



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.34 p.m. – 6.19 p.m.**

**Gibraltar, Monday, 16th December 2019**

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# The Gibraltar Parliament

*The Parliament met at 3.34 p.m.*

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Monday, 16th December 2019.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 30th and 31st January, 21st February, 14th, 21st and 25th March, 5th and 11th April, 3rd, 9th and 30th May, 10th, 11th, 12th and 13th June, 2nd, 12th, 15th, 19th and 23rd July, 12th August and 3rd September 2019.

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

*Mr Speaker signed the Minutes.*

## COMMUNICATIONS FROM THE CHAIR

**Recognition of Hon. K Azopardi  
as Her Majesty's Leader of the Opposition**

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

**Mr Speaker:** Following the General Election held on 17th October, the Hon. Keith Azopardi wrote to me confirming that he commands the confidence of the GSD elected Members and has asked to be recognised as Her Majesty's Leader of the Opposition for Gibraltar. Accordingly, I now formally recognise the Hon. Keith Azopardi as Leader of the Opposition and henceforth this Parliament will also do so.

## PAPERS TO BE LAID

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may say so, welcome to Parliament in your first non-ceremonial sitting in your new role.

I have the honour to lay on the table: the facility agreement between Her Majesty's Government of Gibraltar, as borrower, and the Royal Bank of Scotland International Ltd (Trading

as NatWest International) as agent, arranger and original lender, entered into in a £75 million revolving and term facility agreement dated 10th October 2019; the audited accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2019; and the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2019.

**Mr Speaker:** Ordered to lie.

## ANNOUNCEMENTS

### UK General Election result and Brexit – Statement by the Chief Minister

**Clerk:** (v) Announcements – the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am grateful for your permission to make a Statement to the House.

As, all hon. Members are aware, the result of the General Election last week in the United Kingdom has returned a Conservative government, led by Prime Minister Johnson with an overall majority. I was in touch with Prime Minister Johnson last week, when I extended the congratulations of the people of Gibraltar to him and to his government. In response, the Prime Minister reiterated directly to me his continued and entirely fulsome support for Gibraltar.

As a result of the election, it appears that the stated intention of Prime Minister Johnson will be to present the Withdrawal Agreement Bill before Christmas at Westminster in order for the United Kingdom to leave legal membership of the European Union by 31st January next year. The State Opening of Parliament and Her Majesty the Queen's speech thereon is expected later this week.

Although it was not our choice and we continue to see the challenges it presents, we will leave the European Union with the United Kingdom, and as a result of the work that we have done since the result of the referendum was announced, we will leave also with the benefit of the application of the Withdrawal Agreement to Gibraltar. This means that we will enjoy the benefit of the transitional arrangements applying to Gibraltar also.

Hon. Members may wish to recall that it was initially suggested that Gibraltar would not form part of that Agreement and that we would not enjoy the benefits of the transition. Neither of those two eventualities has come to pass, and I am very proud of the work we have done to avoid that potentially very difficult situation.

In the circumstances, we will also be publishing a Bill for the implementation of the Withdrawal Agreement in Gibraltar. In order to do so in the most effective manner, we will be presenting the Bill once the United Kingdom Bill has passed its Committee Stage. This is because our Bill will have to be a fair reflection of the Bill that is passed in the Commons and it makes sense, in the Government's view, therefore to have a more final view of the UK Bill before we start the legislative process in this House. We have to be clear though, Mr Speaker, that our Bill will have to pass through its stages in a shorter period than is usually the case.

As from midnight on 1st February, although nothing will initially change, we will no longer be members of the European Union. As we look beyond our membership of the EU and the negotiation of the future relationship with the EU, I ask all members of the community to understand that we will need to consider carefully what part of any future UK-EU free trade agreement (FTA) we will want to see apply to Gibraltar.

A lot remains to be negotiated. Depending on what progress has been made in those negotiations, there is an option for an extension of the transitional period beyond the end of December 2020, but the speculation as to what will or will not be included in the negotiations is

already rife. We must not fall into the trap, and I counsel Members of this House in particular not to fall into the trap of thinking that we must be a part of the FTA to be negotiated between the UK and the EU. That new trading relationship may not include anything of interest to us on the benefit side of the equation and many obligations on the liability side of the equation. Such a trading relationship may cover services, or it may not. If it does include services, it may include matters related to financial services, or it may not. So we must be clear in understanding that we will need to be involved from the beginning but ready to walk away in the end if the balance of rights and obligations is bad for Gibraltar businesses and bad for the people of Gibraltar.

We must hold our nerve and be ready to do a great deal for Gibraltar, but we must also hold our nerve and be ready to walk away from a bad deal for Gibraltar. In this instance, more than in relation to the withdrawal arrangements, no deal with the EU may be better than a bad deal. Indeed, there are many beyond our shores who are foolishly wringing their hands with glee at talk of vetoes and such like. We will not foolishly fall into the trap of raising the rhetoric or indeed of believing the rhetoric of others. I think we all know and understand that EU member states generally have a veto over the international agreements that the EU enters into with third countries. This has not been an achievement of any particular state in relation to Gibraltar. This is just a reality of the provisions of the EU treaties.

And so, Mr Speaker, we have to be clear in our thinking and united in our approach as a people. We have to ensure we are not reactive to what is coming and the many provocations that we will hear over the airwaves. And we have to be clear: we will always want to have strong relations with the EU, our closest neighbour, but everyone beyond Gibraltar needs to understand that we are never going to compromise on matters of sovereignty, with the EU or any one of its member states, in exchange for any trade arrangements or benefits. We are *never* going to sell our birthright for a commercial advantage. I think most people already understand that.

Indeed, we have already secured excellent terms to continue our trade in services with the United Kingdom post Brexit. That is our most important market. We will continue to consolidate even further our access to the UK market in different ways. We will also continue to work on the application to Gibraltar of relevant parts of future trade deals the UK is doing with third countries beyond the EU. We have additionally also worked on the inclusion of Gibraltar in the renewal of the trade arrangements with other states as we leave the EU. Most of these, but not all, are already reflected in the Schedule of the European Union Withdrawal (Application of International Agreements) Act 2019.

Mr Speaker, so much of the work undertaken by the Government to date will now, perhaps unfortunately, start to bear fruit. Despite the fact that Brexit was not our choice, we are clear that we will make a success of it. Anyone who thinks otherwise is on course to be severely disappointed.

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

**Hon. K Azopardi:** Mr Speaker, I am grateful to the Chief Minister for that Statement on the outcome of the UK elections. Indeed, I reflect that it is an end of an era in many ways because the path has now been opened with certainty that we will leave the European Union, and any doubt that was cast over the last very tortuous three and a half years, where we were hoping against hope that perhaps that outcome would not be delivered, is now being decisively defeated and we have clarity of that outcome. It was certainly, as the Chief Minister indicated, not our choice as remainers in this country of ours, but we have got to accept that political outcome, and accept it we will.

I certainly welcome the indication of the Chief Minister of the process and the procedures that the Government intends to take in tabling its approach to what happens next and the legislative time that needs to be dedicated to this issue. One thing that was not clear to me in listening to his Statement and perhaps the Chief Minister might be able to give a bit more clarity

about, although I accept that I am going to ask him a question which himself he may not know.  
120 He did indicate that the Bill needed to be taken in shorter order than necessary, and of course  
we completely understand that from this side of the House, and clearly it needs to be taken  
before the end of January. But as we near Christmas – and there will be an attempt by the UK  
government to pass the legislation ahead of Christmas – is he planning a timetable that  
coincides sharply with that, or is this a timetable that will be taken in January? That is a question  
125 that I had through my mind when listening to him.

Of course we accept entirely that we have got to focus on the next phase, and indeed the  
next phase has, in our view, two dimensions. There is of course not just the issue of the  
legislative time but there are two important dimensions on the horizon. The first one is one that  
he pointed to in his Statement, which is the negotiation of a permanent deal with the EU and his  
130 caution – rightly so, may I say – that we should not simply become cheerleaders of any old deal  
but rather a beneficial one. I always say, and I have been very keen to say in my public  
pronouncements on this issue, that Gibraltar should lobby hard and fight hard for an inclusion in  
a beneficial arrangement, a permanent arrangement with the EU, and by that the judgement call  
of course is for this House and for the Members opposite as the Government of Gibraltar. So I  
135 certainly accept that it should not just be inclusion in any deal but it should be a deal that works  
for Gibraltar.

There is indeed a focus that needs to be kept not just on that but also on the readiness for a  
hard Brexit in case we are not included in a deal or it is not to our liking, or indeed there is no  
extension to the transitional period beyond 31st December 2020 and we find ourselves in that  
140 situation. Even though there has not been explicit mention, although there has been mention of  
work that needs to be done in preparation, I am sure the Government will be alive to the reality  
that there need to also be preparations on that scenario in case the work done on achieving  
inclusion in a beneficial permanent deal with the EU does not come to fruition or indeed there is  
a judgement call at the end of the day that there should not be such inclusion.

We certainly accept that there is a lot to discuss on the shape and content of such a deal, and  
we would ask from this side of the House that the Government focus as well – as I am sure will  
be uppermost in their minds – on the unique features of our country and indeed what needs to  
be taken into account when negotiating a permanent deal, because a one-size-fits-all solution  
may not be appropriate for Gibraltar and may not take into account our unique arrangements  
150 that need to be tailored into such a deal.

We certainly accept, and indeed we may disagree on many things but the one thing that we  
will not disagree with the Government on is that there should be no compromise on sovereignty  
at all in any future negotiations or deal done with the EU, and they will have our complete  
support on that issue.

I should also say, as I have done before publicly, that it is entirely a matter for the Members  
opposite as to whether they wish to include us properly in those discussions or negotiations, but  
should they wish to do so we consider that such is the seminal nature of the challenge in front of  
us that we are prepared to work with the Members opposite jointly in the national interest of  
Gibraltar should they so deem fit to include us properly. And I say that with emphasis, *properly*,  
160 because selective briefings from time to time without including us properly in the discussions is  
not what I would consider proper participation. But I do not want to become contentious with  
the hon. Member. He has our offer on the table. I have made it to him and I reiterate our  
willingness to work with him in the national interest, if indeed that is the wish that he also brings  
to the table because he deems it appropriate. Perhaps not now, but as we go along, in months  
165 to come, on any particular aspect of the negotiations or indeed on the negotiations themselves  
as a whole, if he comes to a juncture where he feels that it is in the public interest of Gibraltar to  
work collectively with the Opposition, he will find willing partners on this side of the House.  
(Banging on desks)

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

**Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for some of what he has said, and I will reply to some of the rest of what he has said.

Can I first congratulate him on being recognised by you as Leader of the Opposition? He is certainly recognised by us as Leader of the Opposition. I think that recognition probably means  
175 more on that side of the House than it does on this side. We will see how that plays out.

Mr Speaker, the hon. Gentleman has talked about the timetable for the publication of the Withdrawal Agreement Bill that we will have to bring. I think he knows us well enough to know that we would not be trying to publish as late as possible; we would want to publish as soon as possible. Certainly one of the things that we will do is we will seek to brief hon. Members in the  
180 Select Committee on Brexit as soon as we are able to, as soon as we have greater clarity on what the Bill is going to contain beyond that which is already published – hon. Members will have seen the UK Bill published for some time – and I will endeavour to provide him personally with as advanced a draft as we are able once we know that it is crystallising into the form that we are likely to see published.

Mr Speaker, the briefings of the Brexit Select Committee will start as soon as the Select Committee is established. I know that the hon. Gentleman talks about selective briefings. Well, I think there is nothing better than the cold light of fact to help us both understand how much briefing we have done, and there is no one better to give the cold light of fact than the Deputy  
185 Chief Minister. The many hundreds of hours and many hundreds of meetings that were held of the Brexit Select Committee I think demonstrated a working together in terms of the work that was done during the lifetime of the last Parliament, which is probably unprecedented in the history of our democracy absent the work that is done on a new Constitution.

But I must say that I was very grateful for the conviction of all the hon. Members opposite who are still in this House and who were members of the last Brexit Select Committee, for the  
195 work that they did and the discussions that we had when I was present and those that were reported to me by the Deputy Chief Minister when he was chairing those meetings. We would not regard that as selective briefing. We would regard that as briefing at the time that there were decisions to be made so hon. Members were informed. He knows that I reached out to him, even though he was not then an elected Member of the Parliament, to also provide  
200 briefings.

Would they have wished that those were fuller briefings more often? Well, perhaps they might have wished that, but there was not much between what they were getting and taking the next step in being in executive office in Gibraltar. The fact is that the choice of who should be in executive office in Gibraltar has been made by the people of Gibraltar, but we will go as far as  
205 possible to continue that very clear and in-depth briefing of hon. Members opposite, if only so that when the time comes that they decide that they want to hit us, they are better informed for the hitting process. But I do take it at first blush what he is saying, as a positive step in the direction of continuing to work together as we start this different process of negotiation of the new trade arrangements with the EU.

Mr Speaker, we have not been cheerleaders for any deal at any time, although I do note that in some instances hon. Members have chosen to describe the work that we have done already in relation to the withdrawal arrangements in that way. Well, Mr Speaker, I was pleased to see during the course of the General Election campaign that they, at the last minute, also became cheerleaders for the arrangements, but he will know, as will all hon. Members opposite, that we  
215 are not going to be persuaded to sign up to anything that is not beneficial to Gibraltar. That is a question of balance. Sometimes when you enter into an agreement and there is another part to it, there tends to be a take for the other side, and what I have wanted to make very clear today, as I have since the referendum and he has joined me in doing, is sending a signal to those beyond this place that of course there are commercial arrangements to be done – that is in the nature of international diplomacy, indeed in particular trade diplomacy – but when it comes to  
220 the fundamental issue of the sovereignty of Gibraltar and the indicia of sovereignty – sovereignty, jurisdiction and control being perhaps a high-level way of describing that, but they

are just the indicia of sovereignty – then there is not going to be any way that the Government of Gibraltar is ever going to agree to anything that is not a beneficial arrangement applying to Gibraltar, certainly whilst the individuals on this side of the House are in government.

Mr Speaker, the Hon. the Deputy Chief Minister shows me a note, just to assist the House, that suggests that the Committee Stage and Third Reading in London is likely to take place on 6th January – I do not know whether that is helpful to the hon. Gentleman. And thanks to the hon. Clerk, who I think was able to get this feeling for those dates when he was in London at the CPA last week with some of the hon. Members of this House.

Mr Speaker, of course what is described loosely as a hard Brexit can still happen, if not when we legally leave the EU certainly at the end of the transitional period, whether that transition ends at the end of December 2020 or whether it goes on for longer, and that hard Brexit may apply only to Gibraltar if we decide that we are not going to form part of those arrangements going forward. We are continuing to plan for those circumstances because on this side of the House we do not have to be told that if you are going to carry out a good negotiation you have to be ready to walk away, as I have indicated already in the course of my address, and you can only walk away if you are ready for the situation that will apply when you have walked away. We would be ready for a hard Brexit today, Mr Speaker, and we will be even more ready for a hard Brexit should it come at the end of December next year, or indeed at any other day, because nobody is going to keep us in a negotiation because we might be afraid of what might happen if we walk away. That is not our negotiating style.

The shape and content of any deal that applies to Gibraltar will have to be unique to Gibraltar – and that is not rocket science, if I may say so to the hon. Gentleman. That was the case in 1972 with the annex in relation to Gibraltar and it was indeed the case in the withdrawal arrangements in respect of the Protocol on Gibraltar. There are nuances of geography and of politics that are relevant to what will be good for Gibraltar, and any deal that we subscribe to will be fashioned either on the whole to be good for Gibraltar or will have particular parts that will fashion the rest of the deal so that it is going to be good for Gibraltar, because of course in our context one size would certainly not fit us, especially given our particularly small size and the absence of any meaningful mechanical industry, for example.

I am very pleased to hear the hon. Gentleman talk about what he now says is the seminal nature of the negotiation to come, because during the course of the General Election campaign at different times he was at pains to say that this was not the seminal thing that the Government was pretending that it was and that anybody could handle these negotiations should a different Government be returned. So I am grateful for that reality check, which comes at the right time.

The question of the degree to which we are able to work together is a difficult and vexed one. It is born out of the types of interpersonal relationships that exist between politicians, it is born out of the nature of the type of documentation that may be shared with us and how much we can share, it is born out of the trust that we will be able to have in each other, and of course it is principally born out of whether we all feel that we are rowing in the same direction or not.

I have to say to the hon. Gentleman that he and I certainly, and others on both sides of the House, enjoy good interpersonal relationships that stand us in good stead now that Gibraltar will need to see us working together, and I hope that we will be able to continue to grow the trust that people will expect us to have in each other and that we will be able to work together in these times that come to ensure that, however seminal the moment, the results for Gibraltar will be good ones. And if I may say so – I think it is a key thing to say in this first meeting in the context of this first Statement – the important thing is that when it comes to working together now we all understand where the people of Gibraltar put us for the lifetime of this Parliament and we all understand that we have to pull together not for party political gain at the next election or to put on one's label what are called in another language as 'little flags', but to deliver the best possible result for Gibraltar.

At the end of that process the people of Gibraltar will see who has done what and who has contributed what. We certainly will not want to pretend, if hon. Members come up with a good

275 idea, that the good idea has been ours and not theirs. We will not want to pretend that they  
have not contributed if they have – as I have in many instances referred to the work the Hon.  
Mr Feetham did with us in the Brexit Select Committee. They can be assured that we will also be  
working with them in good faith, going forward in the national interest but as the Government  
of Gibraltar in executive control of this process.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I take this opportunity to echo the Chief Minister's  
sentiments towards you on your maiden session. I wish you every success for the future and I  
285 thank you in advance for what will no doubt be much hard work and patience on your part with  
all of us.

On a point of clarification, I would like to enquire about the Brexit strategy, not just from a  
short-term perspective but from a long-term, cross-party, national project perspective.

290 Boris Johnson won a massive majority with a campaign based on unifying the country to get  
Brexit done. We now know that the withdrawal deal is happening and most probably before the  
end of January. We also know that many more challenges will emerge in what will be a long,  
arduous path towards finalising this dubious project, particularly for Gibraltar with the threat of  
a hostile Spain ready to pounce on every chance to challenge our sovereignty.

295 Trade deals have to be negotiated and potential re-join campaigns anticipated and  
responded to. It is vital for Gibraltar, therefore, for the Government to clarify whether it intends  
to continue to use Brexit to further their partisan agenda, or whether it genuinely intends to  
address this issue as an issue of national interest. Let us not forget that in Gibraltar Mr Picardo's  
party also won a massive majority on the back of getting Brexit done but with a slightly less  
unifying message. It was in fact a profoundly divisive message, particularly for our political class.  
300 'Us or chaos' was the ticket pushed by the GSLP electoral campaign, and that was wrong,  
Mr Speaker. Competing over Brexit is wrong. So, Brexit is a generation-defining event that  
should be completely depoliticised. Its success, regardless of what stage we are in, cannot  
depend on the Government of the day.

305 Mr Speaker, why am I addressing these issues now, you may ask: well, it is because it is just  
the start of the journey and I believe it is important for this Chamber to be having this  
conversation now. And grateful as I am to the Chief Minister for his Statement today, the fact is  
that Brexit will not be over in four years' time and I believe that this entire Parliament should be  
informed, engaged and brought on board with all the plans of this administration. All MPs  
should be fully briefed and available to make their contribution. I accept the Chief Minister's  
310 assurances from moments ago to this effect and I do hope they mean what they say and that  
they fully and genuinely materialise these plans in the lifetime of this Parliament, because if  
another party should win the General Election in four years' time they should be able to hit the  
ground running and deliver on well-prepared plans that are the product of broad political  
consensus. If the handover of Government means that the Brexit process fails, this should not be  
315 considered evidence of the incumbent Government's success but of their failure.

I hereby offer all my help and support on this issue from my humble corner and can  
guarantee that Together Gibraltar will be supportive of the national interest agenda. I also  
pledge not to use this issue to gain political capital and I believe all Members on both sides of  
this House should do the same for the future of our community.

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

**Hon. Chief Minister:** Well, Mr Speaker, I want to start by addressing the hon. Lady – it is the first time I do directly – not on a discordant note, as one might describe the way she has addressed me but I will come to that, but by congratulating her on her result at the last General Election. I was right about the rocket chair and I am almost tempted, Mr Speaker, to ask you for permission to refer to her as the leader of the Opposition poll, if nothing else, at least just to spread a little more confusion.

Let me turn to the things that she has said, because I do not think she heard what I said and I think I must put it to her that good though she was in the last four years in understanding the tone of the moment, she has singularly failed to understand the tone of the moment now when she has risen to address my Statement at this seminal moment in our history.

She starts by saying that we should not look at things from the prism of a partisan perspective by asking for a cross-party national perspective, and then goes on to a party political diatribe against the Government about what she says happened during the course of the General Election – a General Election which, if it had not been held in the week in which it was held would have had to be held five weeks later when we were about to leave or would have just left the European Union without a deal. So I do not see how it advances the course of this community at all, or seeks clarification on what I have said, to accuse the Government, in its guise as a political party in a General Election, to have used Brexit to further our partisan agenda by simply explaining to the general public what we had done in the context of the three and a half years and what we would do going forward.

To say that we were divisive by offering ‘us or chaos’ is to try to implant in us the words used in the United Kingdom, which did not age well, in the mouth of another leader of a House, Mr Cameron, who said ‘It’s either us or chaos’ – and look at the chaos we have got despite having got them. I think, Mr Speaker, that that was an attempt to be clever, but of course the cleverest thing was to take the position she took in the General Election campaign, to say that she understood that these things were very complicated and that we would work together and she would send us to negotiate if she won the election. Well, frankly I have seen more comfortable positions taken, but that one is probably the most comfortable I have ever seen.

Whether Brexit will or will not be over in four years’ time is a moot point, Mr Speaker. The consequences of Brexit will affect the European continent, the United Kingdom and Gibraltar forever because it is a schism where there should be more unity, and we all agree with that. But the only one of the political parties, now the only Members of this House who presented a plan at the General Election as to what we would do economically and politically, is the party now in government. I do not think it is divisive to say we have a plan and I do not think it is particularly sharp politics, especially in the context of us all having congratulated each other for having run such a fair campaign, to say ‘We have a plan and you don’t.’ That is not divisive; that is reality.

Mr Speaker I must say that I thought she ended better than she started. I thought that the author of the last paragraph of what she read this House could not be the author of what she read at the beginning, and my knowledge of her suggests to me that she wrote the end, which was very good, very convivial, very positive, very forward looking and very cross party, and I would urge her to stick with that.

**Mr Speaker:** Does any hon. Member wish to make a contribution on the Statement made by the Chief Minister?

## Questions for Oral Answer

### HOUSING, YOUTH AND SPORT

Q149/2019

#### Victoria Stadium floodlights – Responsibility for maintenance

**Clerk:** (vii) Reports of Committees.

(viii) We now move to Answers to Oral Questions. We commence with Question 149/2019 and it is the Hon. E J Phillips on behalf of the Hon. E J Reyes.

370 **Hon. E J Phillips:** Mr Speaker, further to the answer provided to Question 4/2019, can the Minister for Sport indicate if there have been any changes to the agreement whereby the day-to-day maintenance of the floodlights at Victoria Stadium continues to fall under the responsibility of the Gibraltar Sports and Leisure Authority?

375 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, since Question 4/2019, no changes have been made to the agreement on the day-to-day maintenance of the floodlights, which falls under the GSLA's responsibility.

380 **Hon. R M Clinton:** Mr Speaker, I thank the Minister for his answer, but could I ask him if my understanding is correct that the Victoria Stadium has now been transferred to the GFA and is their property? Is that correct?

385 **Hon. S E Linares:** Yes, sir.

**Hon. R M Clinton:** In which case, may I ask why it is that the Government is responsible for the lighting?

390 **Hon. S E Linares:** Mr Speaker, because the Government has signed an MoU with the GFA until they are ready to actually manage the whole of the estate. So the GSLA is actually helping the GFA in managing the whole of the estate, which includes the flood lighting.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for this clarification. Would he be willing to make a copy of that MoU available to the House?

395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there are two parties to that agreement, so I think before we take a position we would need to talk to the GFA. I do not envisage there should be any difficulty with doing so, but I do not think we are free to simply say okay without checking with them.

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**Q150/2019**

**Newly built sports facilities –  
Outstanding remedial works and completion**

**Clerk:** Question 150, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Minister for Sport inform this House what facilities still require remedial works or completion at any time of the newly built sports facilities?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, as it stands, all projects are well on course to be completed early in the New Year. In fact, Europa Point is already in use, albeit partially, with rugby, darts and squash benefiting from world-class sporting facilities. Minor works need to be completed in the cricket oval, with floodlights already erected and being prepared for commissioning and the football facilities to be finalised.

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As far as the Lathbury Sports Complex is concerned, the athletics track and football field will also be completed soon. The swimming pool is ready and all that is left are the final touches to the plant room. All other facilities have been handed over to the relevant stakeholders and users.

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**Hon. K Azopardi:** Can the Minister explain, whether in the concept of the remedial works or completion, the definition of that answer he has just given, does the Government include the works that had to be done again after the Island Games finished and certain facilities had to be, in effect, ripped up after the Island Games were completed?

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**Hon. S E Linares:** Yes, sir.

**Hon. K Azopardi:** Does the Minister or the Government have an idea of the cost of the works that had to be undertaken, in effect twice, as a result of that process?

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**Hon. S E Linares:** Mr Speaker, there is another question on the Order Paper in relation to this.

**Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: in relation to the Lathbury Barracks swimming pool, can he confirm to the House that the pool has had no structural defects that he is aware of in the form of, for example, leaking?

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**Hon. S E Linares:** No, sir.

**Q151/2019**

**Gibraltar Sports and Leisure Authority –  
Details of vacant posts**

**Clerk:** Question 151, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Mr Speaker, can the Minister for Sport provide details in respect of any vacant posts within the Gibraltar Sports and Leisure Authority, indicating if these are covered temporarily by a supply worker?

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440 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, at present there are no vacant posts at the Gibraltar Sports and Leisure Authority.

**Q152/2019**  
**GSLA facilities –**  
**Cancellations**

445 **Clerk:** Question 152, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Mr Speaker, can the Government inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's facilities since 1st September 2019, indicating the location, date and reason for the cancellation?

450 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, there has been one cancellation since 1st September 2019. This was in the Victoria Sports Hall – which is now owned by the GFA but continues to be operated by the GSLA for now – on Friday, 1st November for health and safety reasons due to minor water ingress.

**Q153/2019**  
**GSLA facilities –**  
**Breakdown of fees paid by users in 2018-19**

**Clerk:** Question 153, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

460 **Hon. E J Phillips:** Can the Minister for Sport provide a breakdown with details in respect of all fees paid by the users of any facilities falling under the auspices of the GSLA during the financial year 2018-19, indicating if they were for sporting, cultural or other types of events, together with details of payments pending to be received?

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

465 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, during the financial year 2018-19 the following payments have been received in respect of fees by the GSLA: community use, £6,565; non-sporting events, £14,572.34; sporting events, £17,911; advertising, £15,000. There are no payments pending to be received.

470 **Hon. K Azopardi:** Mr Speaker, does the Minister have a sort of use breakdown for the community use fees or the non-sporting fees?

**Hon. S E Linares:** Yes, sir, it is for the hire of facilities for schools and BCS for fitness groups and instructors.

475 **Hon. E J Phillips:** Just one supplementary in relation to that question: what is meant by 'advertising' in that context?

**Hon. S E Linares:** Mr Speaker, the GSLA is now even more trying to get revenue from advertising generally. That means if there are any tournaments they usually combine it with the actual association, because sometimes the association themselves get some advertising for events but the GSLA are now getting advertising money from the private sector. That means that they can put up placards or whatever, advertising things.

**Q154/2019**

**GSLA facilities –**

**Breakdown of fees paid by users in 2017-18**

**Clerk:** Question 154, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Minister for Sport provide a breakdown with details in respect of all fees paid by users of any facilities falling under the auspices of the GSLA during the financial year 2017-18, indicating if they were for sporting, cultural or other types of events?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the breakdown with details in respect of all fees paid by users of any facilities falling under the auspices of the Gibraltar Sports and Leisure Authority during the financial year 2017-18 is as follows: community use, £10,994; non-sporting events, £11,954.41; sporting events, £107,523.50; advertising, £15,000.

**Hon. E J Phillips:** Just insofar as the sporting events figure, Mr Speaker, if the hon. Gentleman could set out a bit more detail – that figure seems to jump out from the paper.

**Hon. S E Linares:** Yes, Mr Speaker, that year the darts and snooker tournament attracted a great deal of advertising money. Due to the fact that it was televised, they were able to get a lot of revenue. That is why it is so big.

**Hon. D J Bossino:** Mr Speaker, if it is advertising money which accounts for the increase, as the Hon. Minister has explained, why is not it separately under advertising, where we see the same figure for the following year 2018-19?

**Hon. S E Linares:** Mr Speaker, because advertising on its own means advertising generally within the complex, whilst advertising with sporting events is specific to the event. Therefore, if it is a darts tournament, it is a sporting event which has attracted money from advertising for that event.

**Q155/2019**

**Sports-related grants –**

**Details of payments**

**Clerk:** Question 155, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Mr Speaker, can the Minister for Sport provide details of all payments made so far during this current financial year in respect of any sports-related grants, together with details of grants committed but still to be paid?

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

520 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite the details of payments pertaining to sports-related grants as well as the remaining balances, as requested.

**Answer to Q155/2019**

Details of payments pertaining to sports-related grants as well as the remaining balances are as follows:

SPORTS	AMOUNT PAID	AMOUNT PENDING
Athletics	£ 13,287.07	f 9,980.00
Badminton	£ -	£ 7,227.00
Basketball	£ 20,652.89	£ 13,570.00
Billiards & Snooker	£ -	f 3,255.00
Boxing	£ -	£ -
Canoeing	f 540.00	f 4,000.00
Clay Shooting	£ 9,246.81	f 13,810.00
Climbing	£ -	f 5,850.00
Chess	f -	f 6,042.00
Common Wealth	£ -	f 23,500.00
Cricket	f 40,280.14	£ 10,300.00
Cycling	f -	£ 3,742.00
Darts	f 12,333.00	£ 7,620.00
Football	f -	£ 10,400.00
Golf	£ -	f 5,994.00
Gymnastics	f -	f 27,713.80
Hockey	£ 20,508.73	f 20,000.00
Ice Skating	f 8,709.43	£ -
Inline Skating	f 594.43	f 800.00
Karate	f -	£ 1,200.00
Kendo	£ -	£ -
Lifesaving	£ 379.59	£ 4,800.00
Netball	£ 19,065.72	£ 19,879.55
Pistol	£ -	£ 27,931.50
Pool	£ 15,927.45	£ 3,037.50
Rifle	£ 13,470.91	£ 11,280.70
Rowing	f 5,413.73	f 6,955.00
Rugby	£ 17,940.61	£ 38,530.00
Sailing	f -	f 600.00
Sea Angling	£ 11,004.50	£ 7,535.00
Squash	f -	f 5,245.00
Sub Aqua	f 5,061.93	£ -
Swimming	£ -	f 6,460.00

Table Tennis	f	350.00	f	7,250.00
Taekwondo	f	-	f	4,448.00
Tennis	£		£	-
Tenpin Bowling	£	1,452.36	£	12,319.00
Triathlon	f	1,701.50	f	132.50
Volleyball	£	3,931.54	£	9,420.00

**Q156/20019**  
**Albert Risso House –**  
**Senior citizen warden facilities**

**Clerk:** Question 156. The Hon. E J Phillips on behalf of the Hon. E J Reyes.

525 **Hon. E J Phillips:** Mr Speaker, can the Minister for Housing confirm to this House that residents at Albert Risso House now enjoy the same warden facilities as those already provided to residents at other Government rental homes provided exclusively for senior citizens?

530 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, this is something HMGoG is currently looking into with the idea of implementing the same warden facilities as already enjoyed by tenants of the other rental homes provided by the Government exclusively for senior citizens.

535 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer to that question. It is a particular issue that was raised with Members opposite before, and in fact well before, the last General Election.

540 Can the Minister put forward any information as to when the Government will come to a decision or a landing on this question? It does concern many of our senior citizens. They are very concerned by it and some reassurance would be helpful.

545 **Hon. S E Linares:** Yes, Mr Speaker. In fact, I spoke to those senior citizens only three days ago. I had a very extensive meeting with them. They are quite happy – in fact, they are over the moon that this Government will be soon implementing a system in which they will get exactly what they have asked for. The timing will be very soon, but it will definitely not take, like he says, four years.

550 **Hon. K Azopardi:** Given that the senior citizens the Minister has spoken to are ‘over the moon’, to use his terminology, it would make them even more over the moon to be told more precisely when in the course of the next four years this is going to be done, given that there is a longstanding desire from many senior citizens that this matter be addressed decisively by the Government.

555 **Chief Minister (Hon. F R Picardo):** Mr Speaker, given that we do not want anybody’s blood pressure to go too far over the moon, I think what we want to do is ensure that when we do it we do it properly and we do it as soon as possible. Those senior citizens will be very happy to know that the Government has not needed the Opposition to ask us a question to put this on the agenda, and the alacrity with which we are dealing with this issue is going to become evident  
560 very soon indeed.

**Q157/2019**

**Prince Edward's Road –  
Works to Government rental homes**

**Clerk:** Question 157, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Mr Speaker, can the Government provide details to this House in respect of what works are being carried out at the residential block situated at 63 Prince Edward's Road, i.e. at the junction with Wilson's Ramp, indicating when these works commenced and what is their estimated completion date, together with details of the cost of these works?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, according to the Housing records, there is no 63 Prince Edward's Road forming part of the Government's rental housing stock.

**Hon. R M Clinton:** Mr Speaker, if I may assist the Minister, having lived in the area for many years myself, these are commonly referred to as the bedsits at the corner of the junction just before you go up Prince Edward's Road. Does that perhaps help the Minister?

**Hon. S E Linares:** I know exactly where 63 is, but it is not the Government's stock. I am assuming – and I prepared myself, since the hon. Member got it wrong – that it is 61 Prince Edward's Road. There is an external refurbishment to 61 that took place between June 2018 and November 2019. The scope of works included the refurbishment of balconies and external walls. The total cost of the works was £44,948.74, including the scaffolding. The works to the balcony include the replacement of asbestos balcony panels with new aluminium sandwich panels. The scaffolding is still in place. The contractor has already been instructed to dismantle the scaffolding.

**Q158/2019**

**Government rental homes –  
Complaints received by residents**

**Clerk:** Question 158, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Government provide this House with details in respect of the number of complaints received from residents of Government rental homes in respect of (a) refurbishment works, (b) anti-social behaviour and (c) maintenance of communal areas, from 1st January 2019 to date, together with details of how these complaints were resolved?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, it is difficult to quantify the number of complaints received in relation to points (a) and (c), especially as most are not reported officially or through the proper channels. However, the main contractors in relation to the refurbishments – GJBS, the Housing Works Agency and the Housing Department – have been working tirelessly with tenants and all the relevant estates' tenants' associations to address all concerns immediately in relation to the refurbishment/maintenance works taking place. In fact, I can inform the hon. Member that over 6,600 work orders have been activated

and completed during 2019. This constitutes an average of 18 works a day during the 365 days of the year. Therefore, I would like to take this opportunity to thank the Housing Department and Agency for having undertaken so many works, which obviously have been of a high standard since there have not been any official complaints reported.

