



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.12 p.m. – 8.27 p.m.**

**Gibraltar, Monday, 26th March 2018**

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# The Gibraltar Parliament

*The Parliament met at 3.12 p.m.*

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

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

## Questions for Oral Answer

### COMMERCE

#### Q285/2018

#### Postal service review – Findings

**Clerk:** Meeting of Parliament – Monday, 26th March 2018.

We continue with Answers to Oral Questions.

We commence with Question 285, the Hon. L F Llamas.

5

**Hon. L F Llamas:** Mr Speaker, can the Government disclose its findings upon conducting the postal service review?

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

10

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, the review is still ongoing.

**Hon. L F Llamas:** Mr Speaker, without going into too much detail on the actual review, does the Hon. Minister have any indication of any findings that they may have encountered so far. On this side of the House I am pretty sure we are all getting the same feedback from members of the community that they are still awaiting parcels and postage from as far as December and they still have not received it; and they are only just receiving even local postage, is also taking quite a considerable amount of time.

20  
Somebody this week actually mentioned a health appointment for which they had been waiting for eight years and they have actually missed the appointment because the actual appointment date arrived two weeks after the appointment had actually been allocated to them. Is the Minister aware of these sorts of problems that people are encountering before actually disclosing the final review of what the review may reveal in the future?

25  
**Hon. A J Isola:** Mr Speaker, from what the hon. Member has said, it is obvious that he understands why we are doing a review. And at this stage, all I can really do is say that the review is still ongoing.

30  
**Hon. Ms M D Hassan Nahon:** Mr Speaker, could I ask the Hon. Minister when he will have the findings of the review and we can be sure that we will get this information, please?

**Hon. A J Isola:** Mr Speaker, when the review is completed. I am not able to put any finer time on that. These things take time, processes, people, manning levels, a whole raft of different issues are being considered and reviewed. When that is completed, it will be completed.

I would rather give it the time that it needs rather than try and put a date on it by which time we will be forced to finish. So I am confident it will be reviewed shortly and at that time I will be happy to discuss it further.

**Hon. D A Feetham:** Mr Speaker, if I may. Just two questions so the Hon. Minister can answer them both at the same time.

The first is that he may recall that I asked him about this some time ago and I asked about the individuals that were on supply contracts within the Post Office. So the first question is, have any of those individuals that were long-term supply been engaged permanently by the Government?

Secondly, he refers to the review. That is a review conducted by the Government. I sense from the questions that my colleagues on this side have asked that there is an implication that that is going to be made available to the Opposition. But can the Government confirm that the review is going to be made public, or the results of that review are going to be made public? Or is it the intention of the Government to just simply make a public statement on the way forward for the Post Office, but not necessarily publicise the results of the review?

**Hon. A J Isola:** Mr Speaker, as the hon. Member has just alluded to in the last part of his question, we will make a statement at the time saying what the way forward will be. There are obviously discussions to be had long before that with the members of staff and the union on the different aspects of it, so I would not expect the review to be made public, no, or shared indeed with the Opposition.

With regard to the first question on the supply workers, depending on what date that question is asked, the answer could be different. I know we have made some supply workers permanent who had done the time period they were required to do, but since the commencement of the review, those have been frozen so we have not moved further on those.

But I can certainly say that in my time in looking after the Post Office in the last 12 to 18 months, there has been certainly one supply worker that I recall, but I would need notice to be specific in respect of the date that you ask for, so that I can give you some clarity. Because I know some had been, but certainly not in the last six to eight months and I think that was when the question was asked by the hon. Member.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, from my understanding, there are about 10 members of staff who are on supply and a few of them, I do not actually have the information with me now, but I have done my homework and there are several of them who have been on supply for over a couple of years or more. So a lot of these members of staff who are on supply are waiting patiently for the end of this review and obviously from their point of view, they have been on supply for longer than the review has been going on, as the Hon. Minister has said, and they are waiting patiently to know what their future will be.

So if I can ask the Minister to engage them as much as possible after this review is concluded and try to enfranchise them and obviously offer them contracts, it is exactly what they are waiting for.

Thank you.

**Hon. A J Isola:** Mr Speaker, obviously the workers are well aware of the review. All the staff, I met with, a couple of months back at the Post Office and explained to them where we were, what we were doing and why we were doing it, so they fully understand that. I am grateful for their indulgence and their patience and I hope not to keep them waiting too much longer.

**Hon. L F Llamas:** Mr Speaker, could I ask what is the Government exactly doing in this interim whilst it is reviewing the processes and the lengths of time that it takes to receive letters and parcels.

85 My own personal experience, Mr Speaker, a couple of months ago when I did go, I had to be attended by an actual Customs officer which was going beyond his call of duty, to be able to retrieve the parcel because the people who were there employed by the postal service simply could not cope with the demand and the amount of people – and this was after Christmas, nothing to do with the Christmas period.

90

**Hon. A J Isola:** Mr Speaker, these are the reasons why we are conducting the review and consequently our intention is to end up with a better service, providing better value for money to the taxpayer and with the service levels that you would expect and require from the Post Office.

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**Hon. D A Feetham:** Yes, I am afraid that I do not get my post delivered because the postman is too scared of my four dogs, so I have to go down to the Post Office to collect my letters!

100 But, Mr Speaker, does the Hon. Minister know whether this review is going to be concluded before the next General Election and that it is the intention that a statement is going to be made well before that date, so that everybody knows where they stand before that seminal moment in the history of Gibraltar?

**Hon. A J Isola:** Yes, Mr Speaker, long before. *(Interjections)*

## ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

### Q291-305/2018

**Public Debt; liquid reserves; General Sinking Fund; Savings Bank; GBIC Limited; GOC (Secretaries) Limited; GEP Limited; GSTR Limited; GEWP Limited; accounting; GDC – Details and reasons**

**Clerk:** Question 291, the Hon. R M Clinton.

105

**Hon. R M Clinton:** Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following date, being 1st December 2017?

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

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 292 to 115 305.

**Clerk:** Question 292, the Hon. R M Clinton.

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

**Clerk:** Question 293, the Hon. R M Clinton.

125

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

**Clerk:** Question 294, the Hon. R M Clinton.

130

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

**Clerk:** Question 295, the Hon. R M Clinton.

135

**Hon. R M Clinton:** Mr Speaker, can the Government advise why the Report and Annual Accounts for the Savings Bank for 2015-16 has been sent to depositors and yet the full Savings Bank Report for 31st March 2016 has not yet been Gazetted as required by the Savings Bank Act?

140

**Clerk:** Question 296, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise what is the procedure in the Gibraltar Savings Bank for the situation where instructions have not been obtained for the reinvestment of maturing debentures?

145

**Clerk:** Question 297, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise in the year to 31st January 2018, how many complaints have been received from pensioners who claim to have lost interest due to the non-renewal of Gibraltar Savings Bank debentures?

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**Clerk:** Question 298, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GBIC Limited and what is GBIC short for?

**Clerk:** Question 299, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GOC (Secretaries) Limited and what is GOC short for?

**Clerk:** Question 300, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GEP Limited and what is GEP short for?

**Clerk:** Question 301, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GSTR Limited and what is GSTR short for?

**Clerk:** Question 302, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the reason for the creation of GEWP Limited and what is GEWP short for?

**Clerk:** Question 303, the Hon. R M Clinton.

180

**Hon. R M Clinton:** Mr Speaker, can the Government advise why GBIC Limited and GOC (Secretaries) Limited have individuals as directors and secretary, contrary to the Government's policy of having corporate directors and secretaries, and what was the criteria for the selection of these individuals?

185

**Clerk:** Question 304, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government undertaken any exercise in respect of a cost-benefit analysis of a move from cash accounting to accrual accounting for the reporting of Gibraltar's public finances?

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**Clerk:** Question 305, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if the Gibraltar Development Corporation has any branches outside Gibraltar and if so where and why and since what date?

195

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

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

200

The figures requested for 1st December are: Gross Debt £447.7 million; Sinking Fund £5.2 million; Aggregate Debt £442.5 million; Cash £86.2 million; Net Debt £356.3 million.

205

The Report on the Savings Bank results which I send to its customers is not a requirement and there is no reason why it should not be sent before, after or at the same time as the accounts are Gazetted.

Whilst responsibility to return debenture certificates and provide instructions for reinvestment lies with debenture holders, the Savings Bank does send a letter to all debenture holders a few weeks before the maturity date, reminding them of the upcoming debenture maturity and reinvestment options. Following the maturity date, further efforts are made to contact clients who have not responded to the initial letter, either by letter or telephone.

210

The debenture prospectus states that, and I quote:

From and after the date of redemption of any debenture, all interest on the principal monies represented by a debenture shall cease and determine whether payment of the principal monies shall have been demanded or not.

215

There have been five complaints received from pensioners on loss of interest in the year to 31st January 2018.

When the Government registers a new company, it does so because it has decided so to do and this is also the case when a company name is chosen and directors are appointed.

The names chosen for the companies identified in the hon. Member's question are made up from the letters of the Roman alphabet which runs from A to Z. There is no other name for such companies other than that which has been registered.

220

No cost-benefit analysis of a possible move to accrual accounting has been undertaken.

The Gibraltar Development Corporation has no branches anywhere.

225 **Hon. R M Clinton:** Mr Speaker, you will of course, I hope, indulge me as I go through the questions, of which there are obviously quite a few.

If I could thank the Minister for his answers and if I could perhaps start with Question 295. I agree that there is nothing said in the Savings Bank Act that it cannot be published outside the Gazette but surely the Minister would agree with me that it is kind of somewhat logical that the law should require one thing and he actually does something that the law does not require and yet still does not do what the law does require.

230 I recall the debate that we had on my amendment to the Savings Bank Act, which would require publication within a certain timeframe, he said he saw no reason to publish it until the Government's accounts were published in full and yet he has seen fit to publish them and issue them to the depositors. I do not see that logic follows, in that he has obviously now released this to the depositors but still has not yet Gazetted it.

235 So obviously his original argument is saying, 'Well, I am not going to release this until the Government's full accounts are prepared' has seen to have fallen away or perhaps there is some other reason on which the Minister can enlighten me, but perhaps the Minister could indicate when he intends to Gazette these?

240 **Hon. Sir J J Bossano:** Well, first of all, I certainly do not agree with his opening statement that it is illogical because that would mean that I am accepting that I am illogical and I do not accept that, Mr Speaker.

245 The fact that I chose to send the reduced level of information that is in the booklet that I sent to depositors before the accounts have been Gazetted is consistent with the answer that I gave him which he has just quoted. It will be Gazetted when the accounts are published and that is what I intend to do. But since that has not yet happened, I did not want to delay further the abridged version that I sent to each depositor.

250 **Hon. R M Clinton:** Well, Mr Speaker, I move then to Question 296 and I note what the Minister has quoted in the prospectus and certainly I would accept that as normal banking practice.

255 But can I ask the Minister what happens in reality to the money that comes off debentures? Does it get paid to a debenture holder's account or does it go into a suspense of some sort, pending instruction and absence that instruction there is no interest earned?

260 **Hon. Sir J J Bossano:** Well, Mr Speaker, the hon. Member knows that it is a special fund and it is not separated into different accounts. So the money is kept on a cash account in one of the banks that we use, which is one of the local banks and there is no return on that money while it is there, because it has not been reinvested.

265 So part of the reason why we do not pay interest to the depositor is because we cannot invest the money without knowing if it is going to be reinvested for how long. Because as the hon. Member knows, there is a requirement to match on average the period of reinvestment and the period of repayment so that we do not get caught in a situation where we are borrowing short and lending long.

270 **Hon. R M Clinton:** I thank the Minister for his answer. In relation to Question 297 where there have been five complaints from pensioners on reinvestment of proceeds, and in a way this ties in to the previous discussion about our postal services in which certainly I know of several pensioners who claimed that either they did not receive the letter or they received the letter late. Is the Savings Bank taking that into account, in the sense of pensioners may not necessarily be on top of the maturity dates of their debentures and the required letters advising them of the maturity may not receive them in time to act upon it? Is the Savings Bank exercising a degree of discretion in respect of these complaints and in fact have these complaints now been resolved?

275



**Hon. Sir J J Bossano:** I think, Mr Speaker, to put it in context in the same period as the five, which is a year ending on 31st March, a total of 4,482 holders of debentures had their debentures maturing. But there seems to have been in this period, over a number of days, either delays or letters that have not gone there and that has been investigated and therefore, exceptionally there has been an adjustment made which has not come from the Savings Bank but from the Post Office side. That is to say, it has not been at the cost to the Savings Bank because the Savings Bank posted the letters early enough.

**Hon. R M Clinton:** Well, I am grateful to the Minister and I am sure that the debenture holders or pensioners will be delighted to know that they will be compensated.

Mr Speaker, if I can refer now to Questions 298, 299, 300, 301 and 302, the Minister's answer is somewhat light on information, to put it mildly, and I think everybody in this House can probably guess what the Roman letter G stands for and so I presume the other letters must stand for something else. Because otherwise, why not start with ABC and carry on ACD etc. until you exhaust the alphabet? There is obviously a particular rationale for the choice, for example, of GBIC.

Mr Speaker, I will illustrate this by reference to Europa Stadium Limited, which has since been morphed into a power-station-owning entity, which was originally called Europa Stadium Limited and has now become ES Limited.

So, Mr Speaker, there is a sort of rationale and there is a set pattern to the way the Government has done this in the past. I just find it perhaps regrettable that the Government cannot see itself or bring itself to tell the House what these particular initials stand for. In fact you know, Mr Speaker, from my reading of the question, the initials obviously stand for something.

Now, the Government obviously does not want to volunteer what those initials stand for, but could the Government perhaps confirm that the G stands for Gibraltar?

**Hon. Sir J J Bossano:** No, Mr Speaker, the G stands for G in the Roman alphabet, because I have already told him that the fact that we choose one letter as opposed to another, does not mean that the name of a company is anything other than the name that has been registered and that is the name that will go on the letterhead, the name that people will refer to it and the name that will feature on all the documentation of the company. The G might be Guernsey instead of Gibraltar.

**Hon. R M Clinton:** By that very answer, Mr Speaker, he belies the fact that there is obviously a meaning behind it when he says the G might be Guernsey, obviously means something, if not nothing.

But can I come back to GOC (Secretaries)? I mean is the Minister seriously saying that GOC does not stand for anything or it may as well be called Death Star (Secretaries) Limited or Skywalker Limited (Secretaries) or Jabba Hutt Limited or any other Star Wars character?

I mean is the Government seriously telling this House that there is no rationale for the naming of its companies? (*Interjection*)

**Hon. Sir J J Bossano:** What I am telling the hon. Member is what I have told him before. We take decisions, he is entitled to information as to what we have done but he is not entitled to expect us to have to justify why we choose one letter as opposed to another in a name, or why we put one person as opposed to another in a position.

We do it because governments take thousands of decisions every day of the week and they have been elected to take those decisions. The consequences of those decisions may be something that the hon. Member agrees or does not agree, but it is not a question of having to have a bilateral approach to choosing company names.

The issue is, those are the names that have been suggested for those companies and that is the names in which they have been registered and it is part of the decision process of the Government. I know he has not been in Government and I am sure if he looks back it is not the kind of thing that anybody in Opposition has ever challenged before, 'why do you choose this name and not another one?' Well, because I am the Government and you are the Opposition, basically.

**Hon. R M Clinton:** Well, Mr Speaker, I am grateful for the Minister's answer.

Can I ask then, in terms of the answer to Question 303. There are individuals appointed but obviously the Minister chooses not to explain why those individuals have been selected, but he has not explained whether the Government's policy has changed in respect of having corporate directors and secretaries as opposed to individuals.

I would like to understand why, for GBIC Limited and GOC (Secretaries) Limited, this is different to other Government entities.

**Hon. Sir J J Bossano:** Mr Speaker, when the hon. Member's first questioned why we put Company Directors Limited, he was told that it was so that the individuals could change and we would not need to go back and change the name of the directors. Clearly that does not mean that we have to do that in every single case. We choose to do it when we feel we should do it and when we feel we should not do it, we do not do it.

**Hon. R M Clinton:** Mr Speaker, can I then ask in respect of GBIC Limited, why it is necessary to have a director that is resident in Hong Kong? Is that something to do with the activities of the company and if so, what are they?

**Hon. Sir J J Bossano:** Mr Speaker, when somebody is appointed, it is not because it is necessary, nor is it that it requires a consultation with the Members opposite. We appoint somebody because we think he has something to contribute in the role to which he is being appointed.

**Hon. R M Clinton:** So, Mr Speaker, following on from what the Minister has said, and I follow his logic, then GBIC Limited obviously has some activity or some relationship with Hong Kong or why else would you appoint a director who is resident in Hong Kong? Would I be correct in assuming then that GBIC Limited has some business interest in South East Asia?

**Hon. Sir J J Bossano:** Mr Speaker, he can assume whatever he wants but I am not here to correct or otherwise his assumptions. He is asking hypothetical questions about his speculation. I am telling him that we took a decision to appoint a certain person to a certain company and give it a certain name. He has the information of the person and the company and the name and that is all the information he is entitled to have.

Why did we put it there, is it that there is something going to be happening in Hong Kong? Well, if there is, when it happens he will no doubt find out.

**Hon. R M Clinton:** Sorry, Mr Speaker, I was just reviewing my answers. I have nothing further to add, thank you.

**Hon. L F Llamas:** Mr Speaker, could I ask, is the directorship linked to any additional remuneration for that role.

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

380 **Hon. T N Hammond:** Mr Speaker, in order that I do not assume anything, may I ask the Minister, where we come to GOC (Secretaries), that the Secretaries element in the name is not a random and coincidental agglomeration of Roman letters but actually does mean Secretaries?

385 **Hon. Sir J J Bossano:** Mr Speaker, the selection of a secretary or the selection of directors is something that is done because we think it is appropriate to do it in the way that it has been done. There is no... *(Interjection)* I do not follow what the supplementary is trying to get at. *(Interjection)*

**Hon. T N Hammond:** Sorry, the question is simply, does the Secretaries in brackets following GOC actually mean the word 'secretaries' or is it just a random accumulation of letters?

390 **Hon. Sir J J Bossano:** Well I think it means what it reads, I mean whoever prepared the answer for me puts that down that this is what it means, what it says on the paper.

395 **Hon. R M Clinton:** Sorry, Mr Speaker, I just had one thought. Could the Minister enlighten the House as to who chooses the names of these companies. Is there a Cabinet company-naming committee that decides on names based on the Roman alphabet on a random basis? Is there a code book the Cabinet uses? Could the Minister enlighten us as to how these wonderful names are arrived at?

Thank you.

400 **Hon. Sir J J Bossano:** No, I think that is decided at the level of AA, Mr Speaker. *(Laughter and interjections)*

#### Q306/2018

#### Public service vacancies – Number as at 31st January 2018

**Clerk:** Question 306, the Hon. D A Feetham.

405 **Hon. D A Feetham:** Mr Speaker, how many vacancies were there in the public service as at 31st January 2018?

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

410 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** None, Mr Speaker.

#### Q307/2018

#### New Calpe House – Use for medical patients

**Clerk:** Question 307, the Hon. Ms M D Hassan Nahon.

415 **Hon. Ms M D Hassan Nahon:** Can the Government confirm that the new Calpe House building in 19-23 Norfolk Square will only be used by patients and their escorts for medical related reasons, or are there already plans to house others?

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

**Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, there is no change in the intended use of Calpe House.

425 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I ask this question following representations as a result of a request to change the application of the lease to remove the condition restricting use of the hostel to use by the Calpe House Charitable Trust. So even though the hon. Gentleman has confirmed that there are no plans at the moment, can he confirm that this will remain in the future as well?

430 **Hon. Sir J J Bossano:** Well, Mr Speaker, I cannot tell the hon. Lady in the future indefinitely, that is to say certainly in the future for as long as I am patron of the charitable trust and the trustees are the trustees that are there. But I have to say that I want to take the opportunity for congratulating the trustees and indeed express my gratitude to Her Majesty's Government for having removed the restrictions that existed, because we paid a reduced price for the property because it had the restriction. There was a value put on that restriction which was waived when  
435 it was negotiated directly with the Minister responsible, in the knowledge that this is an institution that is a charity and will continue to be a charity.

But it means that if at some future date, for example, certainly not in the very near future but at some time in the future, there was a need to look for a bigger place, then the realisable value of the property would be much better than it would have been with the restriction that it had. And I think that is the value of having removed it.

In the meantime, of course, we have got an asset now that has a greater value even though the use will be the same because the restriction is no longer there.

445 **Hon. D A Feetham:** Yes, Mr Speaker, may I, with the permission of the Leader of the Opposition to my right, join in congratulating the Trustees for what the hon. Gentleman has just outlined in his reply.

Can I also say that I have last week been to London at the invitation of the Trustees and they took me round the new Calpe House and it is going to be an absolutely fantastic facility for the people of Gibraltar and indeed all the Trustees can be truly proud of the work that they have done in respect of Calpe House.

450 My question, Mr Speaker, because of course it is Question Time, is: in terms of completion, does he know more or less when Calpe House will be completed and when the new Calpe House will be available to the GHA?  
455

**Chief Minister (Hon. F R Picardo)** Mr Speaker, I will allow the hon. Member to answer that question, but if I might just for a moment deal with the issue of the question that the hon. Lady has asked, which I think is something that is important for the whole House to be aware of.

460 As Mr Bossano has said, the indication to the Government is that this of course adds value to the lease, etc. But also, and I think this is important for the hon. Lady to factor into her reckoning of this matter, all that has happened is that the new Calpe House is now in exactly the same position as the old Calpe House was.

465 Of course, the old Calpe House is the current Calpe House in use and that lease, I believe in Prince's Square if my memory serves me right, does not have any restrictions. And so, what has happened, is that the trustees have rightly, in the view of the Government, moved to remove

the restrictions that there are in respect of the new lease, to put themselves in exactly the same position they were in, in respect of the old and current lease.

So as the Minister has suggested for example, when the time comes, they will be able to realise the value of the new lease as they go to increase the space available to Gibraltarians if that were to be an issue again in the future.

So there is not a move here that suggests a desire to change use; there is a move here to put the new Calpe House premises, and the law of the lease of the new Calpe House premises, into exactly the same standing as that of the current Calpe House premises which are also unrestricted. I hope this assists the hon. Lady in understanding why there has been that change made.

I do not have an exact date to share with the hon. Gentleman so I will give way to Mr Bossano if he has, but I think we all agree that as soon as possible is the right answer. But if the hon. Gentleman wants me to give way so he does not have to ask a question, he can make a comment, I am happy to do so.

**Hon. D A Feetham:** Yes, Mr Speaker, just in relation to the point that the Hon. the Chief Minister has made, the change of use is not an indication that there will be a change of use. What the change of use does is it gets rid of a restriction within the lease which then means that on the books of the trust, you have an asset that is of a greater value because it is unencumbered by that restriction. That is the reality, and that, in my respectful view, is good business by the trustees and therefore they ought to be congratulated for it, which is the point that the hon. Gentleman made.

**Hon. Sir J J Bossano:** I have not got a specific date that I recall, Mr Speaker, but he actually has been to see it more recently than I have. So my information is that there are no delays of any significance and that it is on time.

I think we would all like to see it happening and the sooner the better, because the present Calpe House is not in a very good state and the trust has to spend money on doing things to the one that is going to be put on the market, which is an unnecessary cost. So now that the investment has been made in the new one, the sooner we can start using it, we will be able to accommodate more people and see what return we can get from the other one.

#### DEPUTY CHIEF MINISTER

**Q308/2018**

**Activity-led tourism –**

**Land use**

**Clerk:** Question 308, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm what plans, if any, it has to use land for the purposes of activity-led tourism?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker. The Government is studying proposals for the use of the Northern Defences for the purposes of heritage and activity-led tourism.

**Hon. E J Phillips:** Would the Government agree that the key to increasing activity-led tourism – indeed, event-led tourism – is its marketing?

510

**Hon. Deputy Chief Minister:** Mr Speaker, the hon. Member will understand that I am not the Minister for Tourism nor the Minister for Marketing. But the question was posed from a land point of view, so I answered the question as landlord in terms of whether the Government intends to locate a site to be used for tourism-related activity.

