



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.33 p.m. – 5.06 p.m.

Gibraltar, Thursday, 20th September 2018

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The Gibraltar Parliament

The Parliament met at 3.33 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday, 20th September 2018.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 18th, 23rd, 30th and 31st May, 1st and 15th June, and 2nd, 3rd, 4th, 5th, 6th and 24th July 2018.

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

Mr Speaker signed the Minutes.

Progress of Brexit negotiations – Statement by the Chief Minister

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, by your leave I am going to make a statement on the progress of ongoing Brexit negotiations in respect of Gibraltar's departure from membership of the European Union alongside the United Kingdom.

As hon. Members will already know, the Deputy Chief Minister has convened a further informal meeting of the Brexit Select Committee of this House for tomorrow. This will be the 12th such meeting, resulting in at least as many hours of confidential briefings. At these meetings hon. Members have been briefed in careful detail about the ongoing discreet contact that the Government has had in the context of these negotiations. These contacts include discussions with Spain in its capacity as one of the remaining 27 member states of the European Union.

Mr Speaker, I addressed the nation on 28th March this year, one year before the date when our departure from the EU will be legally effective, in order to set out as much detail as I could then of what the EU discussions were likely to entail. I told the community then that we were entirely confident that the Withdrawal Agreement must and will fully apply to Gibraltar. I am even more confident now that this will be the case. That means that any mechanism agreed

between the United Kingdom and the European Union for orderly withdrawal and continued market access will fully cover Gibraltar and that we will enjoy continued access to the EU single market until at least the end of the transition period.

30 The work that the Prime Minister is doing in Salzburg today will, I sincerely hope, also move the United Kingdom and the EU closer to such arrangements. In that context we have also sought to establish new lines of co-operation with the EU, and in particular with our neighbouring member state, Spain. Indeed, successive Governments of Gibraltar have sought such a relationship before, and we have done so without the need for any compulsion or threats of veto. We have done so because the people of Gibraltar have consistently sought good
35 neighbourly relations and we have consistently sought to demonstrate our belief in the European ideals. That has always been our nature and that is the work that we have been trying to discreetly do.

The Partido Popular administration of Prime Minister Mariano Rajoy took two distinct approaches to the Brexit negotiations. The first approach was spearheaded by Jose Manuel
40 Garcia Margallo in his time as Foreign Minister after the result of the EU referendum. He stated that the position then of the Partido Popular, the government in Spain, was that Gibraltar would have to accept the joint sovereignty proposals we had rejected in 2002 if we wanted a future relationship with the European Union. When he was replaced by Alfonso Dastis, the position of the Partido Popular, set out by the new minister and by Prime Minister Rajoy himself, was that
45 Spain would not be seeking to advance its sovereignty claim in the context of the Brexit negotiations for the Withdrawal Agreement. Indeed, in my statement in March I said that our people would have heard, and I quote, 'repeated statements from Spanish ministers setting out that sovereignty is not a matter they are seeking to raise in Brexit discussions'. I said also that I knew we would all welcome that, although we would be sceptical and alert to ensure that that remained the position throughout. We have been, Mr Speaker.

I am also pleased to be able to tell the House that the position of the PSOE administration of Pedro Sanchez has not changed in respect of the issue of sovereignty – that is to say the position of the Spanish government has not changed in relation to the negotiation of the Brexit
50 Withdrawal Agreement.

55 Hon. Members will therefore have been surprised to see some Partido Popular politicians in the past 48 hours suggesting that it has been a PSOE decision not to attempt to progress the sterile Spanish sovereignty claim. The fact is, Mr Speaker, that there has been no attempt to advance that sterile claim either under the Partido Popular or the PSOE in the context of these exit discussions. If there had been, everyone knows what the answer from us, on behalf of the whole House and Gibraltar as a whole, would have been: it would have been firm, clear and
60 absolutely negative.

We have had to be careful, of course, to ensure that the ingredients of sovereignty, including jurisdiction and control, have also been clearly understood not to be negotiable, and in that carefully circumscribed context we have advanced in respect of those areas denominated as
65 'irritants' by some. As I said at the time of my statement in March, we have considered matters related to the unlawful suspension of Gibraltar Airport from the European Civil Aviation rules despite the Cordoba Agreement of 2006 in respect thereof and the £84m airport that Members opposite built pursuant to it. We have also considered other matters of lower political profile. These include: firstly, our removal from unfairly compiled and maintained
70 Spanish tax haven blacklists and better co-operation between our tax authorities, as we have been proposing for years under successive Gibraltar Government administrations; better traffic flows at the Frontier; co-operation on police and customs matters, including curbing cross-Frontier smuggling in both directions and how best to ensure that we discourage illicit trade in specific items subject to excise and special duties; and better environmental co-operation,
75 especially in relation to air quality and the protection of the environment in the region of Gibraltar and the territory made up of the municipalities of the Mancomunidad de Municipios of the Campo de Gibraltar as a whole.

I also said in March that I was unable to say more about the structure and detail of the discussions we are engaged in. I said that I was unable to do so without endangering the real opportunities for progress that we had identified and not out of a desire not to be totally open with our community – although we would, of course, be fully briefing Cabinet Ministers and elected Opposition Members.

Mr Speaker, I do not feel that the time is yet right for me to be able to say more, but I will say this to the House and to the nation. Every time that the term ‘bilateral talks between the United Kingdom and Spain in relation to Gibraltar’ is wrongly attributed, both the United Kingdom and Gibraltar governments have repeated that such a description of the discreet discussions that are ongoing is not accurate. Both governments have repeated that there is no such separate bilateral process in relation to Gibraltar between the United Kingdom and Spain.

And although I will not say more, I know that everyone in this community will have heard the statements from the former Prime Minister of Spain, Mr Rajoy, about discussions with Gibraltar at the end of a European Council meeting in the spring. A transcript of his remarks published in various national and international media – and in fact there is a video of his remarks – reads as follows:

The conversations with Gibraltar will not deal with the issue of sovereignty because one thing is Brexit and another is that we maintain our position, as could not be otherwise and as everyone understands ...

– he said, when asked if Spain had now left the issue of sovereignty ‘totally to one side’.

Right now we are talking about Brexit and the issue of sovereignty is not being addressed here.

I think it is important that these words be recorded in *Hansard* for posterity, or indeed perpetuity, which may be a more appropriate word.

Additionally, this week, the current Spanish Foreign Minister, Josep Borrell, has spoken candidly about these discreet discussions in a breakfast forum in Madrid. His remarks have been widely reported. A transcript of his remarks, published in various national and international media, reads as follows:

The EU is negotiating, through Mr Barnier, the conditions of the UK’s withdrawal and has stated that in order for the withdrawal agreement to be applied to Gibraltar, this must be through a bilateral agreement between Spain and Gibraltar that we are negotiating. Even though [Mr Barnier] is not part of that negotiation, he is following it closely and he knows that without agreement on this, there will be no agreement on Brexit. As the Brexit negotiator, he is the first one to be interested in us reaching an agreement. That’s what we’re working on and I think we can be optimistic ... and I believe we are very close to a solution for the withdrawal agreement. What we are negotiating is not the return of Gibraltar to Spanish sovereignty, or the sharing of that sovereignty, but the conditions under which the withdrawal agreement can be applied to the territory of Gibraltar on very specific issues ... The President of the Government [of Spain] told Mr Barnier yesterday that Spain’s goal is that the agreement with Gibraltar should not be the last obstacle on the road but rather the first step toward the withdrawal agreement. In other words, that we should not get to the end and be in agreement on everything except Gibraltar, but that the agreement on Gibraltar should be the first step toward the final Brexit agreement.

Again, Mr Speaker, I think it is important these words should be recorded in *Hansard*.

