



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.04 p.m. – 4.33 p.m.

Gibraltar, Friday, 1st June 2018

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The Gibraltar Parliament

The Parliament met at 4.04 p.m.

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

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

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with a Government Statement

Clerk: Meeting of Parliament, Friday, 1st June 2018.
Suspension of Standing Orders. The Hon. the Chief Minister.

- 5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

GOVERNMENT STATEMENT

Change of Prime Minister in Spain – Statement by the Chief Minister

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this afternoon, the Speaker or President of the Spanish lower house of Parliament, the *Congreso de los Diputados*, has announced that at 3.30 p.m. she was communicating to the King of Spain, that the until now Prime Minister of Spain, Mr Mariano Rajoy, has lost a Motion of Confidence and Censure in the Spanish Parliament.

- 15 As a result of that same Motion, a majority of the Members of the Congreso have voted that the Leader of the PSOE Socialist Party, Pedro Sanchez Perez-Castejon, should be appointed Prime Minister, leading a minority Socialist government.

Mr Speaker, the importance of that political change in Spain at this time in our history, cannot be underestimated.

- 20 As the leader of the Gibraltar Socialist Labour Party and as Chief Minister of Gibraltar and Leader of this House, I have written a few moments ago, before coming back to this House, to Snr Sanchez, to congratulate him on the result of that motion seeking his appointment as Prime Minister.

25 In these circumstances, aside from offering my congratulations, I have also tendered to Mr Sanchez our desire to bring dialogue, understanding and co-operation to the issues that arise between our people.

Mr Speaker, the next 10 months will be decisive in many ways for Gibraltar, as we move towards 29th March 2019 and our departure from the European Union with the United Kingdom.

30 The result of the events in the Spanish Parliament today will mean that the ideology of those with whom we engage in Spain, and the manner in which we engage with them, *may* change.

As I have already said in writing to the new President of the Spanish Government, we will not be found wanting when it comes to demonstrating the willingness of the People of Gibraltar to engage constructively in dialogue in pursuit of policies designed to deliver co-operation and good neighbourly relations between our people.

I sincerely wish that we will see that sentiment reciprocated so that we can advance matters in the common interest of the citizens we each represent.

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

Hon. E J Phillips: Mr Speaker, we welcome the Statement by the Chief Minister, particularly what he says in relation to the manner in which we may engage in the change.

45 But coming back to that point later, Mr Speaker, this is clearly an interesting democratic development which we must continue to monitor. In our view, Mr Speaker, it is too soon to reach firm conclusions on particularly the impact in Spain, but also the impact in Gibraltar. It is true, Mr Speaker, that traditionally it has been easier to deal with a socialist government in Spain. However, Mr Speaker, the Spanish government, as the Chief Minister rightly pointed out, is a minority socialist government and therefore is in a fragile position.

50 We identify clearly that there is possibly an opportunity here to re-engage in talks that otherwise face obstacles. Mr Speaker, we also identify possibly an opportunity to restore the trilateral process.

55 It is true of course that regionally the socialist government has had a greater deal of support in Andalucia, insofar as the support it has had for the rights and demands of Spanish workers, but on a more micro-point, on this side of the House, we are quite prepared to be privately briefed by the Chief Minister and his Government on the wider impact once it becomes clearer to the Government.

Mr Speaker: The Hon. Marlene Hassan Nahon.

60 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to align myself with the comments made by the Chief Minister today. The developments in Spain were driven specifically by the corruption cases against key members of the ruling party. I congratulate those in the Spanish Parliament who stood up for accountability and transparency. In the Motion of No Confidence, they have sent a clear message to anyone who wants to use political systems to their personal advantage.

65 Nothing is certain in today's politics. Decisions can be reversed, governments overturned, but despite this uncertainty, Mr Speaker, democracies must continue to regenerate. Leaders who use their power arbitrarily to exploit a lack of accountability must be challenged, not celebrated. While we can cautiously celebrate the current disrepair of the right-wing government in Spain and what it might mean for politics here locally, including Brexit negotiations, we must work in the spirit that is opposite to the instability that has haunted Rajoy's government recently.