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**Hon. E J Phillips:** Mr Speaker, I think I have asked a question in relation to land use, yes for the purposes of activity-led tourism. I am just asking whether the Deputy Chief Minister would agree that the key to having a successful policy in respect of that activity-led tourism or event-led tourism is marketing.

520

**Hon. Dr J J Garcia:** Yes, Mr Speaker.

**Hon. E J Phillips:** And therefore, he would also agree, Mr Speaker, that expenditure on tourism and marketing should be driven by value-for-money criteria, linked directly to results, would he not?

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**Chief Minister (Hon. F R Picardo):** Absolutely, Mr Speaker. Hence why the hon. Gentleman will have seen a press release issued by the Government a few hours ago, thanking him, the hon. Lady and Mr Llamas for their support at the recent event at the top of the Rock, where the Government launched the Skywalk, using a gentleman by the name of Mark Hamill, who used to star as Luke Skywalker in the movies which also feature 'Dad Vader' and others, (*Laughter*) well known to Members opposite, Mr Speaker!

530

And the hon. Gentleman might like to know, and this is why I wanted to thank them for their support, that the marketing of that particular opening which marketed the whole of Gibraltar, not just the Skywalk, garnered on the *Time Magazine* site, which has 15 million followers as I understand it, either on Facebook or on Twitter, over half a million views of a video on Gibraltar and the Skywalk. It was reflected in Mark Hamill's own Twitter feed which has 2.6 million followers. On another website it had a quarter of a million views of that video and indeed, Mr Speaker, I forget the countless numbers of television stations, I believe 117 television stations around the world carried the video of the opening of the Gibraltar Skywalk.

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So, Mr Speaker, marketing is absolutely what we have to be ensuring we get right and marketing, Mr Speaker, unfortunately sometimes costs money but we have to ensure that we use the money wisely to get the widest possible reach for Gibraltar, just as we, I think, demonstrated last week in an event which we also used to ensure that people who were followers of the particular saga that this particular actor is well known for also had the opportunity to interact with him.

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So I would like to thank Ms Marlene Hassan Nahon, the Independent, Mr Lawrence Llamas the Independent and the Leader of the Opposition for the GSD, Mr Speaker, for supporting that event.

550

Thank you very much indeed.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the invitation. I always try to attend as many public events that I have been asked to attend and I will continue to do so because that is what I have been asked to do sat in this House and when Government invites me to its functions I will of course attend. It would be odd if I just refused it.

555

Mr Speaker, in relation to the position of the Government, can the Government confirm that the significant costs associated with having Mark Hamill is driven by value-for-money criteria linked directly to its results?

560 **Hon. Chief Minister:** Mr Speaker, I would not even call it a significant cost. Given the reach that we had, I think that hon. Gentlemen might look at the cost of the Skywalk versus the cost of this event, which unfortunately we are prevented by this non-disclosure agreement of giving the details of, and would decide that actually this is not just good value for money, this is *excellent* value for money, *brilliant* value for money.

565 In particular, just to juxtapose it, and as I said in my statement at the end of that press release, in the same week as we are also demonstrating our investment in health, because we had just launched that week the new Primary Care Centre and the new Paediatric Centre so that our children do not have to go to the same primary care centre as adults, and in the same months as we are being told by hon. Members that we are investing too much in education.

570 So I think in terms of value for money compared to the reach and the cost of the Skywalk, I really wish I could give Members chapter and verse of what the cost has been because it is absolutely excellent value for money and gets the name Gibraltar a reach we do not usually have, to the many millions of people that we want to attract.

I will just say this to the hon. Gentleman at the end of this contribution, Mr Speaker. Gibraltar has had a pull to attract people for many years. Part of it is the view of the apes in Gibraltar and I think that will always continue and I think as my friends in the taxi trade say often, the apes are our Mickey Mouse and they continue to be the biggest draw for Gibraltar.

575 We have also been able to draw on the affections of those who have served militarily in Gibraltar, who wanted to return and bring their families. We also draw on our historical significance and our strategic significance and people are interested in coming to see Gibraltar for those reasons.

We draw on the fact that Gibraltar is iconic and people who visit Gibraltar and are lucky enough to arrive by ship want to see it, get off the cruise ships – perhaps not as many as we would like but many do. But we have to reach a new generation of tourists to Gibraltar and as the world changes, Mr Speaker, and we cannot rely on WW2 veterans who have served here or have served here subsequently to bring their families, etc. we have to reach a new demographic. Mr Speaker, the hon. Members opposite will agree with me that that means reaching a new generation of individuals who might want to come to Gibraltar.

580 There have been two significant things which we can point to in the past year in that respect. One of them, and in my view at the moment the most significant, because it has been one of the largest events in Gibraltar's history, certainly the largest event for the launch of any tourist site, is the visit by Mark Hamill, the actor who played Luke Skywalker.

The second is the fact that Gibraltar is featured in a video game called *Call of Duty*, Mr Speaker, which is what is known in the trade as a 'shoot 'em up' based on the Second World War. Mr Speaker, it is really quite incredible to see that the reach of this video game technology is now in the hundreds of millions of people. Hundreds of millions of people around the world play these games. Indeed now, Mr Speaker, they play together and one of the stages of that game – this is a special edition of the game which is a World War II version, includes Gibraltar as a fortress coming under attack from Axis forces etc.

600 We have to reach that new demographic, we have to reach the new generations. This was, Mr Speaker, in respect of the launch of the Skywalk, exactly the right way to reach them and to make something of our Skywalk to make it different to all the other skywalks around the world. This is the Gibraltar Skywalk. Gibraltar, if the hon. Member cares to look carefully, looks a little in profile like the island where the Last Jedi is to be found in the last edition of the saga. This is all creating part of the myth. We are trying to create an attraction for people.

605 I have seen, Mr Speaker, that there are some who think this is not going to produce a return. Well, Mr Speaker, we think it has, certainly in marketing terms already. The advertising value of what I am telling the hon. Gentleman has been the reach of this video is absolutely huge. If we had had to pay for it, Mr Speaker, it would have been millions of pounds.

610 I have read some people trying to be funny to bring in references to Tatooine, etc. and actually not achieving even funniness, let alone serious political reach, but you know, that is

what happens if you become a nomad in politics I suppose, Mr Speaker. You do not actually ever hit the target.

615 But if you look at this seriously and if you work it out carefully, Mr Speaker, even the real Slim Shady, Mr Speaker, would have understood (*Laughter*) the value of bringing the Force to Gibraltar.

**Hon. E J Phillips:** Mr Speaker –

620 **Mr Speaker:** Before the Leader of the Opposition asks a supplementary, given that the Chief Minister has widened the scope of the original question by his intervention, I will allow supplementaries on those aspects by which he has widened the scope, but I am not allowing any debate on these issues.

625 **Hon. E J Phillips:** Mr Speaker, given the fact that this House and the people in our community will not be permitted to know how much this event on the Rock has cost us, can the Government confirm at least that they have been able to manage the message being delivered via Twitter and other social media outlets in respect of Mr Hamill's communication?

630 Because as far as we can tell from this side of the House, Mr Hamill remarked on 'Why would they ever invite me to the opening of something called a Skywalk? Remains a mystery.' I think that is a fairly negative way of putting a Skywalk who has cost us money, Mr Speaker. Can the Chief Minister confirm that he is managing the marketing message being delivered to our community, outside our community?

635 **Hon. Chief Minister:** Mr Speaker, I paused to think because I really do not believe it is possible for the hon. Gentleman to mean what he has just said. I assume he is trying to deal with some social media mutterings of others who he has responsibility and owes allegiance to, Mr Speaker.

640 Now irony, Mr Speaker, is not something that tastes 'metally'. Irony is a methodology of getting across a message. And so, when Luke Skywalker, because that is how he is best known, says, 'I can't imagine why they ask me to open a Skywalk!', he is being ironic and, in that way, communicating a message. Very well, if I may say so, because the hon. Gentleman will indulge me for a moment as I reflect to the House, Mr Speaker, how far the irony of that particular message has gone.

645 In just seeking to give the House an updated number, that ironic message from Mark Hamill, also known as HamillHimself, garnered 7,938 likes – this is a way of measuring on social media, Mr Speaker – 969 retweets and 314 comments, Mr Speaker. So, 8,000, in effect, likes, 1,000 retweets, 315 comments. That is probably a million times more than anything he has ever said on Twitter has attracted the attention of, or indeed, Mr Speaker, that those beyond this House

650 who he owes allegiance to might ever have suffered the liking of.  
Just after that, Mr Speaker, Mark Hamill the actor who played Luke Skywalker, amusingly also took a picture of himself of his face in a Barbary Macaque cut-out, Mr Speaker. That obtained 7,000 likes and, Mr Speaker, just demonstrating that one can be a celebrity but also be a thoroughly decent, nice and kind individual as well, another tweet that the hon. – sorry no, not the honourable, he is not *really* a Jedi! (*Laughter*) That Mark Hamill himself put up which talked about World Down's Syndrome Day, and featured what we were doing in Gibraltar for World Down's Syndrome Day, garnered 4,500 likes and 630 retweets, Mr Speaker. That is just on Twitter.

660 The numbers on Facebook are I think even higher, Mr Speaker. That is one part of the marketing and if I may say so, Mr Speaker, and I will be very honest with the hon. Gentleman, we do not control what Mark Hamill says on Twitter. You never contract to control what is said; you contract so that something *is* said and that it is in the positive, and that is extraordinarily positive messaging which goes beyond simply saying – which is very bad marketing, by the way –



665 'I have been to open the Skywalk, the Skywalk is open, come and turn up, it is £1.50.' That is *not* good marketing.

Good marketing is marketing that gives a twist, that is ironic, that suggests something exciting. Mr Speaker, if the hon. Gentleman would care to know, the one thing I did not think worked very well was that one of the Stormtroopers was very casually photographed in the background. That turned out to be one of the key features of what drove the message, because  
670 people wanted to know what the Stormtrooper was doing casually hanging on the side of the balcony.

In fact, there was a caption competition running at one stage and some very funny contributions about what it was that the Stormtroopers were saying: 'They really need to polish the Death Star better', etc.

675 So, Mr Speaker, you do not need to control a message if you are on message with the people that you contract. These were excellent messages from Mark Hamill himself. I think they demonstrate the value of what we have done. They got out the message. We can all be grouches and scrooges about things. This was the right thing to do.

And the hon. Gentleman says we are not going to be permitted to know the cost. No,  
680 Mr Speaker, I am not permitted to tell you the cost, but I wish I could because it would demonstrate that all of the attempts to denigrate this are absolutely wrong and all the attempts to compare it to investment in health services are absolutely wrong, because it is done in the same week as we invest in the Primary Care Centre and the new Paediatric Facility. Frankly, Mr Speaker, to suggest that we would do anything that is not value for money, I think does not  
685 demonstrate the understanding the hon. Gentleman should have of how we ensure that we get the message out.

But the results speak for themselves. When have we had something out in 117 television stations? When have we had something to do with Gibraltar with half a million views already, four days after it has happened, on the *Time Magazine* page? Mr Speaker, these are excellent  
690 numbers, they show that the message has gone further.

I thought the attack would be, Mr Speaker, that we have spun this too well. But no, the suggestion seems to be the opposite. But I think the hon. Gentleman needs to get the irony of the message.. He needs to understand what irony is and see the value of marketing done in that way as well as we have.

695 **Hon. E J Phillips:** I have just one further question, Mr Speaker.

**Mr Speaker:** The Force is telling me that we should move on. (*Laughter*) I will allow one more supplementary and then we are moving on. We are not having more of Mark Hamill or Luke Skywalker in the House today.

**Hon. D A Feetham:** I had one more.

705 **Hon. E J Phillips:** Mr Speaker, I thank the Chief Minister for his response in relation to his expertise on ironic and the irony of this particular type of marketing on social media. But speaking seriously for one moment, how does the Government rationalise with people that have complained to me and complained to my colleagues about the excessive spending of public money – ?

710 **Mr Speaker:** No, no. We are now debating Government expenditure on a general basis. It does not arise from the original question. It does not even arise from the supplementaries that I have allowed.

715 **Hon. E J Phillips:** Mr Speaker, but he has given the widest possible remit.

**Mr Speaker:** No, I am not allowing that question. I am very sorry. You are outside the rules.

**Hon. E J Phillips:** Mr Speaker, I don't know how. It is the Chief Minister that is outside the rules.

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

**Hon. L F Llamas:** Mr Speaker, just on the marketing aspect, would the Government accept that perhaps they have lost an opportunity of having marketed this event in advance to the actual day and being able to attract fans over and fill up rooms in hotels and the restaurants in Gibraltar?

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**Hon. Chief Minister:** Well, Mr Speaker, the one thing I did not say before was that Mark Hamill apparently on television in GBC said, 'I am very lucky that they called it a Skywalk, otherwise they might never have contracted me to come and open it.'

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The definition of irony which I have got here, is 'the expression of one's meaning by using language that normally signifies the opposite, typically for humorous or emphatic effect', by the way.

Mr Speaker, I do not know whether the hon. Gentleman attended the events at the Piazza. The events at the Piazza demonstrated just how blessed Gibraltar is, because Mark Hamill landed in brilliant sunshine and had his picture taken, as anyone arriving at Gibraltar would, with Kaiane, with the Rock behind, an important marketing picture for Gibraltar in the future – Luke Skywalker, Gibraltar and our Mayor, Miss World 2009.

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It then rained cats and dogs. I bit my nails to the quick and by seven o'clock in the area in front of this Parliament, the sun was shining brightly and everyone that had an interest was here for an interview that Mark Hamill did with Nick Guerrero. Now the important thing, Mr Speaker, to tell the hon. Gentleman is the public order issues that we had getting Mark Hamill out of the lobby of the House of Parliament.

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Now, the hon. Gentleman knows that unfortunately, although I do not think it is necessary in Gibraltar but you know sometimes, as the hon. former, former Leader of the Oppositions says, we have to do these things. I have a bodyguard in Gibraltar. I have two in Spain for reasons which might be more obvious. He had five, Mr Speaker, and we had to call reinforcements to get him out. Now, if we had said earlier than we had that he was coming, we might have had even more difficult public order issues.

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The airport at one stage was full of people wanting to see him on his arrival. There were people who would not let him out of here. The Rock Hotel was besieged by people at different times. That is why we did not announce it earlier than we did, because we were concerned about those issues.

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But I think that the spread of the message has worked. That is what the marketing was about. This was not an event-led tourist event. In other words, we did not use the visit as a tourist event to fill hotels. We used the visit to promote a thing that we hope will help us fill hotels and attract people to Gibraltar.

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Look, it is possible to bring a celebrity every weekend, tell people they are coming and potentially, as long as the celebrity has a strong enough draw, fill Gibraltar with people who are interested in seeing that celebrity. That is not an area that we have explored but, Mr Speaker, what we have done in this instance, I think, is used the marketing by the celebrity being here in order to create an interest in those who follow the saga, in coming to see that Skywalk etc.

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

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**Hon. D A Feetham:** Thank you very much, Mr Speaker. Just a couple or three quick-fire supplementaries, Mr Speaker and then I will sit down.

The first is: did Mr Hamill insist on the non-disclosure of the consideration payable under this contract or was it the Government that insisted on it?

770 Secondly does the Chief Minister think that it is in the public interest for a Government to be signing a non-disclosure that it will not effectively disclose the consideration for a contract of this nature to a Parliament?

And thirdly, is there any truth in the rumour that the Government is bringing Eminem next to Gibraltar? *(Laughter)*

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**Hon. Chief Minister:** Well, Mr Speaker, I have to start by apologising to the hon. Gentleman, because I was not able to invite him also to the Skywalk launch. Not all Ministers were able to be invited because we had a controlled set of numbers and we needed certain shots etc. taken. So it was not possible to invite all Members of the House so we went for representatives of all the political groups opposite and we found the support of the GSD for this event and the support of Mr Llamas and Ms Hassan Nahon. Otherwise, Mr Speaker, we might have had the very difficult situation of having a Sith Lord and a Jedi on the same viewing platform, and then all sorts of trouble could have ensued. *(Laughter)*

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But, Mr Speaker, it is not us that insisted on the confidentiality clause; it is a standard clause in the artist's agreement. Frankly, I am going to seek to be discharged from that but I do not know whether we will be because it is a standard clause of his. And there is control, Mr Speaker, because this money is in the Estimates Book under marketing costs, etc. It is like the Music Festival, we are not able to disclose the individual fees of the bands, but you know what it cost. In other words, you know what is spent on that and you know how much is spent on marketing.

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790 But you just put yourself in a position, Mr Speaker, if you disclose that you are not going to get best possible value for money, because if you get a discount, Mr Speaker, and that is published, others will want to pay no more than you have paid.

So it is entirely in the public interest of Gibraltar that we respect confidentiality agreements because we think we get better deals for the Gibraltar taxpayer as a result, not worse deals as a result. So I think hon. Members would appreciate that that is the logic of why we accept these things.

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Finally, Mr Speaker, I know that these questions were put in some time ago, which means, Mr Speaker, these questions were put in long before there was any chance of anybody knowing about Mark Hamill coming to Gibraltar. They cannot have been intended for that, although all the supplementaries have been on that. I welcome that, Mr Speaker, because we have been able to deal with an issue that has been made public in another not so positive way by the Members of the party represented opposite but who are not in this House to put the very contrary view that was expressed by hon. Members present at the event last week.

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**Mr Speaker:** The Hon. Roy Clinton and that is the last supplementary that I am allowing. I have had enough this afternoon. Half an hour on Luke Skywalker, I think is – *(Laughter)*

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**Hon. R M Clinton:** Thank you, Mr Speaker, I will be brief.

Given that the Chief Minister has emphasised that this was indeed value for money, can he advise the House whose idea this was and was there a cost-benefit analysis presented beforehand as to this event?

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And finally, Mr Speaker, would he be willing to disclose to this House, the total cost of the Skywalk, including the cost of the opening?

Thank you, Mr Speaker.

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**Hon. Chief Minister:** Mr Speaker, it was my idea. Yes, we did a cost-benefit analysis. We will disclose the full cost of the Skywalk but not the cost of the opening because that would allow people to work out the cost of the event and therefore put us in breach of our obligations. I am

820 sure that the hon. Gentleman does not want to put the Government of Gibraltar in breach of its contractual obligations, Mr Speaker.

And I bow to you now as Supreme Leader and end this part of the questioning.

**Q309/2018**  
**St Christopher's School –**  
**Plans once handed over to Government**

825 **Clerk:** Question 309, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain what plans it has for St Christopher's School, and explain in what physical conditions the school has been handed over to the Government?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker. St Christopher's School has not yet been handed over to the Government.

**CHIEF MINISTER**

**Q310/2018**  
**Economic Advisory Council 2025 –**  
**Members and meetings**

835 **Clerk:** Question 310, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government appointed members to the Board of the Economic Advisory Council 2025 and if so, how many times, and on what dates, has it met since formation?

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

845 **Chief Minister (Hon. F R Picardo):** Mr Speaker, less than 90 days after the result of the 2015 General Election, the former Prime Minister of the United Kingdom, David Cameron, called a referendum on the UK and Gibraltar's membership of the European Union. For that reason, the Government decided to forgo appointments to the said Economic Advisory Council.

The Government will therefore now expect to convene the council in July, a date by which we may have greater clarity as to the access the UK and Gibraltar may have to the EU Single Market.

850 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer, although I fail to see why the Brexit vote had to delay the creation of the council. In fact, I would have thought there would have been more reason for its creation.

Can I ask the Chief Minister, has he identified the individuals that he would wish to appoint to such a council and if so, have they been approached?

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**Hon. Chief Minister:** Well, Mr Speaker, I do not agree, because it is not possible to make serious suggestions *in vacuo*. So in other words, Mr Speaker, what is the point of sitting round thinking about what we would do if we had access to the Single Market if we do not have access

860 to the Single Market, or thinking about what we would do if we do not have access to the Single Market if we do have access to the Single Market.

So what makes more sense, Mr Speaker, is to know what the settled position is going to be, what market we are going to have access to and to plan in that way.

I have approached a number of people to form part of this council and I expect to approach others in coming months.

865 You should not expect a call. *(Laughter)*

**Hon. R M Clinton:** No indeed, Mr Speaker, I certainly would not expect a call.

Can the Chief Minister enlighten us as to the significance of July? Forgive me if I am not up to speed on that particular date.

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**Hon. Chief Minister:** Well, Mr Speaker, I take it then that he is not following the debate about when the European Union expects to enter into arrangements with the United Kingdom.

### Q311/2018

#### Pensions for private sector workers – Government manifesto commitments

**Clerk:** Question 311, the Hon. R M Clinton.

875 **Hon. R M Clinton:** Mr Speaker, how does the Government believe it has fulfilled its manifesto commitment of 2011 and 2015 in respect of pensions for private sector workers?

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

880 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in full, sir.

### Q312/2018

#### Tax rebates – Value outstanding as at 31st December 2017

**Clerk:** Question 312, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise the value of tax rebates outstanding as at 31st December 2017, analysed between personal and corporate?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Income Tax Office does not hold historical information on the level of tax rebates due.

890 The fact is that the total value of refunds due to individuals and entities is obviously in a state of constant flux. The Tax Office continues with its refund repayment programme and is continuing to bring assessments up to date. The result of this strategy is that additional refunds continue to be made in a timely manner as practically possible.

895 Therefore, during the current financial year, and as at 9th March 2018, the Income Tax Office has paid an unprecedented £14,247,460 in tax rebates. That is the largest amount ever paid in

tax rebates in the history of our community and is in keeping with our policy of seeking to be as up to date as possible in respect of the amounts repaid to taxpayers.

Mr Speaker, this is a record to be proud of and I am pleased to tell the House that I will be able to provide more detail on the success of our policy during the course of the debate on the Appropriation Bill later this year.

**Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for his answer. I will perhaps file another question, Mr Speaker, with your permission, because without checking *Hansard* I cannot remember off the top of my head, I am fairly certain that we have had information in the past on the level of tax refunds outstanding and therefore it is entirely within the ability and remit of the Tax Office to provide that information.

While I am on my feet, Mr Speaker, the Chief Minister has just given a number of rebates paid of £14 million and change: would he confirm to the House that is in fact more than the estimated revenue repayments of £10 million in the Estimates Book?

**Hon. Chief Minister:** Yes, Mr Speaker, it is a 50% surplus over that amount. In fact, instead of £10 million we have paid £14,400,000 to date. That means, Mr Speaker, that the £10 million which would have been the largest amount ever paid in tax rebates in any financial year has been exceeded half again, Mr Speaker. An excellent record to be proud of in paying back to people and exceeding, Mr Speaker, the amount ever paid by any Government in the past in any financial year.

**Hon. R M Clinton:** Well, Mr Speaker, I would be the first to congratulate him on behalf of the taxpayer, if only we knew how much more remains to be paid. As soon as we have that information, I will be the first one to congratulate the Government for repaying what taxpayers are due.

But I have no further question for him.

**Hon. Chief Minister:** Well, Mr Speaker, in that case, I will look forward to receiving his congratulations, but hopefully not caveated in any way, because this is the largest amount ever paid. If he wants to compare that to the amounts that may be outstanding, he might want to compare that to the amounts outstanding as a ratio of the amounts outstanding at the time that the party that he represents was in office because, Mr Speaker, I think even that is important.

I think the demonstration and commitment of the Government in repaying to taxpayers is now more evident than ever, and as I said during the course of the last Appropriation debate and will demonstrate during the course of the coming Appropriation debate, to which I am very much looking forward.

#### Q313-320/2018

#### PAYE, Social Insurance, Rates, Corporate and Personal Tax arrears – Details as at 31st December 2017

**Clerk:** Question 313, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for PAYE tax arrears as at 31st December 2017, without disclosing the names of those debtors.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 314 to 320.

**Clerk:** Question 314, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Social Insurance arrears as at 31st December 2017, without disclosing the names of those debtors?

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**Clerk:** Question 315, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Rates arrears as at 31st December 2017, without disclosing the names of those debtors?

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**Clerk:** Question 316, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Corporate Tax arrears as at 31st December 2017, without disclosing the names of those debtors?

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**Clerk:** Question 317, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for Personal Tax arrears as at 31st December 2017, without disclosing the names of those debtors?