As to the substance of the discussions, it is fair to say that we are not dissatisfied with progress. There is a long road still to go. But, like the Spanish Prime Minister is reported to have told the EU’s chief negotiator, we too hope that matters related to Gibraltar might be the first element of the Withdrawal Agreement and the future arrangements to be agreed in a positive spirit of co-operation between the UK and the EU, and between Gibraltar and the member state that is our closest neighbour, Spain.

That means that we would likely be finalising a differentiated deal to the rest of the United Kingdom as we leave full membership of the European Union. Some thought that that would not be possible. Indeed, some thought that we would be wrong to pursue such a solution. Yet today, some 26 months on, I am able to tell you confidently that the need for such a differentiated solution has been understood as much in London as it has in Brussels and in

Madrid. Today I am optimistic that we will soon not hear more of sterile vetoes when it comes to Gibraltar and our future relationship with the EU. I sincerely believe that we will be able to talk
115 about a future for Gibraltar which provides not just for a continued, enduring, political relationship with Britain, but also of a continued, enduring, political relationship with Europe.

Considerable work has been done by the team I assembled in the immediate aftermath of the referendum to seek to secure the realistically deliverable opportunities that arise in the context of Brexit.

120 There is no deal to announce yet, there is not yet any definitive text beyond the Withdrawal Agreement to pore over that can be published, but there is an element of goodwill. There is understanding of what no deal can mean for the whole of the Campo de Gibraltar also. And I believe that there is a desire to see a future relationship which provides certainty to residents of Gibraltar and to citizens of the Union: certainty in protecting established rights, certainty of
125 Frontier fluidity and certainty in our continued relationship with Britain.

But Mr Speaker, as ever when it comes to international treaties in relation to Gibraltar, or indeed anything else, the devil is in the detail and we will remain entirely vigilant that there should not be any attempt to try to advance in areas of sovereignty or other unacceptable aspects of what might eventually be agreed or the form in which it might be agreed. That would
130 never be acceptable to any Government of Gibraltar or to this Parliament, but we will continue to seek a future in which Gibraltar will continue to have a relationship with the European Union that will deliver prosperity not just for us, but for all the Campo around us also.

Already we have seen our commercial access to the United Kingdom markets assured. We have seen health, education, gaming and financial services access secured as a result of the work
135 that we have done with the UK government. Now we hope to be able to say more in coming weeks of what else we have been able to secure for the future.

Mr Speaker, it is important that I should record the thanks of the Government for the work that is being done by the Government's Brexit team. In particular I must record the thanks of the Deputy Chief Minister and myself to the Attorney General, whose EU expertise is unrivalled and
140 who has been a huge asset to the nation at this time. The Financial Secretary is sharing also in some of the work that is being undertaken. Also alongside them are many other members of our public sector who have been called upon to assist us in the preparations and progress of these discussions in the different relevant areas.

I also want to thank Members opposite, Mr Speaker, who make up the Brexit Select
145 Committee for having respected the confidentiality and integrity of the briefings to date and for their constructive comments in this House about the work that the Government is doing, in particular Mr Feetham and Ms Hassan Nahon.

Finally, Mr Speaker, it is expected that the final arrangements between the UK and the EU will be finalised in coming weeks. At most, it would appear that eight weeks is now the limit for
150 reaching a potential Brexit General Affairs Council of the European Union in mid-November. We will be involved in continuing discussions and meetings of variable geometry between now and then. We will therefore not be able to hold monthly meetings of the House in that period. At this same time, we will also be attending the annual political conferences of the political parties in the UK as well as the meeting of the 4th Committee of the General Assembly of the United
155 Nations. And throughout this period we will be at what one might call 'peak Brexit'. Those who are addicted to the 24-hour news cycle should be ready for many ups and downs and many peaks and troughs, and indeed a little bit of drama.

We must all keep in our minds that this process is a negotiation that has been visited upon us all not by any action or desire on our part, but by the decision of the British people, at the suit of
160 Brexiteers, that we should leave the European Union.

Today, Mr Speaker, as a result, after questions I will move into Bills, as it will be necessary for me to take a number of Bills on the Order Paper, some of them, if possible, before the end of September. The House will then resume for consideration of Bills and, after that, will then resume again for questions as soon as possible.

165 Thank you, Mr Speaker.

Mr Speaker: In keeping with established practice when a ministerial statement is made, hon. Members of the Opposition may ask questions for clarification purposes. They may ask questions; they are not entitled under the Rules to make a political statement, but I invite them to ask questions to clarify anything in the Chief Minister's statement that they wish to know more about.

Hon. D A Feetham: Mr Speaker, we have a Brexit meeting tomorrow, so therefore any questions that I have in relation to this we can ask tomorrow after considering in detail the Statement the Hon. the Chief Minister has made.

I did want to say a few words on behalf of the Opposition with Mr Speaker's indulgence, if that is at all possible; if not, I will sit down and will not labour the point any further.

Mr Speaker: The problem is that 'a few words' becomes a political statement, and that, as I say, hon. Members of the Opposition are not entitled to do. Hon. Members of the Opposition are entitled to make personal statements, but the Rules do not allow for them to make a statement of the nature the Chief Minister has made. Nevertheless, as per established practice over the years, they are able to ask questions for clarification. Surely it is within the wherewithal of hon. Members to phrase questions in such a way that they are getting more clarification from the Chief Minister and, if necessary, making their views known. That is the practice which they use, in any case, at Question Time, so it is not particularly different.

Hon. D A Feetham: The difficulty with the course of action that Mr Speaker proposes is that we have been, as indeed the Chief Minister has recognised during the course of his contribution and Statement to this House today, been very, very careful not to divulge anything that has been imparted to us on a confidential basis within the context of the Brexit Select Committee.

It is very difficult from this side of the House to divorce ourselves from information that has been imparted to us in that context in devising questions of the Chief Minister on his Statement, and therefore it could lead to us effectively asking questions that place the Chief Minister in a difficult position, or indeed questions that we would not wish to ask in public.

I was going to say a few words, but Mr Speaker –

Mr Speaker: If I understand the hon. Member more clearly, if what he wishes to do is make a statement which broadly speaking is in support of the Government, then I have no problem in allowing that.

Hon. D A Feetham: Thank you very much, Mr Speaker.
On behalf of the Opposition –

Mr Speaker: A short statement.

Hon. D A Feetham: It will be.

On behalf of the Opposition, I think it is important that we publicly state in this House what our position is on a statement of importance such as the Chief Minister has just made.

It is incumbent on me, on behalf of my colleagues, to wish the Government Godspeed in relation to its endeavour in reaching the best possible agreement for Gibraltar. Ultimately we are public servants working for the people and no public servant would do otherwise; we are also either business owners or employees, or have children who take advantage of our education system; we all use the GHA. All of those are dependent in one form or another on the Government successfully being able to navigate what is a minefield and successfully come back with an agreement for Gibraltar.

I will also say this, Mr Speaker: that of course, having said that, there is a difference between this side of the House and that side of the House. I have recognised on many occasions that the Government has kept the Opposition fully briefed in relation to the discussions that have taken place between the Government and the United Kingdom, and indeed also, I recognise having been subject to the Statement that the Hon. the Chief Minister has made, its discussions directly with Spain. I have never said that publicly, but of course now that it has been said in this House by the Hon. the Chief Minister I recognise that we have been briefed in relation to those.

The difference, Mr Speaker – and I do not wish to make this in any way, shape or form subject to the political cut and thrust that one has in relation to other issues – is that of course we would have, had we been in government, fully involved the Opposition of the day in the process, in those negotiations and in those discussions, as has happened in the past, in particular between the AACR Government and the then Opposition.