75 Earlier today, Mr Speaker, I met with the Cross-Frontier Working Group and it is quite clear that there is scope for an attitude that contrasts with the Margallo or PP style of doing this. If communities on both sides of the border can co-operate with goodwill and co-operation, while respecting the red lines of sovereignty, we can fight the narrative of the Spanish right wing. In

seeking dialogue we fight reactionary statements; in seeking collaboration, we escape the siege mentality; and in seeking respect, we can be an example of stability in an unstable world.

80 What has happened in Spain proves that *el que la hace la paga*, Mr Speaker, and we in this House are accountable to the people of this community. At the end of the day, anybody who thinks they can get away with abusing the system for their own interests or others around them will be proved wrong.

85 **Hon. Chief Minister:** Well, Mr Speaker, I do not know what part of ‘seeking clarification’ any of that was, but I am very pleased to have the opportunity to re-state to the Leader of the Opposition that I used the term *may* advisedly in the Statement that I made to the House. I note his proposal that we should privately brief them when we see how this change may manifest itself in the context of Brexit negotiations, etc. and what we will do is *continue* to brief them – because I do not want anyone to think that he has invited us to brief them as if we were not doing that. I think it would be acknowledged by them that they have been briefed on a number of occasions in respect of confidential aspects of what we have been trying to achieve in the context of discussions that are being held. So nobody should go away thinking that there is an absence of briefings of Members of the other side.

95 I am interested of course to hear hon. Members’ analysis of the political situation in Spain. I do not think that is what this moment is for. I am very happy to chew the fat with them over coffee and what has happened in the past 48 hours in Spain, but I do not think that a Government Statement in respect of the position of the people of Gibraltar tendered to a new Spanish President is the moment to start having discussions about *el que la hace la paga* and referring to the immediate past president of our neighbouring nation just by his last name, if I may say so to the Hon. Lady.

100 Mr Speaker, it is clear to us on this side of the House that there is a desire for dialogue and co-operation, which the people of Gibraltar have been making manifest for *many, many* years under successive Governments of Gibraltar. There are some instances when Spanish governments have been able to have the maturity to approach the people of Gibraltar and pick up the opportunities for dialogue and co-operation. I sincerely hope that we will see such an opportunity again in the future. When that opportunity manifests itself, I am sure that the people of Gibraltar will not be found wanting, as I said in my Statement a few moments ago.

110 **Mr Speaker:** Before we proceed with the remaining Questions, I understand the Hon. Samantha Sacramento –

Hon. Chief Minister: Mr Speaker, I think we are going to proceed with the Questions and she will be saying something at the end.

Questions for Oral Answer

CHIEF MINISTER

Q442/2018

Opening Gibraltar to a Syrian refugee family –
Action taken

Clerk: We now return to answers to Questions for Oral Answer.
We commence with Question 442. The Hon. Ms M D Hassan Nahon.

115 **Hon. Ms M D Hassan Nahon:** Has any action been taken by Government regarding the Chief
Minister's willingness in September 2015 to open Gibraltar to a family of Syrian refugees fleeing
the horrific attacks and state of desperation? Has any action been taken on this intention?

Clerk: Answer, the Hon. the Chief Minister.

120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has been pursuing the
initiative to accommodate a family of Syrian refugees, despite this turning out to be much more
complicated than at first thought. We have been advised by the United Kingdom that the
process should be followed via the UN High Commissioner for Refugees.

125 The Gibraltar Government committed itself to housing one Syrian refugee family when the
crisis broke out, but we have no alternative but to do so through the UK and the UN because we
are not able to engage directly in identifying a family.

In fact, we understand that all other UK Overseas Territories have abandoned their attempts
to pursue similar situations. However Gibraltar remains patiently engaged. Once a family is
130 identified, we will then make a decision on how to accommodate them.