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**Clerk:** Question 318, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government state whether any individual or company listed in the lists of arrears provided for PAYE, Social Insurance, Rates, Corporate and Personal Tax as at 31st December 2017, appears in more than one list and how many do so?

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**Clerk:** Question 319, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for electricity arrears as at 31st December 2017, without disclosing the names of those debtors?

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**Clerk:** Question 320, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of the amounts owed by the top 30 debtors for rent arrears as at 31st December 2017, without disclosing the names of those debtors?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand over a schedule with the information requested.

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**Mr Speaker:** Whilst the hon. Member studies the schedules and therefore he can come back and ask supplementaries, we will move on to the last two questions from the Hon. Lawrence Llamas.



ANSWER TO QUESTION 313

Top 30 amounts  
outstanding for PAYE

Outstanding
£535,020.83
£364,113.32
£352,613.02
£217,118.40
£206,717.72
£192,575.15
£142,525.54
£139,500.47
£132,866.71
£119,186.99
£107,156.72
£96,861.60
£94,411.90
£82,860.18
£80,865.64
£75,777.16
£75,425.23
£72,805.18
£70,874.64
£67,394.77
£66,978.45
£65,527.55
£60,118.94
£58,889.35
£57,745.68
£57,671.65
£57,396.90
£57,058.55
£55,088.00
£54,635.64

ANSWER TO QUESTION 314

Top 30 amounts  
outstanding for Social  
Insurance

Outstanding
£316,998.09
£216,186.51
£142,602.19
£118,915.55
£95,011.23
£93,660.21
£90,737.36
£88,736.70
£78,673.49
£77,668.27
£75,024.87
£66,388.30
£65,728.97
£65,255.91
£59,054.27
£58,633.38
£57,972.33
£56,467.56
£55,900.25
£53,879.20
£50,555.65
£49,160.52
£48,664.10
£47,946.01
£46,783.89
£46,491.02
£45,643.23
£44,252.23
£43,419.75
£41,330.69

ANSWER TO QUESTION 315

Top 30  
amounts  
outstanding for  
Rates

Outstanding
£646,252.56
£284,335.05
£211,733.50
£191,381.75
£172,900.00
£120,263.23
£105,826.51
£99,112.00
£95,096.67
£85,468.93
£78,707.97
£77,195.60
£68,174.63
£65,842.92
£63,904.20
£59,786.65
£56,919.37
£53,897.52
£52,032.20
£50,630.15
£43,109.64
£41,915.56
£39,293.20
£39,271.26
£38,849.05
£37,508.10
£37,503.77
£36,434.06
£34,818.83
£34,276.98

**ANSWER TO QUESTION 316**

Top 30 amounts outstanding  
for Corporate tax

Outstanding
£325,532.97
£127,952.27
£121,172.11
£86,263.72
£75,813.18
£69,097.04
£67,788.50
£67,401.90
£64,320.74
£60,681.23
£53,689.25
£52,347.07
£41,443.05
£38,919.37
£38,616.06
£37,123.86
£35,365.00
£33,249.00
£30,952.62
£30,548.13
£29,117.56
£28,835.94
£26,814.74
£24,014.32
£23,731.65
£23,697.09
£23,213.70
£23,046.80
£22,648.16
£22,461.00

**ANSWER TO QUESTION 317**

Top 30 amounts outstanding  
for Personal tax

Outstanding
£320,978.48
£231,430.52
£108,886.78
£90,077.79
£80,789.54
£76,025.08
£71,650.00
£63,878.00
£63,503.48
£62,050.74
£61,369.57
£59,099.24
£58,131.34
£54,624.87
£50,884.84
£49,442.07
£47,892.57
£47,833.76
£46,809.92
£46,800.53
£46,328.77
£44,948.53
£43,956.00
£43,560.00
£42,794.40
£40,439.59
£39,492.50
£39,291.10
£38,673.46
£38,551.26

**ANSWER TO QUESTION 318**

Companies appearing on more than one list

PAYE	Social	Personal Tax	Corporate	Rates
£364,113.32	£316,998.09			
£192,575.15	£216,186.51		£24,014.32	£95,096.67
£139,500.47	£118,915.55			
£57,058.55	£142,602.19			
£96,861.60	£90,737.36			
£107,156.72	£55,900.25			
£80,865.64	£75,024.87			
	£93,660.21			£52,032.20
	£95,011.23		£52,347.07	

£75,777.16	£65,255.91			
£57,745.68	£65,728.97			
£58,889.35	£59,054.27			
£70,874.64			£38,616.06	
£57,671.65	£48,664.10			
			£67,401.90	£34,818.83
	£49,160.52		£41,443.05	

**ANSWER TO QUESTION 319**

Top 30 amounts  
outstanding for  
Electricity

<b>Outstanding</b>
£21,603.35
£19,295.08
£36,357.13
£18,251.77
£17,631.18
£17,436.21
£16,877.57
£16,030.46
£15,450.48
£24,468.50
£14,782.06
£14,708.89
£14,739.82
£14,662.00
£14,491.31
£14,511.53
£14,132.79
£14,040.99
£13,795.07
£14,025.44
£13,410.64
£13,181.68
£13,238.45
£13,158.65
£12,727.66
£12,536.62
£12,480.48
£12,479.19
£12,384.33
£12,324.23

**ANSWER TO QUESTION 320**

Top 30 amounts  
outstanding for  
Rent

<b>Outstanding</b>
£20,793.65
£20,356.17
£19,954.05
£19,723.35
£19,420.42
£19,064.81
£18,591.82
£18,493.63
£18,011.43
£17,484.26
£17,294.73
£17,141.91
£16,928.24
£16,926.13
£16,763.91
£16,424.11
£16,224.58
£16,194.31
£16,173.94
£16,037.95
£16,020.29
£15,824.64
£15,542.00
£15,491.09
£15,371.05
£15,329.19
£15,236.65
£15,069.64
£14,843.25
£14,806.54

**Q321/2018**  
**Former Rooke site –**  
**Costs of demolition and works; reasons**

995 **Clerk:** Question 321, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose the cost of demolition and any works it may envisage carrying out at the former Rooke site together with its reasons for carrying out these works.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the reply to Question 399/2017 set out the cost of the demolition and the reasons for it. The information requested has therefore been in the public domain for nine months.

1005

**Q322/2018**  
**Disability Allowance –**  
**Concerns**

**Clerk:** Question 322, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide an updated position with regards to Question 94/2018?

1010

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the position in respect of Disability Allowance remains as set out in answer to Question 94/2018. I am looking forward to meeting with the Disability Society tomorrow, in order to better understand their concerns in this respect.

1015

**Hon. L F Llamas:** Mr Speaker, the question is that people from the Disability Society and Members in general have been under the impression, since the Chief Minister made an address during his initial Budget upon winning his first election, that the Disability Allowance benefit – not the taxable allowance received, the actual benefit – would increase in line with the cost of living. And given that the Chief Minister announced a 2.7% increase in cost of living, that is the percentage that they are seeking to receive.

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In the past, the Government has issued press releases when they have increased the benefit. In one particular year I believe the cost of living only went up 0.4% and the Government actually topped it up and went up to 1.7% and they made a press statement. But given that they have actually been writing to No. 6 asking questions, not just for clarification in the public domain, but they have actually taken the initiative to try and push this agenda forward but have been unable to get any answers; and the fact that the commitment has been there and has been practised throughout the years, it suddenly seems to have stopped. Does the Government have a reasoning for why the Disability benefit has actually not increased in this financial year?

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1030

**Hon. Chief Minister:** Mr Speaker, Question 94/2018, which is the one which is referenced in the question I am dealing with today, deals exclusively with Disability Allowance, Mr Speaker. It does not deal with anything else. But as I have said to the hon. Gentleman, I am going to see the

1035 Disability Society tomorrow, so I will be providing answers to any questions that they put to me tomorrow, directly.

**Q313-320/2018**

**PAYE, Social Insurance, Rates, Corporate and Personal Tax arrears –  
Supplementary questions**

**Mr Speaker:** Are there any supplementaries arising from those schedules?

1040 **Hon. R M Clinton:** Yes, Mr Speaker. Just on a cursory review of the schedules and we may come back with more specific questions, if I can direct the Chief Minister to his answer to Question 314, top 30 amounts outstanding for Social Insurance, and the amount there is £316,998.09. Looking at the corresponding schedule that was handed to us in October 2016, it is in fact the same identical number.

1045 Can the Chief Minister advise or at least confirm that we are talking about the same debtor and if so, why is it in the space of time that has elapsed, that number has not changed?

1050 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, it is the same debtor. The amounts accrued in 2001, 2003 and 2009 and the company is in liquidation – that is why the figures have not changed.

**Hon. R M Clinton:** I am grateful to the Chief Minister for that answer. Can he advise, if he has the information with him, which of the other entities relate to companies that are in liquidation?

1055 **Hon. Chief Minister:** In that schedule, Mr Speaker, in Social Insurance there are none other in liquidation, but there are a number in the legal process and I do not know whether that legal process is winding-up proceedings or not, because I do not have that information.

1060 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for that. Would I be correct in presuming – and I presume that would be the correct assumption – that in his answer to Question 318 where the Social Insurance amounts of £316,998.09 appears, that the PAYE debtor is in relation obviously to the same debtor and is also therefore, the same entity in liquidation? And if I could ask whether the line down, the next one down, also relates to the company in liquidation.

1065 **Hon. Chief Minister:** So, Mr Speaker, he said in 318, so the first line of 318 is the one that he referred me to which has in respect of the column for Social Insurance the same figure, £316,998.09, then the figure for PAYE £364,113.32 is of course, because that is how it is set out, owed by the same debtor, Mr Speaker.

I did not catch the second limb of what he asked me.

1070 **Hon. R M Clinton:** Yes, I am grateful to the Chief Minister. I was just asking if the next line down of that same schedule in answer to 318 would relate to an entity in liquidation?

1075 **Hon. Chief Minister:** Mr Speaker, the note I have says ‘pending liquidation’. So I assume that is at some part of the process of the winding-up procedure of the court.

**Hon. D A Feetham:** Mr Speaker, what about the second number on the schedule for PAYE £364,113.32 and also the numbers as well on personal tax, which is – (*Interjection*) sorry? Yes,

1080 well, which is exactly the same as the number that was given to us in October 2016. That is the second one on the schedule on PAYE.

**Hon. Chief Minister:** That is exactly the question that I answered to the hon. Gentleman, Mr Speaker. That entity is the one that is – (*Interjection*) No, no but he also asked me to relate it to the number in respect of PAYE that appeared in the answer at 318, I believe, Mr Speaker. So if  
1085 the hon. Gentleman looks at 318, that is the number that I gave the hon. Gentleman, you see, so it is the same entity, Mr Speaker, and it is in liquidation.

**Hon. D A Feetham:** Mr Speaker, I am grateful for that.  
What about personal tax? What we have on personal tax in October 2016, the top number  
1090 was £320,978.48 and the second highest debtor on personal tax in October 2016 was £231,432.52 which are identical to the figures in the schedule that he has provided in answer to my hon. Friend today.

**Hon. Chief Minister:** Yes, Mr Speaker, so they are in liquidation, but obviously in human  
1095 terms that means bankruptcy. (*Interjection*) So these are two individuals in bankruptcy.

**Mr Speaker:** Any other supplementaries?  
That is the end of question time then.

#### PROCEDURAL

#### Estimates of Expenditure – Agreed to be circulated on Wednesday, 2nd May

**Mr Speaker:** Before we move on, there is a matter that I want to clarify. Members will recall  
1100 that we agreed that the Estimates of Expenditure, that the Constitution would be met, the requirements of the Constitution, if the Estimates of Expenditure were circulated not later than 30th April.

Now, 30th April is a public holiday in Gibraltar, Monday is the public holiday and Tuesday,  
1105 1st May is also a public holiday. Therefore, basing ourselves on the Interpretation and General Clauses act, the requirement would be met if the Estimates are circulated on Wednesday, 2nd May. Is that agreed?

Thank you very much.

#### Q186-188/2018 Government workers – Question held over to this session

**Hon. D A Feetham:** Mr Speaker, I have one matter, before the Hon. Chief Minister moves to  
1110 something else.

**Chief Minister (Hon. F R Picardo):** All I am going to do is table the Written Questions. Does he  
want to say it before or after I table the Written Questions?

**Hon. D A Feetham:** Before, I would appreciate it. Maybe it is a point that is badly made,  
1115 because it may well be that the answer is in the Written Questions.

1120 But, Mr Speaker, you may recall that at the last session of Parliament I had one question, which was a question about the supply workers from recruitment consultants across the public service and the hon. Gentleman, Minister Bossano, I think he indicated that in the time available it had not been possible to compile the information in order to provide an answer.

At that stage I referred Mr Speaker to Standing Orders and I asked for my question to be left over to this session of Parliament, whether it is orally or in writing. And in fact, my recollection was that that is where we left it – we left it at that stage.

1125 Now, I would like to know where we are with that question because of course, Mr Speaker, what I could have done and I am not going to get technical about this, what we could have done would have been if the Hon. Minister had said, 'No, no my answer is I do not have the information therefore that is my answer and that is it, because the time to compile it has been too short,' I would have asked for the indulgence of Mr Speaker and I would have said to Mr Speaker, 'Can I repeat the question next time round?'

1130 So in fairness to me and in fairness to ... not that the hon. Gentlemen are going to be too fair to me, but in fairness I would say, I would just like to know where we stand with that question. Because now we have got Easter so there is another month that is going to be lost and if the hon. Gentleman intends to answer my question, well look, I will sit down and shut up.

1135 But the indication that has been given to me is that the hon. Gentleman now believes that he answered my question and that is the end of the matter, which I think is terribly unfair and I appeal to the hon. Gentleman's sense of fairness.

**Hon. Chief Minister:** Well, Mr Speaker, I do not know what makes the hon. Gentleman think – (*Laughter*) if I manage to get the words out through my mirth! I do not know what makes the hon. Gentleman think that we would be anything other than entirely generous to him, Mr Speaker.

If only he had allowed me, Mr Speaker, to lay on the table the Written Answers to the Written Questions, I have the answer to his question here, Mr Speaker.

1145 **Hon. D A Feetham:** A full answer or ... ?

**Hon. Chief Minister:** They always are, Mr Speaker! (*Laughter*) – to table for the hon. Gentleman also ... Well, not to table but at least to pass to the Clerk to pass to him that answer, because our understanding is that they are questions that are then dealt with as written at the next occasion and here we are, Mr Speaker.

#### QUESTIONS FOR WRITTEN ANSWER

**Chief Minister (Hon. F R Picardo):** So I therefore have the honour, Mr Speaker, to table the answers to Written Questions numbers W12 to W22/2018 inclusive and to pass over also, Mr Speaker, the answer to the hon. Gentleman's question which was left unanswered at the last session. And I hope, Mr Speaker, of course, that he enjoys the answer, as we always wish that he does.

And, Mr Speaker, I think that might be a convenient moment –

1160 **Mr Speaker:** Before we go –

**Hon. Chief Minister:** Oh, perhaps not, Mr Speaker!

**Clarification by Mr Speaker  
of Rule 16(2) re unanswered questions**

**Mr Speaker:** Not by way of making any ruling on this matter, but I had an opportunity this afternoon earlier when I spoke to the hon. Member, to have a look at Rule 16(2) which says:

If any question remains unanswered when the Parliament adjourns on the last day of a meeting a written answer shall be sent to the Member who put the question:

Provided that where the question has been set down for oral answer the Member who put the question may within three days, exclusive of Saturdays, Sundays and public holidays, next after the adjournment of the Parliament require in writing that the question be postponed to a day at the next meeting of the Parliament.

1165 So, the position therefore, is this. If a question is on the agenda and for some reason or  
another the question is not asked, it is not answered because it is not asked, and it might not be  
asked because the hon. questioner is not present and has agreed with his colleagues that it  
should not be dealt with. If that happens, then unless he gives an indication within three days  
1170 that he wishes to take the matter forward, a written answer is given – and only in those  
circumstances.

When the other day he rose and he had the exchange with the Hon. Mr Bossano, in good  
faith, I took the answer that Mr Bossano had given in good faith, I thought the question had not  
been answered.

1175 But no, if a question is put and the answer is 'I am not able to answer it, I do not have the  
information here because I require more time', as far as the proceedings of Parliament that day  
are concerned, the question has been answered, and the answer is that I cannot give you the  
information that you require.

1180 That would not set off, in my view, Rule 16(2). Rule 16(2) I think only comes into operation if  
the question has not been asked and if it has not been asked, it has not been answered. That is  
the way that I understand over the years that that particular rule has been applied – certainly,  
when I was a Member and I would imagine in between.

**Hon. D A Feetham:** Mr Speaker, I do not want to sound controversial. I thoroughly disagree  
with the interpretation that Mr Speaker has placed on this particular clause and indeed, I would  
1185 wager my professional reputation – (*Interjections*) I go as far as to say that I would wager my  
professional reputation that Mr Speaker is wrong in relation to that.

1190 Because you see, if I ask a question ... What Mr Speaker is saying is that this particular clause  
in Standing Orders is there only in a situation where the question does not get asked. That  
cannot be right. This is there to cover that situation, I agree, but it is also there to cover a  
situation where the Government says, 'Well look, I do not have the information here now, but I  
am going to have it next time round.' Well, instead of asking the question again next time round,  
what then happens is that the same question can be left over for next time round and then the  
answer is provided. That must be the purposive, common-sense interpretation to this particular  
clause.

1195 But as always, Mr Speaker, you are the final voice and the final arbiter and my professional  
reputation is irrelevant – it is neither here nor there. But I have to say that I could not stay sitting  
down without expressing my view in relation to this, because in fairness I just do not agree with  
it.

1200 **Mr Speaker:** I respect what the hon. Member is saying entirely. Fortunately, I do not have  
any professional reputation at stake (*Laughter*) on this matter, but as I say it is my recollection  
that that is the manner in which, in practical terms, that particular rule has been applied over  
the years and I do not think that there has been any exception to that until just now.



1205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, on behalf of the Government, the Government will not just abide by your ruling but agree with it respectfully, Mr Speaker, because there are, and this is what the hon. Gentleman understood when he was in Government but does not like to understand when he is in Opposition.

1210 There are rules as to questions and then rules as to answers. The rules as to answers are procedural, they deal with when answers are provided and how answers are provided. They cannot deal with the substance of answers and once a question is asked, such answer as may be provided as long as it is in keeping with the rules, Mr Speaker, is an answer.

1215 And therefore, Mr Speaker, I think it is very clear that it would be ungenerous of the Government to seek to invoke the rule that you cannot ask the same question within six months, where a Minister has given such an answer. And there Mr Speaker has discretion and would say, 'Well look, if what the Minister said at the last session was that he did not have the information, then I am going to allow the question to be put again, even though six months have not passed.'

1220 But that does not get the hon. Gentleman off the hook he has created for himself again on his professional reputation (*Laughter*) and Rule 16(2), which I am afraid, Mr Speaker, leaves the House with the abiding view that once again his professional reputation lies in tatters around him. (*Laughter*)

1225 And, Mr Speaker, as much for him as for all the rest of us, I think that may be a convenient moment for us to recess for him to collect his reputation and for the rest of us to have a comfort break for 15 minutes.

**Mr Speaker:** Very well, we shall now have a short recess.

*The House recessed for 15 minutes.*

## Order of the Day

### PRIVATE MEMBERS' MOTIONS

#### Environment – Gibraltar's air quality and renewable energy – Amended motion carried

**Clerk:** Government business has now terminated.

We now move to Private Members' Motions – the Hon. Ms M D Hassan Nahon.

1230 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*'THIS HOUSE:*

*NOTES that the content of this motion represents the views and desires of a considerable number of constituents who have taken part in the debate and elaboration of the motion via the civil platform "Together Gibraltar".*

*BELIEVES that it is the responsibility of our current administration, and our elected representatives in Parliament to deliver on commitments to shape our future.*

*UNDERSTANDS that poor air quality in Gibraltar is not a new phenomenon.*

*ACCEPTS that we must demonstrate adherence to EU targets on air quality.*

*AKNOWLEDGES that we must relocate / add new air quality monitors to locations so as to better reflect the air quality in dense urban environments.*

*RECOGNISES that vehicular emissions are the second largest contributor to air pollution in Gibraltar.*

*COMMITTS to meeting EU targets on recyclable waste.*

*RECOMMENDS an independent analysis of renewable energy sources and potential for Gibraltar.*

*WELCOMES the Bill to amend the Gibraltar Electricity Authority Act 2003 in order to support feed-in arrangements, however, expresses concern that this Bill does not propose a framework that provides some form of investment protection through guaranteed feed-in tariffs or others, and relies exclusively on discretion by the Gibraltar Electricity Authority.*

*DECLARES the need for the creation of a cross party platform. There is a need for an independent, executive body to oversee the actions above, such that the election cycle and varying manifesto commitments will not de-prioritise the environmental agenda, and only a broad parliamentary consensus can guarantee the level of commitment this issue requires.'*

**Mr Speaker:** I now propose the question in the terms of the motion moved by the hon. Lady.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, as many of you probably know, I, together with a group of socially aware and active constituents, have organised a civic platform designed to promote participation and help bring positive change in Gibraltar. This platform is called 'Together Gibraltar' and I would like this platform to be a useful tool in bringing the voice of the people we represent closer to us; the legislators and decision-makers of this community also.

It is intended to be a pragmatic, non-partisan vehicle of expression and I hereby encourage the Members of this House to put aside their differences and their cynicism and take full advantage now and in the future of this direct line of communication with the electorate.

After several meetings with these constituents, it was determined that we should commence by approaching a subject capable of generating great consensus. The subject of the environment, its current state and how we are dealing with the great challenges that await us in the future, was the key to our first step.

At this stage, it is important to state that it is a responsibility of our current administration and our elected representatives in Parliament to deliver on commitments to shape our future. These measures must be practicable and measurable and not fall into empty declarations of principle like has so often been the case in the past.

They require urgent and effective legislative changes, substantial investment and a pedagogical effort aimed at educating and empowering the public at large. All this in a way that is financially as well as environmentally sustainable.

We seek a holistic approach with a wide consensus on measures and targets to be established with veritable evidence of adherence towards these targets and a long-term plan binding both present and future Governments.

In that vein, let me start addressing the real substance of this proposal. It transpired from the meeting that one of the most important issues for our constituents is pollution and air quality. Air quality is not only an environmental concern but also one that impacts on the health and quality of life of our constituents. So much so, that Gibraltar has a higher rate of respiratory disease than anywhere else in Europe, 2.5 the amount of times than that of the EU mean in 2013. And there is anecdotal concern about other diseases often linked with pollutants: cancer and dementia for example.

This concern is not a new phenomenon, not in Gibraltar and definitely not in this House. In fact, in July 2010 following the failure to meet European limits on PM10 and Nitrogen Dioxide particles, the Air Quality Action Plan was prepared.

Subsequently, a TEN – Time Extension Notification – was submitted for ongoing, non-conformity breaches to levels of pollutants. The TEN included a number of actions deemed outstanding in 2011, many of which remain outstanding six years later.

1270 These include park and ride scheme for border walks and tourists, a city centre low emission zone, emphasis on low emission vehicles/public transport, to remove 2-stroke engine mopeds off the road and launch of the new power plant.

1275 In order to achieve these aims, we must demonstrate adherence to EU targets, also in a post Brexit scenario on air quality for arsenic, benzene, cadmium, carbon monoxide, lead, nickel, nitrogen dioxide, NO<sub>2</sub>, ozone, particulate matter PM10 and PM2.5, Polycyclic Aromatic Hydrocarbons (PAH) and sulphur dioxide.

1280 These efforts require a planned scientific approach and an adequate monitoring infrastructure. It is impossible to verify the implementation of this plan without relocating and adding new air quality monitors to certain locations so as to better reflect the air quality in dense urban environments, particularly in the north and west part of town, for example, Waterport Terraces. Until we can offer an accurate diagnosis of the problem we will not be able to provide an effective solution.

1285 As part of this holistic approach, we must take into account the environmental impact of our traffic plan and ensure that it does not disrupt our environmental objectives. Vehicular emissions are the second largest contributor to air pollution in Gibraltar. Furthermore, congestion, noise and energy dependency issues worsen while the number of cars on the roads increase.