In relation to point (b), there are 51 anti-social behaviour complaints logged in our system, all of which appear, to date, to have been resolved promptly, depending on the circumstances of each complaint.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the answer to that question. I take it from what he has suggested that the work orders of six thousand odd in respect of residents of Government homes relate to complaints as the only figure that he has put forward to this House. So if there are work orders of 6,000, there must be a percentage of them that relate to complaints. Work orders are based on a document that is filed. That work order will demonstrate whether it is a complaint or an order for works. Which is it? I am sure the Minister can provide some detail of the level of complaints about maintenance and refurbishment works.

**Hon. S E Linares:** Mr Speaker, I think the hon. Member is completely confused.

**Hon. E J Phillips:** I am not.

**Hon. S E Linares:** Well, you must be because you have asked about how many official complaints, the number of complaints received. The number of complaints I have just stated is difficult to quantify. There are no complaints as such in the formal way of complaints and what I am saying is that we should all be happy at the fact that 6,600 ... not complaints, they are reports of people who have a door handle broken or a door that needs fixing, or a toilet that needs fixing. Those are the things. It is not a complaint; it is a report of things that go wrong in the house.

Therefore, I am very happy and satisfied that the agency and the contractors have actually done so many works during the year: 18 per day. Mr Speaker, it is incredible the amount of work that these people do, and all the hon. Member does is ask for complaints. That is why there are no complaints and there are very many people – in fact, there should be 6,600 people – who are satisfied, because they have never come back to complain about the works that have been done.

**Hon. E J Phillips:** Mr Speaker I think the hon. Gentleman is slightly confused about this whole question, frankly, but let's get on with my supplementary.

Mr Speaker, he talks about 6,000 pieces of work. Fine, they have been done, and of course we should congratulate the individuals who are doing the work on Government estates, but quite clearly ... Is he honestly saying to this House that no one in Gibraltar is complaining in relation to Government housing about refurbishment work and maintenance in communal areas? That is simply not acceptable. No one is going to understand that. People make complaints every day in our community for any sort of matter, particularly in relation to housing, so he cannot honestly come to his House and say there are no complaints in relation to Government rental housing. It is completely implausible.

**Chief Minister (Hon. F R Picardo):** That is not what you said.

**Hon. S E Linares:** Mr Speaker, again the hon. Member is confused. I have not said that nobody has made any complaints. They usually do it on Facebook; they usually do it outside there. They have not made *official* complaints to our offices. That is what I am saying, so there is no confusion here.

Of course people complain – they complain about everything in Gibraltar; we do, by nature, complain about everything – and what I have tried to do here is to highlight the fact that there

655 might be half a dozen people out there complaining on Facebook about what the Housing  
Department does or does not do, but for us there is no complaint in our office but there are  
6,600 works with which people have been satisfied, and that does not come out on Facebook.  
This is what I am saying: we should be happy at the fact that there are lots of people out there  
working hard, the reports are done very quickly, the works are done quickly and they are happy.  
660 If they were not happy, they would have come back to our Department and complained about  
the works, and we have not had that.

**Hon. K Azopardi:** Does the Minister know how many of the 6,600 work orders that have been  
done in 2019 arose as a result of requests from the tenants themselves?

665 **Hon. Chief Minister:** Mr Speaker, I think it is obvious that those work orders will have been  
generated by the tenants themselves. That is the clear issue. But if the hon. Gentleman  
considers what it was that the Hon. Minister said before in detail, his answer was specific: 'it is  
difficult to quantify the number of complaints received in relation to points (a) and (c), especially  
as most are not reported officially or through the proper channels. However, the main  
670 contractors in relation to the refurbishments – GJBS, the Housing Works Agency and the Housing  
Department – have been working tirelessly with tenants and all the relevant estates' tenants'  
associations to address all concerns ...' So we are not saying that there are *no* complaints from  
the tenants; what we are saying is that those tend to be addressed immediately to the person  
on site, who is a GJBS person.

675 **Hon. K Azopardi:** Does the Government or the Minister not agree that if the 6,600 work  
orders have come about as a request from tenants because they are concerned, playing on the  
gymnastics of concerns or complaints does nothing to serve the tenant, but the reality is that the  
Government should accept that the 6,600 work orders arose as a result of complaints or  
680 concerns by tenants themselves? (*Interjection*)

**Hon. Chief Minister:** Mr Speaker, 'obviously not' is the answer to that, for a simple reason:  
the 6,600 works orders are tenants saying, 'Something needs to be fixed in my property, just  
outside my property etc.', and what the hon. Gentleman needs to understand – because he has  
685 been on this side of the House – is that this is a greater amount of work being done to rectify  
complaints being brought to our attention as landlord by our tenants than has ever been the  
case before. In other words, if there are 6,600 works orders it is because 6,600 jobs of work have  
been required to be done. The natural thing to expect is that if somebody seeks that that work  
should be done, it should be done expeditiously and efficiently, not left to rot so that it is not  
690 done and when there is an incoming administration, as there was in 2011, we find a huge  
backlog of work.

So, the congratulations I think are not because there should be no reports; it is that the  
reports are being dealt with. Otherwise, what the hon. Gentleman is saying is: do you realise  
that you have a housing stock that is sometimes in need of work? If that is what he wants us to  
695 accept, of course I will accept that. The hon. Gentleman needs to understand this is the largest  
estate in Gibraltar, the estate of the Government of Gibraltar; this is the residential aspect of it  
and things every day will go wrong and need repair, and these are the reports that relate to it.  
The hon. Gentleman, the Minister, is referring him to the amount that we have done to rectify  
those reports that have come in. It is the most natural thing in the world.

700 **Hon. Gentlemen** opposite seem to want to catch us out on the most obvious, least relevant  
issue that they can – in other words, that there are things that need to be done in Government  
estates and Government homes, and this is the evidence that things are being done to repair  
those things that need to be done.

**Q159/2019**  
**Housing waiting lists –**  
**Breakdown of applicants**

**Clerk:** Question 159, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Minister for Housing provide this House with updated details as to how many applicants are on the housing waiting lists, providing a breakdown by category, i.e. general, medical and social lists, and by reference to rooms composition of entitlements by applicants?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, updated details of applicants currently on the housing waiting lists, including a breakdown of those on waiting lists with a medical and social category, are as follows: 1RKB, 625 active applicants, of which 63 have a medical category and 36 have a social category; 2RKB, 75 active applicants of which 16 have a medical category and 14 have a social category; 3RKB, 98 active applicants of which 13 have a medical category and seven have a social category; 4RKB, 71 active applicants of which seven have a medical category; 5RKB, four active applicants of which one has a medical category; 6RKB, one active applicant.

**Q160/2019**  
**Housing waiting list –**  
**Number still on list since 2011**

**Clerk:** Question 160, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Minister for Housing inform this House as to how many people who were on the housing waiting list on 8th December 2011 remain on this list?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, there are 108 applicants remaining prior to 8th December 2011, all of whom have either had offers of property or are on the 1RKB list.

**Hon. E J Phillips:** I thank the hon. Gentleman for that answer.

This is a serious issue, Mr Speaker. This is a question that has been asked in the last Parliament and indeed has been raised again in this House, and I recall that the previous Housing Minister explained a very similar figure for those 1RKB and those that ...

The GSLP administration at the time promised to house people on the one 1RKB list as from 8th December 2011. It is a shame that as we approach the year 2020 the Government has failed in that commitment, Mr Speaker, and I ask the Minister himself to explain how the Government is continuing to not answer the questions of many people on the 1RKB list who have not been housed from 2011, given the representations that have been made to many of us in this House during the campaign as to why they have still not been housed despite these promises.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I do not know whether the hon. Gentleman missed it, but the Government that he is saying has let people down repeatedly is represented

by the political parties that thrashed them for a second time at the last General Election. In other words, that which they say is a huge disappointment and on which they received so many representations did not result in the people of Gibraltar deciding that we should not continue to be in administration – perhaps, Mr Speaker, for the reasons behind the number that he is referring to. A hundred and eight people on the 1RKB list is all that is left of the list that we inherited from them of people on the housing waiting list of over 4,000 – indeed, 1,000 on the 1RKB list.

Instead of talking about the remarkable reduction of over 900 in less than eight years, he is talking about why we have not been able to deal with these 108. There is a very simple reason, Mr Speaker, and it is in the nature of the 1RKB list. The 1RKB list includes people who do not want a rental accommodation, who are there looking to purchase. It includes people who are on the 1RKB list because of their particular personal circumstances and they actually are on the list but they do not want to be housed. It includes people who find themselves in a situation which is one of need, requiring very specific circumstances for rehousing, which we have not been able to attend to. Ours is the commitment to ensure that they are rehoused when we are able to. But the hon. Gentleman should listen to what has been said. Some of those people have had offers of housing and they have not taken them. Mr Speaker, the Government of Gibraltar – whether it is led by the GSD, whether it is led by the GSLP Liberals or by anybody else – when it has a Housing Department does not have an estate agency and people need to know that they are made three offers as a maximum. But when they are offered a property, if they are in dire need it is remarkable that they turn it down, a property which is in good nick – I can imagine that some people in the past might have been offered properties which were not in good nick; now the properties that people are offered are relatively in good nick.

Why do we allow for three offers? Because there may be circumstances which we are not aware of – if there is a disability issue etc. we should be aware of it – where we might offer a property that is not suitable. But it is very often the case – and successive Ministers for Housing in my administration can attest to this, as probably can those for the GSD who have held that post – that people expect to be able to choose where they are going to live, whether they are closer to mum or they are closer to aunty, or they want to live in this catchment area or that catchment area, and those people sometimes will find themselves still on the list.

Of those 108 that we referred to, I have no doubt that there are people who do not fall into the category I have described, who do not want to buy, who are in genuine need and whom we have not yet been able to house. We are probably more acutely aware of their need than they are and we are probably more acutely wishing to assist them than they ever will be in making the political points that they are making.

But in the same way as the Hon. Mr Linares has made the point that he has about works orders and in the same way as the hon. Gentleman comes ready – *con la escopeta carga*, as they say in another language – with a loaded rifle to try and make a political point about 108 people, let them accept the political point that we housed everybody else on all the other waiting lists and the 900 others who were on that list, the 1RKB list, at the time that they last left administration.

Have we done everything right? Of course not. Have we tried to do as much as we can to house all of these people? Absolutely. And what is the judgement of the people of Gibraltar? That for a third consecutive General Election we should form the Government, and they should, for the third consecutive election, see their share of the vote reduced.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm that, insofar as attempting to reduce this number further, it exercises its discretion to provide individuals with points as and when they request them?

795 **Hon. Chief Minister:** No, Mr Speaker, that is not the case, not as and when they request it. The Government has a limited discretion to add points in circumstances where there is a good reason to do so.

**Hon. E J Phillips:** A general election campaign?

800 **Hon. Chief Minister:** There is a Housing Allocation Committee. The hon. Gentleman says from a sedentary position 'a general election campaign'. Well, Mr Speaker, if he wants to say that, he should get up and say it. It makes no sense to say it, because if we were doing this in the context of a general election campaign we would have given discretionary points to 108 people. In other words, we would have used that which he pretends that we are misusing in order to garner the most votes. Or does he think that we are foolish enough to give discretionary points to 10 and only take 10 out of 108 potential advantages, if that is what he is going to be, in my view, scurrilously suggesting?

805 Those discretionary points that are given, Mr Speaker, are always the subject of close consultation between Ministers and officials to ensure that these are the right sorts of cases, where there has been a reason why somebody has a need that has not been recognised either on the medical list or on the social list, or for some other very genuine reason.

810 The hon. Gentleman needs to know – and the Hon. Mr Azopardi has been in government, and so has Mr Feetham, Mr Speaker – that when he gets up and makes the sorts of points he is making, he is failing to understand, as his colleagues understand, that when you are a Minister and you see people who need your help, you must, and we all do, our best to help them. I am sure that that has nothing to do with which party you are in, because if somebody comes to you in need, you do your best to help. If we have not been able to help, there is a good reason, and if we have been able to help with some discretionary points because in those circumstances it is appropriate, then it has been done.

820 The maximum number of discretionary points that can be given under our law is 1,000. It is 1,000, Mr Speaker, so that even in those circumstances it is weighted in a particular way. But I will tell the hon. Gentleman that it discloses a lot about him. I guess if he ever holds ministerial office what he will do is look at the housing waiting list before a general election and say, 'Right, how many people are there?' It will be the GSD, so then there will be about 10,000 people on the list, and he will go round to each of them on the list and offer them a thousand discretionary points in order to try and buy their votes. The people of Gibraltar are cleverer than all that, Mr Speaker.

830 **Hon. K Azopardi:** Mr Speaker, I can see that the Hon. Chief Minister is getting hot under the collar because of their failure in respect of these 108 people who remain. I want to ask a question about that, but let me first say in the context of that question that I would urge him to be rather more cautious about his assessment of the election and not so bold as to say that because he was re-elected it means that everyone was stunningly happy with the Members opposite, but rather that the disappointment had not reached a level where they were dislodged. He should look at it from that perspective too because there are plenty of people in Gibraltar who are disappointed, including presumably a lot of the people who suffer housing issues. (A Member: Hear, hear.)

835 Now, on the question itself, given that there are 108 people who remain almost a decade later, eight years later from when they first gave the promise, does the Government or the Minister have statistics as to whether those 108 people have now reached the level where they have been offered housing three times?

840 **Hon. Chief Minister:** Mr Speaker, the first answer discloses that is the case in *some* of the instances. If the hon. Gentleman wants more detail he will need to ask a specific question so that we can provide it.

Let me be very clear, Mr Speaker: I am not going to be too concerned at the thought that disappointment has not yet reached the level when we are going to be ousted, in the context of disappointment in respect of the political party that the hon. Member is now once again a member of and now leads – I should say ‘for now’ leads, Mr Speaker – having reached the lowest point since 1992. It is hugely uncommon for oppositions to be losing support at a faster rate than governments, but he has managed and succeeded – with a little help from the hon. Lady opposite – to deliver a lower share of the vote for his party than what we all thought was the lowest share of the vote that his party would have when it was led by the man who is not of GSD stock. But to be presiding proudly over a slide that my children would be happy to enjoy in the park, in terms of electoral support, and to come to us and say that we need to be more cautious about how we see ourselves... Frankly, Mr Speaker, it takes the proverbial hobnob.

I am going to stay pleased that we have resolved the problem of 900 of the people who we inherited from them on the 1RKB list and concerned that we have not yet resolved the issue for these 108, and committed to continuing to do so, although in some cases the people on that list are actually just treading water and waiting for different opportunities. Some of them are, for example, in their 50s, waiting to go into pensioner housing when they turn 60. Some of them are waiting to buy a particular type of home. Some of them will have been on that list because they were students before 2011 and they are still holding over and still have not been able to buy. This is a demographic analysis of some particular part of Gibraltar and there are not there 108 difficult genuine cases that needed housing and have not yet been housed, although there may be one or two because their circumstances may have got worse, and I am not going to pretend that there are not because the list changes every day.

**Hon. K Azopardi:** Mr Speaker –

**Mr Speaker:** I think, with respect, we now need to move on because we are digressing from the subject.

**Hon. K Azopardi:** Mr Speaker, I do not want to digress; I just wanted to ask the question, which I believe was very clear. In doing so, may I say I hear what the hon. Member says? The heat under his collar seems not to have been diminished by the last intervention and answer, and his maths is now stunningly bad because he says that we are losing support at a faster rate and yet his slide in the polls was about 200%, mathematically, more than ours. But be that as it may, the question that I specifically asked and he did not answer, was – and he asked me to ask a specific question, which I just did – is: does the Government have statistics on how many of the 108 people have had offers three times?

**Hon. Chief Minister:** The hon. Gentleman, Mr Speaker, is veritable rexona to the heat under my collar. He ventilates it greatly, Mr Speaker, so he need not concern himself about that. But I do have an issue with his maths. Given that they are now at just about a quarter of the electorate, I do have an issue with his maths, but never mind.

When I answered the question the first time for myself I referred him to the answer that the Hon. the Minister had given him, which is that there are some who have had offers already and have not accepted that offer, and I told him that if he wanted the detail of that we do not have it today, but if he asks a specific question – and he knows that he need not wait for Parliament; he can write to us and we will try and provide the information as soon as we are able – we will be able to provide it.

I look forward to having tea with him later, Mr Speaker, in the anteroom and getting out our calculators and showing him why I think his slide is bigger than mine. On this occasion, his being bigger than mine is something I am going to be very happy with.

**Hon. D A Feetham:** Mr Speaker, can the GSD Oxo Cube stock ask a question please?

**Mr Speaker:** Ask a question, please.

**Hon. D A Feetham:** Mr Speaker, can at least the Government provide any details of how many of these 108 are single parents who have been placed on the one 1RKB list and are still waiting for housing since 2011?

**Hon. Chief Minister:** Mr Speaker, I think I know what the hon. Gentleman is getting at and I think whether he is Maggi, Oxo or Bovril – more like Marmite, in that you either love him or you hate him, in political terms – there is another question on the Order Paper that deals with that issue.

If you were a single parent, you would not be on the 1RKB list. The definition of single parent that I am using, which I do not think is the one he is using, is a parent who, as a result of relationship breakdown, has his or her children with him and not the other parent. That person would not be on the one 1RKB list.

I think the types of people that he is referring to are the ones he has referred to in the question he has put, which we will come to in a minute – and if he will agree, we can deal with those issues then – but there would not be any on this list because the 1RKB does not admit on that.

**Hon. D A Feetham:** Mr Speaker, I do not think that is, with respect to the hon. Gentleman, correct. There are people, because they come to my surgeries, on this list, on the one bedroom – *(Interjection)* Yes, they are on the 1RKB because they are the non-resident parent in a divorced relationship. *(Interjection)* Absolutely, correct, but that is what I am asking.

I will ask it technically: how many non-resident parents who are divorced are on this list? *(Interjection)* But there are. There are two or three at least that come to mind.

**Hon. Chief Minister:** This is the point I am making to the hon. Gentleman. If you are a parent and you have a residence order –

**Hon D A Feetham:** A non-resident parent.

**Hon. Chief Minister:** Yes, hang on a minute. If you are a parent and you have a residence order, you cannot be on the one 1RKB list, [**Hon D A Feetham:** No, absolutely!] because you have got the children with you, so you are looking at something else. If you are a parent who does not have a residence order, you are on the 1RKB list because you do not have the children with you. Therefore, it is not that you are a single parent, because the single parent that you are asking about is the parent who has the children residing with them and has therefore – the wrong word is the ‘burden’ – the benefit of having your children living with you, and you could not be on the one 1RKB list.

Do we have the statistics of how many of those who are on the 1RKB list are divorced etc? I do not know that we keep marital status of that sort on the lists – we might be able to obtain them by asking all of them – but this is not single parents on the one 1RKB list because the list does not admit on that.

The other issue that he raises – I am not saying there is anything wrong with the issue that he is raising in his other question – I think falls better to be considered under the other question.

**Hon. D A Feetham:** Yes, I apologise if I have in fact conflated single parent with non-resident. I meant non-resident parent. So you have children but of course you do not have them residing with you. Normally it is the mother who has the residency order. The legislation provides for joint residency, but normally the people who are affected are fathers and I am asking how many of those form part of these 108.

**Hon. Chief Minister:** I gave the hon. Gentleman the answer. We do not have the information on the marital status of people who are on the 1RKB list, although it may be possible to obtain it by seeking it from them or going through all of the interview data, but it is not something that is provided as a field in the data management system that we have for here. It is not. I assure him that it is not kept as a field in the data management system that we have.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may ask on a constructive point: if it is not on the data, wouldn't it be a good idea for the Government to start implementing it in their data in order to alleviate issues by single parents or non-resident parents, to have it as a matter of course in order to make the changes needed to alleviate these individuals?

**Hon. Chief Minister:** Mr Speaker, that is an issue that falls to be considered under the other question. It is not a data issue in respect of a supplementary arising from this question, in my view.

**Q161-162/2019**  
**Government rental homes –**  
**Investigations into unlawful occupation**

**Clerk:** Question 161, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Mr Speaker, who would have thought Mr Reyes would have caused so many problems today, when he is 35,000 feet up in the air at the moment?

Can the Government inform the House how many cases of unlawful occupation of Government rental homes are currently being investigated by the relevant authorities?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this together with Question 162.

**Clerk:** Question 162, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

**Hon. E J Phillips:** Can the Government inform this House how many investigations of unlawful occupation of Government rental homes have been completed since 1st January 2008 to date and what the outcome of these investigations were?

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

**Hon. S E Linares:** Mr Speaker, the Housing Department has carried out a total of 24 investigations into suspected unlawful occupation of Government rental homes. Of these, three received court orders for eviction, 16 were asked to leave the property and fully complied with these instructions, and five were deemed to be lawful occupation. There is currently one case of unlawful occupation which the Housing Department is dealing with.

**Hon. E J Phillips:** Mr Speaker, insofar as the three court orders for eviction, have these orders been processed?

**Hon. S E Linares:** Yes, sir.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm the cost of the actions taken in respect of these unlawful occupations?

**Hon. S E Linares:** No, Mr Speaker; that would be for another question.

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**Q163/2019**  
**Housing rent arrears –**  
**Total owing since 1st January 2019**

**Clerk:** Question 163, the Hon. E J Phillips on behalf of the Hon. E J Reyes.

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**Hon. E J Phillips:** Mr Speaker, can the Government provide details to this House in respect of the total amount of housing rent arrears owing on a monthly basis as from 1st January 2019?

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

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**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, this information is available online.

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**Hon. E J Phillips:** Mr Speaker, I am grateful for the Minister confirming that it is available online, but it is a question that has been asked by my hon. Friend Mr Reyes, so if he has the information it would be helpful if he could disclose it to this House.

**Mr Speaker:** Standing Orders are very clear. If the information is online, one should not be asking a question.

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**Hon. E J Phillips:** What is the average – if my hon. Friend can get his calculator out – of the total amount for 2019 so far?

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**Chief Minister (Hon. F R Picardo):** We are not the hon. Members' abacuses. If the information is available online, what do you want us to do – go online and get out our calculators? The hon. Gentleman can do his own mathematics.

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**Hon. E J Phillips:** Point of order. Although this has happened before, at the last question we asked in this House on housing I remember when I asked it they gave me the information.

Mr Speaker, it is just a simple question as to how much is outstanding. Does he know what it is today, then, or at the date of the question?

**Hon. Chief Minister:** Why are we even spending more time considering matters which are outside the realms of what the House has traditionally dealt with?

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**Mr Speaker:** I agree. I think we need to move on to the next question. The information is available online and anybody can calculate the information the person is requiring.

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**Hon. K Azopardi:** Mr Speaker, we accept that the information is available online. Can I ask a supplementary on the basis of that information which is available online? Can the Minister tell us what proportion of the arrears are subject to arrears agreements?

**Hon. Chief Minister:** Mr Speaker, I think that would require a specific question.

**Q164-166/2019**

**Unallocated**

**Clerk:** Questions 164 to 166 are unallocated.

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**Q167/2019**

**Housing policy –**

**Divorced parents without residency orders**

**Clerk:** We now move to Question 167 – the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, does the Government intend to change housing policy to ensure divorced parents of more than one child who do not have residency, either by court order or agreement, in respect of their children are allowed to go on the housing waiting list for more than just a one-bedroom or studio flat, a 1RKB?

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

**Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, this is a sensitive and difficult area. The Government greatly empathises with parents who, as a result of relationship breakdown, do not enjoy an order or an agreement for residence with their children.

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It is impossible for us as a society to double-provide Government rental homes for individuals in our society. This is what would, in effect, be happening if we provided a Government rental home for each child in the situation raised by the hon. Member opposite.

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In order to try to assist, the Government applies its discretion to allow registrations with grandparents or other relatives and generally seeks to work with individuals in these situations in order to seek to alleviate what can be emotionally very difficult situations. Those in these situations who are eligible and wish to purchase affordable homes are allowed to do so with a view to their family composition, whether or not they would be eligible for rental accommodation on such terms.

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This is a very difficult area of policy and one in which great sensitivity is required, and empathy is an important part of making the right decision.

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**Hon. D A Feetham:** Mr Speaker, of course I agree and I associate myself entirely with the Hon. Minister's last sentiment about empathy, but does he not agree with me that in order to show real empathy with the affected individuals the Government really needs to be taking into account, in relation to these individuals, that effectively the policy is operating in a very unjust way in relation to these individuals?

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I will give him two examples. The first is that of course if you have more than one child – if you have got two children or three children – it is not possible to have meaningful contact with your child. Residency is one thing – the mother or the father will have residency; the non-residency parent has contact. It is very difficult to have contact, have sleepovers for example during a weekend, if that person is living in a studio flat. So it operates an injustice at that level. It also operates an injustice at a second level, and that is that there is a shortage of 1RKBs in Gibraltar. That is the reason why in the previous question my hon. Friend was asking that the Government provide the details of the 108 people, and part of the reason is because there is a shortage of 1RKBs.

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So, effectively what you have is somebody not being able to have proper contact, and secondly somebody who is having to wait longer than others. So, it operates very unjustly for those individuals, and therefore does he not agree with me that, taking that into account, those

are powerful reasons why the Government ought to reconsider its policy in this area? When I say the Government I also recognise that this is a policy that goes back many years, and indeed I have had my own battles, which I think I have mentioned in this House in the past, with the previous administration when I was in a minority in Cabinet debating this very issue. But I think that we have got to a stage where it is really operating unjustly against those individuals.

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the Hon. the former Chief Minister was right and he is wrong, for a simple reason: it is, in my view, hyperbole to refer to an ‘injustice’, because an injustice is a suggestion that something should be recognised that is not being recognised.

The hon. Gentleman is talking about a very particular strand of case. In other words, it is not a case where a court has determined that there should be a joint residency order. A court has not determined that there should be joint residency and either the parties have not been able to agree or one of the parties has not sought to go to court – one of the parties may not be able to go to court for financial reasons and therefore there may be issues there of access to justice. But if there is a joint residency order, then both the parents are able to seek housing in the context of the full family composition. So, when justice has determined that the just thing that should happen is that there should be joint residence, it is dealt with.

The hon. Gentleman is talking only about a particular strand where there is no such order, where a parent – it could be a male or a female; usually, the hon. Gentleman rightly says, the male – manifests to the Housing Department without the benefit of such an order. These cases are not few. The hon. Gentlemen will know from his own experience that he has referred to that they are not few. I am not saying that they do not create difficult emotional situations. The first answer the hon. Gentleman has heard has referred to the fact that this is a sensitive area where we recognise that these are emotional issues, but I do not think that you can therefore say that this is an injustice, as the hon. Gentleman has done, for the reasons I have already set out.

Secondly, in those situations, without the backing of an order of the court, if we were to provide for children to be housed with the parent who does not have the benefit of an agreement or an order, we would be double-providing for those children. I would be delighted to be able to double-provide for everyone in Gibraltar as much as we could, but we have to be careful that we do not put ourselves in a policy situation where we are pretending that we are able to do something that is simply impossible in the demographic context in which we find ourselves.

So, there might be more or less marital breakdown in Gibraltar – I am not able to give the hon. Gentleman the statistics – but there may be fewer marriages in Gibraltar. That does not mean that there is not more relationship breakdown. These situations are manifesting themselves over and over again. If we have to provide for Gibraltarians’ housing, as we have always committed to providing, but now doubling up the amounts that we provide in respect of the sizes of homes, the hon. Gentleman is putting whoever is in administration in Gibraltar in a situation where they will obviously default on those policy obligations or in the situation where what we might be trying to do would be impossible financially to sustain.

Now he needs to understand that – and I recognise that he is nodding – because he needs to understand that it is one thing to empathise with someone and to want to try and resolve their problem; it is quite another to say ‘I am going to create a legal right so that this does not happen again.’ And so what the Housing Department have been doing – successfully in some cases and not so successfully in other cases – is to try to help those people along with advice on how to obtain the joint residency orders, with assistance in registration so that they can, from those registrations, then apply for housing or for purchase.

In respect of purchase, what he has heard the hon. Gentleman say is that if you manifest in that way we look at the circumstances, and although you would only be entitled to be on the 1RKB list – the discussion we had earlier – you are then able to purchase, if you are eligible, a larger home than you would otherwise have been able to purchase, in other words not just a

two-bedroom property, then it is not RKB, but a three or four, depending on what it is that your family composition might be, because then you are bearing the brunt of paying for that property, although the Government is bearing a little of the brunt by also suffering the 50% cost on a 50-50 basis.

1145 There are ways that we can help, but it is quite another thing to suggest that we should take on the obligation of, as a matter of policy, providing in those very distinct circumstances that the hon. Gentleman is talking about, which is not the case of dealing with people in cases of marital breakdown or a relationship breakdown where there is a joint residency order, which is by far the majority of cases, but the other not small number of cases where there is not a joint  
1150 residency order.

**Hon. D Feetham:** Mr Speaker, does the hon. Gentleman not recognise that in fact the analysis that he has provided to this House is flawed in an important respect for this reason: what he is not taking into account is actually that not only are people provided with residency or  
1155 joint residency by order of the court, but it is also by agreement? What is now happening in the Housing Department – and I do not criticise the Housing Department for this – is that, certainly in my experience, a large bulk of people who have joint residency have joint residency not because of a court order but it is because they have reached an agreement. Indeed, people come to me and both of them ask me, ‘Could you please help me with a legal letter signed by  
1160 both parents to the Housing Department saying that we have agreed joint residency for the children in the absence of a court order?’ and the housing authority accepts that. They accept it and then what happens is that both parents then have a right to a three-bedroom or a two bedroom, as the case may be, depending on their children. The people who are really affected by this are actually a small number of people where, for example, one of the parents – usually, it  
1165 has to be said, it is the mother – says, ‘I am now not going to be providing you with agreement to share residency in that way: you go to court and get a residency order from the court,’ which of course can be extremely expensive, is emotionally very taxing and is not for everybody. It is therefore affecting a small group of people.

Gibraltar’s housing bank is not going to become bankrupt, metaphorically speaking, if the  
1170 Government changed its policy in this area, and that is why I say that it is operating as an injustice in relation to this small number, it has to be said, of individuals.

The hon. Gentleman asked for statistics, and in the census in 2012 there were 13,740 married people at the last census. There were 1,797 divorced and 737 who were separated. If we have the statistics of how many of the divorced and separated this affected, I believe that it is going  
1175 to be a very small number of people who just simply cannot reach agreement with their spouses. Those people are also going to be affected by issues of parental alienation as well in relation to their children, because unfortunately sometimes it goes hand in glove, and therefore I do urge the Government to reconsider its position and its policy in this area.

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman started by saying that my analysis was flawed and didn’t I agree with him that it was? Well, obviously I do not agree with him that my analysis is flawed, but I am going to demonstrate to him why his is. And I say that, Mr Speaker, taking no pleasure from it because this is an area of real human suffering, where we should be trying to resolve the issue rather than have a debate across the floor of this House.  
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Those who are affected by this do not need to see him as a champion on a white charger in order that he might be able to secure for himself from them those votes which he always tells us about this time in the electoral cycle he is never going to seek again, only to surprise us – or those of us who do not know him – with a return at the next general election.  
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This is not something that we have said ignoring situations in relation to agreement. When I started my answer to him in respect of his first supplementary I referred exactly to those types of cases, cases involving orders or agreement. Again, *Hansard* will demonstrate that that is how I was approaching the issue.  
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Third, Mr Speaker, the Housing Department does not accept legal letters in order to determine this issue. I am afraid he is going to find that the Government does not accept legal letters. What we accept are separation agreements, or we accept statutory declarations on oath with a perjury warning, because the hon. Gentleman, having been a Minister, will know that there are people who are prepared in some instances to say many things in Gibraltar in order to obtain an advantage, and those who genuinely are in that sort of situation are made to swear a statutory declaration for this purpose. If he has been told that his legal letters are being accepted for that purpose he should know that they are not being accepted for that purpose, so I hope he is not charging for them.

It is also true that it would appear that the hon. Gentleman did not just fail to persuade what he refers to as the Cabinet of the former administration, although it is the first time I have ever heard of there having been Cabinet meetings in respect of the former administration, but never mind; he has failed to persuade his colleagues, obviously, because this is not an issue on which there is a commitment from them in their manifesto. So, having failed to persuade the GSD Government, having failed to include this, when he was the leader of the GSD, in their last pamphlet, having failed to persuade his colleagues to include it in what was now a very fulsome manifesto – people chose ours, but they had a fulsome manifesto, not a pamphlet – he now comes to this House and seeks to persuade us again of that which he has not been able to persuade anyone.

Well, look, Mr Speaker, for the reasons we have indicated, we do think that this is difficult and the numbers he has given are completely wrong, and this is the point I was making to him. Whatever the census says, the census is there dealing principally, not exclusively, with cases of marital breakdown and separation agreements arising from marriage, but what is predominantly happening now is that people are not getting married but they are still splitting up, and so the numbers are large. He does not know what they are, but we are the ones who deal with all of these cases. He might deal with a few. I recognise that some people may go and see him, but everyone who goes to see him has also come to see us and so we are telling him that the numbers are larger than he thinks they are.

He says this would not bankrupt Gibraltar's housing stock. Well, look, even in 1996 when the GSLP left office and there were 400 people on the housing waiting list, the lowest it has ever been, Gibraltar's housing stock was bankrupt by any definition of bankruptcy. In other words, are you able to do that which is required of you on the day on which it is required? No. Since we have had the housing list we have always had more people wanting houses than we have had houses. If we were a company and our currency was homes, we would not be able to pay our creditors as and when they fell due. This would further pitch us into an inability to provide homes to those who I recognise are in a very difficult situation and that is why we are trying to help them. But let's not get on our white chargers and play politics with them and with their emotions, Mr Speaker, because if the hon. Member were in government again, unless he was now more persuasive than he was when Sir Peter Caruana was the leader of his delegation, or he was more persuasive than he was with himself when he was leader of the GSD, or Mr Azopardi were to be a softer touch than Sir Peter, which I do not for one moment think he is, how is he pretending that he is going to resolve this?

This is a social problem which we have to deal with sensitively and with empathy, not with politics across the floor of the House, trying to score political points. And when it comes to the difficulties that are created because of joint residence, non-joint residence etc., I will only remind him that he is the one who brought about the changes to the Children Act. He changed it from the Minors Act to the Children Act. We are not saying there is anything wrong with that, but of course every system creates difficulties and issues which have to be dealt with.

Can I put it to the hon. Gentleman, if he genuinely wants to deal with us in a constructive way, that we take this discussion offline and that we have a discussion about it, and that we do not get up here to debate this as if this were a political hot potato on which we are going to win or lose the affections of voters, because it should not be that? This is an issue which affects real

1245 people and affects their ability to create a bond with their children. There could be nothing more  
important for a member of the human race than to build a relationship with his or her young,  
and we are doing everything we can to assist them and enable them to do so, but what we  
cannot do is what the hon. Gentleman is suggesting, which they did not do, he could not  
1250 persuade his party to do, he has not yet persuaded his party to do and he wants to persuade us  
to do.

**Hon. D A Feetham:** Mr Speaker, I have to say only he, during the course of an answer, can  
accuse us of scoring political points, offer a fig leaf and at the same time pepper his answer with  
the most politically barbed comments that we have had this afternoon. I take my cap off to him  
1255 because he is the only one in this Parliament, I have to say, who can do that and he does it very  
well – credit where credit is due.

Bearing in mind that he is the Chief Minister of a Government that genuinely cares, genuinely  
has empathy with these individuals, can he at the very least tell me how many individuals are  
affected by this policy?