Mr Speaker: Next question.

Q443-444/2018

Ending use of agency staff in the Civil Service – Government intentions for employment

Clerk: Question 443, the Hon. D A Feetham.

135 **Hon. D A Feetham:** Mr Speaker, in relation to the recent commitment by the Chief Minister
during the May Day Rally to 'bring an end to the use of agency staff in the Civil Service', is it the
intention of the Government to employ agency staff currently working within the Civil Service
directly?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with
Question 444.

145 **Clerk:** Question 444, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, will the Government commit to employing supply labour
workers in the Civil Service, authorities and agencies through short-term contracts?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is in the process of
considering with the relevant unions how best to implement our decision to end the use of
agency staff in the Civil Service.

155 **Hon. L F Llamas:** Mr Speaker, does the Chief Minister have a timeline of when he expects to
have a policy decision made, based on the discussions being had?

Hon. Chief Minister: Not at the moment, sir.

160 **Mr Speaker:** The Hon. Mr Danny Feetham.

Hon. D A Feetham: Has the Chief Minister conducted an analysis in terms of how many people are currently affected by this promise?

165 Indeed, of course, if you talk about ending the practice, one way which you can end the practice is to stop using contracted labour in the Civil Service. Another way is by employing people that are, through recruitment agencies, placed within the Civil Service.

How many people does he think this is likely to affect and how many people does he, does the Government envisage are going to be employed at the end of the process?

170 **Hon. Chief Minister:** Mr Speaker, we have conducted such an analysis, which was the first supplementary that he asked me; and I do not have the data with me to give him the answers that he has subsequently sought.

Mr Speaker: Any other supplementary?

175 **Hon. D A Feetham:** Just so I get it right, the Government does envisage increasing the quota within the Civil Service by actually employing some of these people that are currently placed within the Civil Service for recruitment agencies?

180 **Hon. Chief Minister:** Mr Speaker, the Government is in the process of considering with the relevant unions how best to implement our decision to end the use of agency staff in the Civil Service.

Mr Speaker: Any other supplementary? The Hon. Roy Clinton?

185 Next question.

**Q445/2018
Midtown car park–
Required modifications**

Clerk: Question 445, the Hon. L F Llamas.

Hon. L F Llamas: Further to Question 90/2018, is the Government now able to provide details in relation to the modifications required at Midtown parking?

190 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the doors for use by members of the public have been fitted with electro-magnetic catches which hold the doors open at all times.

In the event of a fire the fire detection system is triggered and it automatically releases the doors and allows the in-built door closers to close the doors.

195 **Hon. L F Llamas:** Mr Speaker, I do not believe ... That is hardly a long-term measure which is going to provide the accessibility that is required to the building. In fact, I went yesterday and the doors were shut and I do not believe there had been any fire.

200 Does the Government intend to actually look at this in a more mature and long-term manner in order to ensure that there is accessibility to that building for disabled users?

Hon. Chief Minister: Mr Speaker, I shall speak to the magnets and understand what it was that they were doing when the hon. gentleman was there and that they were not gainfully employed in keeping the door open.

205 I shall seek information on what the hon. gentleman has told me.

Hon. L F Llamas: But, Mr Speaker, surely this is something which is which should have been planned from the onset when the building was designed. Yesterday we heard the Minister for Equality saying how the Government had actually implemented all its policies, as if the Disability Act were already in force and therefore that does not reconcile with how we are seeing that this building is presenting itself to users who have disabilities, such as mobility.

Hon. Chief Minister: Well, Mr Speaker, I do not agree. The information I have is different from the information that he has brought to this House. I do not accept the information that he has brought to this House at face value and if the doors do what I am told they do, then they would provide the accessibility which the hon. Lady would expect to see provided.