1290 Between 30,000 and 40,000 vehicles on the road and the figure increasing, the matter must be addressed. It is therefore proposed that a target of 10% electric vehicles by 2020 be adhered to; a year on year decrease of the number of non-electric vehicles on the road; a service level agreement of 99% operational availability of air quality monitors be implemented; and implement a road tax to deter car ownership as well as implement a congestion charge zone to reduce congestion and pollution on our clogged streets. A feasibility study of a Zipcar-style car-sharing scheme also; transparency on the progress towards a fleet of electric taxis; and hybrid low emission fleet of buses.

1295 Another fundamental aspect of a sustainable environmental agenda is the issue of waste disposal. We must therefore firmly commit to meeting EU targets on recyclable waste, 60% paper, 60% glass, 50% metals, 23% plastic, 15% wood.

1300 An adequate plan to address this issue should include investment in grass roots education and distribution of household bins; recycling bins in every private and public estate, Government office and Corporate office; implementation of a new tax to non-recyclable waste beyond a certain amount. Legislation ensuring businesses on Main Street separate their recycling for collection; legislation to phase out by 2020 all single use plastic bags, with no import duty and tax benefit on paper bags and alternatives.

1305 Partly due to successive Governments' failure to create awareness of the environmental agenda, our energy consumption per capita is in the global top ten worst offenders list. This means we have come to expect a lifestyle that is high in energy consumption. This can only continue if we implement a comprehensive renewable energy plan, capable of maximising the many sources of renewable energy at our disposal.

1310 In order to efficiently approach this, I propose an independent expert analysis of renewable energy sources and potential for Gibraltar. This must include a plan for renewables to generate no less than 15% of Gibraltar electricity demands by 2020, as well as the incorporation of zero emission standards to all future building projects.

1315 With permission, Mr Speaker, I shall leave out the section on the Gibraltar Electricity Authority Act 2003 where I have outlined some concerns to the Minister for the Environment and Climate Change, because he has kindly agreed to postpone that Bill in order to discuss my concerns, so I shall leave that out of the motion at the moment.

In general, Mr Speaker, I therefore look to the Government to consider the potential of the renewable energy economy and establish a multi-sector, independent body, capable of identifying where businesses could contribute in allowing us to address our environmental challenges for a win/win outcome, with the regulator talking to the regulated. If approached in a fragmented manner, we risk having incomplete or even incorrect solutions.

1320

Finally, Mr Speaker, I end by stressing yet again, that environmental sustainability and fighting climate change is not a partisan issue, Mr Speaker. In this battle we win together or we lose together. I therefore propose the creation of a cross-party platform capable of ensuring these measures are implemented irrespective of party political or other agendas.

1325

Mr Speaker, there is a need for an independent executive body to oversee the aforementioned actions, such that the election cycle and varying manifesto commitments will not deprioritise the environmental agenda and only a broad parliamentary consensus can guarantee the level of commitment this issue requires.

1330

We need the 20 to 30-year vision with ambitious targets and governance structures in place such that it remains a priority irrespective of who is in Government. The people of Gibraltar wish it so, Mr Speaker, and it is our obligation to make their wishes a reality.

Thank you, Mr Speaker.

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**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Marlene Hassan Nahon.

The Hon. Dr John Cortes.

1340

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I want to sincerely thank the hon. Lady for her motion and for bringing it to this House. I have long said that the environment is such a vital matter that it in fact transcends party politics and there is no better sign of progress in politics than when opposite sides of the House agree on matters for the wider benefit of the community that this Parliament serves.

1345

Having said this and precisely working in the interest of community improvement and benefit for present and future generations, I will address the hon. Lady's points in turn.

1345

Mr Speaker, I am very much aware of the views of our community when it comes to the environment. I have taken great pride my whole life in the fact that I have worked with and through our community to improve the environment. Indeed, it is only by working together with all sectors and ages of our community that we can deliver real environmental sustainability.

1350

Mr Speaker, I agree with the philosophy expressed in the motion that it is the responsibility of the administration and all elected representatives to deliver on commitments that shape our future.

The Government's track record during the past six years is clear evidence of this. Gibraltar saw its first pioneering pieces of environmental legislation under the stewardship of my hon. Colleague, the then Chief Minister, Sir Joe Bossano with whom I worked closely in the late 1980s to set the foundations of what we have today.

1355

More recently, my hon. Friend and colleague Paul Balban is spearheading the most environmental and forward-thinking Transport Plan Gibraltar has ever seen. Similarly, my colleague, Steven Linares, to just mention a few, is leading with initiatives in his own areas which will have great environmental benefits.

1360

The Government recognises the importance of the environment and despite the view of some that Gibraltar is too small to make a difference, we believe that Gibraltar can punch above its weight – to use that phrase used so often – in environment, as it does in so many other areas.

We are now, Mr Speaker, working on putting the finishing touches to our long-term environmental strategy, which I am sure the hon. Lady will love listening to the things that she has been saying, which will do us proud and will safeguard our environment for current and future generations.

1365

1370 Mr Speaker, there is one point on which I want to just correct the hon. Lady and that is on the question of air quality, only in respect that we have made very big progress in the last few years. If we focus on the science, we will see that the facts of our performance on air quality, despite the need, which I acknowledge, to do more, is improving all the time. The environmental statistics from 2015 and 2016, both of which are online – we are awaiting the final 2017 data – show clearly that there is a continuing trend over those periods of improvement in air quality, including our first ever attaining European Union standards in 2016.

1375 Of course, air quality could be better and we have to remember that we do live in an urban area. Despite this, Mr Speaker, Government has worked successfully since our very first few days in office to improve and tackle air quality issues. We have closed the two highly Polluting South District power stations and when we commission the new gas generators later this year, we will slash pollution levels, leaving of course traffic as the major source of problems for air quality  
1380 which will also be tackled with the Sustainable Traffic, Transport and Parking Plan (STTPP) and the promotion of hybrid and electric vehicles.

The issue of nitrogen oxide exceedances is largely due to our old and ageing power stations and the lack of foresight of the last administration to deal with this issue when they could. Once again, Mr Speaker, one of the first issues tackled by this administration in 2011 was indeed  
1385 power generation in Gibraltar, on which the Chief Minister himself led.

We have already adopted a cleaner form of diesel. Indeed, Mr Speaker, I can announce now that of this year and for the time that we will still be using diesel, we are in fact already using fuel which includes biodiesel for the first time, which counts towards our renewable targets. We are moving to gas whilst delivery renewables in public buildings, with much more to come.

1390 Mr Speaker, we agree with the sentiment on EU targets, I have already in the last two Budget speeches committed to meeting existing EU targets on the environment and more importantly, committed to the future adoption of EU targets or better, so as to ensure that our environmental standards are not diminished.

1395 Mr Speaker, as Brexit approaches, the EU can be reassured that we will be a beacon of good environmental practice, at which no-one will be able to point an accusing finger.

On air quality monitors, Mr Speaker, I have already committed to a monitor in the North District in the past.

1400 Mr Speaker, in the field of waste management, I would like to remind Members that one of the first policies adopted by this administration within our first fortnight in office was to increase recycling to include paper and cardboard, in addition to increasing new cycling streams and recycling points throughout Gibraltar.

We thrust recycling into the 21st century when Gibraltar was seriously trailing behind all other European countries. Our recycling figures continue to increase and will continue to do so. We are now once again reviewing our waste management strategy to ensure that we are as self-sufficient and clean as possible in this strategy.  
1405

1410 Mr Speaker, renewable energy was non-existent in Gibraltar until 2012. This is a fact. It was not even in the vocabulary of the then Government and I know this from my own personal experience. Increasingly panels are going up on our roofs and the solar projects at the hospital and GSLA pool are examples. We have not advanced at the pace that I would have liked but then again, we must remember that we started from below zero because the mindset within the public and private sectors was not there when it should have been, back in 2011.

Analyses of the opportunity for renewable energy have been carried out and continue to be done so by independent bodies, and a number of initiatives will be coming to fruition in the coming months.

1415 I acknowledge that the hon. Lady has been in touch with me with some suggestions on amending the Bill for the Gibraltar Electricity Authority amendment and therefore, I too will refer to that when we come to debate that at the next sitting of Parliament.

Mr Speaker, I agree in principle with a concept that guarantees that environmental governance transcends the nuances of the adversarial political system. The environment is such

1420 an important issue, as more and more people are discovering. The effects of man-induced climate change, including sea level rise and severe weather effects, the effects of plastic on the life of our oceans and on our health, are there for all to see and will impact each and every one of us. There is no 'Planet B.'

1425 So I agree with the sentiment and I welcome the hon. Member's contribution and ask her to feel free to approach me and to meet with me to discuss the ideas that she has, and her group has, and wants to bring forward. I think that she will be, Mr Speaker, very pleased with the plans that we are preparing as indeed will be anyone who cares about the environment, about the planet and the community in which we live.

1430 We are working very hard to ensure that the environment is safeguarded now and in the future, not least, Mr Speaker, against possible future administrations which may not be as bold and pioneering in their environmental strategies as we are and have been.

1435 However, Mr Speaker, I cannot have confidence in a cross-party platform that reflects the current composition of the House. While I associate most comfortably with the hon. Lady's sentiments and I appreciate the Hon. Mr Llamas' love of animals – and indeed the Hon. Mr Hammond's latter-day interest in bird photography, including those of a very high standard – (*Interjection and laughter*) I cannot forget the horrendous environmental legacy of the GSD.

1440 The Official Opposition is the party that stood for election just over two years ago, falsely feeding fear on our plans for power production – (**Several Members:** Hear, Hear!) (*Banging on desks*) attempting to manipulate information, data and reports for political gain all of which, flew in the face of environmental science. (*Interjection*) It is the party that wanted to place a dirty diesel plant in the heart of natural Gibraltar. It is the party that would not contemplate energy efficiency or renewables as an option for the future. It is the party that would not listen to voices – including my own, as I know first-hand – voices calling for better environmental governance – something which frustrated and angered me so much that I was drawn into standing for election. It is that party that I helped defeat that must never again be allowed to have a direct say in how we manage the environment in Gibraltar.

1445 Mr Speaker, however, having said all that, I would extend my invitation to all Members opposite to contact me and meet with me to put forward any matters that they think would benefit the environment and these will be given full attention.

1450 And so, Mr Speaker, I hereby propose the following amendment. In doing so, Mr Speaker, I also commit to continuing to be fully open to approaches by all and to continue to meet and consult regularly with environmental NGOs, as I have been doing for the six years that I have had the privilege and honour to be Minister for the Environment.

Mr Speaker, I propose the following amendment:

*Delete all after THIS HOUSE and add:*

*'NOTES the severe environmental problems being faced by the Earth including the effects of man-induced climate change and of plastic waste within the oceans.*

*RECOGNISES the increased awareness in the community of environmental issues and the desire to improve the environment.*

*BELIEVES that good environmental governance is of the utmost importance in the 21st Century and that Gibraltar must play its part as a responsible nation.*

*BELIEVES that it is the responsibility of Government and Parliament to deliver on its commitments and to lead in shaping our future.*

*UNDERSTANDS that efforts must continue to further improve Gibraltar's air quality.*

*COMMITTS to maintaining the highest environmental standards in all areas, including air quality and that these should be at least to the level of European Union targets.*

*WELCOMES citizen involvement in promoting good environmental governance.*

*WELCOMES the practice of the Government in working closely with environmental NGOs, businesses and others in taking forward environmental improvements for the benefit of our community and beyond.*

*SUPPORTS the Government in continuing its work over the past six years to improve the environment and environmental governance in Gibraltar and commits to providing cross party support in further improving the environmental status of Gibraltar across the board, including air and water quality, energy efficiency, power generation, recycling plastic and other waste management and the protection of nature and biodiversity.'*

1455 Mr Speaker, I have already said enough in my reply to the hon. Lady's most welcome motion and therefore, I simply commend this amendment to the House. *(Banging on desks)*

**Mr Speaker:** So, what is now before the House is the amendment moved by the Hon. Dr John Cortes.

1460 Does anyone wish to speak on the amendment? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I will speak. I have only just received the amendment and I am just analysing a little bit.

1465 I do thank the Minister for his comments on my efforts at bird photography and indeed other wildlife photography and would certainly welcome the occasional like from him perhaps on Facebook also in that respect.

Mr Speaker, I also welcome the fact that the hon. Lady – and I join the Minister in this respect – has brought this motion to the House and now the amended motion of course, as it does afford another opportunity to place the environment and the environmental agenda at  
1470 centre stage.

Now the good lady has invited on environmental issues, I look forward to her continued interest because there remains much to be done in Gibraltar, despite the Minister's comments. And I think the Minister is fully aware that there is a great deal of work to be done in this respect. The Chief Minister driving around in a Tesla and a wave generator that boils the  
1475 occasional kettle is hardly a fantastic record on the environment and we are sadly very much lagging behind the rest of the world in most respects. *(Interjection)* Perhaps, I don't know, we will see what happens when you get rid of the batteries.

In speaking, I shall endeavour to address the issues that are now present on the motion and which adds something to the environmental debate.

1480 Air quality is a matter of great concern, as both the Hon. Minister and the hon. Lady have stated, to our community and I have also addressed the air quality issue in my previous two Budget speeches. I am delighted that the hon. Lady joins me in recognising the importance of this issue. I do not believe that the statements made about air quality in the original motion that has been tabled add anything new to the discussion, but the opportunity to discuss the issue  
1485 once more is to be welcomed.

The way we measure and monitor air quality and the confidence that exists in the data produced certainly need to be reviewed. That is not to say that we are in a position to necessarily acknowledge that we must relocate or add air monitors. We have quite a high number at present and the new power station will also be monitoring its emissions. Therefore, I  
1490 cannot say without a greater analysis whether it is necessary to add further monitors, although the more monitoring there is, the better, one would presume.

The confidence in the data is of greater concern, however. We routinely report that air quality is within acceptable parameters but this certainly goes against the anecdotal information I consistently receive from constituents. Many people find that they can breathe more easily  
1495 when they are away from Gibraltar, that their eyes itch less, that their allergies affect them less. There is a real belief among many in our community that our air quality is poor and that we are not getting the whole truth about it and that it is affecting our health.

What do we do about this lack of confidence. Well, certainly gathering more data alone would not solve the problem. Perhaps it is time that we did not rely entirely on Government for  
1500 this information, that we at least ensured that the process involved in gathering the information

and the output from those processes was independently assessed, whether by audit or by outsourcing the data gathering itself. I strongly believe that we do need to rebuild the confidence in the community that what we are being told about the air quality fits their experiences.

1505 Vehicular emissions are the second largest contributor to air pollution, as has already been stated. I am not sure why the hon. Lady has picked this particular contributor without mentioning all of the others. Power production remains the greatest contributor to air pollution. While this should improve considerably with the advent of the new power station, the Government in choosing the location it has, and without going into the various safety arguments about LNG, is very much banking on being able to run that power station exclusively on LNG.

1510 If this, or any future Government is unable to achieve this for any reason, and has to fall back on diesel for fuel, considering the location chosen for the power station, the low level of the stacks and the Government's unwillingness to fit electro static precipitators to remove emissions from diesel combustion, contrary to the Minister's assurances at the outset of the project that the best possible technology will be used in controlling emissions, a diesel power station upwind of the most densely populated areas of our community and our people daily breathing its emissions will do nothing to enhance air quality. So we do hope that the LNG supply is certainly assured and regular.

1515 Vehicle emissions do indeed come second in contributing to poor air quality and we do need to tackle this. I think we very quickly jump to the fact that there are multiple vehicles per household and too many vehicles on the roads. The problem is rather more complex than this and needs to be carefully examined before implementing measures. The STTPP unfortunately does not provide a great deal of input in this respect.

1520 More vehicles on the roads is obviously bad, but limiting the vehicles coming into the town area from across the frontier by providing proper facilities for tourists, such as a decent park and ride service, must be considered. This is something that happens all over the world. But it is not even so simple as saying fewer vehicles on our roads will improve air quality. The type of vehicle is also very important. More electric vehicles will lead to an improvement and greater incentives need to be provided to encourage consumers to go electric. Present measures are clearly not enough and there is no noticeable increase in ownership. Even promised incentives such as free charging points and parking in Mid-Town car park have not been delivered by Government. They find themselves in the chicken-and-egg situation of not being willing to give over those promised spaces due to lack of demand, while perhaps if those spaces were available, it might create the demand.

1525 Diesel vehicles are the major contributor when it comes to reducing air quality, particularly large commercial and public transport vehicles. They all contribute. Yet diesel prices remain lower than petrol prices, hardly a disincentive for buying diesel. Worse than this, we seem to import or recycle old diesel vehicles rather than getting them off our roads. Many are the times I find myself on our roads behind a vehicle with a brand new number plate, yet can see from its condition that it is not a new vehicle, far from it and it is belching out clouds of black soot. How do vehicles like this get onto our roads?

1530 Well, one reason as has already been discovered through questions I have tabled previously, is that we do not consistently check vehicle emissions when conducting MOTs so many are passing this test, which is designed and should be removing such polluters from our streets but is failing to do so.

1535 Even when it comes to Government activity, there are issues. We replace the bus fleet with vehicles that meet the latest emission standards but then sell off the old buses with much cheapness to a local company so that they remain on our streets. In other words, rather than demanding that operators of public transport vehicles meet the same standards as those operated by Government, we allow for a different standard and then encourage this by selling them the buses.



1555 The motion, having ignored for some reason the pollution caused by power production has also ignored number three on the list of contributors to poor air quality, bunkering. Strange smells routinely pervade certain of our districts. No-one really knows where these come from or even what they are. But you can be pretty sure they arise in a light westerly wind and a ship nearby is receiving bunkers. The issues around bunkering and air quality are not that well understood and I would certainly welcome an opportunity to develop a much clearer appreciation of what goes on in our bay and how it impacts on air quality in our community.

1560 There are local hot spots around the dockyard caused by the marine industry which are of course of great concern to residents in those areas and I have highlighted this very recently. It is time to look at the practices of Gibdock and understand that our community has grown and developed. Some of those practices are no longer appropriate. Practices such as the running of ships' diesel engines for power whilst they are in dock, rather than hooking them up to a shore supply which will ensure fewer emissions, particularly as that shore supply will be derived soon  
1565 from a modern power station.

Dust from construction affects the air we breathe, irritates our eyes and exacerbates respiratory disorders. Now, in most communities this seldom causes a serious problem unless you are a construction worker, but here, the density of construction projects and their duration mean that we must be very much alive to the medium and long-term impacts of construction on  
1570 our health.

There is a real frustration in the community that we live in an eternal building site. While I recognise the importance to the economy of construction, some consideration must be given to the impact of ceaseless building works, and Planning should be taking into account these factors. It is depressing to have Ministers stand up in this House stating that every available space will be developed. Sometimes a pause for thought and consideration of where we are heading is necessary and I would suggest that the time is ripe to do this now. There appears to be no long-term strategy, just a grab for cash and little consideration of the future.  
1575

There are a whole range of other factors that affect air quality. Aviation, Saharan dust, volatile organic compounds. The debate on air quality is a complex one. The motion, other than allowing another opportunity to raise important concerns in this area, contributes little else to the debate.  
1580

On recyclable waste, the original motion says that this House commits to meeting EU targets. I do not see how this House can do that as it has no executive authority so it is not possible to support that particular measure as originally phrased, although I believe in the way it is phrased in the amended version of the motion, it is looking likely that it is something that we can support. What we can do in this House is indeed to commit to support measures proposed to it by Government which take us towards achieving those targets.  
1585

I will say that this is an area, one of the few as far as the environment goes, where real progress does seem to have been made. We have a long way to go and that has more to do with the need to make the cultural shift towards recycling, rather than the facilities available, which have improved significantly I will say under the Hon. Minister, and I am sure will continue to improve.  
1590

On renewable energy, I do not believe the Government has moved fast enough in progressing this and perhaps outsourcing expertise might be useful. It is difficult to see how even the limited targets that have been set for renewables will be achieved at the current rate of progress and there is nothing sufficiently substantial set out in Government publications such as the Environmental Action and Management Plan or the National Energy Efficiency Action Plan, to suggest otherwise.  
1595

There are many action plans but not much action. Indeed, we do only produce in the region of ... Less than 0.1% of our energy is currently produced from renewables. It is very difficult to see how a 20% target will be achieved by 2020 and I will be the first to congratulate the Minister, should that be achieved.  
1600

1605 So why is renewable energy important? Well, one factor is that reducing our reliance on burning fossil fuels reduces the impact of cost fluctuations in that particular market, making the overall cost of energy production more stable, so there are economic reasons, even in the short-term capital investment is required.

Of course, significantly a reduction in the need to burn fossil fuels for power production, will further reduce the pollutants produced from power generation regardless of that fossil fuel source and therefore have a direct impact on our air quality, something we all strive for.

1610 Likewise, Mr Speaker, as has been the trend so far, I will not address the matters in the motion particularly pertaining to the upcoming Bill but I would welcome the opportunity to participate in any discussions that happen ahead of the publication of that Bill, because it is certainly an important piece of legislation from an environmental perspective but I do believe it can be phrased or amended in particular ways which hopefully will enhance the uptake of the opportunities that that Bill will represent to the community. So I will be more than happy to participate in any conversations that take place in that respect.

1615 Thank you very much.

**Mr Speaker:** Does any other hon. Member wish to contribute? The Hon. Lawrence Llamas.

1620

**Hon. L F Llamas:** Mr Speaker, I shall be supporting this amendment gladly.

I would like to thank the Hon. Minister for the Environment and Climate Change for the opportunity that he is offering today in meeting and exchanging ideas in putting forward initiatives which may be of use for the community in the future, measures such as those mentioned by the hon. Lady, which I think were quite interesting in terms of congestion charges, road tax for more than one vehicle and zip car. I think all these are good ideas which could work in Gibraltar and they must be explored, and, if found to be suitable, then brought into measure.

1625 The only thing I would like to add is that I think we need to emphasise a bit more civic responsibility and promote that sense of pride within us, that we are all in this together and that we must all do our bit in every aspect of society but in so much that we can do for the environment – not think that just one action will not have effect and the fact that, even though Gibraltar is very small, Gibraltar as a whole can make a difference, not so much perhaps in global terms and figures but at least proving to the world that we are serious in what we do.

1630 Thank you, Mr Speaker.

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**Mr Speaker:** Does any other hon. Member wish to speak on Dr Cortes' amendment? The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Do you want...?

1640

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

**Hon. E J Phillips:** Mr Speaker, thank you to the Minister for the Environment in dealing with those issues. This side of the House, certainly the official Opposition, will be supporting the motion as amended.

1645 I would like to identify with the comments that the Hon. Mr Llamas dealt with in terms of civic pride. I think that is right in terms of civic responsibility. It is a platform that he shared with us at the last election insofar as our commitment to restoring civic pride, responsibility and respect insofar as our natural and urban environment is concerned.

1650 It is right, of course, that the Minister states quite clearly that the environment is an issue that transcends politics. Of course it was the Chief Minister himself who suggested at the last election that we should depoliticise the question of the environment, one with which we entirely agree; but of course there are times in this House that we need to hold the Government to account insofar as its commitment and its policies in respect of the environment is concerned.

1655 Of course this debate goes beyond renewables, it goes beyond air quality and it certainly  
goes beyond plastics in our water. It is about a cultural shift in the way in which each of us  
interacts with our natural and urban environment. It is about the way in which we live our lives  
and work in our community and other interactions with our environment. If we are going to take  
1660 seriously, in a mature way, the way in which we deal with the environment, we need to start at  
base level, at education. I do not think that is something that anyone in this House has  
mentioned yet, but quite clearly we have to start at base level with our children and in respect  
of communicating to our people and our children about our use of land in our community.

The Hon. Mr Hammond dealt with this question of a plan looking towards the future and I  
believe it was Ms Nahon also who suggested that we should have a 20-to-30-year plan moving  
1665 into the future as to how we use our land in the future.

That is the only contribution that I would like to make in more of a general approach, but we  
will be supporting the Government's amended motion.

Oh, there is just one point, Mr Speaker, that I would like to make. The Hon. the Minister may  
want to change the words 'man-induced climate change', given the fact that the Minister for  
1670 Equality has only recently returned from New York, and perhaps maybe change it to 'human-  
induced climate change'.