1260 **Hon. Chief Minister:** I cannot, Mr Speaker, tell him how many individuals are affected by this  
policy, and neither can he tell me how many are affected by his concern, so this is not an issue ...

Look, he is doing it again. He is reducing to data something which is very human. I can tell  
him from my experience before and after their election there are cases of this sort, not just  
1265 involving men, by the way, there are some which involve women also. He should not think it is  
just men. I think he has said predominantly men, with which I agree, but it is not just men. And  
so these are complex issues.

The hon. Lady is running a consultation process on parental alienation, on which there is  
another question in this House, and I commend him to the answer that she will deliver to him in  
1270 that respect because it goes to this a little bit more generically than perhaps his question, but  
this is one of the key areas where parental alienation can be at risk.

As to the introduction of his otherwise short supplementary, I can but thank him for the figs,  
for the pepper and for the spice. He has always got the best out of me in that respect.

1275 **Hon. E J Phillips:** Mr Speaker. Just to clarify the point that was made, we have now checked  
the website, in particular in relation to this point on arrears. It falls under 'housing waiting list  
category', so it is not entirely clear, we would say, to members of the public that this information  
was within a specific category. So I would ask the Minister in those circumstances if a specific  
category within the Government statistics could be defined as arrears of Government housing,  
1280 rather than put it under housing waiting list, because ordinary members of the public may not  
be able to navigate and find the information. I am grateful.

**Hon. S E Linares:** Well, I disagree with him.

1285 **Hon. R M Clinton:** Mr Speaker, I have looked up the information myself. If the Minister would  
care to check his own website he will quite clearly see that item H.8 is under the housing waiting  
list.

**Q168/2019**  
**Bob Peliza Mews and Chatham Views –**  
**Date for allocation of flats**

**Clerk:** Question 168, the Hon. Ms M D Hassan Nahon.

1290 **Hon. Ms M D Hassan Nahon:** Can Government give a date by when it will commence the allocation of flats at the new affordable Bob Peliza Mews and Chatham Views housing projects?

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

1295 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the allocation of the flats at Bob Peliza Mews and Chatham Views will commence once we complete the allocation of all the flats at Hassan Centenary Terraces. So, it should be coming up very soon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, does the Minister have any idea when that will be?

1300

**Hon. S E Linares:** It should be coming up very soon because, as I understand it, we are getting very quickly through all the purchases in Hassan Centenary Terraces.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may just ask the Hon. Minister once again: can I also have some clarity as to when the completion dates eventually for Bob Peliza and Chatham Views will be, because there are many keen young buyers who would like some kind of idea of a timeline?

1310 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the dates that have already been announced in respect of those particular housing estates at the time that the press releases were made are the dates that we continue to aim for. The hon. Lady will know that, as was announced at the time, these two housing estates are entailed to the completion of works on the particular sites: one, the demolition of Westside School and we have been very keen to ensure that all of the piling for the residential facility there should go in at the same time as the Governor's Meadow and Bishop Fitzgerald facilities are completed, so that even though you will have building work going on next to the school you will not have piling going on next to the new schools.

1315 The other one is the decommissioning of the Gibraltar Electricity Authority's facility down in the area where the Bob Peliza facilities will be, and therefore that will entail ensuring that, first of all, the commissioning and then the decommissioning of the power station are on time. At the moment everything seems to be in order, but we are very keen to be able to ensure that we comply with our commitments to hand over these homes, which are much desired by those who are purchasers or potential purchasers.

1320 **Hon. R M Clinton:** Mr Speaker, I just have two questions for the Minister on this particular area. Those people who applied for Hassan Centenary Terraces – if my memory serves me correctly, the other two projects had not yet been released. Is it true that if you have applied for Hassan Centenary Terraces and now express a preference for Bob Peliza or Chatham Views, you will be not allowed to do that, and that in fact if you refuse Hassan Centenary Terraces you will be taken off the ability to purchase altogether?

1330

**Hon. Chief Minister:** Mr Speaker, this has been the position in respect of every Government that has developed more than one estate at a time. I think there has only been one, and that is successive GSLP administrations, not GSD administrations. Once somebody has purchased a property and signed on the dotted line, they cannot undo that with no consequence simply because there is another facility advertised; otherwise, you would never finish the sales. So, people who have already purchased at Hassan Centenary Terraces cannot simply undo their contracts and decide that they want to be the ones who purchase at Bob Peliza Mews or Chatham Views. If somebody is offered a property at Hassan Centenary Terraces and they say, 'I don't want to buy, I'd like to wait for Bob Peliza Mews or Chatham Views,' they are told, 'Okay, but there is no guarantee that you will be able to buy, because we continue to go down the list and there is a very good chance you will be able to buy but there is no guarantee.'

1340

There are some instances where there is a very good reason why somebody wants to buy in a particular area, a genuine human reason sometimes related to disability etc., and then in those instances we will try and work with those potential purchasers to be able to offer them either one or the other estate.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his clarification.

My second question to the Minister is in relation to his recently announced upgrade of Hassan Centenary Terraces. In common parlance people expect upgrades to be free. Can the Minister explain what the terms of this upgrade are?

**Hon. Chief Minister:** Mr Speaker, the Government, as a matter of policy, does not accept that in common parlance upgrades are usually free. It does not make any sense to have said that, and neither does the Government share that view.

**Hon. R M Clinton:** Mr Speaker, I apologise if my use of the word or my framing of the question in such a way is unpalatable to the Government, but I ask the Minister again: what are the terms of the upgrade facility being offered?

**Hon. S E Linares:** Mr Speaker, it is very simple. The upgrade is in relation to people who probably bought a three-bedroom house and now, because we have availability of a four-bedroom house after going down through the categories, we are able to offer them an upgrade from three to four bedrooms. Obviously if you buy a four-bedroom you will have to pay the amount a four-bedroom costs as opposed to the three-bedroom.

Maybe that is where the hon. Member got confused about the charge. There is no charge. Instead of buying a three-bedroom, if you have been upgraded to a four-bedroom you must realise that you are going to have a bigger mortgage and a bigger debt because you are buying a four-bedroom as opposed to a three, but that is the only thing.

**Hon. R M Clinton:** And just finally, Mr Speaker, if the Minister can confirm that effectively the pricing structure is the same as was originally advertised?

**Hon. S E Linares:** Yes, sir.

## HEALTH AND CARE

**Q169/2019**

### **Healthcare workers – Numbers classified as frontier/cross-border**

**Clerk:** Question 169, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state by percentage the number of GHA, Elderly Care Services and Mount Alvernia healthcare workers who are classified as frontier/cross-border workers?

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

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, currently the percentage of healthcare workers within the GHA and ERS classified as frontier workers is 19%.

1385 **Hon. E J Phillips:** Can the Minister not break it down into ...? What I have asked for is GHA and Elderly Care Services. What is the percentage of workers at the GHA who are frontier workers?

1390 **Hon. P J Balban:** Mr Speaker, the percentage is the total figure of all of the three components – the GHA, Elderly Care Services and Mount Alvernia, which is part of Elderly Care Services, but if I have it as a supplementary ... no.

1395 Mr Speaker, actually the reply I have given has been a holistic reply of all the things together. If what you want is a breakdown, will you please either write to me or ask a question next time and I will make sure that you get a breakdown completely of all the three groups. What has been done is a collective 19% between all of the GHA ... *(Interjection)* Yes, staff are totally interchangeable as well, so if you can ask that question again I will be able to give you further information.

1400 **Hon. E J Phillips:** Mr Speaker, with respect, I thought the question was fairly clear from the language, but if the Minister can endeavour to provide me that information rather than ask the question again, it would be helpful. I would rather not ask another question if I can get the information from him direct.

1405 **Chief Minister (Hon. F R Picardo):** Just so that the hon. Gentleman understands it, we announced – indeed, it was something that was announced at the time – that we extended the Agenda for Change to those who were working at Mount Alvernia, Elderly Residential Services etc., and in that context made them GHA employees also, and so they are now totally freely transferable. So, somebody might be working at Mount Alvernia today and could be transferred tomorrow to St Bernard's, to one of the wards there which is medical, one of the wards that is elderly residential, and the next day to John Mack Wing. So, it is not possible to say where the frontier worker is at any time, although you could take a snapshot in a moment, which would involve a census of who is in what ward and in what facility, but they are now all, those who are directly employed by the Government, GHA employees.

1415 **Hon. K Azopardi:** I appreciate that and we are grateful for the clarification. Does the Government have a feel, from 19% of the total employees of the GHA being frontier/cross-border workers, or healthcare workers, where those jobs arise predominantly?

1420 **Hon. Chief Minister:** My own instinct is that it arises across the board, so for example you might find that there are some who work in one particular division and some who work in another division and those divisions are completely different. And the way that the question is worded it does not just apply to non-British nationals. You could have even Gibraltarian British nationals who have given an address across the Frontier because it is their current residential address. I think that this affects generally the service and not just one particular pocket or area.

**Q170/2019**  
**Mount Alvernia –**  
**Number on waiting list**

1425 **Clerk:** Question 170, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government update this House as to the total number of applicants awaiting admission to Mount Alvernia?

1430 **Clerk:** Answer the Hon. the Minister for Health and Care.

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, there is no waiting list for admission to Mount Alvernia specifically. There is, however, a list of applicants for admission into the Elderly Residential Services, which comprises Mount Alvernia, John Cochrane Ward, Calpe Ward, the Jewish Home, Hillside and the John Mackintosh Home. Currently, the number of applicants on this list stands at 343.

**Hon. E J Phillips:** Does the Minister have a figure for the average waiting time as well insofar as the figure? It seems pretty high, 340, and I just wondered whether he knew what the average waiting time for members of our community who have sought those services.

**Hon. P J Balban:** Mr Speaker, I have not got an indication of waiting time, but obviously, as you would expect as an ageing population, this figure over time will, fortunately or unfortunately, get greater.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I note with interest that the Minister describes the waiting list for the different homes, and the only one that springs to mind for a different purpose is that of Hillside because obviously it includes those suffering with dementia. Wouldn't that statistic need to fall in a different category in order to ensure that that category is actually in one of its own class and therefore we can gather better data for dementia sufferers?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this is an area where what the hon. Lady will see is that people go on this list and they may or may not be diagnosed with Alzheimer's or dementia but there is not a separate list, and as the Alzheimer's or dementia may progress, these individuals may therefore be accelerated.

What I would have said earlier is that this is not about average waiting times, this is about individual medical need, so many people who are on this list are happily living at home, they have a carer and it makes sense for as long as possible to stay at home – it is a more comfortable environment. What we are doing by providing care in the community means that even those who may not be able to be living in the extended family setup are provided for in the mornings, at lunchtime and in the evenings, and when you are not able to be in effect sleeping alone at night – because we do not provide 24-hour care – that is when you are accelerated and brought into Mount Alvernia.

So, you could have somebody here who says at age 65, 'I would quite happily go into Mount Alvernia' and puts their name down and is going to be, under successive administrations no doubt, a very healthy and happy 95-year-old still living on their own, maybe at that stage with some care. You could have a 65-year-old who then manifests with early-stage Alzheimer's or dementia, that gets worse, and – unfortunately, as we know, these things move quickly – by 67 or 68 she or he might be in full-time residential care. So the average waiting time I do not think tells us anything that we need to know. It is, as the hon. Lady has said, the need that really tells us what we need to know and we know that as people reach the stage where they require residential facilities we are able to provide that. Sometimes people need to go into a respite bed whilst a bed becomes available, but it becomes available pretty quickly.

**Hon. K Azopardi:** Given that answer, Mr Speaker, is it correct to assume that you do not actually have to be on the waiting list at all to be admitted to any of those facilities?

**Hon. Chief Minister:** Yes, Mr Speaker, that is absolutely right and the hon. Gentleman may find that there may be admissions to these facilities – for example, directly as a result of family intervention or directly as a result of intervention in the hospital – of somebody who has manifested at the hospital with a medical emergency and at the end of treating that medical

emergency, which might take hours or might take weeks or months, it is impossible to discharge them back to their home with care in the community or back to their family because the circumstances are generally ones where institutional care is required, then that person would go straight into that institutional care.

This is what you might call the voluntary list, the list that we might all think about going on. This is not the necessarily the need list, and what is driving the provision of this care has to be need.

**Q171/2019**  
**Hearing aids –**  
**Waiting time**

**Clerk:** Question 171, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state why the lead time for hearing aids is upwards of five to six months after the recommendation has been made by a GHA clinician?

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

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the waiting time for hearing aids fluctuates depending on the needs of each individual patient, the urgency of each case and the patient's choice of hearing aid type. The average waiting time is approximately 12 weeks.

**Hon. E J Phillips:** Mr Speaker, this is not the information that we are receiving from people who are fairly distressed by the fact that they are waiting a significant period of time for a hearing device to allow them to enjoy life insofar as hearing is concerned. There have been a number of issues relating to individuals; they have complained at this length of delay and demonstrated that from the appointments that they have had with the GHA clinicians. That is why we brought the question to this House, to ascertain why there has been a delay.

I take it from his answer that most of those delays have been driven by the actual specific device that is required, as opposed to the general waiting time for an ordinary hearing device. Is that right?

**Hon. P J Balban:** Mr Speaker, yes, it very much depends on the type of device. If it is just a standard device which helps hearing, then it can be as quick as ... it could take weeks. This is why we say the average is 12 weeks. For something more specific, where people want something themselves which is more specific or where the doctor or the audiologist thinks that they would be benefited by another specific type of hearing aid, that can take longer because these are made for the person. These are not off-the-shelf things that you would prescribe and give to patients. That is why there is a discrepancy between date of referral and the date you actually receive the hearing aid itself.

**Q172-73/2019**  
**Autism spectrum disorder –**  
**Guidelines for diagnosis; qualifications of diagnosing professionals**

**Clerk:** Question 172, the Hon. E J Phillips.

1520 **Hon. E J Phillips:** Mr Speaker, can the Government state what guidelines/criteria are applied to the diagnosis of autism spectrum disorder in Gibraltar?

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

1525 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 173.

**Clerk:** Question 173, the Hon. E J Phillips.

1530 **Hon. E J Phillips:** Can the Government state the qualifications which are required by healthcare professionals for the diagnosing of autism spectrum disorder?

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

1535 **Hon. P J Balban:** Mr Speaker, the diagnosis of autism is made collectively by a multi-disciplinary group, known as the Autism Team, comprised of speech and language therapists, educational psychologists, occupational therapists, consultant paediatricians and consultants in child and adolescent mental health. Each of these professionals will hold the appropriate qualifications in their specific area. A consultant paediatrician and/or a consultant in child and adolescent mental health, who are respectively members of their pertinent professional bodies and registered with the General Medical Council, will confirm the final diagnosis.

In the diagnosis of autism spectrum disorder, as in most areas of medicine, the GHA endeavours to apply the principles or guidelines of the National Institute for Health and Care Excellence (NICE).

1545 **Hon. E J Phillips:** I am grateful to the Minister for that answer. Can he confirm – and I understand the last part of that question – that the NICE CG128/2011 is applied in Gibraltar as opposed to the 2012 guidelines?

1550 **Hon. P J Balban:** Mr Speaker, that question is very specific and I would need notice of that question to find out before I give the wrong information.

1555 **Hon. E J Phillips:** Whilst I understand that the Minister may need further information to populate his answer, the question I did ask was what guidelines/criteria had applied and, if the guidelines are the NICE guidelines that he has referred to, surely he must know which ones they are, either 2011 or 2012 – there are only two. That is the specific question I asked. The national clinical guidelines in the UK which were applied in Gibraltar, as we know from his answer, are either 2011 or 2012. I would have thought it a fairly straightforward answer.

1560 **Hon. P J Balban:** Mr Speaker, because the GHA endeavours to be ahead of the time, I would say the 2012 NICE guidelines are the ones that are being adhered to. It would not make any sense to be adhering to one which was a year earlier, 2011; it will be 2012. As I said, I will endeavour to make sure, but it would make total sense that it would be the 2012 guidelines.

1565 **Hon. E J Phillips:** I am very grateful for that answer. There is a discrepancy in the information that I am receiving and behind the Speaker's chair I would like to talk to him about a specific case where I can help an individual concerning those particular guidelines and where the answers to your question may not be what has been happening in practice, so if we can speak afterwards we can discuss the particular case, if that is okay.

1570

**Q174/2019**  
**Type 2 diabetes –**  
**Number of children diagnosed**

**Clerk:** Question 174, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state how many children under the age of 16 were diagnosed with type 2 diabetes over the last four years?

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

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the GHA has no record of any child under the age of 16 having been diagnosed with type 2 diabetes over the past four years.

**Q175/2019**  
**Obesity rate –**  
**Breakdown by age group**

1580 **Clerk:** Question 175, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state Gibraltar's obesity rate for each age range in Gibraltar?

1585 **Clerk:** Answer the Hon. the Minister for Health and Care.

1590 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, obesity is defined as having a body mass index in excess of 30. The numbers of clinically obese patients known to the GHA in each age range are as follows. Under the age of 20 years there are 131; between the age of 20 and 29, 784; between 40 and 59, 1,461; between the age of 60 and 79, 1,506; between 80 and 99, 214; and anyone over 100 years of age, there is no one. *(Laughter)*

1595 **Hon. E J Phillips:** Mr Speaker, I am grateful for those specific answers. The reason why I have asked for them is because it is taking me some time to get through the GHA's website and there is a question on the Order Paper relating to the GHA Health Matters Report, which would obviously give information like this.

1600 These are obviously concerning statistics for our community as to obesity levels, particularly in relation to 20 to 59, which I think in fact reflects some of the concerns that we had in the last Parliament in relation to the GHA Health Matters Report of 2016. I cannot say whether they have increased because I actually cannot get a copy of the link online, unfortunately.

1605 What is the Government doing insofar as raising awareness of this very serious issue that affects our Health Service, and in particular insofar as awareness is concerned on the ground, given the fact that clearly increasing obesity rates in our community are not only going to affect the health of our nation but also the purse strings at the GHA and the increasing amount of money that we spend on healthcare because of these obesity rates and the future healthcare needs of our community? I would ask the Minister if he could really clarify how we are going to try and move our community towards lower figures of obesity into the future.

1610 **Hon. P J Balban:** Mr Speaker, the levels of obesity nowadays are referred to as an epidemic. Obesity is growing throughout most of the world and even in the third world is something which is growing, but it has always been termed a part of affluence. That is not necessarily so. If you

look at research in the UK, it shows that people who are less well-off tend to have a greater incidence of obesity than people who are more affluent. You would expect the opposite.

1615 In the UK at the moment around 15%... in fact, 29% of residents in the UK are obese and this is something which I can only assume in Gibraltar will be growing. It is something which is very close to my heart because obviously I trained as a dietitian and obesity is something which links up many different diseases, the common diseases that are totally preventable – for example, heart disease, cholesterol, triglycerides, and things like diabetes even, which is a former question. We have not seen it yet – I come back to the previous question. Non-insulin-  
1620 dependent diabetes is not something which we have come across yet in Gibraltar, but it is something which is clearly happening in other places whereby as children get heavier the chances that their pancreas will be working are much reduced and you do get the incidence of diabetes commonly attributed to people in older age.

So, for us it is extremely important and for me personally is something that I will be working  
1625 on with the health promotion team because it is only through education and starting off young that we can hopefully show our younger generation that it is through health awareness and living healthy lifestyles that we will be able to make Gibraltar a healthier place. That will have, obviously, repercussions on our health and well-being and also on the amount of money that needs to be spent on healthcare into the future.

1630 I have only been Minister for Health and Care for a number of weeks but we have already had a few meetings with the relevant and significant parties dealing with health promotion to strategise and see how we move ahead more effectively, but it is this Government's very clear intention that we will push for a healthy Gibraltar, a child-friendly Gibraltar, and this is the way that I will be moving in the years to come.

1635 **Hon. E J Phillips:** Whilst I agree absolutely with everything the Minister for Health has said in relation to the health of the nation and increasing awareness amongst our young people and our families to have a healthier Gibraltar, what specific measures is the Government currently considering? I know he has talked about having meetings, but what specific measures is he  
1640 actively encouraging that we put in place to reduce the overall obesity rate in Gibraltar?

**Hon. P J Balban:** Mr Speaker, we have been looking at the way children view healthy eating, so tackling aspects of teaching how we should eat, educating people to try to avoid foods which are conducive to weight gain and also tackling a very important aspect, which is activity and  
1645 exercise, because it is only through exercise and activity that we can keep our bodies fit and tackle not only the issue of obesity but also make ourselves fitter in every respect. So, it will be a dual-pronged approach where we look at what we are eating and how much we are expecting and teaching people the importance of exercise through active lifestyles.

If we compare the incidence of obesity in Gibraltar, it is 12.9% in Gibraltar compared to what  
1650 it is in the UK, 29%, so we are significantly, statistically, below the incidence of obesity in the UK.

**Hon. E J Phillips:** Mr Speaker, we had this question in the last Parliament insofar as certain age ranges and it found us to be, in certain categories, very obese, which is the concern that has been raised in every single GHA Health Matters Report. That has been raised by the clinicians  
1655 themselves and the GHA themselves and I am quite surprised that the general statistic of twelve point something has been raised in this House in comparison to the United Kingdom.

I think any level of obesity in our community should be tackled insofar as awareness is concerned. Some of the campaigns the Government has done in relation to, for example, drink driving, drugs and domestic violence on television – and we have had these debates before, as  
1660 the Minister for Social Services before – but I think if the Government considers those strong awareness campaigns on television, to look at the food that we are putting into our systems, what we are feeding our children, that would, I think, go a long way, as well as other forms of

campaign. That is what I was really trying to get at with the Minister, as to how we can pursue those campaigns.

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**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the hon. Member asked my colleague what specific measures the Government was taking in this regard, and I just rise to mention one particular specific measure and that is the lunches which are being provided in schools. That is a very deliberate decision that has been taken by the Government, not just to have lunches but the type of lunches that are provided. We have worked with the provider and with the GHA in terms of the nutritional value that needs to be provided. The lunches are provided on the basis that there is baking and boiling but no frying, and there is non-carbonated drink as well as fruit provided. This is intended to provide a balanced, nutritious, healthy diet, which is part of the agenda which my colleague just mentioned.

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**Hon. K Azopardi:** Can the Minister help me because I am slightly perplexed as to how these statistics are collated and perhaps from his position as Minister for Health, or indeed from his professional experience in dietetics ... He has read out a whole string of categorisations adding up to approximately 4,000 people who fall into different categories, depending on age groups. My question is: how are these actually assessed then collated? Where is this exercise derived from? Presumably there must be some kind of scientific basis for this. For example, last time I looked there was not someone in a GHA white tunic assessing me as to whether I was obese or not, but clearly these are very specific numbers, so where do they come from? And, depending on that answer, how confident can he be in relation to his assessment of the 12% comparison to the 29% in the UK?

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**Hon. P J Balban:** Mr Speaker, these statistics are derived from statistics we have within the primary care, so it is a limited bank of data. Other than that, there are also the school nurses, who will go and weigh children and take heights, but this is how we collect our statistics.

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**Hon. K Azopardi:** So, does the Minister agree that, given that roughly that 12% presumably is the correlation statistically against the population of that bank of statistics collated solely by the Primary Care Centre, because you are not extrapolating any statistics obtained from private medical practitioners, the statistic in comparison with the UK could actually not be as favourable as the Minister thinks?

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**Hon. P J Balban:** Mr Speaker, we would not be able to tell because we do not know how the UK does it. For example, if we look at Wales compared to the UK, you cannot compare the Wales statistics to the England statistics because the ways they collect data and get the data are different to each other. So the report will split them up. We have our own method.

1700

I have tried to assist the hon. Gentleman in his question, tried to set out the extent of the problem. In my mind, I think that the problem could well be more than that; I would not say that it is less than that. But for me, out of my own personal interest, I would very much like to know exactly what the extent of the issue is because then as we intervene we can see exactly what effects that has on our population and the population's health. The data really is everything when we come to health and indeed many other fields, especially scientific fields, and without that baseline it is very difficult to see how your intervention is working, or whether it is not, and how you can make it work better.

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I will engage my staff to see. This is the thing: I have only been here for a number of weeks and I do really want ... I am very interested in this topic and seeing how it is done and seeing how we can get data which is truly meaningful in that respect.

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**Minister for Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** If I may assist, Mr Speaker, I have political responsibility for public health and I work very closely with my friend and colleague the Hon. Paul Balban.

Let me just say that there was published a health survey in 2015 which gave the percentage of obesity at that time. Clearly that information will be slightly dated, so the empirical data that has been collected by the GHA since then has to be seen possibly as an update but has to be looked at together with the research that was published in 2015.

In answer to some comment earlier, Public Health Gibraltar, as we call it now, is preparing a series of public health campaigns where we will be working very closely with the GHA, and tackling obesity will be one of these. I thought I would assist my colleague.

**Q176/2019**  
**Health Matters Report –**  
**Date of next publication**

**Clerk:** Question 176, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state when the next GHA Health Matters Report will be published?

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

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, there is no date set for the next publication of the GHA's Health Matters Report.

**Hon. E J Phillips:** I am grateful for that answer and slightly surprised that the Minister cannot give an indication as to when this will be published, given the fact that data is probably the most important thing for the Minister when assessing the future health need of our community and I suspect that the report will help him to develop a policy and solve issues like this, or at least try to solve issues.

I know that the Minister for the Environment has got to his feet to explain the survey, which is actually a very important survey because it sets out obesity levels quite significantly and those are the ones that drew my attention in the last Parliament. Therefore, I am perplexed why the Government has not seen fit at least to commission a further report, because there have been a number over the last 10 years, ending in 2015, which has been referred to by the Minister for the Environment.

So, can the Minister give any reason why this is not currently being prepared? Has there been a decision not to? I would have thought that, as I said before, the data is very important for him in his role.

**Hon. P J Balban:** Mr Speaker, I have not said that there will not be a report. Government is actively looking at it and I have just said in my reply that no date has been set yet, a commitment date so we can say you can hold us to a specific date.

As you have just said, and leading on from the previous reply, data is extremely important for all scientific fields and without that data it is very difficult to see how we are progressing and how the health of the nation improves or gets worse. It is something which I will endeavour to look at. I think it is extremely important and Government is looking at the next report, but as yet there is no specific set date.

**Hon. E J Phillips:** I agree. The difficulty is when you click on the link to 2016 it actually shows a report from 2014-15, and whilst I accept that, it is clearly important, if we are going to assess the future health of our community, to have that report which engages with the general population as to their health needs and what their expectations are of our Health Service. Therefore, I would ask the Minister if he could give me an updated answer to that question in due course as to when he believes it may be published and made public.

**Hon. P J Balban:** Absolutely, the moment we are sure when it will happen. We have all agreed and we already said that it is important to have data. I would not have it any other way. We need to make sure that data is relevant and as up to date as possible, and the moment we have an indication as to when we can provide that benchmark, that information, I will obviously make an announcement and let the hon. Member know.

**Q177/2019**  
**GHA complaints –**  
**Number received in 2019**

**Clerk:** Question 177, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, in 2018 a total of 527 formal and informal GHA complaints was received. Can the Minister confirm the number for 2019 so far?

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

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the number of complaints received by the GHA from January to November 2019 stands, so far, at 103.

**Hon. E J Phillips:** Mr Speaker, that is informal and formal complaints, correct?

**Hon. P J Balban:** Mr Speaker, that would be the total of those complaints, so there is a much decreased number, from 527 to 103.

**Q178/2019**  
**GHA complaints –**  
**Out-of-court patient settlements**

**Clerk:** Question 178, the Hon. E J Phillips.

**Hon. E J Phillips:** Well, Mr Speaker, of course if complaints are going down then they must be doing something right, I would expect, but in due course we shall find out more, once we ask further questions.

Can the Government state the amount paid out to claimants by the GHA and/or the Government in respect to settlement of complaints/out-of-court settlements in respect of 2019 so far?

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

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, during 2019, £402,280 has been paid out by the GHA in out-of-court patient settlements.

1795

**Hon. E J Phillips:** Insofar as the £402,000 for out-of-court settlements is concerned, how many of those relate to certain claims? How many claims in total, do you know?

**Hon. P J Balban:** Mr Speaker, 10.

1800

**Hon. E J Phillips:** Mr Speaker, this may be subject to another answer. Does the Minister have this information: given the fact that these are out-of-court settlements to claimants, which I assume will also include the legal costs of the individual claiming as well, or an all-inclusive figure, does the Minister have the figure for the amount of money that the Government has spent on their own lawyers in dealing with these out-of-court settlements, or at least settling the cases?

1805

**Hon. P J Balban:** Mr Speaker, I do not have that specific information at hand.

1810

**Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: would I be correct in my understanding that the Government is self-insured in respect of these claims?

**Hon. P J Balban:** No, Mr Speaker.

1815

**Hon. R M Clinton:** So, Mr Speaker, the Government does have, obviously, insurance. Has a claim been made in respect to these payments out that would be covered by insurance? Or these are payments that are not covered by insurance, or are outside the insurance agreement?

1820

**Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not a question that I think can reasonably be expected to be answered arising from this supplementary. If the hon. Gentleman wants the information, he should, in my view, ask a separate question because when it comes to out-of-court settlements, in some instances that will have been included in the amounts paid over by insurers, in some instances it may not be paid by insurance. Insurers may say, 'If you want to cover it, you do that yourselves, but we are not prepared to cover it.' I do not know whether all these 10 are paid for by the insurers or not. We would need specific notice of that question.

1825

#### Q179/2019

#### Patient Advice and Liaison Service – Purpose

**Clerk:** Question 179, the Hon. Ms M D Hassan Nahon.

1830

**Hon. Ms M D Hassan Nahon:** Can Government confirm the main purpose of the Patient Advice and Liaison Service (PALS)?

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

1835

**Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the Patient Advice and Liaison Service, known as PALS, offers confidential advice, support and information on health-related matters. It provides a point of contact for patients, their families and their carers, and listens to any concerns or suggestions.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, considering the answer quoted by the Hon. Minister is actually 'point of contact', I ask for clarity because it happens that three constituents have reported shortcomings in the service. One patient, for example, suffering from severe blackouts diagnosed since 29th July then waited over three months to be heard back from, and when the GHA got back in touch with him was told to get in touch with PALS, at which point he constantly called and only received answering machines and nobody in the actual office.

So, my question is if PALS is meant to be a point of contact, is it fit for purpose and is the GHA diverting patients and their concerns straight to PALS?

**Hon. P J Balban:** Mr Speaker, PALS, as far as I am aware, does a very good job. Obviously it is concerning to hear of that specific case and we will need to look into that, but so far the feedback that I get from PALS is that many people are seen to quickly and their concerns and complaints are addressed satisfactorily.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have to add that I normally would not have had a problem. Had this constituent come to me directly I would have gone directly to the Minister, where I am sure he would have helped, but it is because of the fact that the patient went to PALS. So, I would like to ask: is the aim of PALS to actually deal with and help the patient, or to assist with information gathering for management and the health professionals instead?

**Hon. P J Balban:** Mr Speaker, PALS is there to deal with enquiries and issues that patients may need seeing to. They are there really to provide information and at many of these appointments or meetings PALS will find an immediate solution and therefore a complaint never materialises, so it is a point of first contact as well. And if a patient, once the solution is found, nevertheless feels that they want to take it further, by all means they can take the complaints procedure further, but I am told that PALS is extremely effective in finding solutions to the vast majority of patient requests.

**Hon. Ms M D Hassan Nahon:** Thank you. If I can just ask one more question, does the Minister know – even if we give him the benefit of the doubt and this case would have actually been an anomaly – how open PALS is? The answering service and the people working for PALS, how open are they to patients? How open should they be and accessible to the patient?

**Hon. P J Balban:** Mr Speaker, the staff are 100% open to all the complaints and procedures. Are you asking me for days and time while they are open as a department? Obviously if you had a complaint at three the morning you would have to wait for the next day to lodge it, or you would have to seek their advice and their counsel to see what they can do to assist you, but as long as they are open they are 100% available to help patients and their families.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask the Minister: what would I say to this constituent – that it was a rare occasion where during office hours PALS was closed, or that he should refer himself directly to the GHA? How should he proceed?

**Hon. P J Balban:** I will see why it could have been closed. It may have been an unfortunate situation where maybe – again I am speculating – the person behind the counter had to go for a toilet break. I do not know. I cannot tell you the exact reason why that office was closed or it was not available during working hours. I honestly cannot say, but it is something which is of concern. I suppose it can happen, but I just do not have an answer for her. If the hon. Lady wishes to get in touch, I am more than happy to try to at least find out and prepare a timeline and let us see what the case is, because that is what their job is. Their job is to find real solutions to people's real problems.

**ADJOURNMENT**

1890 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I know that most Members will want to join me in congratulating Alice Mascarenhas, formerly of the *Gibraltar Chronicle*, who is, this evening, launching a book of her interviews with different subjects. I know that most Members will be invited to that and I wonder whether this might be, therefore, a convenient time to adjourn until Wednesday at 3 p.m., so that we can then continue Question Time.

1895 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Wednesday at 3 p.m.

I now put the question, which is at this House do now adjourn to Wednesday at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Wednesday at 3 p.m.

*The House adjourned at 6.19 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.03 p.m. – 7.28 p.m.**

**Gibraltar, Wednesday, 18th December 2019**

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## The Gibraltar Parliament

*The Parliament met at 3.03 p.m.*

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

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

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

**Clerk:** Meeting of Parliament, 18th December 2019.

Suspension of Standing Orders. The Hon. the Chief Minister.

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

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

### **Criminal complaint against VOX – Statement by the Chief Minister**

- 10     **Chief Minister (Hon. F R Picardo):** Mr Speaker, thank you once again for permission to make a Statement this afternoon.

Her Majesty's Government of Gibraltar has today filed a criminal complaint against four leaders of the Spanish ultra right-wing political party VOX. The complaint has been filed in Spain, where the statements were made and where those who uttered them are resident, pursuant to Article 510 of the Spanish Penal Code, which deals with offences of incitement to hatred. This is only the first of a number of legal routes that the Government will pursue to counter VOX's narrative of unabashed hatred against the good people of Gibraltar. Other actions will follow in other jurisdictions.

15     In this complaint, the Government brings to the attention of the Spanish prosecutors a long list of statements emanating from VOX and its national and regional leaders. These reveal a clear strategy of disparaging the Gibraltarians and our institutions in a manner which seems clearly designed to create an atmosphere and animus of hatred among Spaniards towards Gibraltarians. These are the sorts of practices that were employed in the 1930s in Germany by the National Socialists and Hitler in whipping up aggression against the Jewish people, these are the sorts of practices we have seen in the Balkans at the time of ethnic cleansing, and this is the underlying reality of the tactic that is playing out now in relation to the Gibraltarians in the discourse being promoted by VOX. That is why we have to make a stand now. Indeed, only recently the former leader of VOX in La Linea resigned, himself accusing the national party leadership of fomenting hatred against Gibraltar. Mr Speaker, he was probably privy to their own internal discussions, and that is very telling indeed.

30 In recent days, some of the online comments provoked by statements made by VOX and its  
national leaders have been extraordinarily clear in explicitly and specifically urging violent action  
against Gibraltar. This is intolerable and shameful. Her Majesty's Government of Gibraltar will  
not stand idly by whilst these statements are made. What we have done is avoid knee-jerk  
reactions. We have taken specific advice, we have worked carefully and diligently in order to be  
35 able to prepare the best case possible, and now we have filed our case. It will now be up to  
Spanish prosecutors to determine if the case should proceed or not. There will be technical  
aspects to it and there will be substantive aspects to it that they will have to make an  
assessment of. We are advised we can be confident of the prospects of the case progressing, but  
we take nothing for granted and we are ready to take other action also in case this action does  
40 not prosper.