Hon. D A Feetham: Mr Speaker, as the resident parking boffin within Parliament who spends about half an hour every single day driving around Gibraltar looking for parking – of course it does not afflict the Hon. the Chief Minister because he has got his parking at No. 6 Convent Place (*Interjection*) but disabled ... There is a serious point here.

I can tell the Hon. Chief Minister from my own experiences, those doors – you need to be training three times a week in a gym in order to open those doors. Those doors are *really heavy* doors and somebody with mobility difficulties ... Indeed, I have seen pensioners with difficulties trying to open those doors. So it is a point that to somebody that needs to access Mid-Town, it is an important point, and I think it is rather churlish of the Chief Minister to dismiss it in the way that he has.

I hope and I ask the Chief Minister – rhetorically, but by way of supplementary question – whether he is going to be dealing with it.

Hon. Chief Minister: Well, Mr Speaker, in that case, if he asked that question, he has not heard the answer I gave the hon. gentleman a few moments ago, which was that I would look into the information that he has provided.

But I am surprised that he has got to his feet to tell us that he spends time at the Midtown car park, because he has frequently told us that he does not enter the Midtown car park because it is full. One of the reasons that he has now turned the full attention of his incisive parliamentary style to parking is because he cannot find parking and he did not buy at the Midtown.

So I do not know which of the two to take for granted, but given that he is the advocate of anything that he thinks might somehow give rise to the public being less than entirely satisfied with the magnificent projects that the Government of Gibraltar has undertaken in the time that we have been in office, no doubt he will want to continue to pursue this matter in the short time that he told us he had left in this Parliament, given his commitment not to stand for election again, when the Parliament is dissolved – unless of course, Mr Speaker, he is no longer standing by that commitment, although I understand it was the requirement of some for their return to the executive.

Hon. D A Feetham: I do not know ... I have to say that I get rather worried by the hon. Gentleman! This hidden sort of love affair that he has with me of wanting me to stand and then not wanting me to stand – it is almost like one of these sorts of marriages ... Anyway, perish the thought, Mr Speaker.

At least, can the Hon. Chief Minister give a commitment to this House that he is going to get out of his G1 and out of his plush offices, Venetian palace, at No. 6 Convent Place and that he will personally go to the Midtown car park and that he will personally open those doors and ascertain for himself how difficult or otherwise it is to open those doors? Because if he does

that, I am absolutely certain – absolutely certain – that he will give immediate instructions for those doors to be dealt with.

Hon. Chief Minister: Mr Speaker, I do not think he has kept in his mind the thread of the discussions that we have had about this car park.

First of all, I am afraid I have not got a palace to leave to the next Chief Minister of Gibraltar I have got offices which are now fit for purpose and I think that that is something which most people understand. In fact, No. 6 Convent Place, like LNG, was one of the things he kept going on about at the last election – and look where it got him, Mr Speaker. So I advise him, and I am pleased to say he never takes my advice, to leave that to one side. Leave that to one side.

But he might also remember, Mr Speaker, that I have told him I have *used* the Midtown car park frequently – not during the week, when unless there are good reasons otherwise I *walk* from my home to the office. I commend to him that he should consider that, using the shortcut to town which takes him through sites as important as the part of Gibraltar where the Hon. the Father of the House was brought up and leads him straight into town. Given he spends half an hour looking for parking, he might find it quicker to get to his office if he were to do that and it might do something for his fitness.

But because I have used the Midtown I know that the Midtown is fitted with the doors necessary for a car park like that to be able to have all of the necessary fire, etc. permissions that it requires and that those are heavy doors, and that is why they have been dealt with.

And that is why, Mr Speaker, as the first sentence of my prepared answer, when he might have been too busy posting on some social media which happens to be his wont these days, now that he has got less responsibility as a parliamentary leader, given that he is on borrowed time – the first sentence of my prepared answer was: the doors for use by members of the public have been fitted with electromagnetic catches which hold the doors open at all times.

