



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.

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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.

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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

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?

385

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?

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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

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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
455 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
470 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?

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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):
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?

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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?

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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 can mask true unemployment in Gibraltar, or indeed, at best for the Government, it would mask
585 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?

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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.

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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.

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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.

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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.

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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.

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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?'

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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
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
135 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
240 that is in any way sensible or reflective of the way that things are done.

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.
250 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
255 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
270 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.

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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.

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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?

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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.

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**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!

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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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GIBRALTAR PARLIAMENT, THURSDAY, 8th NOVEMBER 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*]

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).

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
175 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.

205 Principal thanks must go to the Attorney General, Michael Llamas QC, who has spent many 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.

215 Central to the Government's own concerns in this area have been the delicate issues of 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.

225 Schedule 1 of the Protocol contains a clarificatory agreed list and a map of the sites which 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 Gibraltar's Prison pending his or her removal from Gibraltar.

240 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 section provides as follows.

245 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 matter provided for in the Constitution.

255 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.

265 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 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.

280 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 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.

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.

405

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.

25 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.

30 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. 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 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 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 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 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 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 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 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 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.

140 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.

150 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 the interpretation of the Commission and of the Council in Article 50 of the Treaty as it is. In
280 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 political reality with which the negotiators were faced. And if I may say so, they are sometimes
285 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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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.

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 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.

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 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.

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.

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 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.

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.

600

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.

605

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**

610

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.

615

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.

620

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.

625

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.

630

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.

645

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.

695

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.

705

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.

720



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.

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.

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.

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.

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.

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?

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;

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 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 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 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.

375 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 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 there will be elements which relate to training in respect of the obligations incumbent on law enforcement under this Bill.

380 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 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 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.

395 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 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 have tried to use terrorism legislation to cure ills which might be ills, but which were not the

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subject that the parliament that was making those laws was seeking to deal with in the context of that particular legislation.

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 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.

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 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 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.

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.

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 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**

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.

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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 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, 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.
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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 the run up to drafting this Bill. Thank you, Mr Speaker.
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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 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 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 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 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 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 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 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 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 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 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.

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 1145 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.

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 1155 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.

Hon. E J Phillips: I am very grateful to the Minister for giving way. He did speak at length to 1165 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 the future there seems to be an overreliance on this question of LNG given the fact that 1170 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?

Hon. G H Licudi: Mr Speaker, I did mention previously that, quite apart from LNG being a 1175 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:

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			

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 circulated says ‘in the definition of Criminal Conduct’ but it is ‘in the definition of Criminal Investigation’, I see.

1370

And then in 74(2) at the very end also add the words ‘relating to or otherwise connected to terrorism’.

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?

1375

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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<i>The House recessed at 12.50 p.m.</i>	<i>67</i>

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.

270 **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

Program/Maintenance	Provider	Paid
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 Soluions 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.

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.
475

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)*

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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

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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

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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

FINANCIAL YEAR 11/12	
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
FINANCIAL YEAR 12/13	
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
FINANCIAL YEAR 13/14	
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
FINANCIAL YEAR 14/15	
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
FINANCIAL YEAR 15/16	
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
FINANCIAL YEAR 16/17	
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
FINANCIAL YEAR 17/18	
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?
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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.
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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.

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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.

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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.

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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.

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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?

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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.

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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.

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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

Acting Clerk: Question 570. The Hon. E J Phillips on behalf of the Hon. D A Feetham.

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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?

Acting 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, 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.

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1085 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?
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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.
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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.

1110 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?

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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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.
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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.

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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.

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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.

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Mr Speaker: Next question.

Q579/2018

GSLA –
Update re Grade 9 AA post

Acting Clerk: Question 579. The Hon. E J Reyes.

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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.

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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.

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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.

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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

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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 th 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 th 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.

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?
1320

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, 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.
1325

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 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 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.
1330
1335
1340

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	SENCO
QUALIFIED TEACHER TLR 2B	HEBREW SCHOOL	ENGLISH AND SENCO 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

NURSERY	AM	PM
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): Mr Speaker, the monetary value of donations made by the Kusuma Trust in 2013 amounted to £310,823.42.

1475

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 Education.

1485

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?

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 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.

1495

1500

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

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.

1530

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.

10

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.

15

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.

20

25

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*)

85

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.

90

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.

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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
490 time we get to the end of the first quarter of next year.

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
500 views of any member state or any institution.

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
505 releases: 'amateur' and 'simplistic', which I think are not insulting terms; they are terms which
have a common meaning in the English language.

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
510 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
515 heard and their name bandied about.

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 insomuch as it
520 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
530 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
535 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 Gibraltarian 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.

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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.

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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.

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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.