As in most other countries in Europe and the civilised world, the law of Spain punishes hate  
crimes. Her Majesty's Government of Gibraltar is mindful of a long and dark history in Europe,  
which I have already referred to, where minorities have been targeted by extremist political  
ideologues. The outcomes of some of these campaigns of hatred are an indelible blot on  
45 European history and the Government will leave no stone unturned to ensure that the  
promulgators of anti-Gibraltarian hate are prosecuted to the fullest extent of the law.

In addition, the Government has asked the Spanish prosecutors to investigate incitement to  
hatred aspects of the posts of the online group Gibraltar Español, a social media group which  
regularly disseminates unjustified allegations against Gibraltar and which has recently been an  
avid echo chamber for the anti-Gibraltarian incitement to hatred claims of VOX. These matters  
50 will also be raised directly with the social media platforms that host the puerile and hate-fuelled  
content of that group.

Mr Speaker, Her Majesty's Government of Gibraltar is deeply committed to the principle of  
freedom of expression but we will not accept that this fundamental freedom should be abused  
55 by those who mean to cause us harm by inciting hatred against the people of Gibraltar. There is  
an important dividing line between the right to speak one's mind, however much we may  
disagree with the views expressed, and incitement to hatred, libel, slander and defamation. We  
will not allow anyone to cross that line unchallenged and we will take every recourse available to  
us, all and each of us in every tribunal available to us in order to counter those attempts we  
60 perceive to incite such hatred.

History has seen these moments pass before with those who have raised the temperature in  
this way remaining unchallenged. That will not happen on my watch, Mr Speaker, whilst my  
Cabinet colleagues and I are responsible for the discharge of our nation's affairs. That is why we  
have taken this action and why we will take other action in other tribunals in order to properly  
65 and fully protect our people.

Mr Speaker, on this issue I call for unity in this Parliament, unity amongst our political parties,  
our people, and unity amongst all in our nation. It is that complete unity that will be our greatest  
strength. *(Banging on desks)*

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

**Hon. K Azopardi:** Mr Speaker, I am grateful for the Statement made by the Chief Minister on  
this important development which he has raised.

I entirely understand why he has stopped short of perhaps giving us detail of these things,  
75 but it is unclear which statements he is specifically talking about, alluding to or homing in on, or  
indeed that is the core and is at the crux of the action taken by the Gibraltar Government. The  
extent to which, of course, this is new is again a matter of detail, because of course for many  
years now there have been comments made of a deeply divisive nature by Spanish politicians  
both institutionally and on a private level. I appreciate that this may have reached a level at

80 which the Government has decided to act and they will certainly have our support on taking a stand in relation to hateful comments of the people of Gibraltar, which of course are repugnant and rejected by all Members of this House, including the Members on this side of the House.

Having said that, it would probably be helpful for the Chief Minister to give us a bit more detail. Although I stress, in asking for that, that I am not asking for him to do so across the floor  
85 of the House, because there may be issues that would affect the action that has been taken as a result of which he could not be explicit publicly about the particular statements or indeed the content of the documents that have been submitted. So I am not asking for him to explain in terms of clarification across the floor of the House what exactly is being put or attacked by the Government's action, but rather to perhaps brief us privately on the action taken and the  
90 statements which have given rise to this deep concern of the Government.

Falling short, of course, of the detail, all I would say from across this floor is that we certainly, on the Opposition side, share the rejection of statements of hate that are repugnant generally and specifically, any statements that are made which are deeply divisive, false, have no foundation and are deeply critical of the people of Gibraltar in a way that tries to create  
95 animosity between our European peoples, because ultimately those kinds of statements that are false do nothing to foster an atmosphere of constructive good relations with sovereignty to one side, which is what we all aspire to in a modern Europe.

I will say this, though, in closing my observations on the Chief Minister's comments. The decision of the Government to take legal action may be merited – and indeed once the Chief  
100 Minister tells me privately what those specific matters are we will be a bit clearer – but I would slightly be concerned that, as the Chief Minister has made clear in his Statement, they have filed a document which then would be for Spanish prosecutors to act on, and so on, and all I would say as my observation is that we would of course hope that decisions that are taken as a result of whatever the Government has filed are taken in a legal and non-political way. But there have  
105 been observations made by others in respect of other legal processes in Spain recently, where people have been critical as to whether the decisions taken have been non-political or at least not influenced by politics and I would hope that the outcome of any judicial process in Spain, or indeed any decision by prosecutors in Spain, is taken on an entirely non-political basis.

All I would add to that is that of course if decisions are taken not in favour of whatever the  
110 Government has filed, it does not make the statements themselves less hateful as a result, and when you open an avenue like that – and I would hope the Government will have considered that possibility – it is always important perhaps to consider the danger that an outcome which is not positive because of other factors, other than a substantive evaluation of the statements themselves, then make it look as if the statements themselves have been vindicated.

115 I am sure the Government will have considered all that, and he certainly has our support in terms of the rejection of false statements about the people of Gibraltar that do nothing to assist in constructive good relations. *(Banging on desks)*

**Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for his support and I  
120 will seek to address some of the matters that he has raised in setting out that support.

First of all, the hon. Gentleman is right to say that we have not published the complaint that we filed because we are advised it is not possible for us to do so at this stage. I have no difficulty, however, providing him with a copy of that complaint, and the hon. Lady, so that they can see the statements that we are complaining of. It is really quite something when one sees them all  
125 together in one document, Mr Speaker. We may have ourselves become a little inured to the fact that VOX says these things and we are hearing them as some of the white noise of the argument against Gibraltar, the more puerile argument against Gibraltar. Put all those things together in one document, you read them all one after the other, and you do see the strategy that VOX are developing in black and white, there on a sheet of paper, and it is very worrying.

130 I am going to share that with the hon. Gentleman and the hon. Lady so that they have a copy  
on the terms that it cannot be published because we have been advised it cannot be published.  
We will be preparing a summary of what we have said, but this is a document filed with a  
prosecutor as a complaint under the Spanish system and it is right that that document should  
not be public, at least from the point of view of the complainant, until such time as the  
135 prosecutor has decided whether it should go forward, whether it should be made public in its  
entirety or not.

I do think it is also important, Mr Speaker, that we understand that this is not just about  
statements being divisive, although I absolutely share the remarks of the hon. Gentleman that  
divisive statements are unhelpful and that they do not take us to the sort of relationship that we  
140 should be having with our neighbour. This is beyond the issue of creating and sowing division.  
Some might say that that is just the type of politics that somebody else wants to pursue and it is  
legitimate in the context of democracy in a way that we might not share; sowing division is not a  
crime, although it may be something that one would never recommend or be supportive of. In  
our view, the complaints we are making are about the balance having been tipped into  
145 criminality and the particular offence being incitement to hatred.

Mr Speaker, the sort of language that we are complaining about – this is public because it is  
something that has been said in public – is that Gibraltar does not provide employment to  
Spaniards but that we hold Spaniards hostage here, that Gibraltar is a leech on the economy of  
the Campo de Gibraltar, that we are money launderers, that we are a nest of criminals. All of this  
150 comes from exactly the same group of individuals and they are saying it constantly and  
repeatedly that the Campo de Gibraltar is kept in penury as a result of the actions of the  
Government of Gibraltar and the economy of Gibraltar.

That is clearly a strategy that is being developed by this particular political party, by VOX,  
because you see that these statements are repeated by different of their political leaders at  
155 different times and very constantly. They use the same language over and again. Those things  
are said not just of the Government of Gibraltar, they are also said of Gibraltar as a whole and in  
some instances they are said about individual officers of the Government of Gibraltar.

In other cases we have seen how those almost identical statements about other races or  
groups have led to the acts of hatred becoming physical. I have referred to the 1930s in  
160 Germany and to the Balkans. If you do an analysis of the language that was used then, it is  
exactly the same language and one is left to wonder whether in fact those who are now using  
this language did not actually do an analysis themselves of the language used then successfully  
by those who were using it. If you look at what happened in Germany and in the Balkans, those  
who used this language won elections in those places.

165 Mr Speaker, we are not going to allow this to happen without it being challenged. I think  
when the hon. Lady and the hon. Gentleman see the document that has been prepared it is very  
compelling, although I do share the view that even if Spanish prosecutors were to decide not to  
progress this claim, it does not denude the complaint of merit. And why do I say that? The hon.  
Gentleman will look back at what I said in my Statement and he will see that I said that there are  
170 technical and substantive hurdles to get through, of course, but there is one very clear position  
and piece of advice – which he will understand, of course – and that is to get to the highest court  
in Europe one has to go through the paces of taking the first steps in the national courts where  
redress is available. And so, Mr Speaker, even if this particular case were not admitted at this  
stage and were not to progress at this stage, we know where we are going with this complaint.

175 I have also said that we may in any event also be bringing other cases, which are the same or  
related, in other jurisdictions and we shall be doing that not just in national courts but also, if  
necessary, in supranational courts. The hon. Gentleman may simply wish to reflect for a moment  
on the fact that in similar instances involving the trade union Manos Limpias, action was taken  
actually in Gibraltar on another basis, which led to the end of that union's remarks about

180 Gibraltar and indeed continues to be an opportunity to ensure that they are kept at bay in terms  
of those statements which they were making, which were exactly out of the same playbook,  
almost identical remarks being made. In that instance there was a label action which I brought,  
although the statements related to Sir Adrian Johns and to me but the advice at the time was  
185 that Sir Adrian could not sue and that the action should be taken in my name, but it had the  
effect of restraining the statements being made by that particular group of individuals.

Finally, Mr Speaker, as to the manner in which the decision will be made by Spanish  
prosecutors, well, Spain is a state governed by the rule of law. We have to expect that their  
prosecutors will make a decision in the proper way. If they do not do so, there are avenues of  
190 appeal available which will be pursued and those are things that we will deal with having already  
envisaged that there could be issues having taken advice on what we would do in those  
circumstances. But this is a thing to do one step at a time and we are confident that if anybody  
makes a decision about what we have filed on an objective and fair basis, then our complaint  
will progress.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Chief Minister for his Statement making  
this House aware about his commencement of legal proceedings against VOX for incitement to  
hatred.

200 We have for some time witnessed comments by the party VOX, which I trust, now that  
Government has deemed to be intolerable enough to be worthy of legal action ... Hatred is an  
evil that has to be stamped out, in whatever shape or form. We have seen and suffered the rise  
of racial hatred across Europe and beyond in the last few years, and every single one of us has a  
duty to not only condemn it but to root it out.

205 In the United Kingdom we have seen the deepening crisis within the Labour Party MPs, which  
has spiralled out of hand, leaving a very ugly legacy. Had this evil been promptly dealt with from  
the outset, instead of being brushed under the carpet and given the benefit of the doubt factor,  
perhaps so many people, so many Members of Parliament would not have suffered the threat  
and the danger that they did and the trauma that they live through to this day where a society in  
210 general has been dealt a severe blow with the anti-Semitism crisis until today.

I therefore think that we have to take lessons from this. We cannot lie on the sidelines. We  
have to be proactive and not reactive. I therefore stand 100% behind the Chief Minister and his  
team on this very serious issue. On behalf of myself and my party, we are here to help in the  
fighting of this case and I pledge to him my unwavering support on this front going forward.

215 **Hon. Chief Minister:** Mr Speaker, I am very grateful to the hon. Lady for that very fulsome  
statement of support on this important issue.

I recognise that she has referred us to another jurisdiction, not to Spain, in some of the  
remarks that she has made. It is absolutely true that Spain is not the only place where hate  
220 speak has become an issue in recent years; it is almost as if the world had forgotten some of the  
things that we saw in Europe in the 1940s, and indeed in the 1990s during the dreadful events of  
the Balkans. I do hope that the whole message from this House is understood in Gibraltar and  
beyond: when it comes to the Gibraltarians, we are not going to allow people to say things  
which are designed to incite hatred without pointing it out, standing up and seeking that  
225 tribunals which may have jurisdiction should act to restrain that incitement.

Mr Speaker, the hon. Lady referred to delaying dealing with things in the United Kingdom. It  
is also true that these statements have now been made and we have heard them made in  
relation to Gibraltar by this political party with the cacophony rising and the rhetoric getting  
worse and worse for some months, but it is also true that Spain was going through an electoral

230 period. It would have been wrong, in our view, to act whilst the electoral period was on so we  
were using that period to prepare and we have filed as soon as we were able to after that period  
of preparation because I think it would have been wrong to allow any more time to pass  
thereafter. Hate speak has no place in a pre-election period or in a post-election period, but it is  
important that Gibraltar should not be seen to be involving itself in a pre-election debate in  
235 another jurisdiction and so I think we have acted with the alacrity necessary in the time available  
to ensure that these papers were filed before the festive period commenced, so that we did not  
allow these remarks that have been made to fester or indeed so that those who make these  
remarks could continue to make them without at least knowing that they are going to be  
challenged every step of the way.

240 I am very pleased, Mr Speaker, to say that I think it is a fair summary for me to sit down  
saying that this action enjoys the support of all Members of this House in the defence of the  
good name of Gibraltar and its people. Thank you.

**Mr Speaker:** Does any other hon. Member wish to raise a question?

245 **Hon. D J Bossino:** Mr Speaker, if I could ask a question in relation to the other actions and  
other jurisdictions where those actions may be taken, which has been raised by the Hon. the  
Chief Minister: can he develop on that? I know he developed in his reply to the Hon. the Leader  
of the Opposition, but I wonder if he could develop some more of the detail. Is the action going  
250 to be emanating from Spain only, or is he thinking of starting originating procedures in other  
jurisdictions, for example? That is just the point of clarification I would ask him to provide an  
answer to.

**Hon. Chief Minister:** Mr Speaker, I have not said more because I do not think it is prudent to  
255 say more at this stage, and I do not think he will want to draw me to say things which are not  
prudent in the context of being able to develop those other applications in a way that is most  
advantageous to the people of Gibraltar. But I did say in my Statement that it would be in other  
jurisdictions – and that is plural, that is more than just one more. I will be able to say more as the  
cases develop and as the work that needs to be done, some of it preparatory, is finalised.

260 Another case is already on foot, but the advice that the Government has is that we should say  
no more about it. I am quite happy to have a discussion with him behind the Speaker's chair if he  
recognises that what I tell him behind the Speaker's chair is to be kept confidential, which has  
been the basis on which we have always shared that information on that basis – something of  
which I can no longer be confident because of matters raised in this place by other Members of  
265 his party before the last General Election.

**Standing Order 7(1) suspended  
to proceed with questions**

**Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

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

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

## Questions for Oral Answer

### ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE

**Q184/2019**

**Cultural grants –**

**Details of current year awards**

**Clerk:** We now go back to questions. We commence with Question 184 and the questioner is the Hon. E J Reyes.

275 **Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Culture provide details of all cultural grants awarded so far during this current financial year, together with details of grants committed but still to be paid?

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

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**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I refer the hon. Gentleman to the Gibraltar Government statistics website. There are no further commitments at present.

**Q185/2019**

**Disposal of household items –**

**Fines/sanctions imposed**

**Clerk:** Question 185, the Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, can the Government state how many fines/sanctions have been imposed in relation to the improper disposal of household items at all multiple bin stores?

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

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**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, 10 fines have been issued in 2019 for the improper disposal of household items.

295 **Hon. E J Phillips:** Mr Speaker, I just ask one further question in relation to this particular point. It is a complaint we hear a lot about from members of our community in relation to the illegal dumping of items and I was quite surprised by the small figure of 10 fines being imposed by our courts or otherwise. Can the Minister state what other attempts are being made to try to reduce this activity by way of awareness and other campaigns that the Government may launch?

300 **Hon. Prof. J E Cortes:** Mr Speaker, the Hon. Mr Phillips knows by way of his profession that there is a process before a fine is actually imposed and there is a process by which the person taking this process forward has to prove that the person who is going to be fined actually deposited. It is complicated because there is not always the evidence that we would like to have. Even CCTV evidence can be called into question if there is any doubt whatsoever as to the

305 identity. So it is complicated, as he will know. These are ones that have been squeaky clean, that we have been able to take to the full process and have not been contested.

There is an increase in the number of CCTV cameras. There are litter patrols. We are actually increasing that. So this is not so much a reflection of the scale of the problem but obviously the complexity of taking a case successfully to a conviction.

310 **Hon. E J Phillips:** I entirely agree, Mr Speaker, that the process is fraught with difficulties, especially when you are prosecuting someone or imposing penalties in respect of unlawful disposal of items, but my question was specifically in relation to awareness campaigns that the Government intends to deploy to try to tell people that we should not be disposing of the litter.  
315 That was the nature of the question and that was the answer I was seeking.

Thank you.

**Hon. Prof. J E Cortes:** Yes, Mr Speaker, I appreciate that, but I did want to explain that it is difficult, as he knows as a lawyer, to arrive at the outcome that you might wish to arrive at.

320 Mr Speaker, I have reconvened, I think about a week or two after the election, the Litter Committee, where we consider this issue. We give total support within the committee to the Environmental Safety Group, which carries out its 'Clean up Gibraltar' with its own awareness campaigns and we support that too. And we are looking, through the Litter Committee, which has broad representation from authorities, agencies, Government Departments and NGOs, to  
325 increasing this in order that we encourage the community not to dispose of household items in the way that some sadly do.

#### Q186/2019

#### Disposal of cigarette butts – Harbour Views Road

**Clerk:** Question 186, the Hon. E J Phillips.

330 **Hon. E J Phillips:** Mr Speaker, can the Minister state how the Government intends to tackle the prevalence of indiscriminate disposal of cigarette butts on Harbour Views Road at the gravelled area between the entrance to the hospital and Morrisons car park?

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

335 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, following the smoking ban within GHA boundaries, six general-purpose bins with ashtrays were strategically positioned to cater for smokers, mainly GHA personnel and visitors to the hospital, in the gravelled areas between Morrisons' car park and the entrance to the Hospital. These have been somewhat effective, although there are still a number of smokers  
340 who refrain from making use of the facilities provided.

The intention is to add signage to the litter bins, informing of the dangers of smoking as well as requesting the use of the ashtrays for the purposes intended. Additionally, the litter wardens and environmental protection officers will be patrolling the area frequently. There are also plans to beautify the area with further planting.

345 **Hon. E J Phillips:** Mr Speaker, this may seem like a small issue to many in our community, but in fact it is actually quite a serious issue given that the Hon. Minister will know that cellulose

acetate takes 12 years to degrade in the form of cigarette butts and therefore it is understood from my research that between 19% and 38% of litters collected on world beaches relate to cigarette butts. So it is actually a very serious issue insofar as littering is concerned, and pollution, given the fact that at the moment the littering of cigarettes is seen as an acceptable form of littering.

I think the Government needs to do a bit more than just signage. In fact, many people will ignore the simple throwing of a cigarette on the ground, unfortunately. What other measures can the Government introduce by way of legislation to impose more serious fines on those who are littering and use the littering patrolling officers the Government has employed over the last four years to ensure that people are reminded that this is actually a littering offence by disposing of this toxic and dangerous element which takes 12 years to degrade on our streets? I would encourage the Minister to try to be helpful with his answer in agreeing with us as to the degradability of cigarette butts and the dangers that it causes.

**Hon. Prof. J E Cortes:** Mr Speaker, I do not need to be encouraged to be helpful; I tend to try to be, but thank you anyway.

I do not see this as an acceptable form of litter at all. I do not think we need to legislate because it is litter and therefore what we need is enforcement. If it should be necessary to legislate specifically for this form of litter – but that is a difficult thing to do – then obviously that could be considered. I think it is a question of enforcement and public awareness.

I visit that area frequently in visiting a relative who is long term in hospital, and I used to work there, and I am quite offended by the area, how it is, which is why, and I just put it in one last sentence, we are working with Morrisons, who actually that land belongs to, to beautify the area with planting, to delimit the area with low-level fencing which will not be easy to step over, to plant quite densely in order to beautify the area and to encourage people to respect it more. Sometimes you find that when an area is not well looked after ... and that area, which I repeat is not Government per se, almost invites littering. I am not saying that any situation invites littering, but if you perceive an area which is untidy, where other people are littering, then there are those who might be encouraged to do so. So I do think that actively enhancing the beauty of the area consistent with the greening of Gibraltar will actually help, and this will highlight the bins with the ashtrays more.

I think there has to be education, and clearly, because a lot of the people who smoke there are either staff or visitors at the GHA, this is something that I think we should probably reach out to the hospital so that there can be notices and so on there. I am sure we will be able to do that with our colleagues at the GHA.

**Hon. E J Phillips:** Mr Speaker, whilst I would not want to teach the Minister for the Environment anything new – I am sure he knows all about it already – clearly what happens insofar as the degradability of this product is that it also damages plant life and therefore we need to tackle the problem of the prevalence of this.

This effectively is an ashtray on the side of the road, which is ugly and terrible for our environment and therefore I would encourage the Minister to think about ways in which we can legislate further in this area. It is seen as an acceptable form of littering and I agree with him it is not – it quite clearly is not, given the fact that it has a significant effect on the pollution of our waterways and indeed the area around, so poisoning our plants as well. Therefore, if there are ways that he could look at legislating in this area to improve that, then that is fine, and also an enforcement campaign, as he has alluded to, would be welcomed by the Members of this side of the House.

**Q187/2019**

**Theatre Royal/Governor's Parade –  
Plans to deal with slippery surfaces**

**Clerk:** Question 187, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how it intends to deal with the build-up of slippery algae resulting from the overflow of water from planters at the Theatre Royal Park/Governor's Parade?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the Department of Environment currently has an ongoing project for the refurbishment and reconditioning of Governor's Parade. It will address this problem by incorporating an adequate drainage system that will tackle the issue of the overflow water from the planters.

**Q188/2019**

**Noise pollution –  
Retrofitted exhausts on motorcycles**

**Clerk:** Question 188, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm what it intends to do about noisy retrofit exhausts on motorcycles, which are impacting on noise pollution levels in our community?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the issue of noisy retrofitted exhausts is a matter that is actively enforced by the Royal Gibraltar Police as part of their Roadwatch campaign and in ordinary day-to-day traffic management and enforcement.

The hon. Member may be aware that another mechanism which often addresses any such retrofitting is the periodic roadworthiness testing otherwise known as the MOT. Although the present legislative requirements are fit for purpose and all vehicles must at the time of new registration and MOT testing conform to certain standards, the retrofitting of these types of unlawful exhausts can and does happen. This can only be addressed through policing and MOT testing.

**Hon. E J Phillips:** Mr Speaker, again it is probably a similar question, and obviously the Government is fond of enforcement whilst we may be in favour of, or at least support, consultation with a view to bringing further legislation, but has the Government given any thought to stopping these noisy activities by simply imposing legislation banning the importation of these noisy retrofit exhausts into our community?

It is causing a problem to members of our community. It is a complaint that many of us on this side of the House receive, and I am sure Members of the Government receive complaints

about these noisy retrofit exhausts, but if the Government could give some reassurance that it would at least look at it and come back to me with an answer, I would be grateful.

**Hon. Prof. J E Cortes:** This has been looked at in the past and is currently – well, is constantly under review as a way of tackling the issue of noise.

**Q189/2019**  
**Exhaust pollution –**  
**50 cc two-stroke engine motorcycles**

**Clerk:** Question 189, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state its position on the banning of highly polluting 50 cc two-stroke engine motorcycles?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the air pollution source apportionment study conducted some years ago to inform the Air Quality Action Plan highlighted that more than half of our PM10 emissions from traffic are attributable to two-stroke scooters and mopeds. A ban on these vehicle types would therefore have an immediate impact on our air quality, which is something the Government is carefully considering as part of its enhanced air quality plan.

The Climate Change Strategy will include recommendations to ban the importation of some types of engines from the end of 2020, an increase in financial incentives for the purchase of electric alternatives and a scrappage scheme for polluting vehicles, including the two-stroke engines.

**Hon. E J Phillips:** I am grateful for the answer. I wonder whether the Government has given any consideration to how you can convert these vehicles. I know it may be costly, because there was a case in the United Kingdom – in Grenfell Tower actually, a business underneath the tower – where an individual was engaged to convert old VW Beetles into electric cars and it proved to be fairly costly at the time, but that has moved on since and I wonder whether there has been any consideration as to whether they could be converted or at least use the existing.

**Hon. Prof. J E Cortes:** Mr Speaker, I would need notice of that question, on which I would consult my friend and colleague the Minister for Traffic and Transport, with whom we are working very closely together together on developing the plans but I do not have that technical knowledge here.

**Q190/2019 and Q202-03/2019**  
**Exhaust pollution –**  
**Vehicular idling; Upper Rock Nature Reserve**

**Clerk:** Question 190, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state whether idling areas around schools will be implemented to avoid exposure of our children to exhaust fumes during peak times?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 202 and 203.

**Clerk:** Question 202, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state its position in respect of vehicular idling?

**Clerk:** Question 203, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government provide any data of the impact of exhaust pollution on the Upper Rock Nature Reserve?

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

**Hon. Prof. J E Cortes:** Mr Speaker, in reference to Questions 190 and 202, the Gibraltar Highway Code already prohibits idling. In addition, we will be specifically providing for no-idling and no-smoking zones immediately outside schools and we will step up enforcement to reduce idling of vehicles, both private and commercial.

In relation to Question 203, the information requested by the Hon. Member is in the schedule that I now hand over.

#### Answer to Q203/2019

#### **Schedule of annual concentration levels of air pollution in the Upper Rock Nature Reserve**

Diffusion tubes			Annual mean concentration (ug/m3) (+/- 25%)							
Site ID	Site name		2011	2012	2013	2014	2015	2016	2017	2018
GIB38	Junc Queens Rd Med Rd		48.0	40.2	40.1	40.4	39.7	38.6	43.4	35.9
GIB39	Governor's Cottage		15.1	16.0	13.2	16.0	13.8	15.1	13.5	14.9

**Hon. E J Phillips:** Mr Speaker, insofar as idling around schools, that is a welcome development. A number of parents have come to me at least – and other Members, as far as I understand – in relation to the noxious and sometimes irritating fumes that are coming out of cars when dropping off kids at our schools, so I am encouraged that the Minister is considering imposition of bans to prevent that from happening.

I suppose this may be a question for the Minister for Transport at the next session, how they intend to use that system to divert traffic or at least make it much more healthy for parents to walk their children to school, and what happens where there are children who cannot be walked to school and what systems are going to be in place. He will probably need notice of that, with respect, Mr Speaker, and I may need to raise it with the Hon. Minister for Transport at the next session, but if there is anything that he can be helpful with now I would appreciate it.

505 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I think he would have to give notice. I am Minister for Pollution, or for trying to remove pollution, and my hon. Friend is Minister for Traffic and Transport, and obviously, as I said before, we work closely together on this already.

We have done some research and there are options. For example, in the UK there are fixed penalty notices of £20 for idling; and in different countries what is permitted ranges between 10 seconds in Italy and France, 40 seconds in Germany and 60 in the Netherlands. Quite how you enforce that is difficult, but we are looking at possible legislation on this occasion and there are various things that we are looking at. As I said, we are developing ways in which to tackle pollution from traffic, and this is one of the ways that this is being looked at.

515 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can interject – and I come here in good faith, declaring an interest as a mother who drives her children to school – I have to say that I have been quite surprised to notice that there is a zone after Bayside and Westside which is reserved for drop-offs and pick-ups, and more often than not there are cars parked there permanently. There is no enforcement and it has caused a bit of a situation between parents trying to park there. This can have the knock-on effect, of course, of cars idling because they do not have the drop-off zone to park in because it is always full permanently. So, if the Ministers would not mind having a look and making sure that enforcement does occur in these zones I think it would actually alleviate the problem.

Thank you.

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**Hon. Prof. J E Cortes:** Mr Speaker, there are three Ministers here with an interest in that – the Minister for Education, the Minister for Traffic and the Minister for Pollution – and obviously it is something we will have to look at.

530 **Hon. E J Phillips:** Mr Speaker, the reason why we raise these supplementaries of course is because a central plank of the GSLP manifesto is a green Gibraltar looking after our children's healthy future. Whilst I understand there is cross-Minister activity here, it would be helpful... It is a serious issue for our children's health, of course, toxic fumes coming out of exhausts of cars, and therefore if the Government can confirm it is a top priority for them then we are happy with that at this stage, Mr Speaker.

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**Hon. Prof. J E Cortes:** Mr Speaker, my comment was in no way passing the buck. On the contrary, we are offering three Ministers to deal with it, so it must be serious.

540 **Hon. K Azopardi:** Mr Speaker, just a question on the answer to Question 203. The Minister I am sure is an expert in this field, so how do these readings compare with permissible levels and the levels that you would, I suppose, ordinarily see in other parts of Gibraltar? And are the levels that you would get around the schools around the permissible levels?

545 **Hon. Prof. J E Cortes:** Mr Speaker, again I would need notice in order to be specific in answering the information around the schools because there are many schools in many different areas and we would have to look at them all. But yes.

I must, however, encourage caution when we look at this because we are looking at the results of diffusion tube samples. These tubes, because they are not the high-tech air quality monitors – although they are extremely expensive and you could not have a hundred of them around Gibraltar – these are diffusion tubes which give you an indication of air quality. They are considered by the experts, as I stated in the table, to be accurate plus or minus 25%. They cannot be used in order to inform the EU requirements. They are indicative to give us an idea of the situation, but they are not the ones that inform the EU requirements. Having said that, the

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pollution level which the EU permits is 40 micrograms per cubic metre and, as you can see in Governor's Cottage, which is a little bit above Jews' Gate, the figures are well below that, so even a plus or minus 25% will bring them below the 40. In the one at the junction between Queen's Road and Mediterranean Road, where there is, yes, more traffic but it is also above the South District, where there is activity which includes, for the time being, the temporary generators which will be switched off as soon as the new power station is fully commissioned, there are somewhat higher levels. But except for 2017, you can see from that, Mr Speaker, that the figures are around or just below the 40 micrograms, and if you add the plus or minus then clearly even the 2017 could potentially be below. So they are not a cause for undue concern, but they do indicate that there are issues that we have to look at. I do suspect that once those generators are completely decommissioned this will improve considerably.

I hope that that information is helpful.

**Hon. K Azopardi:** It is helpful, thank you, and given the explanation the Minister has just given about the level of accuracy of those readings etc., which of course I take on board, but the monitor around the Queen's Road is of course there or thereabouts in terms of permissible levels, subject to accuracy, which was also, I would assume, suggestive that levels of pollution much closer to the ground in the city might be worse, and perhaps I would just simply encourage the Minister to take measures to monitor the pollution levels around schools in a more direct way, if that were possible.

**Hon. Prof. J E Cortes:** Mr Speaker, there are diffusion tubes around Gibraltar. There is considerable data published. It is online in the Department of Environment statistics report and it does show a wide range of levels. Most of them are below the 40; there are some that are over, but I repeat these are the less accurate monitors. The accurate monitors, as I did mention earlier on in the year, actually achieved the levels required by the EU, for the first time ever, in 2018, so air quality is improving. We have more work to do, as I always say, but it is improving.

That information could be made available if I am asked specific questions.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his explanations and obviously his knowledge in this field. I am just curious about the monitoring that is being done on the Upper Rock with these diffusion tubes. I would be grateful if the Minister could explain whether these are fixed on site, or is it a mobile unit that goes to specific locations?

Also, he will agree with me, I am sure, that the Governor's Cottage site, which I believe he referred to as the one above Jews' Gate, is in fact behind the gate itself, is a dead end and there are no vehicles that can access it other than permitted vehicles, and it is also a particularly exposed and perhaps windier area than other areas along the Rock in the south. It is significant that the junction of Queen's Road and Mediterranean Road is geographically very close to Governor's Cottage and the variation in readings is significant. I wonder if the Minister would effectively give his view on that – I think he may have done, in saying there is lot of traffic that goes along that road. And is there perhaps a need for more monitoring on different parts of the Upper Rock on these two sites which seem to be concentrated on the south end?

**Hon. Prof. J E Cortes:** I do not know, Mr Speaker, whether the Hon. Mr Clinton is first questioning why on earth put a monitoring station so high up where the air is going to be clean, and then asking me to put in more monitoring stations. I do not know whether there is an inconsistency there, but it is good to have a monitoring station higher up so that at least you can see whether or not there is a problem away from the lower areas.

Yes, these are fixed. These are tubes that are fixed and they are then sampled at intervals.

605 The reason why that monitoring station is there, ironically, is it was due to capture the emissions from the Lathbury Barracks diesel-powered power station that I am glad to say never happened. (**Hon. Chief Minister:** Hear, hear.) And when asked whether we should remove it I said no, we should keep it there just to show how clean the air is on the Upper Rock, because then we could use that to prove that if we had not done what we did with the North Mole power station I suspect that those readings would be much higher than 40.

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**Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister's answer, but I have not heard him say whether he has any intention of having other monitoring stations along with those two, which, as I said, are in the same geographic area.

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**Hon. Prof. J E Cortes:** Mr Speaker, not at the moment. We have three monitoring systems. We have the high-tech monitors, of which we have two in the South District and one in Bleak House, which is almost a control. One of the ones in South District is being moved to the north now that we have resolved the old diesel power stations, the ex-MoD and the ex-OESCO power station. That will, next year, be moved to the north so that we have more intense monitoring.

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We have, last year, introduced air-quality measures, which is the next step down, and we have these diffusion tubes around Gibraltar. I do not think at the moment we have any reason to put in any more, but if we detect ... be it through our own work or through members of the public complaining that there are areas where we do not have monitoring, then we will do it. I believe that recently we have introduced a new set of diffusion tubes near Gibdock in reaction to complaints about Gibdock. I am not quite sure whether that is still working or not, but I do know that we do respond. So we are willing to respond where it is necessary, but we are not just going to go put them anywhere. We have to be responsible in how we spend taxpayers' money and we have to realise that where there is a need, yes, but it is not that we ... And there are at least 40 or 50 – I cannot remember exactly how many – so we are fairly well covered.

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**Q191/2019**  
**Irrigation of green areas –**  
**Water bowsers**

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**Clerk:** Question 191, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state whether the water bowsers used to irrigate green areas of Gibraltar are electric vehicles and whether the pumps also run electrically?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the three horticultural contractors currently servicing Government green areas all use different methods of irrigation. The first one operates with no bowsers of any type. Another operates with a large water tank that works on gravity, although the vehicle on which it has to be mounted is fuel driven. The third operator operates fuel-driven bowser vehicles with fuel-driven pumps working from a fuel engine. These are private firms and own their own vehicles.

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**Hon. E J Phillips:** Mr Speaker, they are supplying water to green areas of Gibraltar which are enjoyed by members of our community and I would have thought that, given the policy that is

being promoted, and of course in terms of making our greener community, we can all agree we need to do more about that.

How is the Government going to tackle this issue of when public services are effectively being utilised insofar as watering our green areas, that they are being watered by diesel – ‘dirty diesel’, to use the Chief Minister’s words – and dirty diesel pumps to water our plants? There seems to be a huge contradiction there, so the Government really needs to take control of this. When we are watering our green areas we should be using electric vehicles, shouldn’t we, Mr Speaker? *(Interjections)*

**Hon. Prof. J E Cortes:** Mr Speaker, indeed, I do not dispute the fact that I would love them to not be using power. The option is not watering the plants, and then they will all die and then I will get questions about that.