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

1675 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is in the interest of constructive politics and as a  
gesture of good faith that I approve the Government's amendment to this motion. I am grateful  
for the goodwill that the Minister for the Environment and Climate Change has shown this  
House by tailoring his amendment to as much of a cross-collaborative paper as he has been able  
to provide us with at this stage. However, this approval is not without a degree of healthy  
1680 scepticism and the hope is that future parliamentary collaboration with Government will be  
even more fruitful than this one.

I am well aware that I am effectively and realistically forced to approve this amendment due  
to parliamentary dynamics which we all understand. As an independent Member of this House,  
and indeed simply as a Member of the Opposition, I must make concessions to the Government  
1685 who, with the majority that they hold, can flatten all proposals made by an Opposition Member  
time and time again.

The original motion that I presented made a number of concrete proposals in relation to  
environmental policies in Gibraltar, many of which have been suppressed and replaced by the  
Government with general statements of goodwill. I do, however, welcome with great hope and  
1690 expectation the point on cross-party support for matters relating to the environment and hope  
to see the Government back this statement with some tangible demonstration of their  
commitment to this issue, such as the establishment of a cross-party commission with the sole  
purpose of exploring an environmental agenda. The environment, one of the most crucial areas  
of policy now and for decades to come, should without a doubt be a concern that transcends  
1695 party lines.

As for the other more concrete proposals in the amendment that have been removed from  
this motion, I will continue to put these forward to Government and to the Gibraltar public as  
per my commitment to the members of the civil society movement Together Gibraltar, who  
brought me their concerns and fine-tuned these proposals in a series of focus groups. Their hard  
1700 work will not fall by the wayside simply because Government in its amendment to this motion  
has sought to remove any suggestion that there are practical steps by way of more cross-House  
collaboration that could be taken right now which would make Gibraltar healthier, cleaner and  
greener.

In relation to the jibes thrown at me by the hon. Member on my right, I will lead by example  
1705 by refraining from answering the hon. Member's vacuous pot shots and keep things constructive

on such an important issue rather than sink to what has now become the GSD hallmark of pettiness and detracting from real subjects. (**A Member:** Hear, hear.)

1710 The Government would do well to understand that organised civil society can have a very positive effect on the running of our democracy and they will be receiving many more proposals from Together Gibraltar in the future.

I am once again grateful to the Minister for his invitation to the general population to participate and engage with him further on this matter. Meanwhile, I am hopeful that one day these proposals might be accepted for what they are – constructive suggestions for the betterment of Gibraltar's future – without the need to whitewash them into oblivion.

1715 Thank you, Mr Speaker.

**Mr Speaker:** Does anybody else wish to speak on the amendment before I call the hon. mover to reply? The Hon. Roy Clinton.

1720 **Hon. R M Clinton:** Mr Speaker, just a Point of Order. I would just like to understand what your view is on the distribution of amendments to motions. Certainly this side, the official Opposition, only just received the amendment, when it is patently obvious –

**Mr Speaker:** There is no need to circulate the amendment until it has been moved.

1725

**Hon. R M Clinton:** But, Mr Speaker, it is patently obvious that the Lady had access or had notice of the amendment before the official Opposition did.

1730 **Mr Speaker:** I imagine that is the case because the Government, Dr Cortes, the moment that ... once the hon. Lady had given an indication of her motion, he has discussed the matter with her and they have come to an agreed amendment. (*Interjection*) I do not think there is anything in the Rules that precludes that. But the position as far as Parliament is concerned is that an amendment is circulated once it is moved. Until it is moved it does not have to be circulated if the person putting the amendment does not wish to do so.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, just on this principle because it is an important one, it is established in the Rules of Procedure of this House, and indeed it is in the Rules of Practice of this House, that notice is required to be given in writing of any amendment moved, but that notice is given on the moving of the amendment unless a Member decides that he wants to give notice earlier. In some instances I recall in this House receiving from Opposition benches or from Government benches notice of amendments that some people have decided they are going to give ahead of the debate, and in some instances we have made amendments together during the course of the debate, or indeed some parties have agreed amendments and when they do they consider what the best moment to circulate is. The hon. Gentleman may recall we recently – I forget on what subject – were discussing the possibility of amendments being taken as a whole House and hon. Members did not like them and therefore they did not support them, and that we were doing literally together as we were trying to reach a consolidated position which might have been a position of the whole House.

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I think on this occasion it is absolutely right and proper that two Members, whatever side they be on – it could be two Members on the Opposition benches or indeed a Member on this side – work together to agree a position which they then put to the House in the form and manner that they see fit, so long as it is in keeping with the rules. The Government is going to insist on that continuing to be the practice and not requiring parties to put notice of a motion earlier. Indeed, Members opposite might tell us that we are trying to stymie their ability to change motions because the Government puts motions and they are able to propose amendments to a motion themselves literally as they get up to propose them, and if we say that we require notice of that they will say that we are trying to in some way hamper their ability to

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amend our motions. So the rules are the rules, Mr Speaker, and I think they are rules for good reason.

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**Mr Speaker:** Yes. If any of the two Members who have not spoken on the amendment – the Hon. Edwin Reyes or the Hon. Mr Daniel Feetham – wanted to have made an amendment to the amendment, there is no need for them to give prior notice. They stand and they propose the amendment. Having proposed it, it is then circulated. It does not have to be circulated beforehand.

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**Hon. R M Clinton:** Sorry, Mr Speaker, my point was that the House as a whole gets notice of the amendment at the same time.

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**Mr Speaker:** It does not have to. There is no requirement for the House as a whole ... and the House gets to know once the amendment is proposed. If it is not proposed, it is not before Parliament.

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**Hon. Chief Minister:** Mr Speaker, perhaps this example might help the hon. Gentleman. We all know where the dividing lines are on different issues. If we were to put a motion on Calpe House then it is possible that, if it dealt with particular aspects of Calpe House, hon. Members of the official Opposition might agree a position with the Government amending a motion that might have come from the hon. Lady and we may give her notice when we move the motion, and then the hon. Lady would get up and make the point that he is making.

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This is politics and this is the way that politics is done on the model of the Westminster Parliament which we have adopted here in our Rules, and this is the way that motions are dealt with.

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**Mr Speaker:** I now call upon the Hon. Minister, Mr Paul Balban.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Thank you, Mr Speaker.

I stand and I hope that I do not start to gain a reputation for being verbose. *(Laughter)* There is too much to say on this matter for me to be able to just sit down and let this one go by.

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Where do I start? There is too much to talk about, but just to make as many succinct points as possible, the reference to the cross-party nature of this motion is extremely important because obviously otherwise what we get is a situation whereby the STTPP is proposing certain things and these things are being criticised by the other side, and in fact the emissions coming from the other side can be destructive in that respect.

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The STTPP, which is purely an environmental document more than a traffic plan itself, is actually dealing exactly in that, in the issues raised in this motion. The issue that we have is that simply Gibraltar cannot sustain the number of vehicles on our roads, and that we are clear about – I think we agree across the floor that that is something which we need to tackle. The STTPP is doing exactly that and what we cannot have is one side or one Member opposite saying that the STTPP does not go far enough and then another part of the same official Opposition, namely the former former Leader of the Opposition, saying that we are being politically brave admitting to us being politically brave in that respect simply because we are following on with the residential parking scheme, which at the end of the day, what it is trying to do, is to encourage people to adopt other forms of transport which are sustainable forms of transport. That is what we are doing at the moment. As I mentioned at great length last time, things need to settle and I think they are starting to settle already. It is just a question of a matter of time, and these things remain fluid.

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One thing which is very important: we talk about car sharing, electric taxis and park and ride and we refer to them as if they are all new ideas. It worries me because I think perhaps we have not read the document. I know the document took time in the making. It is a very thorough

1810 document, a very extensive document, but if you read the document, even if you just read the  
summary of the document, all these ideas are set out within the document. These are things  
that we are doing as a Government over time because what we cannot do is do everything at  
once. Okay, we can rock a few boats and then slowly move on to other parts of the plan. The  
plan is massive and, as we have said before, change is something that people are not  
1815 comfortable with at the beginning. So things have to be done slowly and the key word, as the  
Hon. the Leader of the Opposition said, is education. I agree totally with the word education and  
this is what we are trying to do. It is a slow process. We need to tackle schools and we need to  
get people used to things from not throwing wipes down the loo to things like trying to walk to  
1820 school or trying to cycle to school. I really believe in these things and, just like I tell my children  
and tell them off if I see a wipe going where it should not go, I will also encourage my children to  
cycle just I like to cycle in that respect – the essence being that everything it does is exactly that.  
We are trying to encourage people to use Redibikes as much as possible and we are encouraging  
people to cycle as much as possible. We are looking at park and ride because we agree that we  
need to allow tourists to remain further out of the city. This is also the ethos of the residential  
1825 parking scheme. When all the pieces of that puzzle are finished, then people coming to visit  
Gibraltar will not be able to access those areas and then obviously emissions will come down.

Talking of emissions, this Government, one of the first things they did at the beginning of  
2012 was to lead by example. G1 is a fully electric vehicle and the other fleet vehicles are  
hybrids. In fact, all our car parks are set up with electrical charging points. At Midtown, which  
1830 was referred to recently, all the points are ready to go. There has been no interest and we are  
actually going to press the button because they are all set out, they are all ready to go and it is  
only a question of pressing the button, but there has been no interest. Nobody has stopped and  
said, 'Look, I have got an electric car – where can I charge it?' But the infrastructure is set up, so  
we will get those parking places available quite quickly now; we just need to press the button.  
1835 But, it is also a shame to have 15 to 20 parking spaces in a car park empty because nobody  
wants to use them, so we will press the button and have them working and then we will see, and  
if people say, 'I need a parking space,' we will always leave one or two available at the start and  
move from there on. There are also plans of setting up an electrical charging point on Linewall  
Road as well as part of the pay and display schemes there.

1840 So it is all part of the process. The cultural shift, as the Leader of the Opposition also  
mentioned, is the important thing. People slowly have to adopt the measures. All these things  
will be unpopular, and if we see eye to eye across the House ... and I think we should be  
supportive of these. I am not saying that the residential parking scheme will work as set out; I  
have never said that or alluded to that at all. We have taken the decisions which we think will  
1845 best fit the problem. The thing is malleable, it is totally fluid and we will adapt, but time needs to  
be given for that.

So, coming back to the point, as I said, the environmental plan, the STTPP, is something which  
we are rolling out. Again, if across the floor of the House there is consensus, that is the only way  
that we are going to move ahead. If we start saying no, the residential parking scheme in zone  
1850 two is not working, we need to be patient, give it time and support it in that respect.

As I said, Mr Speaker, that is as far as I will say for the moment, other than obviously I am  
fully supportive, clearly, of the amendment to the motion.

1855 **Mr Speaker:** Any other contributor? The Hon. Dr John Cortes.

**Hon. Dr J E Cortes:** Mr Speaker, I am very gratified and I thank all the contributors to this  
debate. I think there is wide consensus here. I am going to just pick up on one or two points of  
fact in a moment.

1860 I want to reassure the hon. Lady that my amendment was in no way meant to force her into  
doing anything, although I understand what she was referring to. I would also reassure her and

those who have advised her in bringing this motion that I am not brushing aside any one of the points that she has made either in her original motion or in her contribution.

1865 I think that when you consider that in 2011 you could only recycle glass and some types of plastic – you could not recycle paper or cardboard or electronic equipment or oil just over six years ago – it shows you how far behind we were and the progress that we have made.

1870 A number of facts, to answer the Hon. Mr Hammond's comments. The lack of confidence in the analysis of air quality data: I think he may be giving a little bit too much attention to some detractors. He recommended that we should outsource this. This in fact is outsourced to a specialist UK company that independently assesses our data and gives us the reports. Then we publish this data annually and we invite the NGOs to a presentation. So I would reassure him that he should have confidence in those results.

1875 The power station has got the best available technology for the particular machines. It is the intention to run them on gas, I assure him. It is quite humorous to see him urging us now to use gas instead of diesel, considering where he has been in that particular debate in the past, but I think his contribution was generally positive and conciliatory.

I have already referred to the hon. Lady.

1880 On renewables all I am going to say is watch this space. I do recall one of his predecessors, an Opposition spokesman for the environment, who condemned me as being responsible for the loss of the Barbary Partridge, that secretive species in Gibraltar; and now, if you will excuse the term, we have Barbary Partridges even in the soup. (*Laughter and interjections*) Absolutely not. A form of words and nothing else. But seriously, we have seen the success of the reintroduction at very little expense by proper management and with patience, which is what you have to do when you are looking at natural processes. And with renewables I think hon. Members opposite will be very pleased to see the developments that are imminent.

1885 Both Mr Llamas and Mr Phillips refer to civic responsibilities. I totally agree with this. I think the world is changing. I think it is now no longer lone voices that are shouting this. I think it is coming across loud and clear. The international media and social media are really fighting the environmental cause, so I think it is a matter of time. Some of the NGOs here are working so hard and the schools are doing tremendous work – the teachers and pupils and so on.

1890 So I think that all these things will be reflected in a plan that we shall be presenting quite soon and all I can now say is once again to commend the amendment to the House.

**Mr Speaker:** Mr Speaker, I will now put Dr Cortes' amended motion to the vote. Those in favour? (**Members:** Aye.) Those against? Carried.

1895 What is now before the House, therefore, is a motion as amended by Dr Cortes. Dr Cortes cannot speak to this motion, the hon. Lady cannot speak other than when exercising her right to reply at the end, but all other hon. Members may speak to this motion now as amended.

The Hon. the Chief Minister.

1900 **Hon. Chief Minister:** Mr Speaker, I rise first of all to congratulate the Hon. Dr Cortes and the hon. Lady for being able to come to terms in respect of an area where there is a strongly held view that the environment should not be a party political issue, but where we each have strongly held views and those in the nature of the type of debate that we have on our views become partisan views. I think to be able to surmount the partisan element and reach a conclusion which is in the interests of the community as a whole they both deserve to be congratulated, in particular given the things that the Hon. Mr Clinton has said, because  
1905 Mr Clinton has said that the official Opposition have just seen the amendment but I think it is to the credit in particular of the Minister and the hon. Lady that the amendment that they have just seen is an amendment that they have just accepted. I think that demonstrates the good  
1910 faith in which John Cortes has approached this issue and that that has been reciprocated in the work that he has done with the hon. Lady.

1915 The hon. Gentleman will excuse me for saying that when he says that sometimes people feel  
that they have less itchy eyes when they are out of Gibraltar, I do not join in the view. I may  
have less itchy eyes when I am out of here and I am not spending hours looking at them, and I  
am sure the feeling is absolutely mutual – politically, not personally – but certainly not when I  
am out of Gibraltar. Otherwise, people would rightly be choosing another environment in which  
to live and I think Gibraltarians are very proud of the environment in which we live, although we  
all think that there are things that we need to improve in terms of our air quality and the  
industries that there are in Gibraltar, and the Government will not be found wanting in that  
1920 respect.

I do not want to delve into the partisan but it is important to set things in their historical  
context. For example, the hon. Gentleman sometimes asks questions about a particular area  
which is dedicated to a particular industry, which he mentions by name. Well, the practices in  
respect of that industry which relate to ship building have changed considerably in the time that  
1925 we have been in office. Have they changed enough? Well, if you ask us, the answer is probably  
no, not enough. If you ask people who live around that facility, probably not enough. If you ask  
him, the answer is probably the same, not enough, so a broad measure of agreement. But it  
must be true that we have to set that in its historical context. We are talking about the change  
which we have delivered in respect of that facility and our commitment to continue to deliver  
1930 change in respect of that facility from a starting point of when we took over and were  
responsible for making those changes, from 9th December 2011, which is when they were in  
office. So this is an important issue, because even without wanting to fall out on the subject  
there is a reality, which is that they had the opportunity to determine what changes to impose  
until a particular period, they imposed some but not others; we have imposed some already and  
1935 are looking to impose others and I think that is an important thing to keep in mind, in particular  
when we say what is it that we are doing.

The hon. Gentleman I assume was politically teasing us when he said that, because I think it is  
understood that this Government has not done everything that it is possible to do to protect the  
environment. If that were the only thing one were to do one would go down to GibElec and  
1940 switch off. We would have cold showers, or as much hot water as could be heated by solar  
panels; we would stop everyone from using their vehicles, we would stop the importation of  
petroleum products and we would stop the importation of bottled water in plastic bottles. That  
is what we would do. We would then have to drink salt water because we would not have the  
energy required in order to have a reverse osmosis mechanism.

1945 So have we done everything that can be done? Of course we have not. We have balanced  
what can be done versus what we can do in the context of continuing to have a society that  
provides those whom we are responsible for with ... I hesitate to say the comforts, because I  
think they are the necessities of modern life, and try to balance that by trying to ensure that the  
things that we continue to do are done in a way which creates less damage to the environment.  
1950 That is a balance which is difficult to strike and you strike it by looking at what is the best  
available technology.

If I may say so, one of the things that Joe Bossano was responsible for – and I have told the  
House before – was the insistence that the Government consider the possibility of moving to  
LNG, away from fossil fuels like diesel etc., as the type of propulsion for the engines of our  
1955 power station. Well, we took that step, and if I may say so, we took it with considerable political  
risk, which hon. Members opposite created for us because we were making that choice. So I  
answer the hon. Gentleman's question about what it is that we are doing: well, we are running  
the gamut even of the political risk and criticism that they create for us when we are making  
decisions which we believe are in the best interest of Gibraltar and the environment. To such an  
1960 extent, although I have not heard the exact terms of what it is that he said today but I will rely  
on the interpretation given by the Hon. Dr Cortes – which I will of course prefer, whatever it is  
that he said – that he is now encouraging us to pursue the generation of electricity through the  
burning of liquefied natural gas rather than other fossil fuels.



1965 So you see we are prepared to take a political risk if it is right to do so, and in that way, I say  
with respect, we demonstrate that our interest is not a partisan one, because if it were we  
would have done the easy thing, which is to continue to burn diesel and not suffer the possibility  
of a general election that might have been determined because hon. Members were creating  
that political issue around the better environmental option, which was to burn LNG. The hon.  
1970 Gentleman might like to have a coffee with me and ask me how many times I wondered whether  
this was the right thing to do in political electoral terms, but it was certainly the right thing to do  
in environmental terms, and that is a demonstration, I think, that we were making the right  
choice for Gibraltar, not just the right choice for us.

1975 And so when hon. Members refer to the fact that I am in a Tesla and that is not enough, well  
that is a first step, because hon. Members cannot seriously be telling us from the benches  
opposite that we will see whether Teslas are the right solution for the future when it comes to  
disposing of our batteries and at the same time tell us that we need more electrical charging  
points for electrical vehicles, all of which will be propelled by those self-same batteries. So he  
will understand, Mr Speaker, if I were to suggest that there might be a hint of hypocrisy at a  
political level if that were the position he has taken. And so I will take him at his best in respect  
1980 of this issue and I will welcome the fact that he is supportive of electric vehicles, which must  
mean that he is supportive therefore of something as emblematic as the vehicle which propels  
the chief elected politician of this community, making a statement politically that we are a  
community that cares for the environment.

1985 We very often are asked what we are going to do about traffic as a source of pollution.  
Absent that issue of batteries, because human ingenuity has not yet found a different  
mechanism other than hydrogen – which is not popular and there are not many vehicles  
available – to propel mechanical vehicles, I think we are demonstrating in the commitment we  
have to try and include hybrid vehicles in our fleet, or fully electrical vehicles in our fleet, that we  
are seeking to do what is possible. That is the realm in which we must be judged. We could have  
1990 easily continued – and again not run the risk of political criticism – to run a very smart, very  
comfortable Jaguar vehicle, but that very smart, very comfortable Jaguar vehicle was the most  
polluting vehicle in its class. That is a debate we had during the lifetime of the Parliament  
previous to this one. So I think it is certainly the right choice to move to a fully electric vehicle.  
We have vehicles like Priuses in our fleet. They are more polluting than the fully electrical Tesla,  
1995 and so there is a statement. Now, why is a statement important here? Hon. Members can simply  
say, ‘Well, it is important because the hon. Gentleman wants to, for party political reasons,  
pretend something to the electorate.’ Well, that would be contrary to the balance that hon.  
Members have told us that they think we should strike, which is that we should act to  
demonstrate by way of example what our commitment is. So we act to demonstrate by way of  
2000 example by going for a fully electric vehicle.

But then again, to go even further, the important thing is not to use that vehicle when it is  
not necessary, and that is why hon. Members will know that, absent rain, I will walk to my office  
every single day from the south district. That is as much driven by the needs of my waistline as it  
is by my commitment to the environment, but it is important that hon. Members factor in that  
2005 those two are entirely linked. They are linked literally at the hip, because those who walk benefit  
from less tight waistbands and lighter waists. It is very comfortable to be conveyed in a vehicle  
from one place to another. The people of Gibraltar do not provide to those of us who have been  
honoured to hold the office of Chief Minister a vehicle to convey us from one place to another in  
order to aggrandise our egos; they do it so that we can continue working whilst we are moving  
2010 from A to B. That is the reality of it; it is not as if it comes for nothing. But sometimes the right  
choice is to say, ‘Well, I am going to propel myself using the legs that I was given when I was  
born, to get myself from A to B.’

It is also true – the Hon. Mr Feetham was mentioning this the other day – that if you live in a  
remote area it is just not feasible to be able to get yourself from A to B, and I fully accept that if  
2015 you have not got a bus service, if you are quite a distance etc., but otherwise the right choice is

to walk. Why do I say that? Because it is the third element of demonstration of the choices that we make. We made the choice on LNG and we ran the gamut of party political opposition, we made the choice on the Tesla and we ran the gamut of party political opposition, and now we just ran the gamut because that is what walking is in the mornings if you are trying to get to school at a particular time etc., but is also the right choice – another demonstration that we do little things which show that we are committed to doing what we can.

It is part of that phrase which perhaps Miss Hassan Nahon or the Hon. Dr Cortes have used already today – I do not know whether they already have because I was trying to deal with another matter as they spoke, but it is part of that mantra which I had drilled into me by the ESG and by GONHS in the days when I was in opposition and has stuck with me: think global, act local. Local means not just in Gibraltar; it means in respect of your autonomous self and the choices that you make.

One of the things that the Hon. Mr Balban said, which I think is important, is that our children need to be taught what it is that those right choices are in the future. He has referred to his cycling and I think one of the only videos I have not seen circulated on WhatsApp is one of Paul Balban on a bicycle. *(Laughter)* They have gone just about for everything else and given him just about every other accent. *(Laughter)* He always takes it in excellent humour and is the first to circulate it on the Ministers' WhatsApp group, Mr Speaker. But it is true that he leads by example in that respect. I hope I have not given ideas to whoever it is that is doing this. It is not me – I wish I had the time!

I think it is also important to reflect the opposite, if I may say so with respect, that our children sometimes teach us. We now perhaps take things for granted and do not see the environmental cost of some of the things that we do. We now have these glass bottles that Minister Cortes brought to the House, a first move in the direction of avoiding glass bottles, but my own children, sometimes even the youngest of them, have ingrained in them by those who teach them – and do such a great job, of course, if I may say so – that there are things that we have to be doing at home as part of our everyday life. I see somebody in the Gallery drinking from a reusable container. It is absolutely right that that should be the case. Our children are the ones who will inherit the Earth from us. They are starting to take an interest, even before they are adults, in the things that we do and in changing our behaviour. That is to be welcomed and is a demonstration that action commences not just with the age of responsibility but even before, and it is right, proper and quite something that we should be embarrassed by our children in this respect.

So, Mr Speaker, I think that is a demonstration of how we act to ensure at a political level that we are doing as much as we can in the context of the balance that the Hon. John Cortes and Paul Balban referred to. If I may say so, Mr Speaker, with respect, I think it is a good day for this House that we are able to have this debate, that we can reach a conclusion which is a common conclusion and that we have got there through the work of two Members seeking to find common ground, because at the end of the day that is all we have got: the Earth, our common ground. Thank you very much. *(Banging on desks)*

**Mr Speaker:** Any other person wishing to speak? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I do thank the Chief Minister for his intervention. I would just like to make a very few points also.