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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?
985

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.
995

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?
1000

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.
1015

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.

1040

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.

1090

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.

1095

Hon. E J Phillips: Mr Speaker, is any chlorination being used for the Upper Rock Nature Reserve watering points?

1100

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.

1105

Hon. E J Phillips: Mr Speaker, when does Government intend to publish the Macaque Management Plan?

1110

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

1115

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?

1120

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.

1125

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.

1345

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.

1350

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.

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.

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 Housing Department.

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 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.

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.

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 is attributable to general maintenance that is required or as a result of the refurbishment works.

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 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 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.

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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.

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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.

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.

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 –

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.

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?

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?

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.

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.

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.

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.

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 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.

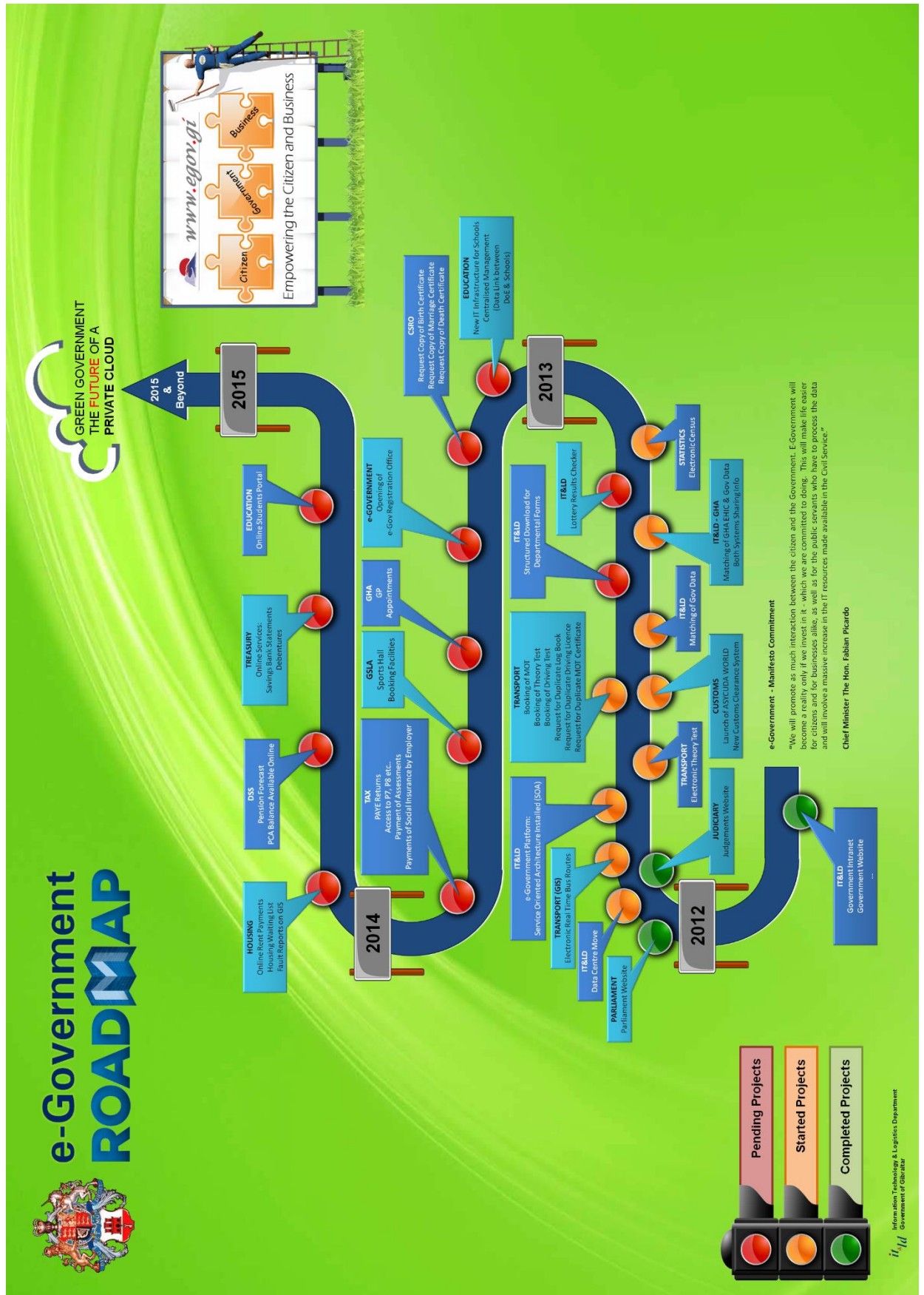
Acting Clerk: Question 481. The Hon. E J Phillips.

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 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.

45

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, 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)*

50

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 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 present time.

60

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.

65

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.