been  
delivered for what had been spent? Or is it just not possible to arrive at that kind of  
determination?

2070

**Hon. A J Isola:** Two things: I do not think the Minister, my colleague Sir Joe Bossano, said that  
he was disappointed with the e-government in delivering efficiencies, because it obviously has  
not started yet in terms of delivering those efficiencies in terms of the project that we are doing  
now.

2075 In terms of what we originally did, as I mentioned before, it is impossible to compare because  
what we did then was put services online, so you would have to download the form, sign it and  
then hand it in. That is not what we are doing now. We are now converting paper forms into  
processes, so it is a completely different kettle of fish and it would be wrong of me to try to  
determine more than as done with the traffic lights system they have put on the road map as to  
2080 what we have done or have not done from this map, because it has changed. This is a proposal;  
what we have done is really quite different. And I have to say we have done it obviously with

ITLD, with the GHA IT department and with the Treasury IT department, all three units working together in delivering these services.

2085 **Mr Speaker:** Next question. Question 482.

**Q482/2018**

**Key legislation affecting business and commerce –  
Feedback from consultation paper**

**Acting Clerk:** Question 482. The Hon. R M Clinton.

2090 **Hon. R M Clinton:** Mr Speaker, can Government advise the feedback received on its June 2018 consultation paper on key legislation affecting business and commerce?

**Acting Clerk:** Answer, the Hon. the Minister for Commerce.

2095 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, consultation covering key legislation affecting planning, business and commerce was issued on 22nd June 2018 and responses were received by 17th August 2018.

We have received 27 responses, including from the business associations, and these are all currently being reviewed and considered.

2100 This consultation has been developed jointly by the Ministry of Infrastructure and Planning and the Ministry of Commerce.

**Hon. R M Clinton:** I am grateful to the Minister for his answer. Did the Minister detect any particular theme that came out in terms of the feedback received so far? And if so, does the Minister envisage any changes to legislation from the feedback received so far?

**Hon. A J Isola:** Mr Speaker, I am very pleased to say that the feedback we got was excellent. We are spending some time with my colleague Minister Balban and officials from both Departments going through in some detail the quality of the feedback that we have received and it will lead to changes in a number of different areas, yes, absolutely.

**Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Thank you, Mr Speaker.

2115 I move that the House should now adjourn to tomorrow at 4 p.m., when I hope that we will be able to finish questions.

**Mr Speaker:** The House will now adjourn to tomorrow afternoon at four.

*The House adjourned at 7.12 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4 p.m. – 4.09 p.m.

Gibraltar, Friday, 21st December 2018

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# The Gibraltar Parliament

*The Parliament met at 4 p.m.*

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

[ACTING CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

## Condolences to Hon. Chief Minister and his family

**Mr Speaker:** The Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, on behalf of the Government and I  
5 am sure of both sides of the House, I would like to express our most sincere condolences to our  
friend and colleague the Chief Minister and to his family on the sad passing away of his mother,  
Magda.

I had the pleasure of knowing Magda for many years, initially through mutual business  
connections. In this way I have actually known her for longer than I have known the Chief  
10 Minister himself. She was a lovely woman, a wonderful person and a loving mother, was very  
proud both of her family and also of the achievements of her son. One of the last occasions on  
which I saw Magda was before she took a turn for the worse – precisely, in Convent Place one  
morning, looking for the exit. She told me then, once again, how unreal it felt to see us there:  
*‘Parece mentira,’* she said.

15 The passing of a loved one is hard at the best of times. The timing today, as we enter the  
Christmas period, makes it particularly difficult. The Chief Minister and his family will be  
comforted to know that they are in our thoughts and in our prayers. May Magda rest in peace.

## Christmas and New Year wishes

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, given the circumstances, I am  
grateful to the hon. Members opposite for taking written answers to questions instead of oral  
20 answers, because this has been a challenging year. It has been dominated by the departure of  
the United Kingdom and Gibraltar from the European Union and we are confident that whatever  
the New Year may bring – whether there is a deal or no deal, whether or not there is another  
referendum, whether we leave the European Union or whether we remain – whatever may  
happen, Gibraltar will win through in the end.