I think when my hon. Friend rose to request clarification on the parliamentary procedures – and we do understand the parliamentary procedures – it was more from a sense of ... When we are looking at a motion such as this, when we are trying to find consensus and hoping for consensus on an issue on which the motion itself looks for cross-parliamentary support, it would not have been unreasonable to share the amendment to the motion more widely and attain agreement to that amendment prior to bringing it to the House, simply in order to mitigate any risk of it causing controversy in any way. We could have eliminated that very early on. As it is,

the Opposition saw absolutely nothing in the motion that was particularly controversial and we could accept it, but it would have just been a simple courtesy, bearing in mind what we were striving to achieve in respect of this motion – that cross-party consensus – to perhaps have shared it. Indeed, when the original motion was tabled by the hon. Lady some months ago now, I did very quickly write to the Minister and say, ‘Look, it is a great opportunity – I suspect you will be filing an amendment to the motion and perhaps we could have a conversation about that amendment in order to agree it beforehand.’ The Minister did reply positively, but then unfortunately there were no further communications on the subject. So that is, I think, the only reason why my hon. Friend rose on this particular occasion.

In terms of what has been said on LNG, for the record what I said was particularly the need for it to now run on LNG because of the location that Government has chosen, the low stacks, and frankly, from that location it would be a very bad thing indeed if we had to run it now on diesel because of its position in an urban environment – it would cause problems, the low stacks, a whole range of issues associated with the location of the power station.

But I will move swiftly – (*Interjection*) No, I will not. I will move on swiftly from that point. (**Hon. Chief Minister:** I’ll remember.) I’m sure you will! (*Interjection*) Yes, indeed.

I am indeed very pleased that the Chief Minister has specifically recognised the issues around, as he referred to it, a certain industry around which our community has grown up, and if the Government is serious about addressing some of those issues associated with that industry, I know the residents of that area will be very pleased indeed and I will certainly take that message back to those who have approached me, that the Government is serious about dealing with the environmental problems that emanate from that industry now that our community has grown more closely around it.

As for itchy eyes, well I did say it is an anecdotal issue. I do think, however, people do, my son being an example: the minute he arrives in Gibraltar his allergies begin to play up. That may be down to olive pollen – as I say, it is anecdotal – but it may also be at least partially down to the quality of our air in general, whether that is from pollution from vehicles, from bunkering or indeed the Saharan dust, but it is a reality. However, home is where the heart is and nobody is going to move away from Gibraltar purely because they have itchy eyes, of course. I suspect doing so would cause itchy eyes for entirely different reasons.

I also agree with the Chief Minister that walking, cycling, all these activities are very important and that we need to make them as pleasurable as it is possible to be, because that is one way of encouraging that cultural shift towards those activities. At present ... I know the Minister cycles – he must recognise that the roads in many areas are quite difficult, both because of the traffic and because of the condition of the roads. That could be improved. Walking could be more pleasurable also if there was not so much traffic. Indeed, the last occasion I chose to walk on a rainy day I ended up with a close encounter between a vehicle, a puddle and myself, which was most unpleasant indeed. But such is life, these things happen – perhaps they spotted it was me and decided I needed a soaking! (*Laughter*). But the fact of the matter is that walking around in Gibraltar is often not a particularly pleasurable experience at present and it needs to be made so, it really does need to be made so, and in doing so hopefully we can then encourage that cultural shift that we have all referred to towards a more environmentally friendly Gibraltar. Whether that be because we are healthier because of the physical activity we are undertaking, whether that is because we are recycling more or whether that is because we are conserving more energy, all those things and many more are essential to the progress on environmental issues in our community.

Indeed, now and in the future this will always be a work in progress. I am sure the Hon. Minister would agree with me that when he finishes in office, whenever that day arrives, there will still be work to do on the environment. I am sure he will still be inputting towards that work and agitating for improvements in all sorts of areas and I hope we all continue to do the same. Whether in office or in opposition or indeed playing an active role in our community in any other way, there will always be work to do to improve the environment. It will never be perfect, it will

2120 always take time, and perhaps one day we will reach that utopia but I suspect it will not be in my lifetime.

Thank you, Mr Speaker.

**Mr Speaker:** If there is no other Member wishing to contribute, I will –

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**Hon. Dr J E Cortes:** Mr Speaker, I know I do not have a right to reply and I am not going to, but can I just ... I meant, when I made my earlier contribution – and I do not know how procedurally we can do it – to accept the change from ‘man-’ to ‘human-’ induced. It is a very minor change. I am not sure whether there is ... In the second line, ‘the effects of human-induced ...’.

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**Mr Speaker:** I will make a very simple suggestion for the Hon. Neil Costa and anybody else to stand up now and move an amendment substituting for the word ‘manmade’, ‘human-induced’.

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**Hon. N F Costa:** Mr Speaker, I therefore propose that we substitute the word ‘man-’ in the first paragraph of the motion to ‘human-’ induced climate change.

**Mr Speaker:** Do all hon. Members agree with that amendment?

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**Hon. Chief Minister:** Mr Speaker, I would like to speak on that.

**Mr Speaker:** You want to speak? Very well. *(Laughter and interjections)*

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**Hon. Chief Minister:** Mr Speaker, dealing with the amendment moved by the Hon. Mr Costa, I would like to raise an issue that arises for all humans.

**Mr Speaker:** You can only speak about whether it should be ‘human’ other than ‘man’. You cannot speak on anything else.

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**Hon. Chief Minister:** Well, it is an issue that relates to all humans, Mr Speaker, *(Laughter)* whether they are man or woman or, as the hon. Lady, if she were here, would tell me, the other 26 variants of humanity that we now must respect – absolutely rightly – and that is whether humans think, especially those who are sitting on the other side or whether it might just be men, that the change of location of the power station was not also a very positive thing, because otherwise we would have had the larger stacks that the hon. Gentleman is referring to burning diesel, and all in an area which is where the green corridor to the Upper Rock is for the Barbary Partridge, within sight of the Upper Rock, making it impossible to see any views from the area known as Jews’ Gate, because all the people would have seen from there would have been the stacks of the GSD power station spewing out smoke. And therefore, Mr Speaker, I commend the amendment to the House.

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**Mr Speaker:** I now put the amendment that the word ‘human’ should be substituted for ‘man’. Those in favour? **(Members: Aye.)** Agreed.

I now call upon the hon. Lady to close the debate.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I recognise the great strides, I have to say firstly, that this Government has made since they took over as Government *(Banging on desks)* where environment is concerned, and I think it would be ungenerous for any Member of this House not to.

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My original motion was about uniting us on such an important issue, not dividing us or even using the platform for one MP to get mileage over anyone else, because this subject is so much

bigger than any of us. Therefore, I want to thank the House and the Hon. Minister for meeting me some way in the middle on this imperative topic and I am therefore pleased that my original motion has served at least in some way to continue to keep this matter in the limelight, where it should be.

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For my part and that of the civil society group that I represent, we shall continue to bring important topics like this one to the House in order to reflect and promote participation across the community, because in my humble view that is the best way to get positive results looking forward, together. Thank you. *(Banging on desks)*

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**Mr Speaker:** I will now put the motion to the House. Those in favour? **(Members: Aye.)** Those against? Carried.

**Finance Bill –  
Reintroduction of presenting with Appropriation Bill –  
Motion not carried**

**Clerk:** We now move to the second Private Member's Motion. The Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*THIS HOUSE*

*NOTES that the last Finance Bill presented to this House was in March 1987 by an AACR Government more than 30 years ago and that the practice of presenting a Bill specifically for tax altering measures was discontinued by the 1988 GSLP Government.*

*FURTHER NOTES the reason given by the Hon. Sir Joe Bossano in April 1988 for the change in practice was to introduce a 'more flexible fiscal system where tariffs, duties or whatever charges are made are capable of quick adjustments rather than a requirement to come to the House and change the law' end quote, and that not presenting a Finance Bill has been the continued practice of successive Governments since.*

*NOTES that there are recent examples of Bills to amend tax legislation that require backdating in order to give effect to Budget measures announced in previous years and that this is unsatisfactory.*

*RESOLVES that for the sake of improving financial administration, parliamentary debate and legal certainty to taxpayers that either:*

*the practice of presenting a Finance Bill at Budget time together with the Appropriation Bill be reintroduced with immediate effect; or*

*to preserve any desired fiscal flexibility that the House consider and pass individual resolutions on any measure requiring legislative change at the time it considers the Appropriation Bill and that all such measures requiring legislative change that are so approved by resolution be encompassed in a Finance Bill to be presented to the House within three months of the passage of the Appropriation Bill.*

Mr Speaker, taxation goes to the heart of Government and indeed it is the very reason why we are in this Chamber. Resistance to unjust taxation led to the signing of Magna Carta in 1215 and the resulting embryonic Parliament. Charles I eventually lost his head to Parliament over his need to raise taxation in 1649. The Stamp Act of 1765 led to the revolutionary slogan 'No taxation without representation' in the American War of Independence in 1776 and it is even argued that the heavy taxation of peasants led to the French Revolution in 1789. And yet we do

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not debate or even vote on taxation in this Chamber, and we have not done so for 30 years.  
(*Interjection and laughter*)

2195 **Hon. D A Feetham:** That was rude! (*Interjections and laughter*)

**Hon. R M Clinton:**... And yet Mr Speaker, it is quite incredible that we, as parliamentarians, have abdicated our rights to vote on a Government's taxation policy, and frankly we should be ashamed of ourselves.

2200 My motion is not, contrary to what Members opposite may think, partisan in nature, but merely seeks to re-establish the right of this Parliament to vote on tax measures. I hope, I suspect in vain, to convince Members that it is in the interests of good governance that we vote on tax measures. I will set out the merits for my motion beginning with the origin for the suspension of the Finance Bill and ending with the practical and political problems that arise with its absence.

2205 Every year in this place we have the greatest show on Earth in the form of the Budget debate. The Chief Minister and Finance Minister rises and gives his grand State of the Nation address together with what his intended Budget measures will be for the forthcoming tax year, as well as estimated expenditure. It is understandable that it is the tax measures that receive the greatest attention from the public and business alike. For more than 30 years, at the conclusion of that great show we in this House have then voted not on the tax measures proposed but on the Appropriation Bill for public expenditure as set out in the Estimates Book. The tax measures that the Chief Minister announces technically have no legal effect, since they have neither been voted on by this House nor passed by a resolution, or even regulation at that point.

2210 It was normal practice until 1988 for two Bills to be presented to this House by the then Financial Development Secretary, namely a Finance Bill dealing with changes to taxation and then an Appropriation Bill to provide the estimated future departmental expenditure. The *Hansard* record of the 1987 Budget debate on the Finance Bill records extremely healthy disagreements on the tax measures then proposed by the AACR with the GSLP, then led by the Hon. Sir Joe Bossano, on more than occasion voting against individual tax measures, as indeed was their right as an Opposition. But a debate was had on each measure and a vote recorded.

2215 In the 1988 Budget, held on 29th April 1988, the Development Secretary announced that he would only be presenting an Appropriation Bill and there would be no Finance Bill. The Hon. Sir Joe Bossano as Chief Minister explained the reasoning behind this move as follows:

We believe that we need a more flexible fiscal system, Mr Speaker, where tariffs, duties or whatever charges are made are capable of quick adjustments, rather than a requirement to come to the House and change the law. What we would want would be that the law should lay down the framework, for whether you pay 5p stamp duty or 10p stamp duty should not require full blown debate in the House.

2225 The underlying motivation was, to use Sir Joe Bossano's own words:

That kind of quick response I think would give us a competitive advantage and is one of the beauties of the smallness of Gibraltar, that we can respond to market demands if we are able to get the machinery of Government organised in a way that responds quickly and efficiently and if we create the legal structure to allow for a flexible fiscal system so that we can be ahead of our competitors by providing a quicker service to the customers we want to attract to Gibraltar.

Those were noble sentiments indeed but included two big ifs, namely: (1) *if* we are able to get the machinery of Government to respond quickly and efficiently; and (2) *if* we create a legal structure for a flexible fiscal system.

2230 There is no doubt that successive Governments have responded quickly to maintain and protect Gibraltar's competitive position in accordance with market demand, and indeed all Government Departments have risen to that challenge.

2235 It is perhaps in the second 'if' that our taxation process has fallen short. Some areas of taxation and indirect taxation are perhaps too flexible, such as increases in Social Insurance announced outside Budget time, while others still require primary legislation that sometimes gets forgotten. Flexibility in taxation has also been given more importance in parliamentary debate than scrutiny of the taxation measures themselves. I do not see that we have created a flexible fiscal system, let alone one that retains the need for Parliament's approval and scrutiny.

2240 Instead of the legal certainty given when we had a Finance Bill, we have ended up with a less than desirable system for the introduction of taxation measures. In answer to Question 827/2016 on 24th November 2016, I asked the Government the following question: can the Government please advise the process and timing for the enactment of Budget measures into Gibraltar's tax legislation? I will read the answer and the supplementaries from *Hansard* in order to refresh Members' memories as follows. This is the Chief Minister, the Hon. F R Picardo, from *Hansard*:

Mr Speaker, the process for the enactment of budget measures into Gibraltar tax legislation is a two-stage process. First, the measures are administratively implemented with immediate effect as per the date announced in the Budget. Secondly, the legislative amendments involve close liaison with law drafters from the Gibraltar Law Offices, experts from other Government Departments and relevant interested stakeholders. The timing of the legislating of such measures is dependent on the complexities of the subject matter.

2245 My supplementary question to the Chief Minister was as follows:

I wonder if the Chief Minister could advise at what stage and which year we are up to in terms of actual enactment into tax legislation?

and the Chief Minister's answer was:

I think we are complete up to 2014; and in respect of 2015 and 2016, budget measures are in their final stages of drafting and will be published shortly.

2250 Mr Speaker, I am frankly at a loss to understand as to how measures can be implemented administratively, unless of course by regulation. They will have no legal effect until such time as the relevant amendment was brought to this House. And therein lies the rub and the root of the problem.

2255 It is an oft-told tale in Main Street that Chief Ministers, when deciding on Budget measures, go into semi-seclusion at No. 6 consulting the Delphic oracles, to emerge from their trance with measures that they have dreamt up and which the Income Tax Office only get to hear about on the radio at the same time as the general public. (*Interjection*) This, I accept, may be in the realms of pure fiction, but let us for a moment imagine a future Chief Minister or Finance Minister who, in the interests of the environment, decided that the taxation of personal air consumption was a good idea as it would reduce CO<sub>2</sub> emissions if only the taxpayer is encouraged to breathe and perhaps talk less. Members of this Parliament, Mr Speaker will be delighted to know, would of course be exempt from such a measure. So he or she stands up in  
2260 this House and makes such a pronouncement with immediate effect. What happens next? Is it to be automatically administratively implemented? If so, how, without the sanction of Parliament, who I imagine would find it somewhat ludicrous, let alone an unworkable measure? When will the debate be had and the vote taken? Are the experts of other Government Departments and relevant interested stakeholders then consulted before Parliament?

2265 Mr Speaker, we need to be able to vote and debate the measures as soon as they are announced, and legislation introduced in months and not years after the Budget. Only then will Parliament fulfil its proper role of scrutiny and give legal certainty to measures.

2270 Let me give a real example from *Hansard* in the debate on the Income Tax (Amendment and Miscellaneous Provisions) Act 2008. I will again quote from *Hansard*. The Chief Minister, the Hon. Sir Peter Caruana, introduced the Bill and stated:

Clause 4, is the second purpose of the Bill and that is to give by primary legislation retrospective effect to the amendments introduced last year, following my Budget address last year, to the Category 2, Category 3 and Category 4 Individual rules that were introduced, to give effect to the announcements that I made in the Budget. Some of those rules had the effect, because they were not published until after 1st July but were retrospective to 1st July, some of those rules, therefore, theoretically had a notional, no, not a notional, had a retrospective, albeit by not very long, taxing for some people, tax increasing I should say effect. Under the applicable legislation, taxation cannot be introduced retrospectively, except by primary legislation. It cannot be introduced retrospectively by subsidiary regulations and, therefore, this Bill gives retrospective effect just to the start of the financial year of 1st July in which we announced during the Budget, to the Categories 2, 3 and 4 which the hon Members will remember we abolished, had to do before we increased the tax of Category 3 and things of that sort. I commend the Bill to the House.

The current Chief Minister, the Hon. Fabian Picardo, replied as follows:

On the point simply, at this stage, of the retrospectivity that we are seeing in clause 4, I understand why the Chief Minister has explained that we are making these rules. He will recall

– and this is an important point, Mr Speaker –

that last year, meaning the financial year 2007/2008, the Government introduced a measure to lower stamp duty. That measure was first announced in the Chief Minister's speech in, I think, late June or early July last year, the Budget was late, but the legislative changes were only brought in, in the calendar year 2008. There, the retrospectivity given to those rules was much shorter. I seem to recall that it was actually from the moment that the Bill was published that the new stamp duty rules took effect.

That illustrates the problems that can occur. The Hon. Fabian Picardo then continued:

A lot of people who had bought property after the Chief Minister's speech but before the legislation, believed that they would be covered by the new rules rather than the rules as they were existing at the time. Now, remember, I brought this matter up in the House and the Chief Minister, and I think rightly as a matter of law said, the law is the law as it is until it is changed.

2275 Mr Speaker, I am told it is unusual to find two QCs agreeing with each other, but on this it seems they agree, namely that taxation law is taxation law until it is changed by this House.

In the examples I have just given, taxpayers were disadvantaged because of the lack of a proper process in the form of a Finance Bill. It was debated and promptly passed as tax measures announced at Budget time.

2280 If Members think that this is a thing of the past, let me point out that there is a Bill on our current agenda, B019/2017, entitled 'A Bill to amend the Public Health Act', published on 12th October 2017. The explanatory memorandum reads as follows:

This Bill amends the Public Health Act so as to introduce a discount scheme of 25% for early payment of General Rates for the second year of trading (the discount in the first year of trading being 50% pursuant to budget measures in 2013, but subsequently amended to 65% pursuant to 2014 budget measures) of all new companies starting up business in Gibraltar.

This Bill amends the Public Health Act to reflect the appropriate level of discounts to rates.

2285 We are now amending amendments to tax measures retrospectively in respect of budgets announced while I was not even a Member of this House. I have it on good authority that tracking unlegislated tax measures has got so complicated that a working group, with the assistance of the Gibraltar Society of Accountants, was in fact set up to try and rectify and update our tax legislation.

2290 Whereas I can understand the Hon. Sir Joe Bossano's logic in wanting to have a more flexible tax system 30 years ago, we can no longer afford to do without a Finance Bill or motion in 21st-century budget time. Not only do we create legal uncertainty, but we look, frankly, sadly, amateur. A Finance Bill would also allow all amendments to legislation to be tracked to the relevant originating Budget in one source.



In the 17th June 2010 Budget debate I note that the Hon. Sir Joe Bossano remarked, perhaps with a sense of nostalgia of his fierce debates with the AACR on their Finance Bills, as follows:

The Bill that we are being commended to vote on is of course the one that votes the expenditure not the revenue and consequently all the measures that have just been announced, which many years ago used to be put in a Finance Bill and be voted separately, will not require a vote from us.

2295 Mr Speaker, apart from the practical problems that the lack of a Finance Bill creates, it also denies Parliament the tool for Opposition to debate the political merits of tax measures, and that frankly is to be regretted.

We have a problem and the solution is simple and well within our power. In my motion I propose two solutions, which are as follows: either (a) the practice of presenting a Finance Bill at Budget time together with the Appropriation Bill be reintroduced with immediate effect; or (b) to preserve any desired fiscal flexibility, that the House consider and pass individual resolutions on any measure requiring legislative change at the time it considers the Appropriation Bill and that such measures requiring legislative change are so approved by resolution be encompassed in a Finance Bill to be presented to the House within three months of the passage of the Appropriation Bill.

2305 The House has two choices, or at least I am presenting two solutions to what I perceive to be a problem. Either method would serve to achieve the desired outcome, although perhaps the colonial book-keeper within me would of course prefer option (a) and the reintroduction of the Finance Bill.

2310 Perhaps I have gone on long enough. I hope I have convinced Members of the merits of my motion, which can only serve taxpayers better and ensure good governance and oversight by this Parliament.

Mr Speaker, I commend my motion to the House. (*Banging on desks*)

2315 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on this motion? The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, let me start by thanking all hon. Members opposite for banging their tables, which served to relieve some of the soporific effect that the hon. Gentleman's speech has had on all of us on this side of the House, and no doubt a number of them on that side of the House. If I may say so, the hon. Gentleman's soporific qualities are without rival in this place.

2320 It is 30 years since a Gibraltarian Chief Minister got up for the first time to deliver a Budget address on behalf of the people of Gibraltar, holding the reins of the public finances of Gibraltar, and I will have a lot to say about that during the course of the Budget debate, during the course of the Appropriation Bill, but it is in my view one of the most important moments in the political history of this community's ... *one* of the moments of political emancipation of our nation. That was Sir Joe Bossano who in that way was given way to by the Financial Secretary, who I think under the Rules of the House will be able to tell us more about that when he replies also. In fact, you will recall better than I do, Mr Speaker ... I think *had* to move at that time the Finance Bill, (**Hon. Sir J J Bossano:** Yes.) and so the First Reading and the Second Reading had to be introduced by the Financial Secretary, (**Hon. Sir J J Bossano:** Yes.) then an appointed individual (**Hon. Sir J J Bossano:** Correct.) who sat in this House, unelected ex-officio. (**Hon. Sir J J Bossano:** Yes.) And there were responses in the past from Members and I recall reading to the House during the course of this year's Appropriation your own view of the response that Joe Bossano gave to the speech of a Financial Secretary in 1973 when he first responded to the Finance Bill, to the Budget, from the Opposition benches. You said, Mr Speaker, and it will be in the record of *Hansard*, for then and for now – because I read your remarks – that it was quite something to

2340 see a Gibraltar elected Member be able to deal with the issues involving the finances from the Opposition benches.

He became Chief Minister, Mr Speaker, and in 1988 he delivered the first Budget speech of a Chief Minister of Gibraltar. He said then not just a Budget speech, a State of the Nation address. In fact, if anybody bothers to go back to read that debate – and there are probably few in this House who have done so, but I commend it to all of them – in that presentation the then  
2345 Financial Secretary said, ‘I now give way to Bwana,’ which was a way of reflecting how colonialism was changing in that specific moment in that Budget debate.

In that Budget debate, where Joe Bossano set out the two essential facilities that we have in Gibraltar and what we have to make better use of and more efficient use of, our land and our people, he set out also the golden rules of GSLP economics which we follow to this day, and one  
2350 of the things that he did was introduce this policy. I am grateful for the hon. Gentleman having at least framed this debate in the correct context politically of the introduction by Joe Bossano – Sir Joe Bossano now, then Joe Bossano – of this change.

So that was our policy in 1988, it is our policy now also, so it is a brave man indeed that gets up in this House to persuade those of us who repeatedly say that we are leopards whose spots do not wash off with bleach that we should change a policy which we introduced in 1988 and  
2355 which we have stuck to in the time that we have been elected again after 1988. So, from 1988 to 1996 where we have our responsibility for the presentation of the Estimates in the Budget debate, that is the policy we pursued. From 2012 to date it is the policy we pursue. So it is brave indeed to get up to try and persuade us that that which we introduced as a matter of policy we  
2360 should change, and he does it, as he usually does, without calling us first and saying, ‘Look, I think there is a value in doing this.’ He pretends to be able to persuade us from opposite us that that which we have done, rationalised, explained and stuck our political colours to is wrong – in the context of a speech at ten to seven in the evening.

It is very difficult to understand how far he thought he was going to get. You see, if one is  
2365 genuine about the view that these changes are in the interests of Gibraltar, then instead of trying to persuade us to change that which is our stated policy and which we have been pursuing, you would have thought there would have been an offline communication to say, ‘Look, I’m going to do this and these are the reasons, let us try and do it together.’ But no, he simply gets up to tell us, ‘That which has been your policy you must change because it is wrong.’  
2370 Well, it was our policy in 1988. Indeed, the former-former Leader of the Opposition – if he has a moment – has said repeatedly, and I can fully understand why, it is no mystery, that the Bossano Government of 1988 to 1992, I think he said – I do not know whether he said to 1996, but 1988 to 1992 – is one of the best Governments Gibraltar has had in its history. I think he is on the record of *Hansard* as having said that on one of the occasions when he calls himself a follower of  
2375 Bossano doctrines and not on others.