Mr Speaker, therefore, in that context, we will continue to keep a very close eye on developments and by necessity we need to reserve our position as an Opposition, having not participated in those discussions, in what emerges ultimately from this particular process, and of course comment at that stage.

I will say this, and I have been asked by the leader of the party to make these points, which are apposite in my respectful view: first of all, any talks that are taking place have got to be structurally sound, and by that I mean that bilateralism between the United Kingdom and Spain is out of the question. In that context, I have heard what the Hon. the Chief Minister says and of course on this side of the House it is, of course music to our ears. It is right and the Government is absolutely right to engage with Spain directly in relation to these talks. What the UK is negotiating with the EU may well be apposite to the UK but may not be apposite in respect of Gibraltar and it is right that the Government should engage directly with Spain in order to attempt to reach the best possible solution and deal for Gibraltar, of course always bearing in mind – and again I do not doubt the Chief Minister's words and assurances to this House and I welcome them – that in that context there is no question of either sovereignty, jurisdiction or control being on the line in any of the discussions that the Chief Minister has had, or his officials have had with Spanish officials.

Mr Speaker, lastly, I also want to say this. It is certainly true, from briefings that we have received – and I mention this because again the Chief Minister has said so during the course of his intervention – that both the PSOE and the PP before it were approaching this from the point of view of parking sovereignty, parking jurisdiction and control and concentrating effectively on issues that are of mutual benefit to both Spain and also Gibraltar. But I wish to make a point that I have made always when I have gone to Spain and I have given speeches in Spain or lectures at universities, which I have done on many occasions: that to do otherwise and to pursue its sovereignty, jurisdiction or control concessions – which will never, ever be acceptable either to the Government of Gibraltar or to Her Majesty's Opposition here in Gibraltar – is effectively to condemn the process to no agreement at all because no Gibraltarian is ever going to agree to those types of concessions, and all it does, all it ultimately will do is effectively push Gibraltar towards seeking greater political links with the United Kingdom, and that is not in Spain's interest.

With that, I end my contribution and I wish to thank Mr Speaker for his indulgence in allowing me to say those words.

Mr Speaker: Does the Chief Minister wish to reply to any matter raised?

The hon. Lady – does she wish to raise any point?

Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to thank the Chief Minister for his Statement and, for my part in this little corner of the House, I want to thank the Government for all the hard work that they are putting into the Brexit negotiations and say unequivocally that I recognise that this Government has a mandate to manage Brexit and they are doing the best job

270 that they possibly can and right now is not the time for political point scoring, divisions and
trying to get one over on anyone. We are all in this together. If there comes a time to nit-pick on
the Government's performance on Brexit, the time will come, but I think right now we all need
to focus our energies together, try and be constructive and support the Government for a future
which we all want to work out for every single one of us.

Thank you.

275

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, thank you for the opportunity to reply to those points.

280 I do not know that the right to respond to a Statement under the Rules is any different
whether one is going to –

285 **Mr Speaker:** What used to happen during the 20 years when I was a Member is that in
practice they were not allowed to reply, except on some occasions when it was a matter of
foreign affairs – then Speakers were somewhat more liberal. Without going as far as they do in
the House of Commons, I think it is beneficial to Members and to Gibraltar generally that a
statement such as that made by the Hon. Daniel Feetham ... that opportunity should be given,
which also gives the Chief Minister an opportunity to further elaborate.

290 **Hon. Chief Minister:** Well, Mr Speaker, I do not think that the hon. Gentleman has made a
statement which is lacking in controversy, and therefore unfortunately I think that we may have
strayed into territory that may not necessarily be in the best interest of Gibraltar.

295 I will try and deal with the points made in a way that is as circumspect as possible, but I
would commend Mr Speaker that the rule as to how and when Statements are replied to should
be followed for the purposes of ensuring that we do not err in the way that we might have
today.

300 Mr Speaker, I have not said that we are engaging directly in contact with Spain in the way
that I think the hon. Gentleman has interpreted. I have said that we are being discreet about the
type of contact that we are having but I have repeated and read into *Hansard* for this historical
record the words of the former President of the Spanish Government and the words of the
current Spanish Foreign Minister so that nobody will be able to point to the Chief Minister of
Gibraltar as having indicated what the nature of the discussions being held has been.

305 I think that is very important, Mr Speaker, because if one is loyal and faithful to a process
which one enters into and one has said that we are going to be discreet for a reason, and others
are not discreet, then it is important that it is the lack of discretion of others that is reflected. I
think it is an important point, Mr Speaker.

The hon. Gentleman has then erred directly into controversy by saying that if they were the
Government they would have fully involved the Opposition – as if we had not, Mr Speaker – in
the negotiations, like he says the AACR did –

310 **Mr Speaker:** Let me answer that, as the only living member of the AACR. Under the
discussions on the Brussels Agreement the AACR did not involve the Opposition at all. The AACR
only involved the Opposition prior to Brussels at the time when they were appearing as
petitioners in the United Kingdom, and on one occasion in 1981, when Mr Francis Pym was
Foreign Secretary, I myself accompanied Sir Joshua with the late Peter Isola and Mr Peter Isola
315 was present at the talks with Francis Pym. Subsequent to that, there was no occasion, between
then and when we left Government, when the AACR involved the Opposition in anything to do
with Brussels.

Hon. Chief Minister: That is exactly the point, Mr Speaker, and I am grateful for that.

320 Additionally, Mr Speaker, it is particularly important that when hon. Members make points as
to what they would do we must judge them not against what others did but against what they
did. So it is all very well to say, 'We would have done, if we were in government, what the AACR
did' – and, Mr Speaker, my recollection of the historical record that you have set out as to that
325 time is exactly as you have provided – but hon. Members were in government in 2002 when the
joint sovereignty issue came and hon. Members were in government in 2005 and 2006 and
subsequently when the Trilateral Forum was engaged and the Cordoba Agreements were
produced, and they did not involve the Opposition. So, for hon. Members to say, 'We would
have done what others did' but not to reflect on what they actually did the last time that there
330 was an opportunity for engagement I think strays into controversy, because I am sorry to say to
them that it is not believable that they would have acted now in a way that is different to the
way that they acted in 2005 and 2006 and 2002 and 2003. Indeed, Mr Speaker, I know that there
were many voices urging the then administration to involve the GSLP Opposition in the
discussions in Cordoba so that what emerged was not a GSD deal, it was a Gibraltar deal, and
similar sentiments were expressed on the Spanish side that the PSOE should involve the Partido
335 Popular, and to an extent they did but then there was a rejection of that by the other side.
Mr Speaker, the hon. Gentleman cannot, in my view, get up and say something which incurs into
that level of controversy without expecting me to reply.

Mr Speaker, finally, I was surprised that in the context of what we were discussing today he
should explicitly say that he was going to act as ventriloquist for the leader of the party, who is
340 not present in the House. (**Hon. D A Feetham:** Doing a Lazarus.)

We have heard that there may be judgements on what we do once it emerges. Well,
Mr Speaker, that is probably the biggest non-statement in history: 'Once something is done, we
will see whether it is rightly done.' Of course that is when you will judge when it is rightly done.

345 And that things must be structurally sound: well, Mr Speaker, I have just said in the House,
for the purposes of *Hansard*, that we are satisfied that things are structurally sound. And I think
hon. Members know enough about what is going on, in the context of the confidentiality of the
briefings that they have had, to know that things are structurally sound.

And that we are always bearing in mind issues of sovereignty, jurisdiction or control: I have
said so specifically today, Mr Speaker.