Mr Speaker, we continuously encourage all providers of services to the Government to green their act, and the Climate Change Strategy will show this. Individual conversations with Government contractors happen all the time, so clearly, absolutely and unequivocally we will encourage those who need to – because the one that operates no bowsers does not have to do that – to move to vehicles which are either hybrid or electric, provided they exist to fit those needs. Unfortunately, technology has not advanced to allow us to replace everyone, but certainly we will encourage everyone to do that and the Government has been leading by example for quite a while.

**Hon. K Azopardi:** Can I urge the Minister ...? Obviously a lot of what he has said is good and encouraging, pushing contractors in your discussions and so on, and of course the contractors will fall into two categories, those who have existing contracts in respect of which the arrangements are already sealed and those who aspire to have contracts. Those who aspire to have contracts should be given contracts on a certain basis and those who have existing contracts could be encouraged, either on a renewal of the contract if they aspire to it or an equipment upgrade, to water the green areas in a green way.

**Chief Minister (Hon. F R Picardo):** Therefore exactly what you said.

**Hon. Prof. J E Cortes:** Yes, that is exactly what I have said! *(Interjection)*

**Hon. Chief Minister:** That is what you have said.

**Hon. Prof. J E Cortes:** It is exactly what I have said. We are encouraging them to do so, to water in a green way. In fact, we are in discussions with some of them in some areas where it is possible to not rely on bowsers but to provide water directly through irrigation systems. And certainly when it comes to those contractors – not simply horticultural – who aspire to Government contracts, Government will of course, following its green agenda, look at the environmental performance of those companies when it assesses which are the best ones to give contracts to.

**Hon. K Azopardi:** Mr Speaker, I am really asking the Minister to perhaps consider going a bit further than that and making it a term of a renewal or a new contract that they should use the greenest possible vehicles to conduct these practices.

**Hon. Prof. J E Cortes:** Mr Speaker, that is almost a repetition of what I have already said. Yes, because if there is no equivalent vehicle in electric or hybrid, then that might be unreasonable. Then we have to look at the alternatives, which I mentioned just a couple of minutes ago, of

possibly introducing an irrigation system which would obviate the need for a vehicle to take the water. So these are things that are being looked at.

700 We must remember that there are existing contractual arrangements and we have to honour those and look at ... In some cases it could be a condition, in other case it has to be gentle or less than gentle persuasion, but clearly that is the direction in which I would expect all horticultural contractors to be moving.

**Q192/2019**

**Government fleet –  
Timescale for conversion to electric**

**Clerk:** Question 192, the Hon. E J Phillips.

705 **Hon. E J Phillips:** Mr Speaker, can the Government state when the Government intends to convert its Government fleet to all-electric cars?

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

710 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the Government, through the Department of the Environment, is currently working on a strategy to decarbonise the transport sector as part of its Climate Change Strategy. It will include Government policies on the change of the Government fleet. This will be published once complete. Already, and despite much criticism at the time from Members opposite, a large part of the Government passenger fleet is hybrid and the G1 vehicle was moved to full electric. (Hon. Chief Minister: Hear, hear.) *(Banging on desks)*

715 **Hon. E J Phillips:** Mr Speaker, whilst the Government likes to continually look backwards and not forwards, I would ask the Government to confirm, roughly, any timescales he can be helpful with insofar as this is concerned.

**Hon. Prof. J E Cortes:** Mr Speaker, the Government looks backwards and then realises how much better, when we look forward, the future is going to be than it was when we look back.

725 As I said, the strategy is developing. Already there are Government Departments that are changing their fleets and looking at how to do it, and I can tell you that the Department of the Environment is already looking at moving to hybrid or electric vehicles, depending on what is suitable. So this is something that is active and current and I think that over the next few years we will see a massive change in this.

730 **Hon. K Azopardi:** Mr Speaker, can the Minister help me in telling me how many vehicles are there specifically in the Government fleet and how many are electric?

**Hon. Prof. J E Cortes:** Mr Speaker, I would need notice of that question.

735 **Hon. K Azopardi:** Mr Speaker, the question asks can the Government state when the Government intends to convert its Government fleet to all electric cars. Presumably, in formulating the answer they have assessed the extent of the Government fleet and its future plans in respect of the size of that fleet.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think the hon. Gentleman has done us all a favour by reading the question. The question is about the Government fleet. It is not about the Government fleet to move passengers, it is not about the Government fleet to water plants; it is about the Government fleet as a whole. In other words, it is an extensive question about every aspect of every Government vehicle. That is why the answer that he has had is as generic as the question is. If he now wants to ask a specific question about the numbers of vehicles, I think it is not unfair to ask him not to do anything other than to give specific notice of a question that is going to require detailed statistics to be prepared in order to share with him which of the vehicles are electric, which are hybrid, which are plug-in hybrid, etc.

I think we all agree that the sooner we are able to move to electric vehicles the better, but there are not electric vehicles today that do all of the things that Government vehicles need to be seeing done, and I am afraid that on this they have to recognise that we inherited a Government fleet of whatever number which had no hybrids in it and had no electric. I can tell him off the top of my head that at least one Government vehicle is entirely electric: it is the G1, Mr Speaker. The car that we inherited – looking slightly in the rear view mirror, Mr Speaker – was a Jaguar that used to cost £80-odd to fill with petrol. Now it costs 70-odd pence to charge the Tesla's battery and to have it fully electric, and I hope in future it will not cost anything because it will be charged from solar power.

So, Mr Speaker, I think on this undeniably the parties that are represented on this side of the House are the leaders, our political programme is the leading political programme, our direction of travel is the direction of travel that this community wants to see us in, and as soon as that direction of travel can be powered electrically we will electrify ourselves to do so.

**Hon. K Azopardi:** Mr Speaker, the only undeniable reality behind all that waffle is that we have asked them to stipulate what the plans are in relation to the Government fleet and they do not even know how many cars they have got.

**Hon. Chief Minister:** Mr Speaker, the only basis on which a Member of the Opposition is allowed to get up at Question Time is to ask a question, and undeniably there was no question there. But given that I will take it that he expects me to say whether I agree or not, which is the traditional way of turning a political statement into a question, I do not agree.

What is clear is that the only people less than 60 days ago presenting a credible alternative to the people of Gibraltar on the environment were the party that were elected into Government, the only people who had a plan to deal with electrification of fleets etc. were us, and for him now to come here and pretend to be the champion of the environment is only going to lead him in the same direction that I told you he was going yesterday: further down the electoral rankings than even he finds himself today.

**Hon. K Azopardi:** Mr Speaker, the question that I asked was very simple. The Government was asked to discover and explain their plans in relation to the Government fleet and it appears that they do not even know how many cars they have. Can the Chief Minister, in providing that answer, explain to the House how the Government has given an answer explaining its plan in relation to the Government fleet when it does not even know how many cars it has?

**Hon. Chief Minister:** Mr Speaker, really, to be wasting electricity to power microphones to have this debate is not good for the environment because it is not achieving anything valuable. All that he is doing is demonstrating that he wants to play the Punch and Judy politics that he says he does not want to play. *(Interjection)* The last person representing the GSD who got up to challenge John Cortes in relation to matters of the environment is no longer here, Mr Speaker.

(*Laughter*) He was determined by the people of Gibraltar not to be worthy of returning to this Parliament.

790 For Mr Azopardi to get up and say 'Well, you don't have a plan because you don't even know how many cars you have in your fleet and therefore you cannot have a plan to replace your fleet' is something which is beneath him. I have respect for him, he knows I have respect for him, but for him to get up and say that the way to judge our commitment to the environment is whether we know how many vehicles we have in the fleet is as if I had been there at the time  
795 that he was here as Minister for Health and I got up and said, 'Mr Speaker, can the hon. Gentleman say how many cases of operations for breast cancer or pancreatic cancer there have been in the last 48 hours at the GHA?' and if he were not able to answer me because I am not giving him specific notice of the question, I had said, 'Oh, he is not committed to the health of this community because he does not know how many operations for pancreatic cancer there  
800 have been.'

It is utter nonsense. He knows that, Mr Speaker. He is using it as a device to try and get his voice heard. Given that he is, in the context of what is there on the other side of the House, a middle-ranking politician, I suppose he just needs to get his voice heard.

805 **Mr Speaker:** Next question.

**Q193/2019**  
**Destruction of olive trees in North Gorge—**  
**Outcome of investigation**

**Clerk:** Question 193, the Hon. E J Phillips.

**Hon. E J Phillips:** I am glad to see that the green Gibraltar is centre stage in this House, as it should be, Mr Speaker, of course. (*Interjection by Hon. Chief Minister*) Yes, of course. The  
810 environment is very important, Mr Speaker. The Chief Minister, from a sedentary position, has suggested that dog faeces are not important to our community. My God, Mr Speaker!

I will ask the question: can the Government state the outcome of its investigation into the destruction of three olive trees on Crown land at North Gorge by unknown contractors?

815 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the Department of the Environment and the Town Planning Department have an open, ongoing investigation regarding this incident. Therefore it is not possible to discuss this  
820 matter or divulge any information until the process is complete.

**Hon. E J Phillips:** Mr Speaker, I am sure that the Minister has received similar representations from members of the public as we have in respect of this matter. Does that investigation include a criminal complaint, for instance?  
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**Hon. Prof. J E Cortes:** Mr Speaker, that is one of the options open that is being considered.

**Q194-95/2019**  
**Dog faeces –**  
**DNA testing; fines imposed**

**Clerk:** Question 194, the Hon. E J Phillips.

830 **Hon. E J Phillips:** Can the Government state how many samples of dog faeces have been sent to the UK for DNA testing and the average cost of a single DNA test?

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

835 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 195.

**Clerk:** Question 195, the Hon. E J Phillips.

840 **Mr Speaker:** [*Inaudible*].

**Hon. E J Phillips:** Quite possibly, Mr Speaker. To many of us, Mr Speaker.  
Can the Government state what fines have been imposed in respect of dog fouling?

845 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

**Hon. Prof. J E Cortes:** Mr Speaker, in relation to the first question, which asks how many samples have been sent to the UK, the answer quite honestly is none, as the samples are sent to Germany. However, I will be helpful and say that 242 dog faeces have been tested so far this year. The cost is €35 per test.

850 The Environmental Agency has issued 40 fixed penalty notices for dog fouling in 2019.

**Hon. E J Phillips:** Mr Speaker, that is €34 for the actual test itself? Are there any other costs associated with that – for transportation, etc.?

855 **Hon. Prof. J E Cortes:** No, Mr Speaker, this is the information I have – it is €35 per test; I think that probably includes that. I stand to be corrected if there are posting costs, which will not be significant, and I am happy to share those with him. No problem with that at all.

860 **Hon. E J Phillips:** Mr Speaker, I will ask another question next time round in respect of that.  
Insofar as the 242 tests, these are being conducted – we have all seen the GBC programme – by a number of people who are specifically employed only for that task, or they are part of the Environmental Agency, who deal with that?

865 **Hon. Prof. J E Cortes:** There are a number of officers who are empowered to collect samples. That is what you asked? That is what he asked for, Mr Speaker. These include the environmental protection officers, but the bulk of the work is actually done by the Environmental Agency as part of their duties and they have been trained specifically in how to collect the samples and so on.

870 **Hon. E J Phillips:** And insofar as the fine, this is a fixed fine of £500 – is that correct?

**Hon. Prof. J E Cortes:** Yes, Mr Speaker.

**Q196-199/2019**

**Solar panels –**

**Output derived; return on investment; lifespan; maintenance costs**

**Clerk:** Question 196, the Hon. E J Phillips.

875 **Hon. E J Phillips:** Can the Government state exactly the output derived from solar panel installation at Europa Business Centre/New Harbours and GASA swimming pool?

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

880 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 197 to 199.

**Clerk:** Question 197, the Hon. E J Phillips.

885 **Hon. E J Phillips:** Can the Government state what is the return on investment for the entire installation of solar panels in and around Gibraltar?

**Clerk:** Question 198, the Hon. E J Phillips.

890 **Hon. E J Phillips:** Can the Government state by reference to manufacturer guidelines and warranty what the lifespan of the solar panel installation is?

**Clerk:** Question 199, the Hon. E J Phillips.

895 **Hon. E J Phillips:** Can the Government state the maintenance costs associated with solar panel installation at Europa Business Centre/New Harbours and GASA swimming pool?

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

900 **Hon. Prof. J E Cortes:** Mr Speaker, the Government cannot comment on the return of investment for all solar panel installations in and around Gibraltar, as many of these are private ventures. With reference to Government-owned installations and taking into account the current cost of electricity, it is estimated that these projects will be fully amortised in about 10 years.

905 There are panels from different manufacturers installed in and around Gibraltar but it is an industry-accepted fact that after about 20 years solar panels will still produce almost 80% of their rated power.

To date, the New Harbours solar panel installation has generated about 700,000 kw. The GASA swimming pool installation has generated about 481,000 kw. The Europa Business Centre project is not yet in commission. It is expected to come into service early 2020.

910 Since the Europa Business Centre/New Harbours projects are based on power purchase agreements, the relevant company is responsible for the maintenance and associated costs. In the case of the swimming pool installation, the maintenance entails looking after the solar photovoltaic element of the project and the solar thermal side, which provides hot water for the showers and water temperature control for the pools. The cost of this is £75,250.

**Hon. E J Phillips:** Mr Speaker, I did not quite hear the point insofar as the warranty, what is the lifespan? Is it 20 years, did he say?

920 **Hon. Prof. J E Cortes:** Mr Speaker, the industry standard is that after 20 years the panels will still produce almost 80% of their power. They do not deteriorate more than that in 20 years.

**Hon. E J Phillips:** Mr Speaker, the hon. Gentleman referred to a private company. What is the name of the private company that deals with the installation and maintenance?

925 **Hon. Prof. J E Cortes:** No, I said there are a number of private companies. There are some that have put up ... For example, in Gib5 I think it was done by a private company. There are several around Gibraltar and I do not have access to that information, nor am I at liberty to disclose it if it is commercial.

#### Q200/2019

##### **Restaurant kitchen emissions – Number of complaints by homeowners**

930 **Clerk:** Question 200, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state how many complaints have been received by homeowners in respect of emissions from restaurant kitchen exhausts and state what powers are available to the Environmental Agency for failures by restaurants to have correct ducting or filters?

935 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):**  
940 Mr Speaker, the Environmental Agency has received 17 complaints regarding smells from restaurant kitchens in 2019.

The Environmental Agency has the power to serve an abatement notice under the Public Health Act section 82 if a statutory nuisance is established. In this instance, smells from restaurant kitchen exhausts are specified as a statutory nuisance in the Public Health Act section 81(d), whereby, and I quote:

... any dust or effluvia caused by any trade, business, manufacture or process and being prejudicial to the health of, or a nuisance to, the inhabitants of the neighbourhood ...

945 The Public Health Act section 83 allows the court to make a nuisance order if an abatement notice is disregarded.

#### Q201/2019

##### **Creation of zero or low emission zones – Government position**

**Clerk:** Question 201, the Hon. E J Phillips.

950 **Hon. E J Phillips:** Mr Speaker, can the Government state what their position is as to the creation of zero or low emission zones?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):**

955 Mr Speaker, as the hon. Member will know, zero or low emission zones are established ways of reducing air pollution in specific areas and in helping to encourage a shift towards low or no emission forms of transport. As such, the Government is in favour of the creation of such zones in Gibraltar to assist in meeting our climate emergency and our air quality targets.

The Department of the Environment will be working with colleagues in the Ministry of Transport to develop this.

**Q204/2019**

**Release of ballast from tankers –  
Procedures and environmental controls**

960 **Clerk:** Question 204, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state what procedures and environmental controls are in place for the controlled release of ballast from tankers in the Bay of Gibraltar?

965 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):**

970 Mr Speaker, Gibraltar is not typically a load or discharge port. Vessels need to take on or discharge ballast water only when loading or discharging cargo. Ballast water discharge is not normally something that is required in our waters. As such, any vessels seeking to discharge ballast water are not allowed to do so unless they satisfy the Gibraltar Port Authority, in consultation with the Department of the Environment, that they are in compliance with the IMO Ballast Water Convention and adhere to any necessary environmental safeguards.

975 **Hon. E J Phillips:** The Minister of course is aware that the release of ballast, even in relation to those IMO guidelines, still pollutes quite heavily our water. I am encouraged that there are very few incidences, I suspect, of this type of activity going on without us knowing about it. Does the Minister have any experience of this happening where he has pulled up, or at least the Port Authority have pulled up masters of vessels in relation to the not permitted discharge of ballast?

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**Hon. Prof. J E Cortes:** Mr Speaker, clearly the answer was drafted by members of the Environment Department in consultation with the Port Authority. I am not aware myself. In eight years as Minister for the Environment no such requests have come to me. If it is done without permission, this is a risk anywhere in the world. I am well aware of the biosecurity issues  
985 in particular relating to ballast water. I do not know whether the Minister for the Port has any knowledge of any such instances, but certainly in the discussions between the Departments of Environment and the Port in drafting this, had there been any instances I suspect I would have been informed but I have no recollection of anything coming my way.

**Q205-206/2019**  
**WHO air pollution limits –**  
**Plans for implementation**

**Clerk:** Question 205, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state whether or not it will implement World Health Organisation air pollution limits in Gibraltar?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 206.

**Clerk:** Question 206, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government publish user-friendly, independent, verified pollution statistics?

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

**Hon. Prof. J E Cortes:** Mr Speaker, the Government already publishes user-friendly, independently verified pollution statistics at [www.gibraltairquality.gi](http://www.gibraltairquality.gi).

The WHO guidelines are not legally binding, whereas the EU targets are. Gibraltar currently complies with all EU targets and aspires to meet WHO guidelines.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. Has that aspiration been built into the climate change initiative and programme in any way, shape or form? Obviously an aspiration is an aspiration, but if it is built into the programme for the Government it will be helpful to understand how that is indeed incorporated.

**Hon. Prof. J E Cortes:** Mr Speaker, the Government aspires to the cleanest possible air and if we can achieve an air quality which is better than what WHO suggests we should have, then clearly we aspire to achieving that. That is an absolute commitment of the Government, of the Department of the Environment and of myself personally, and I think I can give no more commitment than that. I have often said that even when we hit EU guidelines, which for the first time we managed to get down to in 2018, I would still carry on working in reducing it further. So that is the commitment that I gave.

**Hon. E J Phillips:** Mr Speaker, just in relation to Question 206, when I framed this question I received a number of concerns from members of the public who use this data on a more regular basis than I do. I did endeavour to do it myself. It is very difficult to use, in fact. I am not a scientist, so it is very difficult to navigate certain elements and how they interact in certain areas of Gibraltar. When I did so, the graph was peaking at all sorts of different levels and it was very difficult to understand from a layperson's perspective.

I was wondering whether the Minister could review the way in which public information is disseminated to members of the public and provide user-friendly, verified pollution statistics. It is very difficult for the layperson to understand the website itself and the data that can be extracted from it, but if there could be simple results published from time to time on that

1035 website I think it would be helpful to members of the public to understand pollution in our community more generally.

**Hon. Prof. J E Cortes:** Mr Speaker, I do not think therefore we are talking about user friendly but the ability of the user to interpret the information that is available, so perhaps what the hon. Member is asking for is some kind of simplified summary, or something like that, to interpret.  
1040 That is not that easy to achieve but I will certainly look into it because I want people to know what the air quality is. There is nothing that we are hiding at all, and if the air quality is not there we have got to strive together to improve it.

Clearly if you have scientific machines gathering data they are going to put it on the website in an accessible way. If you know about that subject matter then it is going to be easier for you to interpret. Having somebody to sit down and interpret it and perhaps give a narrative as to what it means would obviously require time – somebody to interpret it – and there would be a cost. But I will certainly see whether we can look at a way of perhaps having a summary, or maybe a monthly summary – if not a real-time simplification because that would be impossible to achieve. But I will have a look at it and if we can do that in order to assist members of the public in understanding it I think it is in everyone's interest.  
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He is absolutely right, Mr Speaker. Sometimes when you are faced with a chart which has a peak, you immediately panic and you say, 'Oh, this is way ...!' You have to realise firstly that it may not have been calibrated, and secondly that you have to average out over a period of time. It can cause undue concern and sometimes people get the impression that air quality is worse than it is because they cannot understand the science. So I think that is something that I will certainly take up by way of making it more accessible so that people understand where there are no real issues and where there are real issues, and those are the ones we need to concentrate on.  
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**Hon. E J Phillips:** Mr Speaker, I welcome the answer to the question. Quite clearly what we will need of course is a summary of monthly statistics that are published. It is right that all Members of this House should support an initiative which publishes statistics which are in an easy, user-friendly format, as I suggested in the question, so that we can work together to try to reduce that, and indeed so that people can understand the levels of pollution in our community. So, I am grateful for the answer, Mr Speaker.  
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**Q207/2019**  
**Wave Generation Plant –**  
**Productivity**

**Clerk:** Question 207, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government update this House as to the productivity of the Wave Generation Plant?  
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**Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the Government has been informed that the Ecowave Generation Plant has to date generated 2,836 kwh.  
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**Hon. R M Clinton:** Mr Speaker, I would be grateful if the Minister could advise if there is any intention to have other such facilities in other geographic areas of Gibraltar.

1080 **Hon. Prof. J E Cortes:** Mr Speaker, this was a pilot and the company in question is confident that they are learning a lot from this and they have already, I know, achieved funding from the EU and are looking at a plant in Sweden. In fact they received an award in Madrid last week at the Climate Change Summit; and there is an understanding that if we are satisfied that it can in fact generate significant amounts of power for our purposes then we would look at deploying elsewhere in Gibraltar. But the discussion is there, we are awaiting feedback and seeing how realistic a deployment would be.  
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**Q208-209/2019 and Q211/2019**  
**2019 Music Festival –**  
**Tokens net surplus; net cost; issue of tender**

**Clerk:** Question 208, the Hon. R M Clinton.

1090 **Hon. R M Clinton:** Mr Speaker, can the Government advise the net surplus, i.e. the difference in cash value between issued and redeemed, on the issue of tokens at the 2019 Music Festival?

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

1095 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 209 and 211.

**Clerk:** Question 209, the Hon. R M Clinton.

1100 **Hon. R M Clinton:** Mr Speaker, can the Government advise the net cost of the 2019 Music Festival?

**Clerk:** Question 211, the Hon. K Azopardi.

1105 **Hon. K Azopardi:** Mr Speaker, when does the Government expect the tender for the Music Festival to issue?

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

1110 **Hon. Prof. J E Cortes:** Mr Speaker, in answer to questions 208 and 209, full details of payments and income generated from the 2019 Gibraltar Music Festival have not been finalised. Government will be publishing full details once they have been finalised

And in relation to question 211, responses to the call for expressions of interest are under consideration.

1115 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can he advise whether it is the Government's intention to pay over to charity the net surplus on issue of the tokens?

**Hon. Prof. J E Cortes:** Mr Speaker, the hon. Member will be aware that I have only recently taken over the Culture portfolio but it is what is normally done in these circumstances and we would do the same.

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**Hon. R M Clinton:** Could the Minister give an indication as to when he would expect to be able to give this House some idea of the costs incurred in the Music Festival? And does he have any indication as to whether the projected loss of one-and-a-half million is going to be exceeded or be under?

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**Hon. Prof. J E Cortes:** No, sir.

**Hon. K Azopardi:** On Question 211, the Minister said that the responses to the expressions of interest are 'under consideration'.

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Two questions: first, do they intend to move to beyond the process of expressions of interest or some kind of formal tender? Or will that be sufficient. And secondly how many responses were received?

**Hon. Prof. J E Cortes:** Mr Speaker, 'under consideration' includes the process to follow from here, so I will not commit on the first one.

1135

On the second one, from memory, Mr Speaker, it may be between six and eight.

**Hon. K Azopardi:** Is the Government extending its consideration to the terms of the possible contract including, for example, the term or indeed in view of questions that have been asked in this House and outside this House in respect of costs, and so on, to perhaps set some kind of cost budget for future festivals?

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Is this under consideration as well from the Government?

**Hon. Prof. J E Cortes:** Mr Speaker, we are considering the expressions of interest and considering the way forward, and once we have determined all the different elements then obviously the public would be involved.

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**Hon. K Azopardi:** Does the Government have an idea of how long this consideration process will take, and when it aims to put new arrangements in place?

**Hon. Prof. J E Cortes:** Mr Speaker, it will not be long, I think we are looking at weeks, clearly. There were a number of local elements in the proposals but I do not think I would be accurate if I hazard a guess. But there were local elements. If I am specifically asked I do not have a problem of revealing that, I think once we have determined. I think it would not be fair to give any further information while it is still under consideration.

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#### Q210/2019

#### Customs and Borders and Coastguard Officers – Protection against pollution

**Clerk:** Question 210, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, what has the Government done since the last General Election to ensure the Customs and Borders and Coastguard Officers are protected against the effects of pollution at the frontier?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the necessary action was taken before the last General Election.

**Hon. D A Feetham:** Well, Mr Speaker, can the Government enlighten this House as to what was done before the last General Election because let me say that this was a live issue during the General Election, and the people from Customs and Borders and Coastguard that we spoke to one of the issues that was raised with us was they wanted the issue of, for example, pollution masks to be issued. Also there was the question of the pollution monitoring machine in the area not working for large periods of time during the course of the year.

So obviously unless we have been misled by those officers, and I doubt that very much, then the issue was a live one at the General Election.

**Hon. Prof. J E Cortes.** Mr Speaker, I am happy to assist in providing the information of what happened before the Election.

It is an issue which we have been working on for a number of years now. The Department has been in discussions with the Environment Agency, with the GGCA and with the Environmental Safety Group as well as with the Borders and Coastguard Agency and HM Customs, and a number of measures were implemented to reduce exposure of officers to the potential of vehicle fumes. These measures include regular rotation of officers manning the channels; officers are advised that they could wear masks if deemed necessary and this has happened, and it is obviously up to the officer whether he or she wishes to wear them.

The canopy and exterior of the station are washed down quarterly; 'No idling' and 'Turn off your engine' signs installed in order to reduce vehicle emissions, especially when the Airport barrier is down; agreement with the staff of the Borders and Coastguard Agency to stop traffic from coming into the customs area and under the canopy when Airport barriers are down; incoming coaches are not allowed to park under the canopy.

Additionally, the Environmental Agency installed an air quality mesh pod at the frontier on two occasions: the first between 27th September 2018 to 5th February 2019; and the second, to capture the summer period from 6th August 2019 to 7th November 2019. The device is configured for a full range of available pollutants like PM10 and PM2.5, nitrogen oxide, sulphur dioxide, carbon monoxide and ozone. The data for the second period have not been ratified yet and are still being subject to calibration. I can inform the House that – I am just looking for the results here – that there were no exceedances in the EU limit values for workplaces detected during the first period. I still have to confirm during the second period. I am happy to provide detailed information.

I think that summarises the situation.

**Hon. D A Feetham:** Thank you very much for the answer.

Mr Speaker, in relation to the pollution monitoring and the equipment that has been installed is he satisfied that that equipment has been working appropriately during the course of the last two years, which is the period as I understand it that it has been installed from the answer that he has just given?

**Hon. Prof. J E Cortes:** Mr Speaker, I have had no reports that it has not been.

1210 There was one monitoring station which we put in Europort Road to fulfil our commitment to have more monitoring in the North District, which had issue with the solar battery; but I do not think the one at the frontier had that issue. So I do not believe that there have been any faults. I can check, but I think it would have been in my brief.

No, I do not recall.

**Q212/2019**  
**UNESCO World Heritage Status –**  
**New bid**

1215 **Clerk:** Question 212, the Hon. K Azopardi

**Hon. K Azopardi:** Mr Speaker, does Government have plans to make or back any new UNESCO World Heritage Status bid?

1220 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, not at this stage but we continue our work to preserve Gibraltar's heritage and we are proud to have been the Government that delivered the World Heritage Status for Gorham's Cave.

1225 **Hon. K Azopardi:** Mr Speaker, indeed the World Heritage status for Gorham's Cave was a great achievement but it was somewhat of a massive downscaling of the ambition that had been the original idea. The hon. Member may recall when I was on that side of the House and was responsible for heritage, that the bid that the Government was planning initially, at least when I was Heritage Minister was much bigger than that – there was a Heritage Commission that was formed and I believe that he was indeed part of it.

1230 Obviously the thinking thereafter evolved and there was a downscaling of that ambition. But certainly, and I am not ascribing the downscaling of that ambition to the party in power now, it may have been indeed one of my predecessors who had that view. All I am saying to the hon. Member is will he consider the restoration of the original thinking behind the World Heritage bid idea, which was going to be much more ambitious – in fact, urged by UNESCO itself. And that would not only be a suitable recognition of our heritage but also bring its own touristic value to Gibraltar and add to the product that we have.

1240 **Hon. Prof. J E Cortes:** Mr Speaker, it really is interesting when we were reminded only a bit earlier – and we have been reminded repeatedly in recent months *not* to cast our minds back to pre-December 2011 – to now be given the opportunity by the Leader of the Opposition and for *him* to cast our mind back to pre-2011.

1245 I was indeed part of that Commission, and I was indeed flabbergasted when the Chief Minister who preceded the Hon. Fabian Picardo decided, I think unilaterally and without consulting anybody in either the Commission or in the world of heritage –

**Chief Minister (Hon. F R Picardo):** The greatest Gibraltarian of our time.

**Hon. Prof. J E Cortes:** Indeed. To downgrade what was an ambitious, but achievable and I think *deserved* World Heritage status to virtually the whole of Gibraltar – the Rock, its fortifications, Gorham’s cave, its natural environment – to Gorham’s Cave, and nothing else.

So, clearly, it is something that we do not take responsibility for and the time when the main party in Opposition was on this side they, or rather the Chief Minister probably without even consulting his Ministers took that decision at the time.

Mr Speaker, sadly the horse has bolted and we will not be able to get him back for a period of time because no new bid can now be put forward during the current duration of the UK tentative list. So, unfortunately, I think we have to wait until the end of next year – I stand to be corrected on that – before we could consider that. It is something worth considering.

I think the value that Gibraltar as an entity has with respect to heritage is reflected in two things: one is our manifesto commitment to create the Gibraltar National Park which will embody a lot of the concepts that we had at the time of the World Heritage bid, and perhaps that National Park could in the future form part of such a bid; and also the renewed efforts that we will be going into shortly to include Gibraltar in the Biosphere Reserve of the Western Mediterranean which includes protected areas in Spain and Morocco. But again during the tenure of the previous administration, Gibraltar was left out.

**Hon. K Azopardi:** Mr Speaker, I know how fond the hon. Member is of greenery but I doubt very much that a national park will meet the criteria of UNESCO for World Heritage status. I am not going to get into a to-ing and fro-ing with the hon. Member about how the decision shifted. What I was asking the hon. Member to do, without ascribing any kind of blame, because very quick to his feet he rises to give himself the badge, to use the Chief Minister’s phrase the other day, about Gorham’s Cave. I am not even going to go there with the hon. Member.

All I was asking is, and he recognises in his answer, that there was a value in having a wider bid and will he consider, when the moment comes, because I do appreciate that this is a two-stage process and that first you need to get on to the UK’s tentative list, and thereafter you need to make the bid to UNESCO – it is a two-stage process, I am perfectly aware of that. At the first opportunity that there is a reopening of bids, so as to get on to the tentative list for the UK that the Government consider a reappraised possibility whatever it may be.

And the Government is now in those chairs so it decides the scope of that, that consonant with what it says its aspirations are, that it should consider a wider World Heritage bid, a new one which fits its heritage objectives on the issue.

**Hon. Prof. J E Cortes:** Mr Speaker, let me just say that this is not a badge. This is something that I felt very strongly about when the previous Chief Minister took that unilateral decision, and a lot of people felt very strongly about it, and I have taken the opportunity to make that comment here. So it is not a question of badge; I used to have lots of badges when I was in the Scouts but I do not need any now.

**Hon. Chief Minister:** Mr Speaker, if I can be of assistance to the hon. Gentleman, because I think there is an issue here which is beyond just one Department and which covers a number of Departments I think. I had wondered how long it would take for the spirit of the PDP to once again rise and the criticism (*Interjection*) of the former GSD administration by those who now represent the GSD to come back into the fray. So we are going to see this in a number of instances and I think it is important that we get it out there and we ventilate it.

The hon. Gentleman was leading a different party for a considerable part of the time that he has been in politics and the decision which he is now tangentially criticising is a decision of the party that he is leading. Now, I know that he does not want that to be magnified but that is the reality. In other words, he spent time developing the World Heritage bid for the whole of

1300 Gibraltar. His party, the one he leads now, is the one that stopped it, despite a lot of good work having been done and he is now trying to get us in Government to adopt the decision that his party did not pursue.

Now, that is fraught with a lot of actual substantive important detail that we need to pursue. At first blush having the whole of Gibraltar as a World Heritage site might be a good thing; there are issues that need to be considered which would, I think, concern all of us at the same time as we might want to see this succeed. Getting on the UK's pre-list is, as he knows, a precursor to this whole process being undertaken. Once you are on the pre-list, remember, Mr Speaker, that it is the United Kingdom that then takes responsibility for the site and once you are approved for the site the responsibility is the United Kingdom's *vis-à-vis* UNESCO, because the UNESCO body is a UN body, much as the UK is responsible for the UK under Article 73 of the charter, they would become responsible to UNESCO.

1310 That means that there are issues which the former Chief Minister, sometimes described – the hon. Gentleman may not be aware – by one of his predecessors as leader of the GSD, as the greatest Gibraltarian of *all* time, something which I think does not enjoy the support of most people in this House, indeed perhaps not even of most people on *that* side of the House. There may have been good reasons, Mr Speaker, why he was concerned that the United Kingdom should not have responsibility for aspects of what can happen in Gibraltar going forward once the whole of Gibraltar is designated as a UNESCO site.

1320 So that is a difficult balance to do, Mr Speaker, and it is about understanding the detail of the statute, which he may have from the time that he was Minister for Heritage, but which I think would require a very detailed assessment by the Government today of the physiognomy of Gibraltar today as it is. I mean, the Gibraltar that he was proposing for inclusion in the World Heritage Site was pre-Kings Wharf – something which is a building that happened during their time. And so, as he knows this is also about views, it is about vistas from particular areas with Gorham's Cave. We have done very detailed work about what vistas there are from Gorham's Cave so that if you are protecting the environment of the Neanderthals can you still see what the Neanderthals would have seen from the Cave? What does that do to Eastside development, etc.?

1330 So I think it is important, Mr Speaker, that we are committed to Gibraltar's heritage as a parliament, as a whole parliament, but that we are committed to a further World Heritage bid – if we become committed to it – fully understanding what that may mean.

Now, I am not saying, Mr Speaker, that my predecessor as Chief Minister got it right when he decided not to progress with that bid and I am not saying that we would not also be starting such a bid, or a different type of bid, in the future; but I think it would be unfair to expect that in the course of these supplementaries we are going to commit to a particular shape or form of bid going forward.

And I hope that is helpful in some way both to him, as a former Minister for Heritage hankering for the work that he was doing to succeed; and to him as a former leader of the PDP wanting to chastise his current party for their failure to have pursued that policy at the time.

1340 **Hon. K Azopardi:** Yes, Mr Speaker, as helpful as the Hon. Chief Minister usually tries to be to the Members opposite.