**Hon. D A Feetham:** I thought there was going to be a sting to it.

**Hon. Chief Minister:** No, there is no sting – not to you, anyway! There is obviously a very  
2380 good reason why he would want to say that, Mr Speaker, and there is a very good reason why I would want to agree.

Of course it remains the view of us on this side of the House that the policies introduced at the time by a person who is a member of the Executive Committee of the party and a member of the line-up of the party and a member of the Cabinet represented here is still good law. In  
2385 other words, it is good policy. How does he think he is going to persuade us to change from that position? Of course it is still our position.

But what I just find impossible to fathom is that he should find it possible to persuade Members opposite, because every single one of them is elected to this House under the banner of the Gibraltar Social Democrats and what was good for 1988-96 and 2012-18 was also good  
2390 from 1997 to 2011. And so what he is saying ... and I am not suggesting that he has hidden from

2395 this. He has understood that in the way that he has presented it, but what he is saying is in effect that the policies of the party, the initials of which they all defended at the General Election in respect of this crucial aspect of policymaking – indeed, he has gone back, rightly, to Magna Carta and the principle of political representation in his analysis for a non-lawyer was correct. It is difficult to understand how he thinks that he can persuade the GSD that this fundamental GSD policy was wrong.

2400 I assume that the hon. Lady has a way out, because not just the one that the hon. the former-former Leader of the Opposition gave her that she has seceded and she has said she will stand, an advantage she does not allow the hon. Gentleman Mr Llamas, but given the things I hear, they may not be long for independence. But she of course has the ability to say, ‘Well, actually, Roy Clinton is defending the record of a Chief Minister with whom I have a close relationship,’ and indeed, if I may say so, a record that is in respect of the period when you were a member of the Government. She has that relationship with the practice that you are defending. But you do not, is the answer to the hon. Gentleman opposite. In fact, as far as I understand it, the hon. Gentleman was a member of the Executive Committee of the Gibraltar Social Democrats at some stage until he walked out because, shamefully, people in the GSD did not want to read *The New People*. But, Mr Speaker – (*Interjection*) No, the practice today is not to yield to Members opposite. That is the practice today. You ought to... He is his right to determine whether it was the right practice or not. I do not know whether he was on the Executive Committee of the party or not; he may say that he was not. Well, certainly one of the things that he used to say during the course of his leadership campaign, such as it was, was that he had been a member since it was formed. Well, this is what the party that he has defended did for the 16 years that it held the reins of authority, and it was not an issue that we took with them because it was an issue on which we were agreed because there they had adopted GSP policy and made it GSD policy. The incredible thing is that the GSD should now seek to change the GSD’s policy in respect of this matter without at least trying to agree it with us for the reasons that he has said are so important, if he were right.

2415 It is entirely wrong that we do not debate matters of taxation, whether those are duties or direct or indirect taxation of another form. Of course we do. In some instances the changes necessary are done by way of regulation, so they do not come to this House but they are advertised in the context of a Budget debate. In other words, we have a Budget debate where the Chief Minister gets up and says, ‘As from midnight tonight ...’ without holding a whisky in his hand as they do in another place, and makes the announcements. The debate then continues and hon. Members have absolutely the right to get up and say, ‘You haven’t put up the duty on this enough, you are not going to put up the duty on this enough, you have put it up too much on this, you are wrong with your policy on taxation on that.’ But in respect of taxation where direct prime legislation is required, of course they also have the right when the prime legislation comes.

2425 His point, which is a good one, is that the prime legislation does not come quick enough. That is a good point, it is a point that has to be pursued, it is a point on which we are agreed, but the solution to that point is not to bring a Finance Bill.

2430 The hon. Gentleman has to understand that when I was first elected I was still having to catch up with *their* taxation matters which had to come to this House, but only matters which required primary change, because one thing he may not be aware of – and I think will never be aware of, but it is not a matter for me, it is a matter for the people – is that when a Chief Minister ends the debate on the Budget, when the Budget is voted on and passed – in other words, when the Committee Stage and Third Reading are complete – we get into the battery-powered vehicle and we are driven back to No. 6 Convent Place to be presented with a stack of measures to sign, which are the regulations which are required to give effect to the measures in taxation which do not require primary legislation and which are then changed. That is how duty changes. So taxation on tobacco etc. is then suspended from let’s say the Monday morning when the Chief

Minister presents the Budget Bill until the Thursday when we sit down, the House has approved and the regulations are signed making the changes to the duties. That is how it works.

2445 Now, you can spend your Budget debate simply saying, 'I don't agree with the Government on this, I don't agree with the Government on that, the debt is too high, the debt is too low, I am going to vote against the Budget or I am going to vote in favour of the Budget, Civil Service pay is too high ...' – the sort of things the hon. Gentleman says all the time – or you can say also, in addition to all that other stuff that hon. Members say during the course of the Budget debate on the Appropriation, 'By the way, the detail of what you are saying should change in this way or  
2450 should change in another.' That is the debate: 'The duty on this particular commodity is going up too much or it is not going up enough, the rates are going up too much or they are not going up enough, the announcement in respect of stamp duty is not good enough or it goes too far.' That is what you can do in that debate.

2455 Will you persuade us? Well, it is very unlikely you will persuade us because it is not true that Budgets are prepared like the hon. Member says. It is particularly open to them this year to vote against any Budget measure that might come as a need for a change to the primary legislation, whenever it comes in respect of the financial year 2017-18. Why? Well, for a simple reason, Mr Speaker: they voted against the Act; they voted against the Appropriation Bill.

2460 In most instances – in every other instance, in fact, in the history of this Parliament on the basis of the analysis I did in my response to their presentations, their speeches on the Appropriation Bill this year – the Budget has passed with the support of every Member of the House. (**A Member:** Appropriation Bill.) The Appropriation Bill has passed with the support of every Member of the House, and therefore it would have been very difficult indeed to see how  
2465 somebody could vote in favour of a Budget, which is an appropriation financed in a particular way, and then vote against the measures. That is not an encumbrance that hon. Members have, because they voted against the whole thing. Hon. Members voted against the Appropriation Bill, which is of course generated estimating a revenue which is based on measures included in the context of that debate.

2470 He is shaking his head because obviously he knows better. Having been Chief Minister and Minister for Finance for a hundred years before me, Mr Speaker, he knows a lot better, of course, like he knows better about everything; in fact, like he knows better about how a Budget is created, because of course he believes everything he is told in Main Street and he has told us that the oft-told story in Main Street is that the Chief Minister hides himself in his office and that the Commissioner of Income Tax hears of the changes he is making to Income Tax when he gets  
2475 up here.

Well, it is certainly not the case that that is the position under this Chief Minister. Neither was it the case, I am sure, under the former Chief Minister who is sitting next to me, who introduced the measure that he is talking about. From the tales I hear from the inside, not from Main Street, it was not always the case in relation to my predecessor as Chief Minister, the  
2480 Hon. Sir Peter Caruana. Right! Why? Why is that not the case? Well, because it would be foolish indeed – and I note that we are in the presence of another former Chief Minister, Mr Speaker, but it would be foolish indeed for a Chief Minister to announce a Budget measure without knowing the potential effect or consequence of that measure in cash terms.

2485 Confecting a Budget for this community involves a Commissioner of Income Tax who is involved for weeks telling you, 'If you change this it will likely cost so much because we have so many taxpayers in that category, if you move it in this way it costs so much and if you move it in that way it costs so much. This is my estimate. It could be this. There could be others that are not in this band but when you move the band it could mean that.' You have broad estimates of what a measure costs to the Exchequer or will produce for the Exchequer. The cleverest Chief  
2490 Minister in our history – and who he is will be judged by history; it will not be me, that is for sure, but when it comes to economics it might be the person sitting to my left – would not be able to do that analysis because you do not know the number of taxpayers who are in a particular bracket and therefore you cannot do the calculation unless you have that number.

2495 So, Mr Speaker, the next time he is on Main Street – and as a retiree he is oft in Main Street – he should put right those who tell him the story about the Commissioner of Income Tax hearing about the measures on the radio at lunchtime. That might start to change the way that he perceives the things he has said.

2500 It is also true that alongside the Commissioner of Income Tax the Collector of Customs ... Of course, Mr Speaker, if we take a step back the words 'Commissioner of Income Taxes' and 'Collector of Customs' actually mean the same thing; they are just responsible for different types of taxation occurring in different ways. The Collector of Customs is also a hugely important part of the planning of a Budget. A Collector of Customs would not hear the measures on radio for the first time. He will have been involved for a considerable number of weeks, if not months. In fact, both the Commissioner and the Collector will be preparing everything that is not primary legislation with the law draftsmen in order to be ready to have those relevant regulations signed once the Budget Bill passes. When the Appropriation Bill becomes an Appropriation Act the regulations are ready when you arrive at No. 6 Convent Place to sign them, not because they heard them on the radio but because they have been preparing them. And of course in the whole structure of what is going on the person with responsibility for rates at Land Property Services will also be involved, because a rate is in effect also a duty; it is a tax, in effect. So the Commissioner of Income Tax, the Collector of Customs, the person with responsibility for rates, all of them are involved and preparing relevant regulations.

2510 And how does that happen, Mr Speaker? Does it happen locked in a room for five minutes? No, this is a considerable period of preparation. And alongside the Minister for Finance of course will be throughout that period a Financial Secretary, who will be running ... And I know that that is the job he has always really wanted, Mr Speaker. It was colonial book-keeper or Financial Secretary, obviously. A Financial Secretary will be involved in the detail of the planning of a Budget, working in conjunction with all of those that I have indicated and with the Chief Minister. It could not be otherwise; it would not work otherwise. So the myth on which he has based all of his speech, which he heard down Main Street, is no better than some of the rumours that are brought here during Question Time. It is just completely untrue. It is untrue.

2520 The Cabinet will be feeding in measures to the Chief Minister's Office throughout the year, actually. Different measures may come to the attention of Members at different times that will be fed in throughout the year. What the Office of the Chief Minister will always do in this respect is say, 'Thank you very much for the input, but nothing can be confirmed to those who have suggested that this is an important measure to you until the Chief Minister gets up in the Parliament.' That is the position. They are the ones who do not find out until the Chief Minister announces it in Parliament – not the Ministers, they will know in co-operation with the Chief Minister; not the Commissioner or the Collector responsible for rates etc., but those who have made representations, 'I think it is a good idea to a, b, c ...' You cannot tell them what is going to happen, otherwise they might stock up on the thing that the duty is going to go up or down on. Well, it would be foolish to stock up on things that are going to do down in duty – on the things that are going to go up. Those are the people who rightly find out when the Chief Minister is on his feet making the announcement and Members opposite find out when the Chief Minister makes the announcement.

2535 But Main Street is right about one thing. If there is a Delphic oracle available then you make sure the Delphic oracle is involved, and luckily in our Government we have got one, especially on these matters.

2540 Therefore a lot of what he has told us is just based on a rumour that has absolutely no basis in fact. Although I accept that it is necessary to try and be more up to date in respect of these measures, he has to understand that none of the reasons why he has pointed to so far are going to persuade us.

2545 It is also true that all the accountancy practices in Gibraltar and some of the law firms immediately publish, with a speed that sometimes surprises me, on the day of the Budget a summary of the measures so that everyone is aware of them and everyone knows – this is

important – that they have the benefit of the measure from the date of announcement as well as suffer the obligations that may be imposed, because it is quite something to get up and say, ‘Oh, poor taxpayers who are subjected to the measures’ ... Well there have been precious little increases in cost to taxpayers in Gibraltar in any of the years that I have been responsible for delivering the measures. In fact, it is quite something different isn’t it: it is taxpayers saying, ‘Ah-ha, as from x date of the Budget I am entitled to the lower rate.’ That is not what the fight that led to Magna Carta was about and of course the Government absolutely rightly honours from the date of announcement the reductions. That is the reality, Mr Speaker, and for that, as much as for revenue-raising measures, legal cover is required, and if it comes later it is retrospective legal cover. There is provision for retrospective legal cover for a revenue-raising measure, as was demonstrated by them when they were in office, and there was debate about that and it is in *Hansard*, although it is anathema to think that that exists, and that is where we must do better and we must bring those measures sooner, absolutely, but that is not a good argument for what he is presenting to the House today as the alleged only solution, because the words ‘retrospective legal cover’ were uttered in this House for the first time by the man referred to on a number of occasions as the greatest Gibraltarian of all time (*Interjection by Hon. D A Feetham*) by the former-former ... Mr Speaker, he can now admit it. He has got nothing to lose. She is not going to join him again. She can now admit it.

2565 **Hon. D A Feetham:** Oh, you are saying it for her!

**Hon. Chief Minister:** No, *you* are saying it for her. Mr Speaker, let’s be very clear. I have never said that Sir Peter Caruana was the greatest Gibraltarian of all time. Neither would it pass my lips. The hon. Gentleman, even Sir Peter, would not be surprised that I should say that. But he said it and now he is trying to distance himself from it at the time that the hon. Lady was in the party. I wonder whether he still harbours views that she might one day be lobotomised enough in order to go back, but I do not see her as somebody who is capable of reprogramming. She seems to me to be pretty fixed in her direction of travel, as he said when he was giving us his best interpretation of Eminem in the hilarious last session of the House.

2575 Retrospective legal cover is what the Silk, the Queen’s Counsel, the QC told us was possible, and he was right, Mr Speaker. Unfortunately it is not something that we should have to rely on but we have to rely on it and we should do better and we should catch up, but the answer is not to bring a separate Finance Bill.

I do not think that there were fierce debates in this House at the time that the GSLP and its predecessors entitled the GDM and at the time that Joe Bossano was here as a member of the Integrationist Party countered the politics of the AACR. I must say I think the fierce debates arose after 1991 when Sir Peter was elected to this House. The ferocity of debate changes and if hon. Members look at the *Hansards* there are debates of principle before then and then there are deeply personalised debates after that. It is a position I have expressed on a number of occasions to Sir Peter when he was here. So I do not think that the hon. Gentleman is able to reinvent the history of this place, because *Hansard* speaks for itself as to the ferocity of the debates and how they were handled in that time.

2590 So, having dealt with all of the issues, the mechanisms there are for debating the tax measures that require primary legislation, the mechanisms that there are for debating the measures that require regulations, which they do not take up, although this year they could have because they were not going to vote for the Budget, and having dealt with the fact that there is a need to catch up with measures which require primary legislation but that the answer is not the position that the hon. Gentleman has set out, I have little more to say in respect of this motion other than it will not enjoy the support of Members on this side of the House.

2595 I will repeat, Mr Speaker, that if hon. Members wish to bring motions which should enjoy the benefit of support from this side of the House – and politics is about simple mathematics, democracy is about simple mathematics; you get one more than the other guy and you win,

whether it is the election or a motion, but if they genuinely believe that there are measures where they can bring something to the House which will improve Gibraltar and they are genuine about that, then they need to have an offline conversation with us to persuade us of that. That is the way that it works in every Parliament. If you see a motion go down on the Order Paper at Westminster and it carries the signatures of Members from opposite sides of the House, then you know that there is an issue which is going to garner more support than simply a motion on the Order Paper which garners support only from Members on one side of the House. And a motion need not stand in one name only; a number of Members can bring a motion and lay it before the Parliament. So, instead of the method of amendment that we have dealt with today, if a motion were presented by John Cortes and Marlene Hassan Nahon, then hon. Members are given an indication that it enjoys cross-party support. If it is also endorsed by Trevor Hammond, if there is a motion that has three names on it when it is submitted, then hon. Members know that that motion is definitely going to pass with the support of the Government and the official Opposition and the vote of an independent Member. If a motion comes on an issue which is as obviously controversial as this one, because the hon. Gentleman is taking head-on a policy introduced by the GSLP, then it is obviously a motion designed to garner political headlines, soporific though they might be, but not an attempt to make a genuine change to the position as set out in the motion, because it is obviously not going to have a fair wind.

If the hon. Gentleman had brought something which is completely new, which is not recognised in the way that we do things, which does not go to the core of something that we have been doing, perhaps he could say, 'Well, look, this was just something new.' I would still commend to him the fact that he should try with a parliamentary colleague to deal with it by way of consensus, and if there is no consensus then bring it on his own, but consensus should be the first position that we take to try and agree things. But if you are going to take on the stated policy of the party in the founding Budget, in effect in the 10 commandments, and you do not talk to us about it first, then look, it is one of our 10 commandments, we are not going to shift from that and nothing that the hon. Gentleman has said on his feet today has persuaded me, or indeed, I am sure, any other Member on the Government benches. For that reason, I am afraid that the hon. Gentleman is going to see us not support his motion. He is therefore not going to persuade us to change the practice.

I very much look forward to what will happen during the course of this year's Appropriation Bill. Many people claim credit for having ended the political career of the Hon. former-former Leader of the Opposition. I have always thought that nothing will end the political career of the Hon. the former-former Leader of the Opposition because nothing will persuade him to leave politics, even himself, but in the context of that process it has been put to me that his political career was ended by the references to the fact that he might or might not have done something in the names of others on a particular social media site – the bane of my existence during the course of that Budget debate. Then it was put to me that it was just too much for him and that he had said in the course of his departure from politics why he was leaving, although then he did not depart politics; and others have said it was the departure of the Hon. Mr Llamas that led him to decide that enough was enough, two defections again in this debate. That defection, Mr Llamas explained, was about the vote against the Appropriation Bill, a seminal moment in our Parliament's history, because Mr Llamas said, 'I cannot vote against this Appropriation Bill.'

I wonder what will happen this year, Mr Speaker: whether under new leadership outside this House the GSD Opposition will still vote against an Appropriation Bill in this House, (**Hon. Sir J J Bossano:** As he said.) as they said they would continue to do, or whether in fact more sensible heads will prevail and they will vote in favour of the Appropriation Bill, although they might express their disagreement with parts of it, and their views ... as has traditionally been the case in respect of the public finances of Gibraltar. A lot will turn, in my view, on what they do; a lot will turn on what they do. If they vote against again then I believe they will be sealing their fate for good, if they have not done so already. If they vote in favour, then it will mean one magnificent *volte face* for a number of them, and that I think is the live issue going to

2650 the next Appropriation Bill. I very much look forward to seeing what the result of that vote will be. Hon. Members can expect that I will call a division.

I say all that in the context of the hon. Member because I really believe that in the final analysis, as he likes to say, and in the context of the factual matrix, another thing that he likes to say, when history makes the judgement it will be seen that it was neither the hon. Lady nor the  
2655 hon. Gentleman, nor indeed me, and I have been trying to do so for so long because that is the nature of adversarial politics; it was the vote against the Budget that the Hon. Mr Clinton persuaded all hon. Members opposite in the Official Opposition to do that was the end of one leader. He did not prevail in his leadership, and if they carry on down that course it may even be the end of another one or two leaders, because I think now of course there is the one outside  
2660 and the one inside – they might both fall at the same hurdle. But neither voting against an Appropriation Bill nor changing the practices in respect of how we deal with matters in taxation is going to be something that is going to persuade those of us on this side of the House: we are not going to agree to the principles set out in the motion.

2665 **Mr Speaker:** Is there any other contribution from the Opposition benches? The Hon. Daniel Feetham.

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

I have to say – perhaps it is the fact that I have been absent from sitting to my right for less  
2670 than a year and he no longer has the fire in his belly that he used to have – that I found his speech today one of the least unpersuasive that I have ever heard him deliver before this House.

He seems absolutely obsessed, Mr Speaker. Rather than looking at the substance of the motion and considering the merits of the motion, he seems ... It is just a recurring theme and I do not know whether it is because that lack of fire in his belly is also matched by an appreciation  
2675 in the paranoia that the hon. Gentleman feels nowadays that he just seems obsessed by the Hon. Mr Llamas to my right and the hon. Lady and what they might do in the future.

Let me restate the position. I know that he does not really like to hear this because I know that it does not serve his own political fortunes the way that he would ... If the Hon. Mr Llamas wants to come back to the GSD he is going to find me not opposing it. If the hon. Lady wants to  
2680 come back to the GSD (*Laughter*) I am not going to be somebody who is going to oppose it. It is not going to be me that is going to be opposing it. It is not going to be me and it is certainly not going to be people on this side, from Mr Hammond (*Interjections*) all the way to Mr Reyes, that are going to perpetuate any divisions within the Opposition; (*Interjection*) not us, Mr Speaker. But I know, of course, why the hon. Gentleman is obsessed with this particular topic: because he wants to perpetuate divisions which have not been caused by the GSD ourselves.  
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The hon. Gentleman says politics is about simple mathematics. Well, look, there I was, simple me, thinking that politics was about principle, that politics was about attempting to improve the lives of people, that politics was attempting to improve the way that things are done. That is what lies at the heart of this particular motion in what the hon. Gentleman is doing, because  
2690 really when you strip away all his barbed comments about me and the former-former Leader of the Opposition or about the independents and all the other barbed comments that he is apt to make in debates of this nature, this is about how we can attempt to improve the procedures of this House, and indeed in this particular case how measures are given effect to as quickly as possible.

2695 He spent about half his speech – it was quite incredible – saying, ‘Well, because these are the 10 commandments and the GSLP has always done things like this ... we introduced it and he is now going against the GSD because the GSD also did it.’ Well, look, what does that have to do with it? If you can improve a procedure, the fact that you did things differently in the past should not be an impediment to change. The issue is can we or can we not do it better. That is  
2700 the issue, not whether Mr Bossano was the first to introduce it and therefore, because



Mr Bossano is an economic guru and the father of the GSLP, it has got to be done like this for evermore. That does not make sense; that is not constructive politics.

2705 The issue here is Mr Clinton has raised important issues in relation to the practice and criticisms of the practice at the present moment in time, and I have not heard anything from the Chief Minister as to how he intends to improve those criticisms, those defects that have been correctly identified by Mr Clinton. Because the Chief Minister has accepted that we have a situation here that we have Budget measures, taxation ... yes, you can give effect to taxation measures announced in the Budget through subsidiary legislation that then does not require coming to this House and it can be done by the Minister by way of regulation, but there are  
2710 measures that do require bringing legislation to this House and he has also admitted that it sometimes takes years for those measures to come to this House, and what he is proposing is, 'Well, actually, let's bring to this House a Finance Bill in order to deal with the implementation of those measures in a timely way.' That seems to me, as somebody who is perhaps not as *au fait* with some of these issues as the hon. Gentleman or Sir Joe Bossano, a perfectly reasonable  
2715 approach, but there is nothing that he has come up with, nothing that he has said to this House today, other than it was the economic guru of the GSLP, Joe Bossano, who was the architect of this policy and we have done it for eight years and you have done it for 16 ... Other than that, he has not really come to this House with a reason as to why this House should not vote in favour of this motion that is presented by Mr Clinton. Therefore, I think the Government is not taking the  
2720 motion with the seriousness that it deserves.

Let me say this: I think that Mr Clinton would be the first person to stand up and if he heard an argument from the Chief Minister, or if he heard an argument from the Father of the House, Minister Bossano, 'Yes, we accept that we should be bringing these measures earlier and we are going to do it in this particular way, but we do not want to do it through a Finance Bill, we are  
2725 going to do it through this particular way,' well I think that Mr Clinton would say, 'Well, look, I have come up with a proposal as to the way that we can do it but we will support the Government in the proposal that the Government makes.' But the speech by the Hon. the Chief Minister is a scorched-earth speech. It is destructive, it is not constructive; it is negative, it is not positive. It is about the politics of the past, not about the politics of the future, Mr Speaker, and that is what this motion by Mr Clinton represents, and therefore I certainly will be voting in  
2730 favour of the motion. (*Banging on desks*)

**Mr Speaker:** Any other contributor to the debate? (*Interjections*) The Hon. Sir Joe Bossano.

2735 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I accept that the Hon. Mr Clinton does not have a clue what he is talking about because he is only limiting himself to what he has read in *Hansard*, which happened a very long time ago, and his interpretation of what happened. But I would expect the hon. Member opposite to know more – and it is not about understanding numbers.