350 The other issue that I was surprised to hear the hon. Gentleman raise was in fact a repetition
of the position that I had set out on behalf of the Government and the whole Parliament that
Gibraltar would never engage in a dialogue, in a process or in a discussion, let alone a
negotiation, which sought to engage sovereignty *simpliciter* or indeed the ingredients of
sovereignty and sovereignty, jurisdiction or control. But, Mr Speaker, I am not going to come to
355 this House to advise Spain what is in her interests or not; I will leave that to others.

I do recognise that I have gone into the controversial aspects of what the hon. Gentleman has
said; he has said them, so I feel politically I have to deal with them.

360 I also want to thank him for the things he has said, other than those points I have taken,
which are supportive of the position of the Government, and I think the hon. Lady's expression
of it was as eloquent as his when he started, which is that we are, in effect, all of us in this
together. In the same way as Lord Denning said that European law had flowed into the rivers
and tributaries of English law, the consequences of Brexit will flow into the rivers tributaries and
veins of everything that we do as a community and everything that the United Kingdom does as
a nation after 29th March and as a result of the arrangements that are entered into for
365 withdrawal, if any such arrangements are entered into, as I sincerely believe they are likely to be
entered into. So this is going to affect everything, whether it is the Health Service and who can
work in the Health Service, who is able to trade from Gibraltar and what they are able to trade in
and how they are able to trade, every aspect of our lives will be affected, whichever side of the
House we sit on, whatever political ideology we pursue. And so I thank hon. Members opposite
370 for those parts of their interventions that recognise that and those parts of their interventions
that non-controversially supported the work that is being done by the Government.

PAPERS TO BE LAID

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the
375 Annual Report of the Gibraltar Police Authority for the year ended 31st March 2018.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q446/2018

Disembarkation of sick crew member from *MV Capetan Vassilis* – Results of investigation

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 446/2018. The Hon. T N Hammond.

380

Hon. T N Hammond: Mr Speaker, with reference to Questions 77 and 78/2016 and in respect of the investigation conducted by the Port Authority, has the Government made the conclusions of that report public; and if so, can the Government advise where they can be found?

385

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

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I can confirm that an investigation into the disembarkation of a sick crew member
390 from the *MV Capetan Vassilis* on 10th January 2016 was carried out by the Gibraltar Port Authority. It appears that the findings of that investigation were not made public at the time despite the comments made by the Chief Minister and Mr Balban to Parliament in answer to Questions 77 and 78/2016. This was, as I understand it, an oversight.

I can, however, Mr Speaker, confirm that the findings of the investigation were that there
395 were failures to follow established protocols relating to the disembarkation of sick crew members by the Duty Port Officer, the vessel's local agents, the contracted launch service and the Port Medical Officer. The report concluded that the disembarkation in breach of established protocols occurred because the Gibraltar Port Authority were not provided with all the relevant facts concerning the sick crew member and the Duty Port Officer did not question the vessel
400 following a medical declaration of health which stated that there was a sick crew member on board.

Following the investigation, the following actions were taken by the Gibraltar Port Authority.

(1) A letter was sent to the vessel's local agent advising them that the GPA considered that
405 their failure to follow prescribed protocols was a breach of the terms of their licence and that the GPA was minded to suspend their licence for two weeks. The agent was invited to submit representations to the GPA. Following receipt of those representations, the penalty which the GPA proposed was itself suspended.

410 (2) A letter was sent to the operator of the service launch which evacuated the crew member from the vessel, stating that the GPA had identified various failings by the operator which the GPA considered amounted to a breach of the terms of their licence. The letter stated that the GPA was minded to suspend their licence for seven days. They were invited to submit representations to the GPA. Following receipt of those representations, the penalty which the GPA proposed was itself suspended.

415 (3) The Port Medical Officer was asked to attend a meeting with the Captain of the Port in order to assess what lessons could be learned for the future.

(4) A verbal warning was given to the Duty Port Officer which was to remain in his personal file for a period of three months and the officer required to receive remedial training on the relevant procedure and protocol.

420 (5) A Port circular was sent by the Captain of the Port to all shipping agents and operators which stated:

Following a recent incident I wish to reinforce the importance of the need to alert the GPA as soon as you become aware of a medical case, whether it requires medical attention or not, on board a ship bound for Gibraltar. This includes ALL vessels expected to enter BGTW and those conducting OPL transfers outside of BGTW.

In particular, I would like to remind all agents/operators that it is ESSENTIAL that they have GPA approval prior to any patient being disembarked. The GPA, in consultation with the GHA will advise/arrange for a doctor, paramedic team or ambulance to attend either on board or at the point of disembarkation, as directed by the GPA. The GPA port launch or a service launch will be used for transfers.

The doctor or ambulance paramedics will inform the GPA on the condition of the patient before such patient is permitted to be landed at Gibraltar.

This procedure also applies to any crew member who needs to attend a medical clinic. GPA is to be notified prior to disembarkation of such crew member.

Finally, Mr Speaker, I can confirm that the results of the investigations and the actions described above were provided to Mr Isola, who was the Minister for Maritime Services at the time, and Mr Balban, who was the then Minister for the Port. Both Mr Isola and Mr Balban were satisfied with the steps taken by the GPA on this matter.

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Hon. T N Hammond: Mr Speaker, I thank the Minister for that comprehensive answer – just a couple of points from me.

As a report was clearly presented to the Ministers at the time, would it be possible to have that report shared, if it is still available, with the Opposition?

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A number of measures were clearly taken subsequent to the incident, which is heartening to see and hear. In terms of the lesson learning that may have taken place – the Minister did refer to a lesson-learning session with the Captain of the Port – could the Minister perhaps clarify what lessons specifically were learned from this incident, apart from the actions that he has already described?

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Hon. G H Licudi: Mr Speaker, I will start with the last point. The lessons were very simple. There are established protocols which were not followed. There is a very clear procedure in respect of vessels entering BGTW which has a paragraph on medical cases and all the steps that are required to be taken prior to disembarkation of a sick crew member. Some of those steps were not complied with and the lesson was quite simply that people needed to be reminded that those steps were required to be taken; that there are responsibilities firstly of the Duty Port Officer at the GPA, secondly of the agent of the vessel that is coming into Gibraltar, thirdly of any service launch that is used to go out to the boat, and fourthly of the Port Medical Officer. There were lessons and possible breaches in respect of each of those items and the lessons were that the protocols needed to be highlighted and reiterated. They did not need to be rewritten, they did not need to be re-established, because they existed already and they are very clear in their terms, and therefore the issue was how it is necessary to highlight and reinforce the importance of following those protocols which did exist and which continue to exist in the same

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450 form because there was nothing to change in terms of the protocols or procedures – it was just the fact that those procedures were not carried out in this particular case.

As regards the report itself, I was careful in pulling out the findings. The report does mention names, but I am happy, if the hon. Member wants to see, on a confidential basis, the conclusions of that report, I can let the hon. Member see that. But, I was a little bit averse to making the whole of the report public because of the names that are mentioned, but I have been very clear
455 in terms of the findings of the report and the actions which were taken as a result of that report.

Hon. T N Hammond: Clearly, Mr Speaker, there are matters of data protection which need to be considered; I fully understand that. If the Minister would share the conclusions as they are written, I would very much appreciate that.

460 Just one point on the established protocols – they are clearly effective, if followed; that seems to be one of the conclusions that has come about from the report. How are those expected to enact the protocols – obviously the GPA, the agents – made aware of those protocols? Is it part of their training, part of the job? Where are those protocols established that they might be able to determine in a future event – maybe something happens two, three or
465 four years down the line, where corporate knowledge has faded... that we can be assured that everyone is still aware of the protocols, where to find them and how to follow them?