Mr Speaker, this has nothing to do with other political parties. As indeed I am not making comments about the Chief Minister when he was in a different political party. (**Hon. Chief Minister:** We were together!) (*Laughter*) Indeed we were! Nor is it a new position that I adopt because I make it clear, and I have always made it clear, that if there is one thing on which I have disagreed with, my predecessor Sir Peter Caruana, it is on World Heritage. I have never hidden that fact, it is not an ideological thing and it does not make me stop being a social democrat. It is the fact that we have disagreed on issues of World Heritage before; everyone knows that and

1350 that again is not the motivation. Indeed, nor am I in my question asking them to restore the ambitious plan that I had when I was Minister for Heritage – I am not even asking them to do that.

1355 Indeed the Chief Minister, with all due respect, displays a singular ignorance about the demarcation of the plan that we had, because it was not including the whole of Gibraltar and it was before Kings Wharf, so ‘let’s be worried about it’ – because it was not going to include the new areas of Gibraltar.

1360 Look, Mr Speaker, I am glad to hear that the Chief Minister in his answer has given at least a hint that they are willing to consider a World Heritage bid. Of course, it should not be in terms that affect things like planning for the future, and so on and so forth. This is the kind of remark that I would have expected from his predecessor, not him. And perhaps if he gets better informed – I would encourage him to get better informed, and I would encourage him to come back to the House having better informed himself and discussed it with his colleague and perhaps he could indicate at some point in future when the Government gets better ideas about the kind of plan that he would have for World Heritage status, I would urge him to come back to the House and elucidate those plans with better information.

1365 **Hon. Chief Minister:** Well, Mr Speaker, I am committed to doing so because you see the position that the hon. Gentleman has felt compelled to describe as one of singular ignorance is one of commitment to reconsideration of Gibraltar’s World Heritage bid, or bids, going forward which I think is what we are alluding to in the context of the answer to the supplementary that the hon. Gentleman has given.

1370 But I must say, Mr Speaker, these are peculiar times. I mean, to find myself here not defending but at least seeking to explain the decisions that have been made by the man that one of their number describes as the greatest Gibraltarian of all time, defending the practices in respect of the public finances which they so roundly supported and they now so roundly criticise is really very difficult for us. The most difficult moment I must say I have had in the context of my political career is to stand here defending continuing to do things as they used to do them and to be attacked by them for not being ‘bossanista’ enough!

1380 Well, Mr Speaker, these are times of obvious singular ignorance but perhaps not just on this side of the House.

1385 **Hon. D A Feetham:** Well, indeed, Mr Speaker, I was myself (*Interjections*) becoming very confused because he has now made it a habit in fact of defending the decisions of the greatest Gibraltarian of all time; and no wonder, Mr Speaker, that out there in town people are now describing *them* as the GSD in disguise! The true Right, Mr Speaker! The true Right. No wonder he now wears those blue ties and light blue suits of his with so much pride, because he really is becoming the GSD in disguise.

1390 Mr Speaker, at least can he provide this House with more information as to whether some preliminary work has been undertaken by the Government as to the areas that the Government are looking at to see whether they can focus in terms of the bid, for example, the most obvious area the fortifications that Gibraltar has that range not only from Second World War but right back to medieval times. Perhaps the Government can provide us with a little bit more detail in relation to that?

1395 **Hon. Chief Minister:** Mr Speaker, when he stands up and the light goes red, I feel like I am watching the final instalment of a particular saga.

Mr Speaker, to be called the GSD in disguise as if that were a source of praise, could only have come from his lips, because of course we no longer know whether he is the GSLP in disguise, the GSD in disguise, or the Labour Party that is no more. Look, the reality, Mr Speaker,

is that that if I wear blue today it is because I have been wearing blue all my life. (*Interjection*)  
1400 And perhaps if we were in a different place in a different time a long, long time ago it would be the colour of my light sabre compared to the colour of his.

But, Mr Speaker, to take that analogy further, to say that we are the GSD in disguise, I wonder whether he is describing my suits as the *Emperor's New Clothes*? If we were to start to determine where we would have a new World Heritage Site I think the work that the Hon. the  
1405 Deputy Chief Minister has done and is doing in respect of the Northern Defences, for example, is an exemplary opportunity to consider whether we are going to be presenting another bid, etc. These are issues which are under serious discussion on this side of the House. They are issues which they have not raised in the past eight years, but we have advanced and delivered on, and are continuing to advance and deliver on. But, Mr Speaker, I might be able to inspire the  
1410 Minister for Heritage to consider also starting in the area of the Upper Rock in the area of Ince's Farm? He has already got a heritage award for that. (*Interjection*)

**Q213-214/2019**

**Catalan Bay and Eastern Beach Mound –  
Toxicity testing; soil study; toxicity report**

**Speaker:** Next Question.

**Clerk:** Question 213, the Hon. K Azopardi.

1415 **Hon. K Azopardi:** Mr Speaker, does the Environmental Agency conduct regular tests in respect of the mound between Catalan Bay and Eastern Beach and specifically on the toxicity or environmental issues surrounding the soil and its removal?

1420 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):**  
Mr Speaker, I will answer this question together with Question 214.

1425 **Clerk:** Question 214, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, when was the last time that a soil study of the mound between Catalan Bay and Eastern Beach was commissioned and will the Government undertake to commission a new report on the toxicity or environmental issues surrounding the soil and its  
1430 removal?

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

1435 **Hon. Prof. J E Cortes:** Mr Speaker, prior to works on the site in 2011-12, chemical testing of the material was commissioned by the Government under the supervision of Technical Services Department. The samples were collected by Environmental Gain Ltd which found the material to be acceptable for recovery with very few exceedances of the screening criteria.

As part of the Eastside Rubble Tip waste recovery operation, an application for a licence to carry out recovery of waste, as prescribed under the Public Health Act Section 192D, has been  
1440 submitted to the Environmental Agency. The application addresses the material sampling and

analysis for characterisation which proposes the testing for: arsenic, cadmium, chromium, copper, mercury, nickel, lead, selenium and zinc.

1445 The application states that one in every five samples will undergo Waste Acceptance Criteria testing and the results will be reviewed against the UK Waste Acceptance Criteria limit values for inert waste. Additionally, site-specific leachate tests carried out using the site material immersed in locally sourced seawater will be carried out to ensure the salinity of the water used to form the eluate does not influence the mobility of materials.

Further to the above, the Department of the Environment has a working protocol with Technical Services staff, and other onsite staff.

1450 Visual and olfactory tests are carried out by staff as trucks arrive with a form completed by contractors prior to the material going onsite. As and when required, Department staff are called out to inspect and test loads which may be of concern.

1455 Finally, the rubble from the site is thoroughly tested under the guidance of the Department before it is reused offsite. This is comprised of a full suite of contaminant testing, including heavy metals and hydrocarbons.

**Hon. K Azopardi:** Mr Speaker, there is quite a lot in that answer so let me just try to ask a number of questions, if I may.

1460 The hon. Member mentioned a 2012 chemical testing: can the hon. Member give us an indication of the results of that test?

**Hon. Prof. J E Cortes:** Mr Speaker, my answer said the material was found to be acceptable for recovery with very few exceedances of the screening criteria.

1465 **Hon. K Azopardi:** Mr Speaker, I am grateful for that. We do not have the answer in front of us so it is difficult to take all of it in.

He also mentioned a recent application, I think, for recovery of waste and a number of elements that were going to be tested. Is that because between the period of 2012 and this recent application there has been no testing? That was one question.

1470 The second question was: when exactly was this application for further tests done?

1475 **Hon. Prof. J E Cortes:** Mr Speaker, the material was all tested at the time and that was because I was not confident that the material there was of a type that would not cause an effect when any leachates went into the sea, and so on. So this was required to be tested so that we knew what was there.

1480 Subsequent to that, when new material has been added there have been inspections. On this occasion I believe that the request has been due to commencements of works on Hassan Centenary Terraces which has required the moving of material, and therefore before any material is moved elsewhere there are certain new tests that have to be carried out to reassure ourselves, and that is when this has happened. I do not know the exact date but it is I believe in relation to that project.

**Hon. K Azopardi:** And again, unless I missed it, does the hon. Member have an indication of the results of those tests?

1485 **Hon. Prof. J E Cortes:** No, Mr Speaker. We have to have one in every five samples tested. At the time that this answer was drafted a couple of weeks ago, at least a week and a half ago, I did not have any results. I will ask to see whether we have any results yet but the application, as the hon. Member can imagine, was quite recent.

1490 **Hon. K Azopardi:** And in respect of that, subject to the results of course, is there a programme to then have this kind of testing on a regular basis?

**Hon. Prof. J E Cortes:** What is tested is material when it is going to be moved. So if the tests show that there are no concerns then the material can be moved as infill, or whatever. If there is contamination then arrangements will need to be made to move that to a safe disposal site which normally would be across the border.

1495 There is no plan at the moment to test the whole of the area because, as I said, we took a look at it at the time and we have been very carefully monitoring what has come in, so we do not expect anything new to have come in. But we do not take it for granted so that when any material is moved we take the opportunity to test it again to make sure that it is safe.

**Hon. K Azopardi:** In the context of those tests, does the Minister know whether in measuring the environmental issues surrounding the soil – its removal, its displacement – in the context of Hassan's Centenary, it is part of this work to also gauge any environmental effect it may have on Catalan Bay?

**Hon. Prof. J E Cortes:** I would need to go back on this because the area where rubble would be moved specifically for this project would be on the north end, and there what we would be looking at is any material moved if it is contaminated, where is it going to go. And if it is contaminated, then obviously we would not put it in the proximity of Catalan Bay or anywhere else where there could be that kind of effect.

I do not think that this process has relevance to Catalan Bay; I think the Catalan Bay issues are separate.

1515 **Hon. K Azopardi:** Can I urge the Minister in the context of receiving results, when he does indeed receive them, to ensure that the Government take precautions so as to minimise any environmental impacts on Catalan Bay and its residents in the context of the Hassan Centenary development or indeed the displacement of the soil or the further dumping in this area.

1520 We certainly welcome the fact that they are taking these tests but I am sure that he will also be alive to these environmental impacts and will want to consider any possible effect.

**Hon. Prof. J E Cortes:** Yes, Mr Speaker, I think the hon. Member will not be surprised to know that we would not take any action which could in any way be of concern to any resident of Catalan Bay or anywhere else.

1525 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may interject?

I seem to recall that back in April my party and myself went to visit residents of Catalan Bay and a couple of days later, maybe even less than that, the Government gave them a pledge that they would remove all this waste and rubble. And of course now it is December and they were promised that this would be removed promptly and swiftly.

1530 So I would like to know by *when* the Government pledges to remove something that they promised they would do swiftly; an issue which causes the residents of the area respiratory issues, pollution issues that we all know and issues that were promised by this administration to be a thing of the past.

1535 I think that residents deserve to know by when exactly this growing mountain, which is supposed to be reducing but is actually growing, will be a thing of the past.

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the hon. Lady should know that we have pledged to remove this mountain – which, by the way, was there to a very great measure when

1540 we were elected – as part of another development which she also objects to, which is the Victoria Keys development. Because, you see, in the same way as there is not a magic money tree there is not a magic wand that gets rid of rubble when there is development in Gibraltar.

1545 So, principally, this is the spoil of the tunnel. It is the work of demolitions which end up in that area and it has got to go somewhere. The place that we have committed to putting it is the reclamation in the area of Coaling Island. We went to Catalan Bay during the course of the general election debate and we committed ourselves to start the displacement of that mountain.

1550 We have already started the displacement. The work has commenced for Hassan Centenary Terraces which involves the displacement, and the work is we hope going to commence in very short order on the reclamation of Victoria Keys.

1555 In so doing, Mr Speaker, by starting that reclamation we will be dealing with the issue of this mountain, and all of the concerns that the hon. Lady has which we share and which we have worked with individuals at Catalan Bay on. But we will be doing something which we think is very good and very important economically and socially and environmentally for Gibraltar. And something she thinks is not good, which is creating the reclamation at Victoria Keys.

So I think we are going to be able to deal with something that we both agree should be dealt with, but in a way that only one of us agrees should be the way to deal with it.

1560 **Hon. Ms M D Hassan Nahon:** Mr Speaker, my reasons for the objections at Victoria Keys are completely separate to this matter and I do not believe it is fair to conflate them, but I will leave that to one side for now.

1565 Once the rubble mountain is effectively emptied, hopefully, what is the Government's plan in terms of where will they be putting the future rubble? Will it continue to be at Catalan Bay or does it have other long-term plans to deal with rubble of this volume?

1570 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Lady has to understand that it is not a question of fairness in conflating her position – a comfortable position – on Victoria Keys, and her very comfortable position on the mound at the reclamation on the Eastside. These are not things which relate to fairness. These are things which relate to the political reality of having to deal with an issue and having to create more land, and these two being inextricably linked. This is politics, Mr Speaker.

1575 Politics is not just taking a position which is popular in Catalan Bay and a position which is popular in other parts of town. And this is not an issue of fairness; it is an issue of having to deal with the logistics of it. And so, Mr Speaker, I do not think that we are for one moment being unfair to her by showing that these things are linked and that she needs to understand that one of the positions that she has taken contradicts the logistical resolution of the other position that she has taken.

1580 She raises a good point when she talks about what is going to happen with rubble in the future. The Government is already looking in detail at how we can process rubble in a different way in order to be able to use it as more effective spoil, not on the site of the Eastside Reclamation, which we would like to see fully rolled out and developed and therefore not an area where this work could be undertaken. We have not yet identified the exact place in which to do it because there are environmental concerns always when you are dealing with issues like the treatment of rubble, and we will be in a position to advise contractors where to take their rubble in future when the time comes.

1585 **Hon. Ms M D Hassan Nahon:** Mr Speaker, would the Chief Minister not agree that when I say that it is not fair to conflate matters what I mean is that a new development of this nature is more about ... What I was saying was more about commercial structuring and financing issues of

1590 transparency, issues of conflicts of interest, and therefore has nothing to do with what we were talking about just before regarding the actual mountain, which is impacting residents of the area?

1595 **Hon. Chief Minister:** Well, no, Mr Speaker, I do not agree for a simple reason. First of all, the positions that she was taking were entirely unfair because there is no lack of transparency and there are no conflicts of interest. And second, she and Members of her party have also said that Victoria Keys is not a good idea environmentally. So she has not just taken an issue in relation to the incorrect perception of failure of transparency, and the *incorrect* failure to understand issues in relation to conflicts of interest. She has also taken the position in relation to environmental  
1600 matters which means that her two positions are contradictory and this has to be pointed out.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I myself have raised issues of environmental concern with regard to Victoria Keys. So, yes, it has been raised and it is not something that I shy away from.

1605 The question is and I ask the Chief Minister directly as I have before: isn't a development on the magnitude of Victoria Keys, when asking on the environmental point of view, not at odds with the Government's promise for a green Gibraltar, where we are spending so much of our land creating pollution, noise pollution and other sorts of pollutants which are going to bring anything but a green Gibraltar for our future? And that is a genuine concern that me and many  
1610 other people in our community share and I think the Government could treat the answer respectfully and in a way that would allay concerns for the average Gibraltarian.

**Hon. Chief Minister:** Well, Mr Speaker, you see how she has moved matters on. She said a moment ago that she had only raised issues in relation to transparency or confidentiality, and  
1615 when I reminded her that she also raised issues in relation to the environment she then takes possession of that and says, 'Oh yes, I did mention that. What are you going to do about that?'

Well, Mr Speaker, what we are going to do about that is we, eight weeks ago, put our competing visions of what should happen in Gibraltar in all of its different areas, in particular Victoria Keys, to the general public. We defended that as a net environmental gain for a number  
1620 of reasons, not least the fact that it is going to be an entirely sustainable development.

And, look, she did really well and she is the leader of the opposition poll. But in party terms she came third out of three and we came first out of three, so the people who had to make the choice – the bosses in this equation, the public – chose our view of what Victoria Keys should become.

**Q215/2019**  
**COP25 Summit –**  
**Gibraltar's involvement and impact on policies**

1625 **Clerk:** Question 215, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, could Government provide details of Gibraltar's involvement in the COP25 summit and whether this involvement will have any impact on policies regarding climate change?  
1630

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):**

Mr Speaker, I will reply in relation to Government's participation. In addition my friend and colleague, the Hon. Steven Linares, attended as a representative of Liberal International and the Sustainability Commissioner, Daniella Tilbury, as part of the University of Cambridge.

I attended as the political lead of the UK Overseas Territories, as part of the delegation of the United Kingdom of Great Britain and Northern Ireland, with Mr Stephen Warr of the Department of the Environment and Climate Change as the technical lead for the Overseas Territories. I was chosen as the OT representative by the UK Overseas Territories' Environment Ministers, following the move of the venue from Chile to Madrid. Had the conference been held in Chile, the representative would have been from the Falkland Islands, in order to reduce the carbon footprint of the representation.

In this capacity, the mandate I took included ensuring that attention was drawn to the serious issues facing the Territories, and many other island countries, in relation to climate change, in particular adaptation and mitigation, to raise awareness and look for opportunities to facilitate climate financing and identify new technologies. I met with various international and UK experts and bodies to discuss the various issues related to climate change and attended a number of presentations on matters such as climate finance, renewable energy, reducing the carbon impact of cities, climate change in the Mediterranean, and more.

Together with Steven Linares, we hosted a slide presentation on the Overseas Territories which drew attention from participants. We also held daily briefings with representatives from the Cabinet Office and the Department of Business, Energy & Industrial Strategy and the Department for Environment, Food & Rural Affairs in which matters of common interest to the Overseas Territories in general, as well as Gibraltar specifically, were discussed.

The Department of the Environment, Sustainability, Climate Change and Heritage also sent a team consisting of Janine Galliano from the Department, together with Vikram Nagrani and Tania Rahmany, environmental lawyers at Hassans. They attended COP and the Sustainable Innovation Forum. Their mandate was to pursue Gibraltar's continued endeavours to contribute to global efforts that combat climate change, by establishing a world-leading venue that allows for the international trading of 'Green Units', to include a wide range of units including emission allowances, mitigation outcomes, carbon credits, units under the Kyoto Protocol and Paris Agreement, and environmental units registered internationally.

I can confirm that the attendance at COP, which was the first time that Gibraltar has been at such an event, provided useful information that is already being incorporated in the draft Climate Change Strategy.

Mr Speaker, as I was writing this answer, the outcome of COP had not been as positive as I had hoped, but I am confident that under the UK Chairmanship, COP26 in Glasgow next year will be much more positive. This is time for action, and 2020 must see real action.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Hon. Minister for that exhaustive reply, but unfortunately I am still not much clearer on whether it would have had any impact on the policies that they would have built in their manifesto.

But, moving on, can I ask if the Government will be publishing a report on this seminar that they went on, this conference? And also on the slide presentation – is it a public presentation that we might be able to see?

**Hon. Prof. J E Cortes:** Mr Speaker, if I may refer to the first point.

The contribution there is contributing to our strategy. There was a lot of information there, a lot of new technologies, a lot of new initiatives that other cities are taking in order to reduce carbon footprint and that is being incorporated in the draft strategy that I will refer to in answer to the next question from the hon. Lady.

I have to prepare a report for the governments of the other Overseas Territories, part of which clearly would be an intergovernmental report and therefore there will be elements which may not be public, but I have no problem in looking at it and publishing a report. There will be a press release out very soon. As far as a slide presentation, there certainly is no problem in sharing that and I can undertake to put that on our Thinking Green website. It should be accessible to all. It is a summary of the challenges and achievements of all the territories in relation to climate change, and that was going at the UK Pavilion for a number of hours on one of the afternoons where Stephen Warr, the Hon. Steven Linares and myself were there, taking questions and talking to people about Gibraltar, and also the other Overseas Territories, and what our aspirations are in relation to climate change.

**Q216/2019**

**Climate change emergency manifesto commitments –  
Implementation**

**Clerk:** Question 216, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can Government provide detailed deadlines on when manifesto commitments relating to the climate change emergency will be implemented?

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

**Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the measures set out in the manifesto in relation to climate change will be delivered within this current term of office. By their very nature, many of the measures require changes to longstanding practices and so while the commencement of implementation will need to be early in the life of this Parliament, some will take longer than others to reach fruition. However, the timescales set in law by the Climate Change Act will all be met.

The Department of the Environment, Sustainability and Climate Change is already working on a wide range of measures to this effect.

The Climate Emergency Motion pledged to make Gibraltar carbon neutral by 2030 and to reduce our actual emissions by 50% by 2035. It also promised to report to Parliament with a climate action plan. The final draft is being reviewed as a result precisely of the conclusions of COP25 which, as the hon. Lady will know, were delayed to Sunday, just a few days ago; and of course with the result of the UK General Election and the now virtual certainty of our departure from the European Union.

The strategy has been prepared in response to the climate emergency and sets out how we intend to meet our targets for 2030 through to 2045. All references to the climate emergency within the manifesto are therefore reflected in this strategy.

One of the first tasks will be the appointing of a climate change committee and this will be done before the end of January 2020.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Gentleman for his answer. It was declared in the Climate Emergency Bill that a plan would be released by the end of 2019 and obviously we are in the third week of December. Where are we with this plan?

**Hon. Prof. J E Cortes:** Yes, Mr Speaker, as I explained in my answer, the plan is in fact complete. But I have taken time to amend it, as the previous question suggested, in order to

1725 reflect the outcome of COP and in order to reflect the implications of a virtually certain Brexit. Therefore, Mr Speaker, if it is not possible for me to present it at this session of Parliament, it will certainly be presented with the leave of the House in the January session.

**Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker, just one more question.

1730 The renewable fuel commitment to the EU and the electorate to generate the 20% of overall power consumption via clean energy solutions by 2020: where does that stand at the moment? Are we on course?

**Hon. Prof. J E Cortes:** Mr Speaker, I have made reference to this in the past. I do not have the figures with me now but we remain committed to achieving 20% in 2020.

1735

#### Q180-181/2019

#### E-Government Programme –

#### Programme update; milestones met; payment system testing and design advice

**Clerk:** We now return to Question 180, the questioner is the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government provide an update in respect of its e-Government programme and milestones met or still to be achieved?

1740

**Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

**Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 181.

1745

**Clerk:** Question 181, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if any parallel running or testing was undertaken prior to implementing its new payment system and who advised on its design?

1750

**Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

**Hon. A J Isola:** Mr Speaker, we continue to make good progress across Government and expect to deliver digital services in the following Departments by the end of Q1 of 2020: the Income Tax Department, the GHA Core Services and the Employment Department. Online payments to HMGOG will also be introduced at this time.

1755

These services are currently being built and we will then work on the next phase of Departments Quarter by Quarter. The Departments to be delivered next will be: the Department of Education, the Department of the Environment, the Office of Fair Trading, the Civil Status and Registration Office and the Social Security Department.

1760

Government has temporarily paused the implementation of the Financial Accounting System, the Infor Cloud Suite Financials, in order to facilitate the production of the Estimates of Revenue and Expenditure and lay them before Parliament in the usual manner. We go live on the new system on 1st April 2020 at the commencement of the new financial year.

1765

We are also continuing with the roll-out of the new Procurement and Purchasing system, currently with 21 Departments substantively on P2P, with a further two operating a conduit between existing bespoke systems and P2P. We have recently introduced an Invoice Capture

system. This system significantly enhances our ability to process invoices on the P2P system. Whereas a single operative is able to process up to 700 invoices per month through the P2P system, with Invoice Capture a single operative can now process up to 3,000 per month.

Modern ERP systems are pre-built to a large degree and proven to work out of the box. However, any custom configurations to the standard settings are required to be built and tested. Implementing an ERP system follows a clear testing methodology for the build of a new solution that covers three broad testing phases: (1) Unit testing – where the builder of the system tests individual components; (2) System testing – where the various components are tested together; and (3) User Acceptance testing – where the end users ensure that it delivers the right outcome.

The Government's implementation of its ERP system followed this well-proven methodology.

Parallel running is no longer carried out in ERP implementations. New system processes are usually very different to old ways of working. As an example, the change in paying suppliers under the old PV system whereby suppliers were paid separately for each Department, has been replaced by a shared payment system whereby invoices are collated together into one payment per supplier for the whole of the Government. It would therefore have been time-consuming and potentially impossible to parallel test the majority of payments in this specific implementation.

The recommended method is to prove the outcome is correct, rather than the process, during User Acceptance testing.

Mr Speaker, I note that we have not responded in respect of whose advice we have had, all of our suppliers have been involved in the process meaning: Proactis in respect of the procurement system; Infor in respect of the ERP system; AVAP in respect of the reporting system; and Deloitte, our consultants, as well as a project management team.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his comprehensive response and I look forward to updates in future as to progress in the rolling out of his e-Government programme. But I must probe him a bit further in terms of the system – and he may correct me if I am wrong in terms of what we describe it as in terms of the correct terminology – the financial system that was paused.

Did that go through user acceptance testing? Because it would appear that obviously something must have gone wrong since you have indeed pressed the pause button. And who is providing that system?

**Hon. A J Isola:** The ERP system is an Infor system but with AVAP, and Infor Cloud Suite Financials (CSF) is the financial reporting system. Of course it went through all the different testing mechanisms that I have just described.

What happened basically was that once we went live we had, as a consequence of – and he will understand it better than I do – coming in through mid-year we had to migrate a lot of the data from the old systems, which is TAS, into the new system which is not a simple database which is what TAs is. It is a full accounting system. So we had complications with the migration of data and as a consequence of that with the timelines that we now have coming to the end of the financial year and the reporting being prepared for the estimates, we felt the prudent thing to do was to press pause, enable us to deal with the current issues that we have and then bring it back in on 1st April.

In the intervening period, we are still continuing the work that we are doing on the ERP systems with Treasury, Finance and the project team and I have every confidence that it will go swimmingly well on 1st April when it is reintroduced.

**Hon. R M Clinton:** Well, I trust that lessons will have been learnt I guess from the experience. Can the Minister advise what the cost of this new system is, if he has information with him?

**Hon. A J Isola:** Mr Speaker, I do not have the information but I am happy to get it to him.

1820 The difficulty is that the cost is divided amongst the purchase of the software, the licensing  
system for the software, the cost of the different parties that have been involved. It is not just  
one cost; it is a whole range of different costs from different providers in respect of each  
different part. For example, Proactis, AVAP, Infor – these are all different service providers which  
together combine to give us, (1) on the financial reporting system and (2) on the digital services  
1825 which is what the first part of my answer in terms of the three Departments currently on; and  
then every quarter there will be a different set of Departments coming on to full digital which is  
the Online Services.

**Hon. R M Clinton:** Mr Speaker, I am grateful again to the Minister.

1830 Can he identify who is responsible overall for the project? Would this be Deloitte? And, if so,  
my second question would be in terms of the financial system at what point did it go live and  
then at what point in terms of date was the pause button pressed?

**Hon. A J Isola:** Mr Speaker, there is a project management team of Government  
representatives of which Deloitte is a member on that project team, but they are not leading it;  
1835 it is from the Ministry of Digital Services in my office that leads that project.

In respect of the exact date of when it was paused, I think it was about I would say two weeks  
ago, just before I went to China. So between two and three weeks ago – I can get him the exact  
date. And the date that we went live on, that we paused, will be I think two months ago. But I  
will happily send an email to the hon. Member and give him the specific dates that he is  
1840 requesting.

**Hon. R M Clinton:** Finally, Mr Speaker, I do not want to go any further than I need to on this  
subject. It is quite technical, I appreciate that. But can the Minister advise if there is a sign-off  
process by Departments and who are accepting new systems? In my experience, usually a  
1845 department head would have to sign off and say he is happy to accept the system to go live,  
because he is happy that it does what it says on the box.

Do you have that kind of process in place?

**Hon. A J Isola:** Again, Mr Speaker, there are a number of different systems that are going  
1850 through a process at a similar time. We have 21 Departments now substantively live on the P2P  
system, on the procurement system. So the way that happens is that they are trained, satisfied  
and then moved on. I am not sure if there is an official, formal Head of Department sign-off, I  
can check on that but I do not believe there is.

1855 In respect to the finance system, the main driver of that is obviously Finance and Treasury,  
and so they are very closely involved; and they were the ones that proposed that we press  
pause, which we agreed to, because at the end of the day we are building these systems for  
these Departments to operate more efficiently and that is the goal. So obviously we do it hand-  
in-hand and very closely with them. It would not be possible to do it otherwise.

1860 **Hon. R M Clinton:** Finally, Mr Speaker, he just mentioned the word ‘training’. Can he advise  
what kind of training was provided in advance of the new financial system?

And finally, if I may add, just that he may wish to consider implementing a formal sign-off  
procedure of the Heads of Department to ensure that they are satisfied with the system when  
they accept it.

1865 But going back to my question, can the Minister advise what training and what period of  
training was provided in the use of the new financial system?

**Hon. A J Isola:** There is not a specific period of training. Training has been going on for quite a lot of months for a very long period of time to different degrees with different people, depending on their usage of it. But there are reference sheets, which is like a training programme, which is given to everybody. They are then taken through it by the members of the project team, who are dealing with business change in terms of how people train on for that.

And I think if I am going to be candid, which I must, if there is one thing that we have learnt since the pressing of the pause is that we need to spend more time on training which is currently exactly what we are doing. And I am grateful for his ...

**Hon. K Azopardi:** Can I just ask? The Minister gave in answer to the question of my hon. Friend, he answered that he did not have the specific numbers in front of him in terms of cost of all the different elements. But does he have an idea of whether the cost is in the thousands, the hundreds of thousands, or in the millions?

**Hon. A J Isola:** Mr Speaker, the cost is in the millions and I think those numbers have been given in Parliament before.

**Q182/2019**  
**Draft Gaming legislation –**  
**Availability**

**Clerk:** Question 182, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Gaming state when he expects that the draft legislation relating to gaming will be available?

**Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

**Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, draft legislation will be available within the second quarter of 2020.

**Hon. D J Bossino:** So therefore he is confident they will be able to meet their manifesto commitments, which is that it will be done in the first six months of 2020?

But, Mr Speaker, will that be the primary piece of legislation? Does he expect that subsidiary legislation will also be in place by that time?

**Hon. A J Isola:** Mr Speaker, the hon. Member may not be aware that we started this process before Brexit, with a full-on Gaming review. We consulted with all of the gaming firms in Gibraltar on the proposals that we had. So the proposals that we are looking at now are not new. What happened was with Brexit we pressed pause and got on with other things.

So what we are now doing is finalising the work that we started, taking on board the consultation that we had from all the different firms that we met on a one-to-one basis. We will now be going back to the firms to consult again during this first quarter of 2020, as we finalise the policy decisions that we are going to be dealing with; and the drafting is obviously continuing apace with that too.

So, yes, we fully expect to meet the commitment of the first half of 2020. But I must say that we are very familiar with the detail, as are all of the gaming firms, of where we are going to go,

because it was a comprehensive report made public three years ago on precisely what we are going to be doing.

So, nothing new and no surprises.

**Q183/2019**

**GFSC Gibraltar-based financial services companies' levy –  
Further information; prior consultation**

**Clerk:** Question 183, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Financial Services provide further information regarding the proposed levy the GFSC wants to impose on Gibraltar-based financial services companies that do business with the UK, as reported in the Gibraltar Chronicle on 29th November? And in particular if the industry was consulted ahead of the announcement?

**Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

**Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, the Financial Services Commission issued a consultation paper on 9th December 2019 that proposes to raise a one-off special levy to recover some of the costs incurred preparing Gibraltar's regulatory regime and firms for our ongoing relationship with the United Kingdom.

The levy would be payable only by regulated entities with a passport into the United Kingdom, as these are the firms that will be most affected by the new relationship and future access to the UK market. The proposed levy is set at 12% of the annual regulatory fee for those firms for the year ended 31st March 2020.

Prior to the issue of the consultation paper, senior management from the Financial Services Commission engaged directly with firms that would fall within the above remit, so as to receive feedback and to be able to explain the reasoning. It was on this basis that HM Government was content for the formal consultation to be issued.

The final decision as to whether the levy will go ahead rests with HM Government of Gibraltar as it would require legislation. This decision will be taken after the Government has had time to view the responses to the consultation paper issued.

**Hon. D J Bossino:** Mr Speaker, I am not sure; thank you to the Minister for the reply.

In that reply did he state – and, if not, can he advise the House – why the figure of 12%? Why is the levy being pitched at that level in particular?

I think in the UK, according to the Gibraltar Chronicle article, I have not researched the matter any further, I think an equivalent figure was of 2.7%. So the question is: why up to 12%?

**Hon. A J Isola** Mr Speaker, it is the end that matters not the beginning. In other words, the FSC calculated what amount of costs they were being subjected to, and how they were going to be able to raise those costs.

In the UK, the base is far greater with *many* more licensees and so that equated to 12% for each of the firms. That means that 80% of the firms in Gibraltar will be paying less than £10,000 in terms of the levy and the highest one of all of the firms is just under £30,000.

So, in terms of the total cost to firms, the bulk of them are paying less than £10,000; and the 12% is the amount that got us to the number that they had to get to.

**Hon. R M Clinton:** Mr Speaker, if I may ask the Minister the obvious question: how much is the FSC seeking to raise? (*Interjections*)

1955 **Hon. A J Isola:** Mr Speaker, in order to help the bookkeeper, we expect it to raise under £500,000. (*Interjections*)

1960 **Hon. D J Bossino:** The Gibraltar article refers to GFSC preparations for the Rock's post-Brexit regulatory relationship with Britain. Does he have any specifics in relation to that? What is it that this levy is meant to be addressing in particular?

1965 **Hon. A J Isola:** Mr Speaker, I will read the answer of that part again. It proposes to raise a one-off special levy to recover some of the costs incurred preparing Gibraltar's regulatory regime and firms for our ongoing relationship with the United Kingdom – exactly the same as in the UK.

**Hon. D A Feetham:** But we are still not clear.

1970 What is it that the FSC is going to be doing? Is it going to be bringing in outside consultants in order to assist them, and that raises a cost? I mean, what is that extra cost? It is difficult to actually understand where that money is actually going to go to, absent an increase in human resources, for example, on a temporary basis in order to assist them. Now, that, I could understand.

But we are not clear about where specifically that money is going to be spent.

1975 **Hon. A J Isola:** Mr Speaker, I would urge the hon. Members to read the consultation paper which sets out the detail as to what the money is being raised for.

1980 But, in essence, again as I have said in the answer, it is in relation to the expense, the work and the cost that the FSC has been put to in working our way through the last 24 months, and what they envisage to be going forward in dealing specifically with firms passporting into the United Kingdom – whether that be with their relationships with the United Kingdom, the PRIVFCA, in particular firms who are passporting into the UK; legislation, Brexit – with all the costs that they have been put to specifically to do with Brexit.

1985 **Hon. K Azopardi:** Can I take it from the Minister's original answer that the Government has not formed the final view on whether it will support the levy in due course? And, if so, is it having separate consultations with the insurance industry to gauge the feeling of the insurance industry behind closed doors as to whether something like this is economically the appropriate thing to do at this time?

1990 **Hon. A J Isola:** Mr Speaker, as I said in my answer, the decision as to whether the levy will go ahead rests with HM Government of Gibraltar as it would require legislation. The decision will be taken after the Government has had time to review the responses to the consultation paper.

1995 I can tell you that the senior management team of the Financial Services Commission have been meeting with licensees who fully understand the reasoning as to why this is being done and the quantum that they are being asked to meet. And I think that from the feedback that I have had from some of these firms directly, they fully understand and they have no issue with it.

**Hon. D A Feetham:** I am sorry to persist with the line of questioning. I do not know, maybe it is the time of the day, I am getting old, and I am not really understanding it.