2740 Let me say that, as the Chief Minister has said, the first time a native questioned a Financial Secretary was in 1973 because under the 1968 Constitution it was the Financial Secretary who determined how money was going to be raised and in effect he made the Budget speech setting out how the money was going to be raised, and it was only the first time that there was somebody in the Opposition that was the Shadow of the Financial Secretary, because I was not  
2745 the Finance Minister.

Indeed, if he looks at some of the debates where there was great controversy over tax measures, I can remember one particular Financial Secretary who arrived here at the time that we had achieved parity, who in fact only found out about parity when he stepped off the plane, had left a huge deficit where he had come from in the Caribbean, and when he started attacking  
2750 us in the GSLP who had been involved in the fight for parity I reminded him that the Caribbean's gain was our loss, given his performance in the previous jurisdiction. And there was another Financial Secretary, who increased the tax for everybody in Gibraltar and at the same time

2755 lowered the tax for the expatriates, which included himself. So there were very controversial issues but there was not a controversial issue between the AACR and us, because ultimately the nature of the constitutional relationship that we seemed to have with the UK was that they controlled the purse strings, less so here than in other colonies but still more than they do today and more than they have done since the Constitution removed the appointed Members from this Chamber and made it a less colonial Chamber because we are all now elected.

2760 **Mr Speaker:** The hon. Member if I may remind him of the occasion when all the elected Members voted against the Budget measure and resigned, but of course (**Hon. Sir J J Bossano:** Yes, of course.) sitting here was not a Gibraltarian Speaker but the Governor.

**Hon. Sir J J Bossano:** Absolutely. That was even earlier!

2765 In that progress of emancipation of our people, initially it was started by the GSLP on the basis that it was lucky that I had sufficient knowledge to question the legitimacy of the arguments used by the Financial Secretary, which other people felt they could not, independent of the fact that we could only question the accuracy and the legitimacy of his deductions rather than his right to do it because his right was the way the Constitution was interpreted. In 1988, with the same Constitution, our view was, 'Well, look, at the end of the day, if you are going to raise the taxes, we are the guys that are going to lose the votes, so we want to take that responsibility.'

2770 The Finance Bill was a Bill to increase taxation. We were not in the business of wanting to increase taxation; we were in the business of adjusting measures in order to create, in what was a very critical time in our history when we had to diversify the economy away from its MOD dependence into adjusting measures so that if people said, 'Well, I don't come to Gibraltar because of this and this,' we would be able to react in a way which invariably meant lowering things, not raising them ... So to say that the Magna Carta, the Boston Tea Party or the French Revolution were not about people's taxes being lowered ... It was about taxes being raised, right? Well, we were not in the business of raising taxation. The kind of economy we were developing was not about raising taxation; it was about diversifying from an MOD-based economy to a private sector economy and ensuring that we were able to be competitive in the incentives that we provided.

2780 That cornerstone meant that we came to the House with an Appropriation Bill, which is what still happens, which is the instrument that gives permission to the Government to withdraw money from the Consolidated Fund – the Constitution says we cannot take money out of the Consolidated Fund without the consent of Parliament – and the taxation measures that in the Finance Bill were the measures where we raised the money that went into the Consolidated Fund. But the invention of doing this and then introducing retrospective legal cover was not a GSLP ... one of the 10 commandments; it was one of the GSD 10 commandments – not one of ours, one of theirs, opposed by me.

2795 Therefore, if he is talking about good governance, well, look, if there is good governance, then what they introduced, which was not the absence of a Finance Bill, it was the absence of any kind of legislation to justify taxation, and not just taxation because the hon. Member opposite has included Social Insurance as if Social Insurance was a tax. Social Insurance is not a tax. Social Insurance was never included in the Finance Bill. Social Insurance always was and still today is increased by a motion in this House. What the GSD did, which I claimed was illegal, was to raise insurance and deduct it from workers' pay packets, in my view in breach of the Truck Act, which says you cannot remove from a person's pay packet anything other than that which is provided in the law, and there was no law saying that Social Insurance shall be 10% higher than it was at the end of June on 1st July. What the GSD did was they raised insurance rates without bringing a motion to the House and then gave it what the then Chief Minister, the greatest living Gibraltarian, called retrospective legal cover, for which he got a QC – for inventing this concept (*Laughter*) – and of course the hon. Member opposite was part of a Government that was doing

2805 this retrospective legal cover. When I actually stood up in the House and told ... Without  
pretending to be a lawyer, which is not one of the things I ever want to be ... without pretending  
to be one I said to him, 'Well, look, my interpretation of the law is that what you are doing is  
illegal because every week people get money taken away for the Social Insurance and the  
amount that you are taking away is 10% higher than the amount specified in the legislation, so I  
2810 think this could be challenged,' and the greatest living Gibraltarian said, 'Well, if it is, I will come  
to the House and retrospectively change the Truck Act.' So much for good governance. I do not  
know what the hon. Member would have done if he had been in the GSLP in those days with the  
GSD on this side.

So the truth of the matter is that his criticism of a practice which in fact was defended by the  
2815 GSD Government as being in keeping with the way they do it in the UK ... He did not agree with  
my criticism. He said even if I was right he would simply change the law and make it right, but in  
any event he said, 'When the Chancellor in the UK stands up in Parliament and says what the  
changes are going to be, they are not legislated there and then.' I have not checked whether he  
was telling the truth, but that is a statement made in Parliament and he said that therefore the  
2820 concept of retrospectively giving legal cover to what had already been implemented  
immediately ... and of course one of the things why the measures in the Finance Bill, when there  
was a Finance Bill, or the measures in the Budget speech afterwards – not in our time because  
we introduced very few measures, but certainly in the time of the GSD – had to be brought in  
immediately for the reason that the Chief Minister has said, because if the Minister for Finance  
2825 or the Financial Secretary were to stand up in the middle of the Budget debate and say, 'And we  
are going to introduce legislation in six weeks' time after we have given six weeks' notice to raise  
the duty on a particular product' everybody would spend six weeks buying that product before  
the law was changed. So, in effect, once it is announced in Parliament it is introduced and then  
retrospectively put right, and it can be six weeks or it can be, in some cases, two years – and I do  
2830 not see why it should take two years to do it but you do not need to a Finance Bill to do that.  
The fact you have a Finance Bill is not what is wrong. What is wrong is that things should be  
increased before the law is changed that provides for that increase, and that is what I objected  
to on that side. But that is not what we did in 1988. That is what was done after 1996. So that  
can be changed; that is not sacred. *(Laughter)* **(Hon. Chief Minister:** What a conundrum!)

2835 Therefore, given the fact that there were two Members on the opposite benches who  
thought it was quite all right and it was not a lack of good governance – they were there all the  
time when it was happening – it seems to me that one of the things that one finds in the present  
political system is that Members behave as if they were independent; that is as if they had stood  
as independents, not as if they had stood in a party. Because we go to an election with a party  
2840 policy and certainly if we thought there was a huge democratic deficit and a lack of good  
governance and the equivalent of the absence of the Magna Carta and the possibility of a French  
Revolution repeating itself in Gibraltar, we would have put it in our manifesto if it was that  
important. *(Laughter)* It would not have been an afterthought when one year you decide you do  
not approve of spending and the next year you decide you do not approve of the raising of the  
2845 revenue. Well, the raising of the revenue and the spending of the revenue are the fundamental  
reason why parliaments exist.

The way that it was done on the initiative of the party to which the hon. Member belongs  
was to do it first and legalise it afterwards, a practice that has continued since 2011 but was  
introduced by them. It is all very well for the Hon. Mr Feetham to say, 'Well, look, if you find a  
2850 better way to do things, what does it matter if we did it wrong for 15 years?'  
**(Hon. D A Feetham:** What?) Well, except that this is not how party politics works. This is how  
collections of individuals in the Isle of Man or Jersey or Guernsey govern themselves. So  
tomorrow Mr Clinton, walking up and down Main Street with nothing better to do, thinks of  
something new, comes here and it now becomes party policy. I do not know if the leader of the  
2855 party who also was part of the Government that introduced this aberration –

**Hon. Chief Minister:** And fought elections against it afterwards.

2860 **Hon. Sir J J Bossano:** Yes, of course, and defended it when I criticised it. I do not know whether the leader of the party is as generous as the former-former leader of the party in being willing to accept changes just like that.

Presumably the Leader of the Opposition agrees that the GSD was wrong. Two Members who were in the GSD in Government agree that what they were doing was wrong. A former Minister who is the leader of the party now – (*Interjections and laughter*) I am afraid there is a party whip on this. (*Laughter and banging on desks*)

2865 So the answer is that if there is something that is necessary or something that is better, then of course there is no reason why we should not look at it and then make up our minds whether we want to do it or not.

2870 Certainly it seems to me that from the moment that he started explaining the reasons for doing it he does not seem to understand that the thing that is really wrong is not what happened in 1988 but the thing introduced by the GSD. He seems to have convinced the two Members of the GSD. I do not know whether he needs to convince the greatest living Gibraltarian whose idea it was that his party is now accusing him of lack of good governance and lack of transparency. (*Interjection*) Yes, Mr Speaker, and you, because you are saying that it is a good idea to change something although it must have been a bad idea to introduce it.

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**Hon. D A Feetham:** No, no, no. That is why I wanted you to give way.

**Hon. Chief Minister:** No, he is not going to give way.

2880 **Hon. Sir J J Bossano:** Okay. So the answer is, Mr Speaker, that if they do it it is a good idea, (**Hon. D A Feetham:** No.) if we carry on doing what they started then it is a bad idea and it is lack of transparency, and if tomorrow Mr Clinton is no longer a member of the party and somebody else has a different idea then that becomes party policy at least for the bit of the party that is in the House – the bit of the party that is outside the House we do not know whether they would agree. (*Interjection*)

2885 So we have to make clear that, as the Chief Minister said, we are persuaded – and we did not need to be persuaded but we are persuaded – that there is every good reason and no good reason for delaying the time between the introduction of a measure and its legislative introduction. Indeed, in my view it should not be after the event, it should be before, but I was persuaded by the then Chief Minister that my view was wrong and that this is standard practice and that what we were doing was the way they did it in the UK Parliament and nobody suggested that the UK Parliament needed reform. Maybe he should have tried to reform them when he went there with me recently on that mission to the Public Accounts Committee, if it is indeed the case that they do it differently.

2890 I am not giving way, no. He has got the right of reply, Mr Speaker; he can answer me then.

2895 So the position is that ... Let me make clear that on the question of the Social Insurance increases it has always been done by bringing a motion to the House and it was never done in the Finance Bill. Social Insurance is, in effect, money that is not available to the Government and is not money that is in the Consolidated Fund. So it is not money that is appropriated by Parliament; it is in fact a premium for an insurance policy for either employment or accident or old age. That is what it is.

2900 I do not see why it should be introduced first and the regulation changed afterwards and I felt very strongly that it was wrong that people should have the rate of insurance deducted from their pay packet without the legislation being changed. I think we should look at whether in fact we can make sure that the gap between the introduction of the new rate and the resolution that approves it and changes the rates in the House should be brought to the bare minimum, because in principle it seems to be wrong to me that people should be paying more insurance

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2910 and the law says that the insurance rate is not what is actually being deducted. I am not sure that the argument that the GSD put at the time was the correct one.

I think in terms of the Finance Bill the truth of the matter is that there would be an argument if we were in the business of fundamentally having to introduce big changes in tax increases, which fortunately we still do not have to do and hopefully we will still not have to do after Brexit, but certainly if that were the situation then I think we would have to review the way things get done if we were doing that. But when you are talking about the bulk of the changes being that you are reducing things, what is the great issue about not doing it? We are not actually providing the money that is going to be spent. In the majority of cases the things that are announced in the Budget are things that are benefits being given in the Budget and not things that are being increased in the Budget. If the hon. Member looks at all the recent Budgets, the things that have gone up have been very few compared to the ones that have come down and the Finance Bill was primarily a situation of covering deficits.

2920 In 1988 we were still in a situation where we were either having to raise taxation to cover recurrent deficits or borrow money to cover recurrent deficits. There is where the importance of the Finance Bill and the importance of the Financial Secretary came in, given that the United Kingdom felt that they needed their own guy to stop the locals from paying themselves too much or spending too much money, which might be a contingent liability on them. So the real role there was to keep the books balanced by introducing things that might have been unpopular. The tax on the razor blade was the historic one that brought the rebellion from all the elected Members when the Governor insisted on doing it.

2930 So I think for the reasons that I have put and the arguments that are put by my colleague the Chief Minister, the position is that we cannot support the Bill, but I certainly think that we should take a look at the Social Insurance side, which is the one I felt very strongly about. *(Banging on desks)*

2935 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I rise to say that I am going to vote for the motion, not necessarily because I agree with all of Mr Clinton's points but because I agree with the practice that prevailed before 1988 by whom I consider the greatest Gibraltarian of all time – our time and any time, Mr Speaker – as opposed to the practice that commenced in 1996 for reasons that by now I think are probably quite obvious to us all.

2940 So, unlike the GSD's response to my motion today which in part has tried to denigrate the value of my intervention, I am happy to set aside useless party agendas and vote for what I genuinely believe to be the best move on the whole.

2945 Thank you, Mr Speaker.

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

2950 **Hon. L F Llamas:** Mr Speaker, I do believe that we have ample time and opportunity to scrutinise the Government during the Budget debate on the measures that they introduce during that debate. However, it would make sense, let alone provide good practice, for changes requiring amendments to legislation to be made in tandem with the Appropriation Bill, or at least in a timely manner, as has been suggested by my hon. Member on the left. Whether this is through a Finance Bill or it is done as part of a schedule within the Appropriation Bill, I think whatever way could be decided, which obviously is not going to happen given the policy of the Members opposite ... I do believe that either way would satisfy efficiency and good governance.

I shall therefore be supporting this motion.

2960 **Mr Speaker:** Is there any other contributor to the debate? No, then I will call upon the mover to reply – that is the Hon. Roy Clinton.

**Hon. R M Clinton:** Mr Speaker, it is in fact gratifying to see the Chief Minister taking such an interest in a subject which he finds so boring, because taxation is hardly boring to the taxpayer for the very definition that they are the ones who have to bear the taxes that are introduced and signed off by him. *(Interjection by Hon. Chief Minister)* Oh, I see, yes.

2965 Well, Mr Speaker, turning to boring, there was actually nothing in his response to –  
*(Interjection)* Yes, well ... Mr Speaker, there was nothing in his response to my speech that  
actually convinces me that my arguments are wrong. In fact, he has said nothing at all, other  
than harping on for a good half an hour about how he goes up dreaming his Budget measures as  
to how this Parliament actually votes on these measures. He admits that the Budget debate is on  
2970 the Appropriation and certainly not on the Budget measures. So, whereas we can have a  
debate – if we wanted to, as he says – about the Appropriation and then the Budget measures  
themselves since, as he says, they go hand in hand, the fact of the matter is that we have no  
vote on them in this House other than the case when there is primary legislation. And he himself  
admits that it is really quite something to be behind on implementation of Budget measures into  
2975 primary legislation. He admits that on coming into office he found what I guess was a stack of  
measures that had not yet been introduced – and there is still a stack of measures that need to  
be introduced. As I said, there is one that has yet to come before the House.

I think that if anything comes out of this debate – and it is lamentable that I do not have the  
support of Members opposite – it is that we really need to do better. We need to do better  
2980 because we really cannot afford to have legislation playing catch-up with taxation. It is unfair to  
the taxpayer and it is frankly shoddy practice. As to whose shoddy practice it is I really do not  
care, Mr Speaker. I note the Hon. Father of the House being aghast at somebody having the  
temerity to basically suggest that perhaps the way things have been done in the past, regardless  
of party, is not necessarily the right way of doing things, and I certainly, for one, although of  
2985 course being a Member of the GSD for 30 years ... and, for the record, I only joined the executive  
in 2015 and the Hon. Mr Feetham will attest to that, so perhaps the Chief Minister will make a  
note of that to avoid any more confusion in the future.

The idea of offline communication – in fact the majority of his speech almost had a hurt  
feeling to it that I had not sent him an email, which he probably would not see anyway, or  
2990 written him a letter that he refuses to respond to in any case, or that I had not given him a call to  
say, ‘Look Fabian, Hon. Chief Minister, I have this fantastic idea – what do you think about it?’  
Mr Speaker, the reality of it is that as much as the Chief Minister opposite may encourage us to  
engage with him, the fact of the matter is that he does not want to engage with us. And even if I  
had engaged with him, I do not work for him, regardless of siren calls to become Financial  
2995 Secretary, which increase by the day –

**Hon. D A Feetham:** Yes, I thought that was a bit of a sneaky sort of offer there... calling for  
resignation.

3000 **Hon. R M Clinton:** Siren calls, Mr Speaker –

**Hon. Chief Minister:** It was no more than an invitation to choose.

**Hon. R M Clinton:** – [Laughter] Siren calls, Mr Speaker, to perhaps tender for the job, or even  
3005 perhaps more attractively cross the floor.

**Hon. D A Feetham:** Yes, exactly!

**Hon. R M Clinton:** I shudder, Mr Speaker! Now you know why they are called siren calls!  
3010 There is absolutely nothing in what he said in response that actually went to the heart of  
what I was saying in that we can and we should be doing things better, and a Finance Bill was a  
proposed solution to do that.

3015 But I will grant that he does accept that things should be better. We should not be playing  
catch-up. And, whether he agrees with me or not whether to do that via a separate Finance Bill,  
it is for him in Government to explain to the taxpayer why measures are being delayed. He  
himself brought the example to this House where taxpayers suffered loss because they assumed  
that tax measures had been passed into law and, as he and Sir Peter Caruana agreed, the law is  
the law until it is changed, regardless of how retrospective it is. And of course if you do not make  
it retrospective enough there will be a gap, as there was in the case the Chief Minister referred  
3020 to.

And so, Mr Speaker, I still have not heard a good reason from the Chief Minister as to why  
this is such a bad idea. In fact, we are only doing what was done in the past, and in fact this is  
still the practice today in Westminster. In answer to the Hon. the Father of the House as to how  
Westminster does this, it is not that the Chancellor gets up, makes a speech and that is it. The  
3025 House actually then passes a temporary resolution on the Budget measures as of ... They will  
take effect from midnight that night. So the Parliament actually votes on it and then the detailed  
legislation comes later. So there is actually a process whereby Parliament approves the  
measures and then they are debated later. In fact, the Parliament then has the right even to  
defeat specific measures if they do not like them.

3030 So, Mr Speaker, I am not trying to invent something that is unworkable, nor am I trying to  
invent something by way of criticism of the GSLP, the GSLP Alliance, the GSD or anybody else. All  
I am saying is that if we want, in a modern political system, to manage our tax affairs in a way  
that is recognisable outside this House, we really should have a measure such as the Finance Bill.

I would perhaps even accept, if the Hon. Father of the House was amenable to it, to put an  
3035 amendment in, if he so wished, to say that in cases where taxation is raised a Finance Bill is  
brought to this House. I accept lowering tax is not as offensive as raising tax and certainly would  
not raise blood pressure as much, but again the principle is the same: any alteration of tax  
should come before this House for debate. If you look in the Constitution, no one can bring a  
motion or a Bill to this House that has the effect of raising taxes other than with the agreement  
3040 of the Minister for Finance. And why, Mr Speaker? Because it is a very important matter; it is not  
something to be taken lightly.

Turning to the Father of the House, our Delphic oracle in person – long may he continue – he  
goes back to the origins of his encounters with the Financial Development Secretary and the  
neo-colonial setup that we had then and the question of emancipation of a people. And yes,  
3045 these are very emotive words, Mr Speaker, but the fact remains that the Finance Bill had  
nothing to do with our emancipation. Yes, they may have used it to raise taxes to cover deficits,  
but that is merely the methodology and does not necessarily make it a bad thing in itself. No, the  
problem is that by removing the Finance Bill ... and again I accept that he wanted to do it to  
retain flexibility and be swift on his feet, but it has removed the ability of this Parliament to  
directly vote on the tax measures. Again, I will repeat, we only vote on appropriation measures.  
3050 The Hon. Father of the House has said – and I quoted from *Hansard* – that we do not vote on the  
revenue-raising measures, we only vote on the expenditure. So even in the context of the  
Budget speech this House does not actually get to vote on the Budget in terms of the revenue-  
raising measures or any tax changing measures, we only vote on the appropriation of  
expenditure from the Consolidated Fund and even when the Chief Minister goes back to No. 6 in  
his nice shiny Tesla G1 and signs off all those regulations, fine, he has stood up in this House and  
made a pronouncement but we certainly have not passed those tax measures into law until  
sometime in the future. It almost seems like some time in the past, but then I would be talking  
about *Star Wars* and we do not want to go there. Sometime in the future someone may decide,  
3055 ‘Oh, look, we forgot to pass this primary legislation on the rates.’

I agree with the Hon. Father of the House in terms of retrospective measures. You cannot tax  
people without a law. Again, it goes back to the whole reason why we are here. There has to be  
legal certainty.  
3060

3065 As regards the 10 commandments, Mr Speaker, I do not think it is in the GSLP manifesto – but I am sure it will be next time – as to whether it is deemed a holy grail of the GSLP mantra not to have a Finance Bill. I frankly would be surprised to see that there, but no doubt it will be there next time round.

3070 I do not see how it detracts from the business of this House to have a Finance Bill, Mr Speaker. It can only make things better, and in fact the Father of the House himself just said it is the fundamental reason why parliaments exist – it is about taxation, the raising of revenues and the spending of money; that is what we are here to do. At the moment, we only seem to be doing half of that – we are looking at the spending of the money but we are not looking at the tax measures and I think that should be redressed. It is in fact sad that the Father of the House feels that he has to obey the party whip and not be free.

3075 And so I detect there are grudging areas of agreement on both sides of the House in that I think that – (*Interjection by Hon. Chief Minister*) Well, look, if the Chief Minister wants to go to sleep he can feel free to do so. I certainly will not miss his contribution to this debate because he might as well not have been here.

3080 Mr Speaker, what I think I am detecting across the House is there is a grudging acknowledgement (**Hon. Chief Minister:** No.) that things could be better – it could be better – and the fact is that they, for whatever party mantra reason – this is the way it has always been done, how dare you suggest we do anything different – will refuse to accept this motion on its merits. It is sad that in this Parliament we feel we have to obey 30-year-old dogmas just because that is what is written in the GSLP 10 commandments – or not, as the case may be.

3085 We in this Parliament are here to legislate for the people of Gibraltar in taxation matters and other matters and I think we are not doing our duty if, certainly on the measures on taxation and their variations, we do not bring a Bill to this House and debate the measures in this place.

And so, Mr Speaker, I commend my motion to the House.

3090 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. Roy Clinton. Those in favour? (**Members:** Aye.) I take it the seven Members on the Opposition benches are voting in favour. Those against? (**Members:** Aye.) There are nine Members of the Opposition, one Member is absent, the motion is defeated.

#### **Congratulations to the Gibraltar Football Association**

3095 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to be generous in my repost before I adjourn, and I congratulate the Hon. Member in wiping the House clear of anyone who might have been in the Gallery to listen, and congratulate him for having been able to join a party 30 years ago that was formed 28 years ago.

3100 But anyway, before we end, on a more convivial note I am sure the whole House will want to join me in congratulating the GFA for its great victory yesterday at Victoria Stadium, when they won their first match as members of FIFA, 1-0. (*Banging on desks*)

#### **Good wishes to Team Gibraltar at Commonwealth Games**

**Chief Minister (Hon. F R Picardo):** Second, Mr Speaker, before I round up, I saw that today Team Gibraltar is on its way to the Commonwealth Games in the Gold Coast. They go, of course, with the wish of the best of Gibraltarian luck from no doubt all Members of this House. I was invited to attend, but given the recent birth of my young daughter I will be ably represented by



3105 the Deputy Chief Minister in the Gold Coast and I am sure that all of us will want to see Team Gibraltar come back with as many medals as possible.

I end adjourning the House *sine die*, wishing all Members on both sides of the House a very happy Easter and one in particular a very happy Passover and also all other members of her community.

3110 Mr Speaker, I now move that the House should adjourn *sine die* and that the force should be with all of us. (*Laughter*)

**Mr Speaker:** The House will now adjourn *sine die*.

*The House adjourned at 8.27 p.m.*