Hon. G H Licudi: Mr Speaker, these are obviously internal protocols of the procedures of the GPA. They set out very clearly the responsibility primarily of the Duty Port Officer at the time
470 and the communication that the Duty Port Officer has to make.

I cannot answer directly the question as to whether or where they can be found, but my understanding is that all agents and ship operators – all operators that are subject to licences and have to do with the Port, such as agents and service launch operators – are made aware and that this protocol is disseminated. That is something that I may need to confirm to the hon.
475 Member, but certainly the protocols are clear and training is given at the GPA level in terms of its own officers as to the need, because in the protocols it is not just protocol in relation to medical cases – medical cases is one section of the whole protocol which sets out the procedure for dealing with vessels entering British-Gibraltar Territorial Waters.

So there are various matters that need to be taken into account, including, where there is a
480 medical case, the steps that need to be taken in order to ensure that what happened in that particular case, which was essentially a disembarkation of somebody without those procedures being taken and without being clear as to precisely what the sick crew member had before being disembarked and before being taken to the quayside.

485 **Mr Speaker:** One last question.

Hon. T N Hammond: I do not want to labour the point, so would the Minister be happy perhaps if I write to him asking some specific questions on the detail of this? I know you will not have the answers to hand, so it would not be fair to ask you, and the questions maybe do not
490 arise directly from the original question. So, if the Minister is happy, I will write to him and just ask those questions in more detail.

Thank you.

Q447/2018

**Housing estate refurbishment works –
Frequency of inspections**

Clerk: Question 447, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

495 **Hon. D A Feetham:** Mr Speaker, can the Government confirm the frequency of inspections by factory inspectors over the last 12 months at all housing estates in which refurbishment works are being conducted?

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

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the frequency with which factories inspectors undertook inspections over the last 12 months at housing estates in which refurbishment works are being conducted is as follows:
505 September 2017, 10; October 2017, 8; November 2017, 6; December 2017, 0; January 2018, 5; February 2018, 15; March 2018, 9; April 2018, 5; May 2018, 6; June 2018, 8; July 2018, 9; August 2018, 6. Therefore, in that one year, that 12-month period, the total number of inspections at housing estates in which refurbishments are being conducted was 87.

510 I would also add, Mr Speaker, that in respect of that very same 12-month period, the total number of inspections carried out by housing inspectors, including those housing estates, amounted to 671 in just a 12-month period.

Mr Speaker: Next question.

515 **Hon. R M Clinton:** I am sorry, Mr Speaker, if I may ask the Minister: how many factories inspectors are there at present?

520 **Hon. G H Licudi:** I believe the answer to that is three, but I may need to confirm that with the hon. Member.

Hon. D A Feetham: Mr Speaker, have there been any health and safety issues that have arisen as a consequence of these inspections that have been brought to the Minister's attention?

525 **Hon. G H Licudi:** Mr Speaker, unless I go through the whole list of what it is they did and inspected on every single item ... The question simply related to the frequency, (**Mr Speaker:** Statistics.) statistics. This was a statistical question; I have got the statistical information. I do have a full report, but unless I go through it item by item, then that is not within the question.

530 I am happy for the hon. Member to raise that with me separately or invite him in a subsequent meeting if the hon. Member wants. It is just that the question was statistical and the information I have provided is concentrated on what was the statistical nature of the question.

535 **Hon. D A Feetham:** No doubt Mr Phillips will take up the Hon. Minister's kind offer, but may I ask this: that nothing has grabbed the Minister's eye, so to speak, in terms of any concerns that have been raised by the factories inspectors, that perhaps the Minister has taken a personal interest in?

Hon. G H Licudi: Mr Speaker, I can confirm that no specific concern in respect of those 87 inspections has been raised with me.

Q448/2018
Unemployment –
Rate as at 12th September 2018

540 **Clerk:** Question 448, the Hon. D A Feetham on behalf of the Hon. E J Phillips. (*Interjection by the Chief Minister*)

Hon. D A Feetham: *Hombre, te dije de que* I am doing a Lazarus here, you know!
Can the Government state the rate of unemployment as of 12th September 2018?

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

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
550 Mr Speaker, the average number of Gibraltarians registered unemployed in the second quarter of 2018 was 45.

Clerk: Question 449 –

555 **Hon. D A Feetham:** I have some supplementaries in relation to this.

Mr Speaker, obviously those are the people that are registered as unemployed, but as Minister for Employment does the Minister take an interest in relation to statistics from this point of view: how many people there are, for example, on the books of agencies on zero-hour contracts or on very few hours contracts?

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Let me just explain the reason why I am asking this. Of course, you may have 45 people who are unemployed, but if you have another 45 who are on zero-hour contracts the reality of the situation is that they may be employed because they are on the books of the agency but really they are not in active employment as anybody outside in the street would understand it. Is that something that the Hon. Minister has looked into and taken an interest in?

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Hon. G H Licudi: Mr Speaker, not in terms of my own responsibilities as Minister for Employment, because what the hon. Member is suggesting, or what it would essentially entail, is that in respect of all supply workers around Gibraltar, in respect of any such contracts which the hon. Member would have, I would have to take a personal interest in calling each agency and finding details of each particular employee registered with the Employment Service. From the Employment Service point of view, which is what I am answerable for and which is what the question relates to, there clearly is a collation of statistics and the answer that has been given is a statistical answer, but a lot of work goes on behind the scenes in terms of the employment clinics seeing people and making sure that you match vacancies to the people with the right skills. So a lot of work goes on in order to achieve the sort of statistics that we ultimately see reflected in the answer that I have just given, but if the question is do I call every single person that registered any kind of contract to find out how many hours each particular person works, the answer is no, I do not do that.

580 **Hon. D A Feetham:** Mr Speaker, does the Hon. Minister, bearing in mind that he is a Minister within a socialist Government – that is socialist with Liberal friends, but socialist Government – a socialist Government should take an interest in how many people out there are on zero-hour contracts or a handful of hours in their contracts, which will make a mockery of unemployment figures if there are hundreds of people out there, because you see that same way in which you can mask true unemployment in Gibraltar, or indeed, at best for the Government, it would mask
585 how many people there are in real jobs, because if you are on a zero-hour contract you are not in a real job.

I have to say, Mr Speaker, that I am astonished and astounded in equal measure that the Hon. the Minister seems to simply disregard the question as if it were something that only idiots falling from a tree would ask, which is a question that no doubt is relevant and pertinent to those people who are languishing in those zero-hour contracts.

Mr Speaker: But it is not relevant to the main question, which is about the number of people registered as unemployed, and no doubt when he reads *Hansard* the Hon. the Leader of the Opposition will ask a separate question, asking the Minister whether he knows how many people are on zero-hour contracts.

So you do not have to answer and certainly you do not have to defend the extent to which you are a socialist.

Next question.

Hon. G H Licudi: Mr Speaker, although it is true that I do not have to answer, and certainly it is more than true that I do not have to defend the extent to which I or my party, the Government, with the Liberals, have socialist credentials, the fact that not only was the question raised and asked but there was an accusation there of masking real figures and an expression of astonishment and astoundment by the hon. Members, which I do not think can be in equal measure ... Well, that falls well behind the astonishment and how astounded we were in much greater measure than the hon. Member has expressed today when we learnt, just before General Elections, on a programme that the hon. Member on GBC appeared on with me, that it was the hon. Members of the GSD who were in fact masking the relevant unemployment figures (**Several Members:** Hear, hear.) (*Banging on desks*) and we learnt on that day, through the mouth of the hon. Member who is today asking the questions and who is suggesting that there is masking involved, that the GSD had been not just massaging the figures but hiding hundreds and hundreds of unemployed persons. When we came to know how much the Future Job Strategy was going to cost, or his own assessment of how much it was going to cost, we learnt that the reality was that there were around a thousand people unemployed when their figures gave a totally different answer. So don't give us any lectures on masking, and have a look at what you did.