That, Mr Speaker, would suggest that nobody needs to go to the gym three times a week or five times a week or as many times as *he* might appear to want to go to the gym each week to open the doors, because given what I said, Mr Speaker, they should be open all the time. What the hon. Gentleman has said this afternoon – I do not know whether he just does not like to hear him because he does not want him back in the executive or whether every time that the hon. Gentleman speaks, he hears rap in the background – is that the magnets do not appear to be working because when he was there, the doors were closed. What I said to the Gentleman was: I cannot take at face value what you say, but I shall look into it.

Therefore, Mr Speaker, I will slowly explain to him that what was happening before he got up was that we were trying to agree between ourselves whether or not the doors were permanently open, therefore obviating any attendance at the gym as a requirement to be able to open them.

Hon. D A Feetham: Just one more, Mr Speaker.

I have no doubt that he would like me to take a short cut into town through Green Lane so that one of those rocks falls on my head! That would solve the problem of whether I am going to be standing at the next election or not, because I know that he would rather see the back of me.

But, Mr Speaker, I have actually this week been able to find parking at Midtown carpark twice and I can tell the hon. Gentleman that those doors have been closed. Indeed, I have never seen those doors open with magnets or otherwise; they have always been closed and every time I exit those doors, there is somebody with me they always say, 'God Almighty, these doors ... !' or words to that effect – 'These doors are so heavy you have got to be ...' People comment on the heaviness of those doors. It is genuinely an important point for people with disability and mobility problems.

Hon. Chief Minister: Mr Speaker, we recognise that if the doors are not open, there is an issue to be dealt with. That is why we have dealt with it.

310 Now, whether or not the doors are actually open is the issue that the Hon. Mr Llamas has brought in his first supplementary. I will certainly be looking into how his statements today dovetail with his previous statements as to his ability to find parking.

315 But I must disabuse him of his geographical misunderstanding of the route into town from his eyrie up the Rock. He should be making his way down through Devil's Gap steps – also known as *la Escalera del Monte* – not Green Lane, Mr Speaker. It would be the most direct route to his plush offices in the area of Line Wall Road.

Hon. D A Feetham: *Our* plush offices.

Hon. Chief Minister: Well, no, Mr Speaker, not 'our', because –

320 **Mr Speaker:** Soon to be more plush offices!

Hon. Chief Minister: Indeed. Mr Speaker, not 'our', because I am presently charged with the functions of the office of Chief Minister of Gibraltar on behalf of the people of Gibraltar, but I make no bones about the fact that one day when they no longer want me to do this job, I will go
325 back to do that job. I have no doubt, Mr Speaker, he will be there when I go back.

Commencement date for Disability Act 2017 – Statement by the Minister for Housing and Equality

Mr Speaker: Okay, on that note, the Hon. Samantha Sacramento has asked to have the opportunity to clarify the matter of the commencement of the Disability Act, which was the subject of exchanges a couple of days ago.
330

Minister for Housing and Equality (Hon. Miss S J Sacramento): Yes, Mr Speaker, thank you.

I would like to update the House that a notice has been issued in the Gazette with a commencement date, given the progress that has recently been made, and a date for the commencement of the Act has been set in a couple of weeks' time.

Questions for Written Answer

335

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W23/2018 to W26/2018 inclusive.

ADJOURNMENT

340

Chief Minister (Hon. F R Picardo): I have the honour to move that the House should now adjourn to Friday, 15th June at three in the afternoon.

I have indicated some of the Hon. Members opposite that given the dates for the European Council meeting which will be held at the end of June, between 28th and 29th June this year, I
345 anticipate that we shall be taking the debate on the Appropriation Bill in July – probably in late

July. It will not be possible for the Government to attend to further parliamentary business with any regularity between now and then. But I expect to be able to return to the House to deal with motions first on that date and then to come back to deal with legislation on later dates culminating or starting with the date on which we deal with the appropriation debate.

350

Mr Speaker: So the House will now adjourn to Friday, 15th June at 3 p.m.

The House adjourned at 4.33 p.m.