25 That same spirit which saw us through the evacuation of the civilian population during World  
War II, which resisted the dictator next door, which withstood the closure of the land Frontier,  
which adapted from the closure of the naval dockyard, which battled shared sovereignty every  
inch of the way, that same spirit will see us face the challenges posed by Brexit and overcome.

I take the opportunity on behalf of the Chief Minister and of the Government to wish  
30 everyone a very happy and peaceful Christmas and all the very best for the New Year. Whatever  
2019 may bring, we will rise to the challenge together.

Mr Speaker, before I move to adjourn the House, I understand the Hon. Leader of the  
Opposition and the hon. Lady would also like to say a few words. (*Banging on desks*)

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

35

**Hon. E J Phillips:** Mr Speaker, we echo the comments by the Deputy Chief Minister and, on behalf of Her Majesty's Opposition and the GSD, we offer our deep condolences to the Chief Minister and his extended family.

40 Mr Speaker, anyone who has lost a parent will know the deep pain and suffering as a result of the passing, but I think in this case and the moving service at St Theresa's Church today, it is clear that the late Mrs Picardo was extremely proud of her son the Chief Minister and indeed very proud of her family. Anyone who has ever lost a parent is always told by people that their mother or father would have been proud of them, and I think it is right to say that the late  
45 Mrs Picardo must have been very proud of her son, a man, a father and a Chief Minister of our community. Our deep condolences go to the extended family and indeed, of course, to Members opposite.

In relation to the Deputy Chief Minister's comments in relation to the challenges that we face this coming year, one of the comments by his Lordship the Bishop today was in relation to solidarity in this community in respect of the family, and clearly there are challenges ahead,  
50 curves ahead, for this entire community. I am sure that all of us, not only in this room but in the wider community, will stand in solidarity in relation to the challenges that we will face. (*Banging on desks*)

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

55

**Hon. Ms M D Hassan Nahon:** Mr Speaker, from this corner of the House I too echo the sentiments of the Deputy Chief Minister and the Leader of the Opposition and extend my deep and sincere condolences to the Chief Minister and his family on the passing of his dear mother at this very difficult time when one should be looking forward to the holiday season and being with  
60 one's loved ones. But I do hope that the Chief Minister will find consolation in how much his mother was loved and respected, as we saw in a packed funeral this morning, full of watery eyes and genuine sorrow for this wonderful lady who has just passed away. I take this opportunity to wish the Chief Minister strength, faith and inner peace to get through this difficult time and reassure him that in this House – I am sure I can say from all of us – we are with him at this  
65 present time.

Regarding Brexit, Mr Speaker, of course there are challenges, as we all know and as we all deal with all the time and speculate all the time, but I have to say that I have no doubt that in the spirit of the Gibraltar history, as we have always seen, we will prosper, reinvent ourselves and sail through to better moments.

70 Thank you. (*Banging on desks*)

**Mr Speaker:** Before I call on the Hon. Dr Joseph Garcia to move the adjournment of the House, may I associate myself with the condolences that have been expressed to the Chief Minister, which my wife and I dearly share.

75 I would also like to express my admiration for hon. Members in that here we were coming for a very short session to adjourn Parliament; it was only necessary for seven Members to attend, and yet everyone who has been able to attend has done so as a mark of generosity.

Finally, I wish to express the hope that you will have a very happy Christmas and I wish you God's blessing for next year. Thank you. (*Banging on desks*)

80 The Hon. Dr Joseph Garcia.

## Questions for Written Answer

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, first I have the honour to table the answers to Written Questions 27-31/2018 inclusive.

### Adjournment

**Deputy Chief Minister (Hon. Dr J J Garcia):** And now I have the honour to move that this House do now adjourn *sine die*.

85

**Mr Speaker:** I now put the question, which is that the House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.  
The House will now adjourn *sine die*.

*The House adjourned sine die at 4.09 p.m.*