A Member: Hear, hear.

Chief Minister (Hon. F R Picardo): At least on our side there was a happy ending, we were elected. (*Laughter*)

Mr Speaker: Hon. Members are now debating. We are moving on to the next question. (*Interjections and laughter*) Yes, a question.

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

May I ask the Minister, in relation to his answer – because the question was specifically about the rate of unemployment on a specific date and he gave the number 45 – from the Government website unemployment statistics, it refers to 'Unemployment quarterly average, Gibraltarians', so I ask the Minister: is the answer he gave just for Gibraltarians, or does that include all people who are entitled to register as unemployed?

Hon. G H Licudi: Mr Speaker, the answer I gave specifically referred to the average number of Gibraltarians registered unemployed in the second quarter of 2018, and those are the figures that are generally given.

Although it is true that the question referred to rate of unemployment as of a particular date, 12th September, traditionally all these questions have been asked on the basis that the figures and the statistics are compiled on a quarterly basis and therefore always given.

640 I have examples of other questions that have been asked by Mr Phillips and previously by Mr Bossino specifically on this issue and on all occasions the answer is: 'The quarterly average of unemployed Gibraltarians for the last quarter' or 'for this particular quarter' in 2013 or 2014 'was x', so we have followed the same format that we have given in the past.

645 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer.
Is it then possible that in fact the number could be higher, even though he is only referring to Gibraltarians?

650 **Hon. Chief Minister:** I will tell the hon. Gentleman what I can do to assist, Mr Speaker: I see the general figure, not the figure which is broken down into Gibraltarians or others, and the general figure is the same as the figure the hon. Gentleman has given to Gibraltarians, which is, I believe, less than one-sixth of the number of people that the hon. Gentleman said, either in that same programme or in another, would constitute full employment for Gibraltar.

Q449/2018
Fast launch licences –
Approvals

655 **Clerk:** Question 449, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

Hon. D A Feetham: Mr Speaker, given that Mr Speaker prevented me from having a happy ending, but can I say that I do not agree with the way that the hon. Gentlemen opposite have characterised my performance during the course of that debate.

660 I proceed to questions. Can the Government state the number of fast launch licences that have been approved since 26th November 2015?

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

665 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, nine fast launch licence applications have been approved since 26th September 2015.

670 **Hon. D A Feetham:** Mr Speaker, when an application is made for a fast launch in Gibraltar, do the authorities consider the purpose of the licence? Presumably. Does he have any information in relation to what the purpose of those applications for the licences for the use of the fast launch was to be in relation to these prospective licensees?

675 **Hon. G H Licudi:** Yes, Mr Speaker, there is a procedure. This is governed by statute. It is dealt with by the Gibraltar Port Authority and they will have the criteria which they will follow. I should say these are not referred to me; these are matters that are dealt with by the Gibraltar Port Authority. The ones that are referred to me are where there is an application for an exemption from the fast launch regime. Hon. Members may recall that when we made the small boats marina there was a provision made for an exemption for certain types of vessels from the fast launch regime up to a certain limit, in particular how fast the launch could go, not exceeding
680 40 knots in particular. But as far as I can see, all of these launches are simply recreational boats.

HOUSING AND EQUALITY

Q450/2018
B_tween Benches –
Intention to install

Clerk: Question 450, the Hon. L F Llamas.

685 **Hon. L F Llamas:** Mr Speaker, will the Government be installing the locally designed B_tween Benches?

Clerk: Answer, the Minister for Housing and Equality.

690 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, yes, sir.
I want to take this opportunity to sincerely congratulate Mrs Ruth Massias Greenberg, on behalf of the Government, for her vision and sensitivity in coming up with this prize-winning design which the Ministry of Equality part sponsored. Mrs Greenberg won the third prize in the Street Seats International Design Challenge. Every Gibraltarian will have been proud to see her take that prize, especially for such a worthy purpose. Government will therefore definitely be
695 taking into consideration the availability of this new bench when replacing and/or installing new street benches. I very much look forward to seeing the benches installed in various appropriate locations to be identified.

Q451/2018
62/4 Flat Bastion Road –
Complaints raised by previous tenant

Clerk: Question 451, the Hon. L F Llamas.

700 **Hon. L F Llamas:** Mr Speaker, on behalf of the Official Opposition I would like to associate ourselves with the support for Mrs Ruth Massias Greenberg and congratulate the Government in their quest to install these benches in Gibraltar.

705 With regard to Question 451, can the Government provide a schedule with a list of complaints raised by the previous tenant of 62/4 Flat Bastion Road received by the Government up until June 2018, including the date and the nature of the complaint?

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

710 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the information requests personal data relating to an identifiable individual and is therefore contrary to the GDPR or Data Protection Regulations.

715 **Hon. L F Llamas:** Mr Speaker, I will accept that that is the advice which she has received with regard to data protection. Nevertheless, I have been to visit this property. This property was handed over to Mr Gomez two and a half months ago –

Chief Minister (Hon. F R Picardo): Sorry, Mr Speaker, on a point of order, I think the hon. Gentleman should not stray into mentioning names across the floor of the House. I think it is against the Rules that we should do so. I think he can probably find another way of describing

720 the gentleman. I would suggest he say 'the tenant', for example, rather than mentioning the name.

Hon. L F Llamas: Okay. I do apologise, Mr Speaker. It is just because it has been published in the press locally and he has given his permission. But in any event I appreciate that and do take
725 the point.

I did go and visit the tenant who received this property two and a half months ago and there are some serious issues which have not been dealt with, which I am told by the people who live around this property are problems that have been historic and have not been dealt with.

730 Would the Hon. Minister for Housing accompany me in visiting this property to see for herself what the issues are and whether it is acceptable for somebody to have received this property in this condition?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman is quite remarkable in the approach that he is taking, in the sense that perhaps if the hon. Gentleman wishes to
735 accompany the hon. Lady in her role as Minister, with her very full days, stay in the office as late as she does, do all the things that she needs to do structurally in respect of the Housing Department, he might then at the end be persuaded that, actually, for the Minister to go to each one of the properties where there may be a report which is then dealt with in keeping with the criteria and timing that each report requires – with now no backlog, thanks to the work that the
740 hon. Lady and previous Ministers for Housing under the current administration have done – he might find that picking out from simply the press the one case that has got media attention is not the appropriate way to deal with things.

In fact, it would be entirely inappropriate for prioritisation of works to be done on the basis of who shouts loudest on social media, who puts it on a newspaper or a broadcaster. In fact,
745 what the hon. Gentleman would be doing would be assisting somebody to jump the queue, assisting somebody to reprioritise himself in a way that is perhaps not appropriate, or indeed breaking the rule that Ministers are there to set policy, not to go on the ground to actually be doing the getting rid of the '*escaliche*' and then doing the repainting. That is not the role, Mr Speaker. I know that he is in the political stable of the man who used to go out to the
750 building sites, not to see how it was going but to redesign the staircases, throw his hat on the ground and kick the wheels of the Jaguar, but we do not do business that way.

Hon. L F Llamas: Mr Speaker, I will try another way. Is the Minister aware of the issues that are related to this property which are causing the tenant considerable stress regarding historical
755 issues, as well as part of the repair and refurbishment that the property has undergone which is not up to standard?

For example, one of the things is a shower plate which is 43 cm high. Obviously, I appreciate that Ministers are here to set policy, but there are times where Ministers have to go in and see how that policy is being implemented. I am sure that the Government would not appreciate it if
760 the work is not being done to a standard they would be satisfied with.

Hon. Chief Minister: I see, Mr Speaker, the argument is the clerk of works argument – I get it, and that is exactly the point. None of us – the hon. Gentleman, I think, included, and none of the others opposite alongside him, or indeed the hon. Lady, who is not there – none of us are
765 qualified as clerks of works. So we might be able, as lay people, to say the shower has not been fitted, in a way that looks, even to a layperson, to have been fitted properly, or the sanding has not been done in an appropriate way in keeping with the view of a layperson, but the hon. Gentleman is not just inviting us to do things which are, in my view, inappropriate, he is inviting us to do things that none of us are properly qualified to do and which might incur expense for
770 the taxpayer in a way that is inappropriate.

I think the hon. Lady is as aware of this case as she is of the many other cases that are being dealt with. He will be very pleased to know – and I wonder whether he does know, but given that I cannot ask him a question I will say that I assume that he is very pleased to know – that the number of jobs waiting have been reduced by a factor of 90-odd per cent, that there are
775 very few jobs waiting and the jobs that are waiting are being dealt with and given the appropriate priority that they have.

I think he gives away the nub of this issue in the way that he rightly prefaces his question by saying that this matter has been historically abandoned. Maybe those who historically abandoned it are the ones who are responsible, not those who are presently fixing it.

Q452/2018

**Building of rental homes –
Government commitment**

780 **Clerk:** Question 452, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

Hon. D A Feetham: Further to Questions 168, 269 and 397/2018, is the Government in a position to update this House on when an announcement will be made as to the Government's commitment to build homes for rental?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, an announcement to this effect was made in my Budget speech a few months ago.

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Hon. D A Feetham: Mr Speaker, there is another question on the Order Paper, that has been posted by Mr Phillips, in relation to the number of people who were on the housing waiting list in 2011 and who continue to be on the housing waiting list today. The last time that I posed that question, it was 178. Part of the reason, as I understood the answer that the Hon. Minister gave
795 at the time, for those 178 – and we have got to bear in mind that it was a manifesto commitment from the parties opposite that anybody on the housing waiting list and the pre-list in 2011 would be housed in four years, so we are talking about seven years and they have not been housed ... Part of the explanation the hon. Lady provided was that many of those were one-bedroom flats and that there is a shortage of one-bedroom flats in the Government's
800 housing stock. Therefore the question – and I apologise for the preamble, but I needed to place it into context – the question is this: in the Government's plans to build new rental homes, can the Government give a commitment that it will cater for those people in order to make sure that those people are housed and that we do not have a shortage in the future of one-bedroom flats?

805 Let me say this as well in that context: that we are not just simply talking about young people who are on the housing waiting list. We are also talking, for example, about people like fathers who may unfortunately be divorced and they are allocated a one-bedroom flat. Those are the type of people as well that we are talking about and it obviously does create a lot of harshness for a number of people.

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Minister for Health, Care and Justice (Hon. N F Costa): Prologue, narrative, epilogue.

Hon. Miss S J Sacramento: Mr Speaker, after that excessively long supplementary question, which I do not think even complies with the Rules and Standing Orders, the answer is ... Do we
815 aim to house the people on the waiting list? Yes, of course, and my job as Minister for Housing,

when I set the policy of the Housing Department, is to look at the demand that we have for housing stock, the shortfall that we have in housing stock and introduce and implement policies which match and meet the demands of both.

820 **Hon. D A Feetham:** Mr Speaker, the question is, and I will repeat it in short terms: is the Government planning to build one-bedroom flats so that the majority of those 178 – that was the figure that she gave last time round – are properly housed and that this problem with scarcity of one-bedroom flats does not arise in the future?

825 **Hon. Miss S J Sacramento:** Mr Speaker, I do not believe that I have to build one-bedroom flats in order to meet the demand for one-bedroom flats.

Q453/2018
Rent arrears –
Amount owing

Clerk: Question 453, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

830 **Hon. D A Feetham:** Mr Speaker, further to Question 398/2018, can the Government update this House as to the amount of rent arrears owing as from 12th September 2018?

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

835 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, this information is currently available on the Government website as at month end August 2018.

Q454/2018
Fire Safety Review –
Publication

Clerk: Question 454, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

840 **Hon. D A Feetham:** Further to Questions 399 and 400/2018, can the Government confirm that it is now in a position to publish the Fire Safety Review?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, my answer to Questions 399 and 400/2018 refers.

Q455-6/2018
Housing waiting list –
Update by category; numbers on list since 2011

845 **Clerk:** Question 455, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

Hon. D A Feetham: Further to Question 401/2018, can the Minister update this House as to how many people are on the housing waiting list by category and by reference to RKB1 to RKB5?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I will answer this Question together with Question 456.

855 **Clerk:** Question 456, the Hon. D A Feetham on behalf of the Hon. E J Phillips.

Hon. D A Feetham: Can the Government update this House as to how many people who were on the housing waiting list on 8th December 2011 remain on the list?

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

Hon. Miss S J Sacramento: Mr Speaker, there are 124 and the breakdown is as follows: 1RKB, 111; 2RKB, 2; 3RKB, 8; 4RKB, 2; 5RKB, 1.

Those in the 2-5RKB category have been offered at least one home.

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Hon. D A Feetham: Mr Speaker, the hon. Lady has chosen to answer two questions in one answer and it is not clear from – (**Miss S J Sacramento:** Same answer.) Well, if it is the same answer, is she saying that the only people on the housing waiting list by category and by reference to RKB1-RKB5 are the people who were on the housing waiting list on 8th December 2011? That cannot be right.

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Hon. Miss S J Sacramento: No, Mr Speaker, because that is not the question. The question this time, as was the same question on the last occasion, which is referred to in answer to this one – is ... The question wants to know those who were on the waiting list on 8th December 2011 who remain on the waiting list, and these are the figures. I am glad to say that the numbers are remarkably reduced.

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Chief Minister (Hon. F R Picardo): Hear, hear.

880 **Hon. D A Feetham:** So, Mr Speaker, of the figure that she has given me of the people, that she says are very reduced, but we are talking about the people who were on the housing waiting list as at 8th December 2011 ... of those, 124, the bulk, are waiting for 1RKB? Yes, that is the answer.

Again, I return to the previous questions that I have asked and the answers the hon. Lady has given in relation to that. I think that she said ... I am paraphrasing. What she said to this House was, 'Not necessarily,' when I said, 'In the Government's plans to build rental accommodation is the Government planning to cater for an increased number of 1RKB, because there does seem to be a problem with 1RKB?'

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In light of the fact that there are 124 people who were on the housing waiting list on 8th December 2011 waiting for a 1RKB, what precisely is she doing in order to cater for these people? It does appear to me, from the numbers, that there is a shortage of 1RKB in Gibraltar.

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Hon. Miss S J Sacramento: Well, no, Mr Speaker, because he seems to have misunderstood. On 8th December 2011 there were not 111 people – 111 people are those that remain. The number of people on the 1RKB waiting list as of 8th December 2011 was 1,046. So, when I said earlier that it has been reduced considerably, that is what I meant. The pace at which we have been dealing with this is incredibly fast and we have been making allocations, and of this 111 remain.

Mr Speaker, in answer to the previous question in relation to the building of flats for rental, I referred the hon. Gentleman to the announcement that I had already made in my Budget speech, but because the hon. Gentleman probably does not know or does not remember what my announcement was in the Budget speech, that is what has given rise to the questions he is now asking. If the hon. Member were to refer to my Budget speech, then the answer would be clear.

What I meant in reply to the previous longwinded supplementary question, Mr Speaker, was that to be able to provide accommodation for a specific configuration of flat does not necessarily always mean that you have to build that specification of flat; it can also be dealt with in the way that you manage the allocations of flats and the strategic priority in the allocation, and by combining the way that we do that together with the announcement that I made in my Budget speech I am confident and I am satisfied that we will deal with Gibraltar's housing needs very efficiently indeed.

Hon. D A Feetham: But, Mr Speaker, that answer is not going to, with respect to the Minister, be any consolation to all those people who were on the housing waiting list in 2011, in respect of which the Government is in breach of their 2011 manifesto – namely, to house those people within four years. If there are 111 – and I apologise, I thought she said 124, but if there are 111 people who were on the housing waiting list in 2011 waiting for a one-bedroom flat and continue to wait for a one-bedroom flat, it does appear to me that there is a problem with the allocation, with finding enough one-bedroom flats for those people, because that is the bulk of the people who remain to be housed who were on the housing waiting list in 2011. Could she explain the reason why the bulk of the numbers are 1RKB numbers?

Hon. Chief Minister: Mr Speaker, can I just assist the House, because the hon. Gentleman has forgotten the explanations that we gave at the time.

This is not something that they are asking us about now; this is something that we volunteered at the time at the end of the last Parliament when we realised that we had been able to comply with our commitment to everyone on the housing waiting list except those on the 1RKB list, because the ones that are not on the 1RKB list, unless I am wrong, have had a proposed allocation but have refused it.

So the 1RKB list is deceptive to a very great extent, not just for the reasons that the hon. Gentleman has indicated which create difficulty, which is not just the elderly and those who might find themselves in situations of marital breakdown etc., who actually do not want a one-bedroom apartment because those who find themselves in a situation of marital breakdown are on the list for a one-bedroom but they want or need a two- or three-bedroom because many of them have children and they want to be able to have their children with them, and this creates other issues. But in particular there are a lot of people on that list who are young people who put themselves on the list in order to be eligible to purchase accommodation when it becomes available, and the first criteria for purchase of affordable housing is whether you are on the housing waiting list. Many of them hold over for legacy reasons. In other words, they have just put themselves down on the list at the age when they can but they are still studying, even now, or there are other reasons why they have not been able to take up the right to purchase and they are not so keen actually to have a one-bedroom accommodation provided to them.

I have said before and I will say again that one of the things that hon. Members did well when they were in government – except that we have had to repair one of them, Bishop Canilla House, and I think there is a question on the Order Paper later – was to start to provide housing for

945 elderly tenants who needed one-bedroom assisted housing. That is the best accommodation we
can provide for one bedroom, to use the existing housing stock to then release to many of those
on the one-bedroom list properties that are larger because they actually do need them because
they have children and they are in the process of working through that their children should be
with them, etc.

950 So we all understand what the issue is and we all understand that those people in that 111
number have been on that list since before 2011, and resolving the problem has been harder
than any of us expected for good social demographic reasons unrelated to making available a
one-bedroom property. I think if we are going to have an informed debate across the floor of the
House, that has to be factored into the equation.

955 This is not just a question of today having 111 one-bedroom properties and that would be
fixed; it would not, it is much more complex than that. I think the hon. Gentleman knows that, or
at least with this information will be able to factor that into his determinations of how to take this
forward in a way that might be complementary to the way that the Government is trying to
resolve this issue also.

960 **Hon. D A Feetham:** Can I thank the Chief Minister for that answer, which certainly I have
understood, and indeed I would expect that in relation to these 111 there would be young people
who, setting aside the Government's manifesto commitment in 2011, may well not be a priority.

965 If the Government cannot provide the answer to this question, which is necessary in order for
us to assess the nature of the problem as well, then if it could be provided at a later date by way
of exchange of correspondence, we are happy with that, but can the Government give numbers
and drill down into the numbers? In relation to those 111, how many are we talking about who
are just simply young people who have gone on the housing waiting list because they want to
buy, or alternatively they cannot buy; young people who may not be a 'priority' compared with
others?

970 But then you have the category of cases, of people who have come to me in my surgeries –
normally it is men who are divorced – who are having to live in very difficult conditions with their
mothers or family members, who have been waiting for a one-bedroom flat, which again is not
adequate for those people, but the policy of the Government is exactly the same as the policy of
the GSD and I have said in this House that in Cabinet, in discussions when I was in government, I
975 personally did not agree with the policy, but nonetheless it was the policy of the GSD
administration and also of the present Government to only give those people one-bedroom flats.
So they are only waiting for one-bedroom flats, even though they may have two or three
children, and we want to just drill down into the nature and categories into which these 111
people fall.

980 If she does not have the information in broad figure numbers, then we are quite happy to
write to the Hon. Minister and ask her for the information.

985 **Hon. Miss S J Sacramento:** Mr Speaker, it is not a breakdown that I have, but having said that,
it is something that, as I said earlier, I am satisfied we will cure when we build the houses for
rental, as I announced in my Budget speech.

Mr Speaker: Next question.

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

990 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am afraid, as I indicated to the hon.
Gentlemen before, we might not be able to continue for very long today and I now have to
adjourn the House. In fact, the House is going to adjourn to a little later than I expected.

But before I do, I do need to do a reading of a long title. And so, Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Bills.

995 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.
We now suspend Standing Order 7(1) in order to proceed with a Government Bill.

Order of the Day

BILL

FIRST READING

Armed Forces (Gibraltar) Bill 2018 – First Reading approved

1000 **Clerk:** A Bill for an Act to make provision for the application in Gibraltar of certain provisions of the UK Armed Forces Act 2006, for the application of that Act to the Royal Gibraltar Regiment, for the exercise in Gibraltar of jurisdiction, powers and competences by service authorities and courts in certain circumstances, for the creation under Gibraltar law of certain offences relating to the armed forces and for matters connected therewith or incidental thereto.
The Hon. the Chief Minister.

1005 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the application in Gibraltar of certain provisions of the UK Armed Forces Act 2006, for the application of that Act to the Royal Gibraltar Regiment, for the exercise in Gibraltar of jurisdiction, powers and competences by service authorities and courts in certain circumstances, for the creation under Gibraltar law of certain offences relating to the armed forces and for matters connected therewith or incidental thereto be read a first time.

1010 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the application in Gibraltar of certain provisions of the UK Armed Forces Act 2006, for the application of that Act to the Royal Gibraltar Regiment, for the exercise in Gibraltar of jurisdiction, powers and competences by service authorities and courts in certain circumstances,
1015 for the creation under Gibraltar law of certain offences relating to the armed forces and for matters connected therewith or incidental thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1020 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the House should now adjourn to Friday, 18th March at three o'clock in the afternoon. (**A Member:** March?) Sorry, October. (*Laughter*) Friday, 18th March 2030, Mr Speaker! Friday, 18th October 2018.
I told hon. Gentlemen –

1025 **Mr Speaker:** To Friday the 18th?

Hon. Chief Minister: Yes, October.

Hon. L F Llamas: Friday, 18th October?

1030 **Hon. Chief Minister:** Friday the 18th. Let me just check again. Sorry, Thursday – I will get this right, Mr Speaker, one day – Thursday 18th October at 3.30 in the afternoon.

Mr Speaker: Friday the 18th?

1035 **Hon. Chief Minister:** Thursday the 18th.

Mr Speaker: Thursday, 18th October at 3.30 in the afternoon.

Hon. Chief Minister: That is it.

1040 Mr Speaker, before the House rises, in the context of the statement that I made at the beginning, hon. Members will want to see also the statements that have been made by the current President of the Spanish Government this afternoon in Salzburg, which I think all hon. Members will welcome, given the confirmation of some of the things that I have been saying to the House this afternoon.

1045 **Mr Speaker:** The House will now adjourn to Thursday, 18th October at 3.30 in the afternoon.

The House adjourned at 5.06 p.m.