2000 But if what you are saying is that there is an extra cost to the FSC as a consequence of preparing the industry for the effects of Brexit and passporting into the United Kingdom, I can

understand if what you are saying is 'Well, look, there's going to be an increase in man hours. We don't have the human resources available at the FSC. We need to bring outside consultants in order to help us; or temporary staff in order to help us.' I can understand, for example, that there might be an extra cost in individuals at the FSC needing to be trained in a specific way in order to deal with this and that cannot be too expensive.

But, you see, the reason why I am raising it certainly is because there has to be some accountability from the FSC and we would all accept that. And if you are essentially saying, 'We need extra money from the industry for this particular purpose', there has got to be some clarity in relation to *why* that extra cost is needed. And I have to say that I still do not understand what extra cost the FSC is envisaging beyond extra human resources which is the easiest ...

I could understand that. If the hon. Gentleman had said, 'We need to recruit three or four extra people for a limited period of time', that I could understand. But absent increases in human resources, I just cannot see what extra cost is going to fall on the FSC.

**Hon. A J Isola:** Mr Speaker, as I said to his hon. Friend I think the first port of call would be to read the consultation document which explains the reasoning and the costs that they have been put to, to be able to deal with the challenges that they have faced with passporting into the UK. I can tell you they have been substantial and the costs being recovered is nothing like the total costs that they have been put to in terms of how we have managed that process in the past three years; and also look to why the UK themselves have had to do it and the costs that they have also been put to in managing exactly the same processes.

You are talking about a team in Gibraltar who have had to engage specialist lawyers and everything else in supporting their efforts to be able to give us the passporting to the UK that we have got, which is why the levy is specifically to those firms that are passporting into the UK and no-one else.

**Hon. D J Bossino:** Mr Speaker, can he absolutely confirm that this will be a one-off payment? A one-off levy?

**Chief Minister (Hon. F R Picardo):** The one-off levy will be a one-off levy.

**Hon. A J Isola:** Mr Speaker, if it was not, it would not be a levy. It is a levy, because it is a one-off payment which they are entitled to propose to us and that is what we are considering. It is not going to be annual, obviously. If we are going to do Brexit once a year, that would be a bit of a problem. *(Interjection)*

**Hon. Chief Minister:** Mr Speaker, I wonder whether this might be a convenient moment bearing in mind the Chair needs to stretch its legs, given that you have been in post since three o'clock, to recess for 15 minutes until six o'clock?

**Mr Speaker:** The House will recess for 15 minutes.

*The House recessed at 5.46 p.m. and continued its sitting at 6.09 p.m.*

**Q183/2019**

**GFSC Gibraltar-based financial services companies' levy –  
Supplementary question**

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

I just wanted to enquire of the Minister whether there had been any exploration to the effect that we are getting funding from the UK for these sorts of incremental Brexit-related costs?

2045 Much in the way that you have achieved in respect of infrastructure costs, will there be any consideration of asking the UK to make a contribution for these sorts of incremental costs which obviously are not something that were of Gibraltar's doing but directly related to Brexit?

**Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, that question is a little left field in the sense that there are specific things that Government has engaged with the UK to seek support on, but not 'business as usual' which is what we are seeking to do with the United Kingdom passporting. What we are seeking to do and what we have achieved is a political agreement to continue passporting exclusively between Gibraltar and the UK post-Brexit, and this is the work that has gone into dealing with those arrangements.

2055 So I do not think it would be appropriate in something like this to seek financial assistance from the United Kingdom. This is very much what we are doing on a daily basis between Government and the Regulator; and likewise in the UK the PRA, the FCA and HM Treasury. You will recall the Deloitte Report that we had in respect to the regulatory alignment between HM Government Gibraltar and HMG in the UK was paid 50:50 between Treasury in the UK and  
2060 Gibraltar. So some of those costs we have already met on a 50:50 basis.

**Q217/2019**

**Upper Town Escalator –  
Closures and reasons**

**Clerk:** We now move to Question 217, the questioner is the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government update this House as to the number of times the Upper Town Escalator has been closed over the last 12 months and the reason for the  
2065 closures?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

**Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the  
2070 information the hon. Member has requested is set out in the schedule I will now hand over.

**Upper Town Escalator Faults**

Date Faulty	Direction	Date Repaired	Duration (days)	Reason
07/01/2019	Down	11/01/2019	5	Water Ingress
09/01/2019	Up	11/02/2019	3	Emergency Stop Button Pressed
20/01/2019	Up	22/01/2019	2	Emergency Stop Button Pressed
08/02/2019	Up	12/02/2019	4	Water Ingress
22/02/2019	Down	23/02/2019	1	Emergency Stop Button Pressed
03/03/2019	Down	05/03/2019	2	Emergency Stop Button Pressed
04/03/2019	U p	06/03/2019	2	Emergency Stop Button Pressed
16/03/2019	Down	16/03/2019	1	Emergency Stop Button Pressed
19/03/2019	Down	21/03/2019	3	Vandalism
31/03/2019	Both	03/04/2019	4	Emergency Stop Button Pressed
12/05/2019	Down	15/05/2019	5	Vandalism
02/06/2019	Down	10/06/2019	8	Water Ingress
05/07/2019	Up	05/07/2019	1	Emergency Stop Button Pressed
22/08/2019	Up	22/08/2019	1	Power Cut
25/09/2019	Down	25/09/2019	1	Emergency Stop Button Pressed
28/09/2019	Both	16/10/2019	18	Motherboard Failure
20/10/2019	Up	20/10/2019	1	Emergency Stop Button Pressed
25/10/2019	Both	26/10/2019	2	Emergency Stop Button Pressed
27/10/2019	Down	30/10/2019	4	Emergency Stop Button Pressed
01/11/2019	Up	03/11/2019	3	Emergency Stop Button Pressed
17/11/2019	Up	17/11/2019	1	Emergency Stop Button Pressed
23/11/2019	Both	23/11/2019	1	Emergency Stop Button Pressed
01/12/2019	Both	03/12/2019	3	Oil leak and reail repair

**Q218/2019**  
**Electric scooters –**  
**Government's position**

**Clerk:** Question 218, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state its position in respect of electric scooters?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

**Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the Government is currently reviewing the feedback received on the consultation paper and is now actively working with Gibraltar Law Offices to determine how to regulate these devices.

**Hon. E J Phillips:** Mr Speaker, therefore, if I am correct in assuming from the answer the Minister has just given that no consideration is being given whatsoever to the banning of these vehicles?

2085 **Hon. V Daryanani:** Mr Speaker, we are looking at all possibilities. And, like I said, we have engaged with our law offices and we will be coming back after the holidays and we will be looking at it in more detail. We have received many different views from the public and we are taking them all on board and I have got a huge file, like this, to go through and we will be coming back to you very soon.

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**Hon. E J Phillips:** I am grateful for the answer from the Minister in relation to that and I am sure that will make for healthy reading over the Christmas festivities.

**Q217/2019**

**Upper Town Escalator –  
Supplementary questions**

2095 **Hon. E J Phillips:** Mr Speaker, we understand from the answer to Question 217 that the Upper Town escalator has been closed for a total of 76 days. Yet again, Mr Speaker, we ask the same question as to what improvements can be made to stop the vandalism and also the unwarranted stop the pressing of the emergency stop button. One of the issues that we raised in the last Parliament was whether or not we could put at least a sign near the escalator itself to prevent people from misusing the button – pressing stop and slowing it down – in order to avoid maintenance teams coming out at great cost to the public purse and also delays to our community who are using that escalator.

2100

Is the Government going to be installing those types of signs and appraising the general public that misuse of these types of this button certainly should, in our view certainly, amount to a criminal offence?

2105 **Hon. V Daryanani:** Mr Speaker, according to the information that I have received the emergency stop button ... There are perhaps two reasons why it is pressed: one is that the elderly members of our community will perhaps panic or whatever and they press the button. We cannot really do anything about that. And then there is the vandalism issue, perhaps children playing around in the area and you know what happens.

2110

So yes, we will consider regarding the sign ... Like I say, I have only been in place for two months and I am not really too sure of where we are with the sign issue. It has not been brought to my attention but I will definitely look into it and give it consideration.

2115 **Hon. E J Phillips:** Mr Speaker, insofar as the pressing of the emergency stop button, obviously this information does not set out that elderly members of our community that may be confused by the process have pressed this for that reason. As far as I understand there is no CCTV coverage of the escalator itself. I might be corrected, if I am wrong about that.

We would have thought that misuse of that button should be a criminal offence in order for that to be progressed along the usual route. We do have quite a lot of complaints from our side, from members of the committee who have communicated these issues to us.

2120

This is obviously an expensive course of action, setting up an escalator at the Upper Town. It was welcomed by many people but it seems to have been 76 days, which amounts to I think 20% of the time, out of order during the year. So I would be grateful if the Government could at least try to look at ways of communicating that this is a criminal offence for misusing this button and causing the mayhem it does.

2125

**Hon. V Daryanani:** Mr Speaker, if you look at the actual faults as such, with the emergency stop button I think there are not that many. There was an 18-day failure of the motherboard. Look, I mean, these things happen. And then the other one was water ingress. Again, these things happen.

2130 So really, yes, the emergency stop button is a problem but I do not think it is a major problem. But we will look into putting the sign up and showing that it is an offence if you press it for the sake of it.

**Hon. E J Phillips:** I think just to finish off, there was a question I put to the Hon. Mr Balban about that and I think the view that was taken and the concern of the public was, at least with the police at the time, that they did not have the powers to do anything about the pressing of the stop button. My understanding is, and I may be wrong, has that now been rectified? Are the police aware of their powers in respect of the misuse of the button?

2140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I wonder whether we should just have an emergency stop button for questions of this sort.

Mr Speaker, let's be very clear. The hon. Gentleman is now asking a legal question. Is there a need to change the powers for criminal damage for somebody who presses an emergency stop button?

2145 Well, Mr Speaker, this is a little bit like the law on offensive weapons, as far as I am concerned. One can carry a kitchen knife and there is no law against carrying a kitchen knife. If you carry the kitchen knife with the intention of using it to cause damage you are carrying an offensive weapon. Now, an emergency stop button is, as the name implies, a button provided to stop a facility in an emergency and if it is used outside of that purpose then that is vandalism; and if there is damage arising, it is criminal damage. There does not need to be any change in the law; there does not need to be a sign that says, 'Don't press the Stop Button if it's not an Emergency because the button says Emergency Stop Button'.

2155 I am not as frustrated by the hon. Gentleman's line of questioning as I am by the behaviour of those who press a button that is there for another purpose simply for the sake of enjoying themselves in seeing the facility stopped. But the question is: to what extent do we police, Mr Speaker? Do we set up a camera everywhere that there is a facility? Do we set up a sign that says, 'Dear Boy, do not be a vandal, it's just not on. Do not press the emergency stop button because it's not an emergency and you're doing it just for fun'.

2160 There are some things, Mr Speaker, where the frustration that is being expressed to hon. Members by members of the public is felt by all of us who are members of the public, including those of us who are Members of the Government. But there is very little that can be done to require people to act in keeping with the standards that we would all expect from each other.

2165 And if I might just say so to the hon. Gentleman, can he take this as the complete agreement of the Government with the view that he is expressing on behalf of his constituents that this is *thoroughly* frustrating for all right-thinking members of the community who have invested in this facility, in particular for those who have a need to use it, but that there is very little in terms of Government power that can be deployed to stop a teenager pressing a button.

2170 **Hon. E J Phillips:** Mr Speaker, one more question and then we can move on from this; it is fast becoming a debate. But clearly the Chief Minister has not ridden on the Tube in London for some many years and is probably driven around in limousines in London. But anyway, Mr Speaker, the point is this: on the Tube there is a sign saying 'Misuse of this handle will result in prosecution and a fine of x amount of pounds'. That is all we are asking for: a simple sign explaining that if you do not use this button in an emergency you will be fined!

2175 It is a simple thing, it happens the world over; and if we cannot have a simple sign saying that I do not know what we are doing here, Mr Speaker.

**Hon. Chief Minister:** Mr Speaker, nobody is saying that we cannot have a simple sign saying that and he makes all of the wrong assumptions when he gets up and talks about my being driven in London rather than not being on the Tube. I have been on the Tube probably more often than he has had hot dinners, Mr Speaker, and I have seen the signs. But if he thinks that the sign is going to put a stop to people using the emergency stop button because it says 'Emergency Stop Button' in circumstances which are not an emergency, it will be the first time in history that the sign has had more of an effect than the button itself.

2185 I do not know whether he realises what he is saying, but the Minister has already said we are considering putting up a sign and we can continue despite everything that is on the horizon, talking about the three-word sign that he wants to see on the escalator that I assume he never uses, because he does not live in the Upper Town.

2190 **Hon. E J Reyes:** Sorry, Mr Speaker, I was standing up trying to attract your attention. Yes sir, I wanted to get away from lawyers and get more into a sort of a teacher's thing.

For the sake of clarity and for the record, the last entry, the three-day breakdown from 1st to 3rd of December says 'oil leak ...' and something else, it is to some sort of repair, I cannot quite make it out fully.

2195 **Hon. V Daryanani:** 'Rail', perhaps, Mr Speaker?

**Hon. Chief Minister:** It is a technical term, perhaps, we do not know, but we will check. It may be a constituent part of the escalator that was damaged when you press the emergency button ...

**Hon. V Daryanani:** We will get back ... If you write to me I will let you know.

2205 **Hon. E J Reyes:** Mr Speaker, with your leave, when the Hon. Minister finds out he can just feed us back in Parliament, that way it goes down on the record.

And may I add, without wishing to revert to the emergency event? The emergency stop for whatever reason it was done, at times it seems to be fixed within a day, but on other occasions it takes three days, or four days, or two days.

2210 Is there any type of explanation for that, why sometimes it can be done in a day and sometimes it takes up to four days?

**Hon. V Daryanani:** What is it that you are referring to? (*Interjections*)

2215 **Hon. E J Reyes:** Yes, if you look, from 31st March to 3rd April it took four days to reinstall the lift when it was stopped for an emergency. And yet the penultimate one from 23rd November seems to have been fixed in a day. So I am wondering why can it take one, two or three days?

2220 **Hon. V Daryanani:** Mr Speaker, I am told that the people who come to fix it, they are not available on that day. So sometimes they are available and they come in a day and sometimes ... It is like calling a plumber, if he does not turn up on the first day he might turn up on the second day or might turn up on the third day. (**A Member:** Or the fourth!) Or the fourth, exactly.

**Q219/2019**

**Gibraltar's MAN bus fleet –  
Conversion to electric or hybrid**

**Clerk:** Question 219, the Hon. E J Phillips.

2225 **Hon. E J Phillips:** Can the Government state what steps it is taking to convert our bus fleet to electric or hybrid?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2230 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the possibility of converting the current bus fleet to hybrid electric or fully electric has been explored. However, at present this type of conversion is not found to be technically feasible. Any solutions available on the market would entail retrofit modifications from third-party suppliers and these forms of modification can lead to conflicts with the original bus manufacturer parts, potentially voiding warranties. This is therefore not recommended. Other modifications may be possible and are being explored.

2235 Notwithstanding the above, the Government has performed trials and tested various new hybrid electric and electric buses from different manufacturers in an attempt to ascertain their effectiveness in view of our narrow streets, tight corners and demanding topography. Unfortunately, the models trialled have not performed successfully.

2240 The reality remains, Mr Speaker, that our existing MAN bus fleet with their Euro 6 engines are known to produce very low emissions by comparison to other engines.

2245 **Hon. E J Phillips:** I am grateful for that answer and clearly the answer is that it is not feasible to upgrade our fleet to electric or hybrid for the reasons that have been articulated by the Minister. It is a great shame of course that our community cannot use electric vehicles of this nature, given the purported green credentials of the Government.

But insofar as the technical aspects of it: can the Government give further information as to why it is not feasible – the ‘technical reasons’ that he alluded to in his answer?

2250 **Hon. V Daryanani:** Mr Speaker, as I said, we have trialled buses and obviously Gibraltar is unique in the way that the hills are steep. These electric buses are still not ready for a lot of our roads. As the market evolves, we will be in a position to have these electric vehicles that will be able to travel the tight corners and the hills. So we will have to wait a little.

2255 And as far as the Green Gibraltar is concerned, this was two months ago. Do you expect us to have a bus fleet of electric vehicles in two months’ time, Mr Speaker?

**Q220/2019**

**Fixed-position speed camera fines –  
Numbers imposed and cancelled**

**Clerk:** Question 220, the Hon. E J Phillips.

2260 **Hon. E J Phillips:** Can the Government state how many fines have been (1) imposed – paid and unpaid; and (2) cancelled, since the commencement of the operation of all fixed-position speed cameras?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2265 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the number of fines issued by the fixed-position speed cameras is 17,276 since their commencement in May 2017. There have been 5,418 fines not approved and subsequently retracted or cancelled.

**Hon. E J Phillips:** So the 17,276 are those that have been imposed. Is that correct? And then the 5,000-odd are the ones that have been cancelled from those 17,000-odd. Is that right?

2270 **Hon. V Daryanani:** That's right, Mr Speaker.

**Hon. E J Phillips:** And insofar as the total amount which obviously is 12,000-odd, does the Minister have the breakdown as to those paid and unpaid, as the question asks?

2275 **Hon. V Daryanani:** Sorry, what is it the hon. Member was requesting?

2280 **Hon. E J Phillips:** The first limb of the question asks how many fines have been imposed, which is obviously the answer the Hon. Minister has given – 17,000-odd. And then in brackets 'paid and unpaid'. Does the Minister have that information?

**Hon. V Daryanani:** Mr Speaker, out of the 17,276: 4,923 were paid.

2285 **Hon. E J Phillips:** I thank the Minister for the answer to the question. So, in essence, 13,000 fines that have been imposed during the last two years have not been paid by members of this community. Is that correct?

2290 **Hon. V Daryanani:** Mr Speaker, it is not that they have not been paid, there are 4,000-odd summonses issued, so you know where there is a summons issued they are in court, it is nothing to do with –

**Hon. E J Phillips:** We are aware of that.

2295 **Hon. V Daryanani:** Yes, and then there are others that have been contested and the RGP, for whatever reason, have decided to rescind them. It is nothing to do with the Government.

**Hon. E J Phillips:** So the 5,000 that have been cancelled are those that have been cancelled by whom? The 5,000 of the 17,000 that have been cancelled, have they been cancelled by the authorities, or by whom? The court has struck them out or ...?

2300 **Hon. V Daryanani:** Well, it is probably cancelled by the RGP, but not by us. It is nothing to do with the Government.

2305 **Hon. E J Phillips:** Mr Speaker, I would be grateful if the Minister could just answer how many fines that have been imposed have not been paid? (*Interjection*)

**Hon. V Daryanani:** Yes, the ones that have not been paid are the ones, like I said, in which a summons has been issued or (*Interjection*) they have been cancelled.

2310 **Hon. E J Phillips:** So, 9,000 is the answer. Correct?

**Hon. V Daryanani:** Yes, Mr Speaker.

**Hon. E J Phillips:** So, yes, I am grateful. I know what everyone was trying to get at here but all I was asking was imposed.

2315 So 9,000 fines that have been imposed over three years have not been paid. Correct? And what steps are being taken to recover those?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think the hon. Gentleman is not understanding the answer that is being given or indeed the types of fine that we are dealing with. So just to refresh his understanding of how the criminal law in traffic works – (*Interjection*) He says from a sedentary position he knows essentially how it works, but every question he has asked suggests that he does not know how it works, so I am going to take him through it, Mr Speaker.

2320 The fines are automatic, based on the operation of the speed camera. Then a human interaction occurs which does not involve the Government at all. We have something called the ‘separation of powers’ and the Government does not get involved in the prosecution of traffic offences. So those who are responsible for the prosecution of traffic offences – the Police – will be the ones who determine whether a fine is imposed or not.

2325 If the fine is imposed, Mr Speaker, there may be a number of reasons why there are three or four fines that are then reduced to one or two that are paid. The hon. Gentleman should remember if he ever did this practice, that sometimes an individual would manifest with five, or six, or seven or eight fines and the prosecutor on the day may agree to accept payment for two and waive another four. So in the context of trying to belittle the amounts that are paid versus the fines they are imposed, the hon. Gentleman is ignoring all of that.

2330 Now, this is a complex prosecutorial process which does not involve the Government, although the Government is able to obtain the information to provide to the Opposition. He cannot therefore interrogate the Government as to how the decisions and why the decisions have been made in respect of the number of fines that have gone forward, etc.

2335 That is the information that we can give him. The hon. Gentleman has given it to him in good faith – and, if I may say so, can I congratulate him on having got up for the first time in this House (**A Member:** Hear, hear.) and given his maiden answers to questions.

Mr Speaker, I think that it is a question of numbers and decisions made independently by prosecutors. That is what we are dealing with.

2345 **Hon. E J Phillips:** Mr Speaker, whilst I am grateful for the intervention by the Chief Minister – and I warmly congratulate the hon. Gentleman for his first appearance in this House on these types of questions. But I have asked a question about fines being imposed, I did not ask about the prosecutorial relationship between the automatic generated piece of paper and the human interaction.

2350 I have asked for the fines that are imposed. Nothing more, nothing less. Those that are paid and those unpaid. I am not talking at the Magistrates Court, the issuing of summonses, the defence of people that say they have not committed an offence. I have not asked about any of that. I have asked about the imposition of fines that are paid and unpaid. That is all I have asked, Mr Speaker.

2355 **Hon. V Daryanani:** Well, Mr Speaker, there are 4,923 fines that have been paid. (**A Member:** Yes.) Okay? (*Interjections*)

2360 **Hon. Chief Minister:** The balance! Let’s get the calculator out – 17,276 minus 4,923! (*Interjections*)

I just told you, they may not have been paid because they may have been waived by a prosecutor, somebody may still be contesting them, etc.

**Hon. E J Phillips:** Really?

2365

**Hon. Chief Minister:** Yes, really! (*Interjections*)

**Q221/2019**

**Driving licence penalty points –  
Creation of regulations**

**Clerk:** Question 221, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state its position in respect to the creation of regulations for the imposition of penalty points on driving licences?

2370

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

**Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, as explained to Parliament by Minister Balban during the Second Reading of the Traffic (Amendment) Act 2016, the Bill contained ‘powers to make regulations for the introduction and administration of a penalty points regime’ but the Bill did not provide for the legislation required to set up the regime itself.

2375

Subsidiary legislation will be required, as will additional technical and administrative infrastructure for a penalty points’ regime to be introduced. This is being prepared.

2380

**Hon. E J Phillips:** Mr Speaker, when did the Government realise that the primary legislation was deficient? It was four years ago.

**Hon. V Daryanani:** The regulations have not been created yet and it is not deficient. And as I said in my answer, this is being prepared. It requires subsidiary legislation, right, as I told you in my answer for the regime to be introduced and therefore at the moment it is being prepared.

2385

**Hon. E J Phillips:** My simple question would be: why has it taken the Government three years to prepare the framework for the introduction of penalty points?

2390

**Hon. V Daryanani:** The Government decides its drafting priorities, and we have had ours.

**Chief Minister (Hon. F R Picardo):** The House may be interested to know – and the hon. Gentlemen, if they had done the exercise, might be interested to know – that 60% of all fines have been paid, although the regime only commenced in May 2017 which, in the context of the enforcement of traffic offence penalties is probably not a bad comparison to all other offences. And that is what the numbers that the hon. Gentleman has given the House, which are the ones I have used to calculate, demonstrate.

2395

**Q222/2019**  
**Learners' licences –**  
**Changes in laws or regulations**

2400 **Clerk:** Question 222, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker can the Government confirm that there have been no changes to our laws or regulations which prohibit those carrying a learner's licence from driving within the Town area?

2405

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

**Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, there have been no recent changes to our legislation which prohibit the holder of a learner's licence to drive within the Town area.

2410

Although I am not a lawyer, I refer the hon. Member, Mr Speaker, to section 85 of the Traffic (Licensing and Registration) Regulations which sets out the 'Conditions and Restrictions on Driving by Learners'.

2415

**Hon. E J Phillips:** I am grateful for that and the reason I have raised this question is quite simple and if he had read the question properly he would have known.

It is quite clear that members of the public come to the Opposition and they tell us, on numerous occasions, that those with learner licence plates are driving around Gibraltar indiscriminately but not being stopped by anyone, and this is the issue. It is an issue for members of the public. So what is the Government doing about that insofar as encouraging people not to drive with a learner's licence in the city?

2420

**Hon. V Daryanani:** Mr Speaker, this is an enforcement issue and this Government does not interfere with the Police.

**Q223/2019**  
**Parking zones –**  
**Festive season arrangements**

2425 **Clerk:** Question 223, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, this question has been answered by a press release that the Government issued a number of weeks ago now. Can the Government state what arrangements will be put in place, which are varying parking zone arrangements during the festive season?

2430

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

**Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, as the hon. Member may have read in the Press Release 865 of 2019, all residential and district parking zones will be temporarily suspended from Tuesday 24th December until Wednesday 1st January 2020, inclusive.

2435

**Q224/2019**

**Queen's cinema parking spaces –  
Allocation**

**Clerk:** Question 224, the Hon. R M Clinton.

2440 **Hon. R M Clinton:** Mr Speaker, can the Government advise the basis on which the new 23 parking spaces at the Queen's Cinema site are to be allocated?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2445 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the ex-Queen's Cinema site will provide a total of 21 pay-and-display parking spaces and one disabled bay.

2450 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can he advise for how long he envisages this facility will be available?

2455 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer the hon. Member because this is a 'land's issue'. This site has gone out to tender already. There were I believe six expressions of interest submitted. The Government has been considering those expressions of interest in the time since they were made. So this car park is a temporary car park.

**Hon. D J Bossino:** Mr Speaker, I think we all know it is temporary, it was announced by the Government that it was going to be temporary. But can he answer my hon. Friend's question and indicate how long does he think 'temporary' is?

2460 **Hon. Dr J J Garcia:** Mr Speaker, it will be a temporary car park for as long as it takes the Government to consider the six expressions of interest and award the tender.

2465 **Hon. K Azopardi:** I only rise because it sounded to me like the answer that Peter Hain gave when he was asked about what the perpetuity clause of the Treaty of Utrecht meant and he said as long 'in perpetuity' means as long as you want – but it does not mean forever.

2470 We appreciate that there is a consideration process but I think both of my hon. friends were hoping to get a slightly more defined answer from the Government. There was a press release some time ago that said indeed that it was temporary, and there must have been thinking behind the scenes. So can the Government assist, having now considered the future of the site and done its thinking, as to the likelihood of the process? How much longer would the site be used for this temporary use?

2475 **Hon. Dr J J Garcia:** Mr Speaker, the Government is unable to confirm the length of time that the temporary car park will be available. But once we consider the expressions of interest that have come in and we award the tender, however long that takes, that is when the site will cease being a temporary car park.

2480 **Hon. R M Clinton:** I am grateful to the Deputy Chief Minister's intervention there. If I may ask one question, just for clarification: the expressions of interest, does that include the Queen's Hotel site?

**Hon. Dr J J Garcia:** Yes, Mr Speaker, that was as the hon. Member knows public information. It includes the Queen's Hotel and the Queen's cinema sites.

**Q225/2019**  
**Fair Trading Act –**  
**Publishing revised Bill**

**Clerk:** Question 225, the Hon. R M Clinton.

2485 **Hon. R M Clinton:** Mr Speaker, can the Government advise when it intends to publish and bring into effect the regulations revising Part 9 of the Fair Trading Act?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2490 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, during the course of 2019, as the review of Part 9 of the Fair Trading Act 2015 was being completed, it became obvious that there was a need to introduce further structural change to the Fair Trading Act. As Members will know, an enabling Bill was published last year as the regulations were worked on but this was not proceeded with.

2495 We are at the final stages of drafting a completely new and even more innovative Act which will simplify and accelerate the licensing process, as well as enable the OFT to have the powers it requires to deal with enforcement in cases of breach. The new legislation will accommodate small businesses and cottage industry providers encouraging their growth in Gibraltar.

2500 This work was started by my colleague Albert Isola who is working with me in completing this Bill which has also been prepared in consultation and collaboration with the Chamber of Commerce and the Gibraltar Federation of Small Businesses in order to ensure that the needs of Gibraltar businesses are adequately catered for. I expect to publish this Bill early in January

**Q226/2019**  
**Amazon customs clearance –**  
**Delayed agreement**

**Clerk:** Question 226, the Hon. D A Feetham.

2505 **Hon. D A Feetham:** Mr Speaker, why has the Government delayed in reaching customs clearance agreement with Amazon in order to ensure Gibraltar residents do not encounter problems purchasing products on Amazon?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2510 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, there are no restrictions on behalf of HM Government of Gibraltar to foreign suppliers such as Amazon. Furthermore, after consulting the Collector of Customs with particular regard to the Gibraltar Customs Clearance Process, it has been confirmed that there are no such restrictions. This position has further been confirmed by the Director of Postal Services.

2515

If the Hon Member is relying for his question on a recent post on social media purporting to be an official communication from Amazon, he should be aware that Government is itself following up what appeared to be an erroneous reference in the absence of understanding that Gibraltar is not part of the EU Commission Customs Area for free movement of goods.

2520

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

Yes, I am, and I am relying on a communication from Amazon to a member of the public where they said that the reason why that member of the public could not purchase some items on Amazon to be delivered to Gibraltar, was because the central Government of Gibraltar had yet to grant it legal permission for customs clearance process.

2525

I am glad that the hon. Member has answered in the way that that he has answered, and could I ask him whether the Government will also communicate with Amazon and tell them that they are in fact providing Gibraltar constituents with the wrong information and there are no such problems to be encountered with customs clearance in Gibraltar?

2530

**Chief Minister (Hon. F R Picardo):** Mr Speaker, that question is more of a customs matter than it is anything else, and I can tell the hon. Gentleman that I shall be visiting Amazon myself to deal with a number of different matters. And I intend to bring to their attention the fact that their customer liaison agents are giving out erroneous information including in reference to the existence of a 'central government' of Gibraltar.

2535

The only other time I have ever heard a reference to Gibraltar having a '*central* government' was when – in parliamentary terms – the was much-missed Mr Britto referred to the fact that he sometimes had to clear things with 'central government' which perplexed us on that side of the House at the time.

2540

**Hon. D A Feetham:** Mr Speaker, even Amazon thinks that they are the GSD in disguise.

**Hon. Chief Minister:** Well, no, Mr Speaker, it appears that Amazon is as mistaken as the GSD were as to the nature of Government.

#### Q227/2019

#### Cruise passengers and crew – Arrival numbers

2545

**Clerk:** Question 227, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, before I ask the question, I appreciate that the information I seek was actually published on the Government website a few days before I filed the question. But I will ask it anyway formally.

2550

Can the Minister for the Ports provide the updated figures as set out in Table T.14 of the Gibraltar Government website in respect of the total number of cruise passengers and crew arrivals by month and year?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2555

**Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the most updated information is already available online.

**Hon. D J Bossino:** Mr Speaker, yes it was updated on 5th December and I had filed the question on 9th. I should have double-checked before I filed the question.

2560 But, Mr Speaker, there is a I think a pertinent supplementary to that question and I wonder if the Government would consider – it has not been done before, I appreciate that and this is not original thinking on my part, it has been put to me by interested parties – whether it will be possible to provide figures of ... I mean the way it is done now is that we have details of the number of crew and, importantly, the number of cruise passengers who arrive in Gibraltar. And  
2565 the point that has been put to me, and I think it is a very good idea – is to find out how many of those cruise passengers actually leave the cruise liner, and whether it will be possible to obtain that information, and whether it is a proposal that the Government would take on board?

**Hon. V Daryanani:** Mr Speaker, I think the ships do not get this information. I actually went  
2570 on to an inaugural call and I made a point of trying to find out what was going on in seeing so many passengers on the ship. Some of them decide to stay on and some of them come into Gibraltar halfway through just for a short time, but there is no way of keeping tracks of how many people actually come off – at least, that is the information that I have, that we do not have, they do not they don't keep track of that information.

2575 **Hon. D J Bossino:** Mr Speaker, if I could ask a supplementary to that? Is it information which perhaps the Port and the cruise liner terminal would be able to obtain, in very similar way that the frontier does as an entry point of Gibraltar where they do the clicking? I think that the issue is not whether the cruise line company owner has that information or does not, it is actually  
2580 whether we as our own authorities can obtain that information ourselves and maybe that is a way of dealing with it. But I see that Minister Licudi is going to be adding something to this.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Well, not adding something but answering the question, given it is a matter that I have dealt with and I  
2585 have been asked that question before.

It is not that we do not get that information. Cruise ships obviously keep a record, particularly for security purposes as to the number of people that get off the ship and the number of people that come on the ship. They can provide a global figure. What they do not differentiate is between the number of passengers and crew. So we get information as to the total numbers  
2590 that get off without differentiating how many of the actual *passengers* get off the ship. That is very difficult to get our hands on, because people come off the ship possibly at the same time and they may be passengers or they may be crew and they are all dressed possibly in the same way. And for our part and certainly from the Tourism and Port point of view we just do not have the information although we do get information as to total number of *people* that get off the  
2595 ship.

**Hon. D J Bossino:** I am grateful for that response.

Would it be possible to make that information public, I wonder, as an extra column in the relevant tables and indeed in the relevant tables in the tourist survey reports which we get once  
2600 a year?

**Hon. V Daryanani:** Mr Speaker, it is a fair point and I am going to follow it up, and I would like that information myself also because, like I said, I was quite curious when I went on board that inaugural call in seeing people not coming off. So it is definitely information that I would want.  
2605 Okay? So hopefully I will be able to tackle that issue very soon.

Thank you.

**Q228/2019**  
**Cirque du Soleil –**  
**Negotiations position**

**Clerk:** Question 228, the Hon. D J Bossino.

2610 **Hon. D J Bossino:** Can the Minister for Tourism state what the state of the negotiations with the Cirque du Soleil is?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2615 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the negotiations are ongoing and are very positive.

**Hon. D J Bossino:** Mr Speaker, I have a number of supplementaries.  
How committed is the Government to this? And in terms of the state of the negotiations do we have draft contracts? Has something been signed?  
2620 I take it that the answer is going to be no, but perhaps he could enlighten this House as to what the specific answer to that specific question is?

**Hon. V Daryanani:** The Government is obviously in negotiations with Cirque du Soleil and, as a lawyer, I am sure the hon. Member will understand that until the ink is dry on the contract we will not be making any announcement.  
2625

**Hon. D J Bossino:** And presumably in relation to that, I imagine that no monies have passed and nothing has been paid at this stage?

2630 **Hon. V Daryanani:** Mr Speaker, we are not going to publicly say whether we have paid anything or we have not paid. It is not a matter. We are in the middle of negotiations and when we have something concrete to announce we will let you know.

**Hon. K Azopardi:** Does the Government have a target date in mind for when it wants to open its circus? *(Laughter)*  
2635

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes. The Government expects to run for 46 more months and to allow them to behave like clowns again at the appropriate moment.  
*(Laughter)*  
2640

**Hon. Ms M D Hassan Nahon:** Mr Speaker, sorry, I hope that this question is deemed relevant and maybe I have missed the information, but what would be the location for the Cirque du Soleil?  
2645

**Hon. V Daryanani:** We are negotiating at the moment and we are looking at different venues.

**Hon. D J Bossino:** Mr Speaker, when does the Government envisage that this will start? Does it have a date in mind? And it does not have to be a specific date, I am happy with the Minister to tell me it is this year, or next year.  
2650

**Hon. V Daryanani:** Mr Speaker, we have a date in mind but we will announce it when we are ready to announce it.

**Q229/2019**

**Schools covered parking spaces –  
Background security checks**

**Clerk:** Question 229, the Hon. Ms M D Hassan Nahon.

2655 **Hon. Ms M D Hassan Nahon:** Regarding the sale and rental of covered parking spaces in St. Anne's and Notre Dame schools, will the Government be implementing any form of background security checks on both leaseholders and renters?

**Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2660 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, I can confirm that the parking spaces will only be sold or rented to residents of Gibraltar who are registered leaseholders or tenants of the area and this will be verified by review of the relevant documentation.

2665 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate the answer and I appreciate the criteria that sound as healthy as possible in the circumstances. But the Government will know that I have always been against this policy incentive of Government for obvious reasons, and the security risk still worries me in the sense that I would like to ask Government if there will be any added barriers for those purchases in the future should there be any gaps or loopholes where any sort of bad apple can actually get through?

2670 How high of a priority is the A to Z policy on ensuring the right criteria for buyers and sellers throughout and in the long term? Because from the official notice in the Chronicle from, I believe it was 9th December, there is not much mention of exhaustive checking or security screening or anything like that.

2675 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Lady knows that we have consistently taken the opposite view to her. And the reason we have done that is because we are very secure in the view that this does not create in any way a security risk for our children, otherwise we would not be pursuing this. What we are saying is that the sales will only be to people who are *tenants* of the Government or who own property in that area, or who can show a rental agreement. Therefore, that is a security check on identity of the sort that you would not hold in any other circumstances.

2680 We require at the moment, already, in respect of Government car parking spaces that people bring their tenancy agreement in order to demonstrate that they hold that tenancy, and their identity documentation. So, Mr Speaker, we think this is the most in-depth sort of check that is carried out in respect of the ownership of property albeit a small parcel of property.

2685 Now, Mr Speaker, in the context of what happens going forward the leases will continue to require that in respect of any onward sale, all of which would be subject to the Government's consent. So there is no way that anybody will be able to sell one of these parking spaces to anybody that does not fulfil the criteria that I have set out. Therefore, we think that this is absolutely and completely secure. We would not for one moment countenance something that created any potential risk or danger for any of our children in any of our schools; and the hon. Lady must rest assured that we have reached that judgment based on advice not by plucking it out of the air.

2690 **Hon. E J Reyes:** Mr Speaker, we believe, I understand and support what the Chief Minister is saying. However, let me pose another question: is the Chief Minister aware that there are

2700 certain loopholes that Gibraltarians are already taking advantage of, for example, in co-ownership parking spaces that are owned?

2705 If I give you an example, I own a parking space in my co-ownership home but there are other neighbours of mine who in turn then rent out that parking space – and some of them are even foreign-registered cars coming in. So, wishing to support the Chief Minister, I wish to assure him that I want to be hand-in-hand with him to stop that practice which I suppose *per se* as a lawyer he might advise me it is illegal, but perhaps cars that are parked there despite you owning the parking slot, may need to have a permit disc or whatever? Because in next to no time the parking could become sublet and the business was old, and it jeopardises what we all want to protect which is the safety of our children by having unknown people using those premises.

2710 **Hon. Chief Minister:** Well, Mr Speaker, the issue that he alights upon is one that has been identified in respect of issues generally, but where we have no longer got control in private estates, like the hon. Gentleman's estate. There, we have already lost the ability to control it and it is up to his management company to control it in that way.

2715 In other areas – so in the areas that we do control in the estates and in the car parks which are the Government car parks – you do not just need to bring your documents to show that you own the property in the area designated, you also get the permission for a designated vehicle only and you get a designated vehicle pass. So I think that is an extra layer of security which I think is an important one, in particular in the context of our educational establishments.

2720 Although, look, it is not lost on any of us and please God this would never happen and it is an issue we should never countenance. But the advice we have is that you do greater damage on the vehicle alongside the building than you do under a building, in particular because the layers of concrete that have been put in for the car park are blastproof and fireproof, because the building control requires that cars should be encased in that sort of concrete in case there were, not a bomb, but something goes wrong with the vehicle and there were to be an explosion.

2725 So already there is more protection for the vehicles that are under these facilities in respect of vehicles that might be parked alongside these facilities – something which could have happened at any time in respect of any school and there is 1988 for us all to remember, Mr Speaker.

2730 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask one more question? Will there be surveillance cameras in the area of these garages?

2735 **Hon. Chief Minister:** I think they are already installed, or in the process of being installed, or considered to be installed, as most car parks now have, Mr Speaker, for issues of vandalism, insurance claims and the obvious reasons here.

#### Q230/2019

#### Relocation of Attorney General's offices – Location and rental cost

**Clerk:** Question 230, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if it has finalised its plans to relocate the Attorney General's offices; and if so where to, and at what annual rental cost?

2740 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

**Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, Her Majesty's Government of Gibraltar's Office of Criminal Prosecutions and Litigation will soon be relocated to NatWest House, Suite 6, 6th Floor, 57/63 Line Wall Road.

Office rental charges are as follows: £123,853 per annum in the first year.

2750 **Hon. R M Clinton:** I am grateful to the Minister for her answer: could she advise who the landlords are?

**Hon. Miss S J Sacramento:** Mr Speaker, it is not information that I have. I was not involved in the negotiation of this contract and it is not information that I have. But if the hon. Gentleman wishes to know he can write to me and I can ... *(Interjections)* I am not sure. I am happy to confirm it.

I think I know who the landlord is but because I am not absolutely sure who the landlord is then I will confirm it in writing to the hon. Gentleman on another date.

2760 **Hon. R M Clinton:** I am grateful to the Minister and if the landlord happens to be a corporate entity I would also be grateful if she would confirm who the beneficial owners are of that corporate entity.

2765 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, he has been asked to write to her, so if he writes to her and he puts that detail in he might get it.

**Hon K Azopardi:** Can I just ask on that as well, can the Government confirm who specifically undertook these negotiations?

2770 **Hon. Miss S J Sacramento:** Mr Speaker, these have been negotiations by the Attorney General and the Director of Public Prosecutions.

**Q231/2019**  
**People registered disabled –**  
**End of years 2015-2019**

**Clerk:** Question 231, the Hon. D A Feetham.

2775 **Hon. D A Feetham:** Mr Speaker, please can the Government state how many people were registered disabled as at the end of December 2015, 2016, 2017, 2018 and at the end of November 2019?

**Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2780 **Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, there is no such term or concept as 'registered disabled'.

**Hon. D A Feetham:** Mr Speaker, does the Government maintain a register of disabled people in Gibraltar?

2785 **Hon. Miss S J Sacramento:** Mr Speaker, different Government Departments may have applications by people with disabilities who may be registered with them from time to time for different reasons. And that is a different question, Mr Speaker.

**Hon. D A Feetham:** Well, Mr Speaker, we appear to be dancing around – or *she* appears to be dancing around on a pinhead – on what is a really important issue for *many* people in Gibraltar. (Interjection)

I am asking the Government, and she is eager to answer, let me just finish. I am asking: is there a central register that will tell us how many disabled people there are in Gibraltar? And if there is not, I would ask that the Government consider the implementation of a register because it is all very well having registers for this, or registers for that, but in my respectful view there is mileage and it is important for the Government to have one register that tells us how many disabled people there are in Gibraltar.

**Hon. Miss S J Sacramento:** Mr Speaker, I am glad that finally, for the hon. Gentleman, people with disabilities are an important issue and disability is an important issue. What a shame it was never even an issue when the hon. Gentleman was in Government, let alone an important issue. (A Member: Hear, hear.)

Mr Speaker, the criteria for registration in different Departments may be different. For example, Mr Speaker, someone with a particular disability may apply for a blue badge to entitle them to park in a blue bay, and that will have a particular criteria. Someone with a disability may apply to be in receipt of disability allowance benefit and that will have a *different* criteria. It does not mean that because one person qualifies for one, one person qualifies for the other.

Each Government Department that may offer a benefit, or has to have its own internal regime for the recognition of different disabilities, will have it. Needless to say, the Health Authority will have a record of people with disabilities. If someone has a learning disability, for example, that of course will be in their medical records. People who are under the auspices of the Care Agency and in particular the Social Services Department or the Care Agency will now, Mr Speaker – and I have to say this, *now* – all have been diagnosed as to what learning disability they may have and they will be registered.

2815 So, Mr Speaker, yes, there is in respect of each individual organisation – and each individual Department will have its structure as appropriate to it and its criteria in relation to people with disabilities. And the hon. Gentleman can rest assured that everything is in place.

**Hon. D A Feetham:** Mr Speaker, maybe she can provide me with a straight answer to what I consider to be a simple question?

How many registers are there? And how many people overall are there on those registers?

**Hon. Miss S J Sacramento:** Mr Speaker, I know that he is now discovering the issue of disability and I am glad that he is, and I am glad that he is learning, and I am happy to sit down with him and explain to him how it actually works.

Mr Speaker, it may be that an individual because of their disability may appear ... If, say for argument's sake, there are 10 Departments from which a person can avail themselves of particular services, one individual may appear 10 times in 10 Departments; and one individual may be on a particular register, say, for example, in the Learning Disability Unit of the Department of Education but may not necessarily be in receipt of disability benefit. Because one does not mean that they are registered with the other.

One of the things that we did very recently, Mr Speaker, in the Ministry for Equality – for this purpose, to have an idea of people with disabilities in Gibraltar – is that we issued a Disability Information Card. It does not provide any rights, as such, it does not mean that someone who is in receipt of this Disability Information Card is automatically entitled to any benefit, like any disability allowance benefit or a blue badge as a result of having that, but we do ask the people to specify what disabilities they may have. So we centralised that information. But not everybody has to apply for a Disability Information Card, Mr Speaker, and that is the difference.

But of course if the hon. Gentleman is now keen to learn about disability and how disability systems work here in Gibraltar I am very happy to sit with him and explain to him how it works.

**Hon. D A Feetham:** Mr Speaker, and there I was thinking that the function of an Opposition was to ask questions on behalf of constituents and indeed to seek straight answers to what are very simple questions – without being provided with a diatribe as to whether in the past I was, or I was not, concerned about disabled people.

Look, I am asking a question about this, because I want to do an analysis of how many disabled people there are and then do an analysis – to be straight with the hon. Lady – of what benefits people are receiving and what help people are receiving. It is impossible for me, as an Opposition Member, to do my job properly if the hon. Lady does not provide me with answers. And therefore democracy is all the poorer and all those people that we are trying to help ...

Look, I may have come to this late – and I do not accept that. But, anyway, I may have come to this late but I am entitled to ask these questions. Does she not agree with me that there would be a very significant benefit to the Government and to Gibraltar to have a central register of disabled people in Gibraltar, which would be easy to compile from all the lists that the hon. Lady has said that the Government has in respect of different aspects of Government business? And, therefore, does she not agree with me that that is something the Government ought to do as a matter of priority?

**Hon. Miss S J Sacramento:** Mr Speaker, while it is not as simple and straightforward as the hon. Gentleman thinks that it is, it is something that my office has been working actually on for a number of years because it is quite complicated, because of the absence of the way that data was collected historically. What we have done is we have started afresh and in each individual Department we are standardising how data is collected so that then we can match it to ensure that we have no repetition of individuals so that, as I said before, in my previous example, if one individual appears in 10 Departments we count that as one individual and not ten individuals.

That exercise, the hon. Gentleman can rest assured, the Government has already thought about and the Government has already commenced; but actually it is very complicated to undertake because we are dealing with masses of data and with lots of Departments – Departments which have other day-to-day jobs. And sometimes, unfortunately, we have the issue of GDPR which can also get in the way and that has slowed us down. But we have been able to unblock that now.

If the hon. Gentleman wants to, when he has a moment, have a look at our application form in the Ministry for Equality for the Disability Information Card he will see that we specifically added a clause in relation to GDPR, because the Ministry for Equality centralises this information and it gives us now that opportunity to have that information which we were lacking in the past.

**Hon. D A Feetham:** I am very grateful to the hon. Lady and if she had provided me with that answer I would not have pressed it any further because really that is what I wanted to get at.

Does she have a time estimate as to how long it will take for the Government to complete this task and thereafter have this central register of disabled people in Gibraltar?

**Hon. Miss S J Sacramento:** Mr Speaker, it is actually quite an extensive project among other extensive projects that my team at the Ministry for Equality are working on, alongside other projects. I cannot give an estimate, it is something that we review from time to time; it is something that is very fluid and very dependent on all the other Government Departments providing us with updated information.

I would like to see it finalised as soon as possible. I know that they are very advanced on it because they have been working on it for quite a while. And as soon as it is ready I am sure that we will make an announcement.

**Q232/2019**

**Parental alienation –  
Contact and relationships with children**

**Clerk:** Question 232, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, how does the Government intend to deal with the issue of parental alienation in order to ensure that non-resident parents have proper contact and relationships with their children?

**Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

**Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, as the hon. Gentleman will be aware from my Press Release No. 814/2019 that I issued on 18th November I have commenced a consultation process on parental alienation. How this matter will be dealt with will be decided *after* the consultation process is complete as it would be premature of me to announce this now when I have just announced the consultation.

I would, of course, be happy to consider any concerns, recommendations or other representations that the hon. Gentleman might wish to make if he writes to me on this matter and I would be happy to meet with him to discuss, if he wishes.

**Hon. D A Feetham:** Well, thank you very much, and may I congratulate her on the very convivial response to the question, I have to say. (*Interjections*) Yes, we are dancing on a pinhead but – (*Interjections by Hon. Chief Minister and Hon. Miss S J Sacramento*)

Well, I am not prone to dancing at the best of times and at quarter past seven on an evening after Parliament it is not my not my cup of tea. (*Interjection*) Well, indeed, yes. (*Laughter*)

May I get on with my supplementary, Mr Speaker? (*Interjections*) Terrible, terrible interruptions from the other side!

Yes, Mr Speaker, this is ... Order! Order! This is a complicated, complex issue. It is one that I know from personal experience how complicated it is because I attempted to grapple with this issue when I was Minister for Justice for four years post-2007, and there are legal complications as well because of course the Children Act which we introduced – which was a point that the Hon. the Chief Minister made, I think it was the day before yesterday – has as a paramount principle the interests of the child. And of course the way that traditionally has been applied it has meant that that mothers, usually, will then obtain a residence but by dint of applying that principle.

Now, other jurisdictions – and I would urge the hon. Lady in the exercise that she is undertaking to look at other principles, in particular Scandinavian models of doing this, which is that they do look at the interests of the child and interests of the child are paramount. But there is a presumption that the interests of the child are best served by there being residency with both parents and that is a displaceable presumption obviously depending on the evidence.

I would urge the hon. Lady to look at that; and, to phrase that in the form of a question, does she not agree with me that that is worth looking at? And I will also take up her very kind offer and I will be writing to her as well with certainly our ideas and the difficulties that I encountered, and to try to assist her as much as possible with this exercise which is important so that we ensure that children have a relationship with both parents and not just one.

**Hon. Miss S J Sacramento:** Mr Speaker, that supplementary invites me to all sorts of replies, but I will keep it short.

Yes, the hon. Gentleman on the other side was the Minister for Justice. He did introduce the Children Act to replace previously the Minors Act, but that piece of legislation does not really deal with the issue of parental alienation and it is something that I would like to deal with now. He was the Minister with responsibility to draft it, but I previously was a practitioner in the field and a practitioner in that piece of legislation. And when we look at the issue of parental alienation and the practice of the legislation, it is not always something that is based on the legislative framework but more on the advice on social services and the practices that are in place from time to time and the framework that is provided by CAFCASS.

But, having said that, the whole point of the consultation process is to look at all of the options that are available. I do appreciate that we are talking about a piece of legislation that was introduced in 2011, and our society changes. Unfortunately, there is a lot of marriage breakdown, and not only marriage breakdown but partnership breakdown and this affects children. I want to make sure, Mr Speaker, that we have a regime in place whether it is a legal framework or any other framework, whether it is policy or anything else that is relevant to the whole procedure that deals with everything that needs to be dealt with to give effect to the overriding objective of the Children Act – that is to act in the children's best interest – which I think is something that is applied by the courts. But perhaps we need to look at the framework in case there is something else that we need to do.

**Hon. D A Feetham:** Just one final supplementary.

When we were in Government – and I am not sure whether it is pursuant to the Children Act or whether it was pursuant to amendments to the Matrimonial Causes Act, but certainly it was one of those two pieces of legislation – we also made it a requirement that every time a divorce petition, or there is a petition for separation, that has been lodged with the court, the court service will send out a booklet that talks about parental alienation. It is a booklet that is designed to facilitate agreements between partners – well, in this case it would be married couples that are thinking about divorce or separation – in order to ensure that as far as possible there is an amicable agreement in relation to the children.

Indeed, I recall that the centre pages of that booklet were essentially like a timetable setting out the types of agreement that you might reach in relation to residency and contact in relation to the children; so that people that do not want to go to lawyers, for example, may be able to agree it amicably between them.

Now, as I understand it, that booklet is no longer being sent out by the court service. If she knows something about it could she inform the House as to why that has stopped? And if she does not know anything about it could she make enquiries, because I did think – not because we initiated it on this side when we were on *that* side of the House – but because we really,

genuinely thought it was a worthwhile exercise. I would ask the hon. Lady to investigate as to why that is not occurring any more.

2975 **Hon. Miss S J Sacramento:** Mr Speaker, I know what booklets the hon. Gentleman is referring to, I remember having seen them in practice. There was – (*Interjection*) Sorry? (*Interjections*) I do not think I did, Mr Speaker. I will not go into the details.

2980 Mr Speaker, I am aware that there are booklets (*Interjection*) that exist. But what I do recall from practice was that they were not popular either by practitioners or people who were using them.

2985 I understand the intention of the booklets when they were issued and possibly the intention was for people who did not have legal representation. But in the majority of cases I think people have legal representation; and when people have legal representation practitioners would rather work in the way that they are used to working. I recall from having discussed it with members at the Bar at the time and I think after that, while people receive it, generally practitioners will use their professional advice which in terms of the law and the legal framework will be based on the legislation.

2990 **Hon E J Phillips:** Just one question on this area concerning children from cohabitees.

The Chief Minister raised actually two days ago that the increasing prevalence of people not getting married and the effects – and I think he alluded to the effects of PAS in relation to children from parents that are not married and how they could be included in the same mechanism.

2995 In 2016 we wrote an article in *The Chronicle*, I did with the GSD, about how we could encourage more training with our judiciary, our lawyers and indeed Social Services and the Care Agency and that was a call that we made back in 2016 which we thought was actually quite a sensible solution. You talk about the booklets not being effective enough for practitioners, but I do know a number of practitioners would benefit from further training in identifying PAS very early on. As she will know, as a former practitioner, when you are advising clients in relation to this issue it is important to identify PAS very early on in the breakdown of the relationship and its effects on the children. Because the further down the line you go insofar as PAS, children become entrenched in those views and it is very difficult to roll them back in terms of reuniting with parents.

3000 Therefore, perhaps, has the Minister thought about further training for the judiciary, for example, that deal with this and how they recognise forms of parental alienation in court, Social Services and also the practitioners themselves?

3005 I would urge her maybe to give her views on that, if she could.

3010 **Hon. Miss S J Sacramento:** The reality is, Mr Speaker, that the court will determine decisions in relation to residence of the children on the welfare report that is prepared by Social Services. Social Services are probably the most trained professionals when it relates to this. I have already discussed this matter with the Court Welfare Officers from the Social Services Department of the Care Agency and I can guarantee that they are extremely up to date with their training on this.

3015 Further training that may be necessary on this will likely be an outcome of the consultation process. It is certainly something that has already crossed my mind, but at this stage having just announced the consultation process on this, which is a very important matter – and in fact I have received communications from a lot of members in the community who I will start seeing in January. A lot of people have reached out and want to meet with me and explain their circumstances to me. I will meet with everyone who has got in touch with my office and it will probably take me a good two or three months, given the high volume of people who have contacted me for it.

3020

Really, at this stage, I do not really want to pre-empt the outcome of the consultation process before it has even begun.

3025 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask one question on this?

Is the Minister for Justice liaising or forging connections with the recently formed group, the 'Forgotten Fathers', in order to gauge where their feedback is coming from; and the issues coming directly from that pressure group that has been formed and is keen to make reforms?

3030 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that I will be meeting with them too. *(Interjection)*

**Hon E J Phillips:** CAFCASS, as the Hon. Minister will be aware, has very significant structures in place to deal with PAS. Has much learning been obtained from them?

3035 I have actually reached out to the Chief Executive of CAFCASS in the UK, who has been very helpful to us on this side in helping us understand the issues that arise with parents. I am sure the Government may well have got relationships with CAFCASS in the United Kingdom and I just wondered if they have borne fruit insofar as that relationship is concerned.

3040 **Hon. Miss S J Sacramento:** M. Speaker, our relationship with CAFCASS is of course through the Social Services Department of the Care Agency. They are their professional framework, as it were, and they of course need to do their continuous professional development. And I know from a conversation that I had with Social Services only a couple of days ago that in fact there have been changes in the way that CAFCASS deals with parental alienation and I am very  
3045 satisfied that our team are up to date on their training.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I would now, I think invite the House to please stand up, please stand up and adjourn to tomorrow at 3.00 p.m. *(Interjections)*

3050 **Mr Speaker:** I now propose the question which is that this House do now adjourn to Thursday 19th December at 3 p.m.

I now put the question which is that this House do now adjourn to Thursday 19th December at 3 p.m. Those in favour? **(Members: Aye.)** Those against? Passed. The House will now adjourn to Thursday 19th December at 3 p.m.

*The House adjourned at 7. 28 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.06 p.m. – 9.20 p.m.**

**Gibraltar, Thursday, 19th December 2019**

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# The Gibraltar Parliament

*The Parliament met at 3.06 p.m.*

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

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

## Questions for Oral Answer

### ECONOMIC DEVELOPMENT, ENTERPRISE, TELECOMMUNICATIONS AND THE GSB

**Q261-269/2019**

**Economic development –**

**Modern modular construction; GDP calculation breakdown; Gibraltar Savings Bank;**

**Guaranteed Superannuation Fund Bond;**

**Gibraltar Provident Trust (No 2) Pensions Scheme Special Fund;**

**NatWest/Barclay's loan; inwards investments/loans from China**

**Clerk:** Thursday 19<sup>th</sup> December 2019, we carry on with answers to Oral Questions and we commence with Question 261. The questioner is the Hon. R M Clinton.

5      **Hon. R M Clinton:** Mr Speaker, can the Government advise in which country it intends to undertake Modern Modular Construction and what corporate vehicles have been created in this respect?

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

**Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 262 to 269.

15      **Clerk:** Question 262, the Hon. R M Clinton.

20      **Hon. R M Clinton:** Mr Speaker, can the Government please provide a breakdown by component of the GDP calculation for the last four available years, as performed by the Statistics Office?

**Clerk:** Question 263, the Hon. R M Clinton.

25      **Hon. R M Clinton:** Mr Speaker, can the Government advise if the Gibraltar Savings Bank has given any guarantees or pledged securities or deposits to any institution lending money to the Government of Gibraltar or its subsidiaries or the Gibraltar Development Corporation and its subsidiaries?

**Clerk:** Question 264, the Hon. R M Clinton.

30 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has transferred any monies from the reserves of the Gibraltar Savings Bank to the Consolidated Fund?

**Clerk:** Question 265, the Hon. R M Clinton.

35 **Hon. R M Clinton:** Mr Speaker, can the Government advise why the deposits of the Guaranteed Superannuation Fund Bond in the Gibraltar Savings Bank increased by £100 million from 31st March 2017 to 2018?

**Clerk:** Question 266, the Hon. R M Clinton.

40 **Hon. R M Clinton:** Mr Speaker, can the Government advise the percentage financial performance of the Gibraltar Provident Trust (No 2) Pensions Scheme Special Fund for each of the following year ends – being 31st March 2017, 31st March 2018 and 31st March 2019?

**Clerk:** Question 267, the Hon. R M Clinton.

45 **Hon. R M Clinton:** Mr Speaker, can the Government advise how it has financed the shortfall of £25 million in replacing the matured, on 10th October 2019, £100 million loan from Barclays with a new £75 million loan from NatWest; and has the new £75 million facility been fully drawn down?

50 **Clerk:** Question 268, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if the £50 million loan from Barclays, that matures on 29th June 2020, will need to be refinanced with another provider?

55 **Clerk:** Question 269, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government provide an update in respect of obtaining inwards investment or loans from Chinese state or private organisations and banks?

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

**Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, no decision has yet been taken in respect of the establishment of the provision for Modern Modular Construction.

The breakdown of the Income method of calculation of GDP for the years requested in £ million is as follows:

2015-16	In £ million
Employment Income	837.92
Self-Employment Income	61.18
Companies Trading Profits	720.97
Government Enterprises Profits	6.39
Rent	168.93
<b>2016-17</b>	
Employment Income	885.52
Self-Employment Income	62.32
Companies Trading Profits	859.59
Government Enterprises Profits	5.32
Rent	189.06
<b>2017-18</b>	
Employment Income	960.53
Self-Employment Income	70.64
Companies Trading Profits	937.94
Government Enterprises Profits	6.3
Rent	195.69
<b>2018/2019</b>	
Employment Income	1,039.80
Self-Employment Income	73.21
Companies Trading Profits	1,030.69
Government Enterprises Profits	3.16
Rent	202.08

70 The Gibraltar Savings Bank has not given anyone any guarantee or pledged any securities or deposits.

The last time the Government transferred monies from the reserves of the Gibraltar Savings Bank to the consolidated fund was in financial year 2010-11, when the hon. Member's party was in Government and left the Gibraltar Savings Bank reserves at £1,444.51.

75 The deposits of the Guaranteed Superannuation Fund Bond have increased because the amount deposited has exceeded the amount withdrawn by £100 million.

The information that is provided to all the members of the Gibraltar Provident Fund on a regular basis is not a Ministerial responsibility.

80 As was announced at the time of the Ceremonial Opening by the Chief Minister, the Barclays Bank loan has been repaid with finance from the Gibraltar Savings Bank and NatWest and the level of Public Debt remains the same, so it has all been drawn down.

It is intended to refinance the £50 million Barclays Bank loan once it matures.

The position with regard to Chinese investment continues to be as previously stated.

85 **Hon. R M Clinton:** Mr Speaker, if you will, I beg your indulgence. Sir Joe has a habit of bundling his questions together and it will take me a little bit of time to make sure that I have covered all the questions.

90 Mr Speaker, I would be grateful if the Minister could expand on his answer in respect of Modern Modular Construction and although, as he says, no decision has been taken could he advise the House in terms of the countries that the Government is thinking about? These are,

presumably, non-European countries in which construction would be undertaken and then supply elsewhere. If he could perhaps provide some kind of a flavour to what it is that he is thinking of doing and in what sort of country he is envisaging making these sorts of investments?

95       **Hon. Sir J J Bossano:** No, Mr Speaker, I do not believe in speculating about what might or might not happen and where it might happen. I mean, *when* and *if* ... It may not happen. This is something that is planned but whether it materialises or not depends on the results of the investigation that we make and the costs and the viability of this as any other project. And I do not believe in making an announcement about things at this stage, when they are still  
100       theoretical. I believe they need to be announced when finally the decision is taken to go ahead with something. At this stage, we have not even started exploring it.

**Hon. R M Clinton:** Mr Speaker, I am extremely grateful to the Minister's explanation, but can he confirm that this would be part of what is termed his 'post-Brexit Economic Plan'?

105

**Hon. Sir J J Bossano:** If it happens, it would be part of it, obviously. Any economic plan over a four-year period includes things all of which are intended to happen and at the end of the plan some of the things that were intended to happen may not happen, and some of the things that were not mentioned may have materialised. A plan over four years is a plan over four years. We  
110       are one month into our four-year plan!

**Hon. R M Clinton:** Mr Speaker, just finally on this particular point. Can he give any kind of indication of what level of investment he is talking about for this particular type of Modern Modular Construction? Are we talking one or two million, or tens of millions? What order of  
115       investment would he expect?

**Hon. Sir J J Bossano:** No, Mr Speaker, because it may not be the Government, anyway, that does the investment. It is part of the strategy.

          In the United Kingdom, the hon. Member may be aware that the new administration has  
120       announced a very substantial investment precisely into this area of modern modular construction because it is seen as a way of producing quality buildings at a faster pace than it is possible to do with traditional building methods. And although it is already in practice in a number of countries including the UK, the United Kingdom has given both the previous administration and the present administration a high priority to moving in this direction, and so  
125       do we.

          But it is not something that we can do realistically within our own territory because it requires a level of space that we do not have.

**Hon. R M Clinton:** I was going to say 'finally' on my previous question, but just to confirm  
130       that this is still at, shall we call it, a design stage or concept stage, that nothing has actually been incorporated into any corporate vehicles at all? That would be correct. Yes?

**Hon. Sir J J Bossano:** Yes, this is still at the stage it was when we had the election campaign.

135       **Hon. R M Clinton:** Mr Speaker, if I can now turn to... I will obviously look at the information on the GDP calculations statistics in answer to Question 262. If I can ask the Minister a general question: which of those components of GDP does he think would be perhaps the most sensitive to Brexit?

140       **Hon. Sir J J Bossano:** Well, this is entirely speculative, but I would say it is possible that the very large increases we have seen in the two principal components – the ones that are over one billion now – would be unlikely to rise as fast in the future as they have reached in the past. So I

think we can expect a slowdown in the contribution from Income from Employment and from Income from Trading Profits, in my view.

145 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his analysis in respect of GDP.

If I can we move on to Question 263 in respect of the Savings Bank. Can I ask the Minister in respect of deposits with banks particularly, for example, NatWest or Barclays, are the deposits in the name of the Gibraltar Savings Bank or in the name of the Gibraltar Government?

150 The reason I ask, Mr Speaker, is that having read the various loan agreements there is a right of set off by the banks in respect of any outstanding loans and they will exercise that right regardless of location of particular assets and loans. So although they may give a loan to us in 'x-jurisdiction' if we have assets and in 'y-jurisdiction' in our name, they reserve the rights to set them off. I was wondering in respect of the Savings Bank whether we actually are ring fenced  
155 from the Government in that the deposits are in the name of the Savings Bank and not in the name of the Government?

**Hon. Sir J J Bossano:** I am not 100% sure because it is not something that I have asked myself, but I can tell him in the statistics that I get, I get a figure for Government deposits with the banks  
160 and a figure for Savings Bank deposits with the banks shown separately with separate amounts. But whether that means that any potential set-off can be used by ... I mean, I do not know whether the degree of that (**A Member:** It all depends ... .) theoretical set-off could apply, for example, to any publicly owned entity or it would have to be the Government. (*Interjection*) But I can tell him that in the breakdown the Government deposits, for example, with NatWest are  
165 shown separately from the Savings Bank deposits from NatWest.

**Hon. R M Clinton:** Mr Speaker, I would be grateful if the Minister could either come back to this House or perhaps he might be willing to confirm it to me, but it is a particularly important point and there is a big difference for the banks in terms of how these deposits are set up. And  
170 in respect of, for example, Gibtelecom, as you will be aware the shares of Gibtelecom are held as *qua* shareholder the Government of Gibraltar, not the Savings Bank.

I think it is important to make sure that any deposits held with banks are made clear that it is the special fund and not the Government of Gibraltar. If the Minister could come back to the house or write to me, I would be happy with either.

175 **Hon. Sir J J Bossano:** What I can tell you is that there has been no change in whatever methodology was being used before 2011. That is to say the information that shows separate figures for the Savings Bank and the Gibraltar Government was the way it was shown in the internal accounting systems and the TAS before 2011 and now. The loans that have been re-funded by the new money also had the same differential. But I will investigate whether there is  
180 anything new and I will write to the hon. Member.

**Hon. R M Clinton:** Mr Speaker, turning to Question 265, his answer is obviously very logical and absolutely very precise and correct. However, he does not explain why there was suddenly  
185 £100 million that came in, in respect to the Guaranteed Superannuation Bond Fund. There seems to be a significant amount – it is not the sort of level I would expect from a couple of employees joining the scheme in a particular year.

Where did this money come from? Is the Minister aware? Can he advise the House? It seems a very large movement in one particular year.

190 **Hon. Sir J J Bossano:** Well, Mr Speaker, the money that entities deposit in the Savings Bank is not a matter that is in the public domain. The Savings Bank, like any other bank, does not reveal the names of its customers and the money they deposit! That is a global figure which is a net figure between the sales of bonds and the retention of bonds in that particular year.

195 Sometimes it is £50 million, sometimes it is £100 million, sometimes it is less and sometimes  
it is more.

**Hon. R M Clinton:** Mr Speaker, if I can perhaps be a little bit more specific? In the Directors' Reports to the Savings Bank they actually give an analysis by type of deposit in the Savings Bank of which that is that movement, and the Minister can perhaps correct me but my impression was the Guaranteed Superannuation Bond Fund was something that was run by the Government for either its employees or its entities, uniquely – again, I am happy to be corrected if that is not the case. I am just interested to know what group of employees, or *where* within the Government sector, suddenly had £100 million injection in respect to this pension money.

205 **Hon. Sir J J Bossano:** Mr Speaker, the title of the bond does not mean that it is limited to the superannuation of Government employees. Anybody can invest in that bond irrespective of whether they are a Government employee or not and whether it is for their ... It is where the Government invest the new Guaranteed Superannuation, where the Government puts 17% and the employee. But it is not limited to that; anybody can invest in that fund.

**Hon. R M Clinton:** So, Mr Speaker, if I understand the Minister correctly, would I be able to go tomorrow to the Savings Bank and ask for a prospectus for that particular fund to make a deposit? I am not aware of this being a class of investment that is available to the public.  
215 Is it available to the public?

**Hon. Sir J J Bossano:** Well, Mr Speaker, I think it is available to anybody who wants to invest in it. Yes. It is a long-term fund linked to long-term gilts.

220 **Hon. R M Clinton:** Mr Speaker, in respect of the answer to Question 266, I will have to accept the Minister's statement that is not strictly a Ministerial responsibility being a special fund. However, I would like to bring to his attention, and he may be able to comment or not, I have heard that the performance of the fund over a particular period of time may not have been particularly good and there may have been losses.

225 Does the Minister have any information on that, or can he comment at all? Or does he have no information at all?

**Hon. Sir J J Bossano:** Well, this is a fund that was introduced prior to 2011 by the previous administration and we have had no involvement in it since 2011. I know that some of the beneficiaries of this pension fund are very unhappy with the performance – they happen to be friends of mine. But it has an independent board and it has somebody that gets paid for investing these funds and who clearly is not very good at it!

230 But we are not involved as a Government and indeed this is a matter between the trustees and the workers whose pension goes in there. I think there are people who would wish to move to the Superannuation Fund, but there seems to be technical problems with it. But I happen to know, not in my capacity as Minister but in my capacity as hearing the complaints of many friends that are in that situation.

**Hon. R M Clinton:** Mr Speaker, I am very grateful to the Minister for his answer there, and it does match what I am being told as well.

240 Mr Speaker, I move on to Question 267. Can the Minister confirm from his answer that the £100 million loan from Barclays was replaced effectively by the new £75 million borrowing from NatWest, but that by implication of what he said that £25 million of new debentures must have been issued to the Savings Bank? Is that correct?

245 **Hon. Sir J J Bossano:** The position is that the Government, in effect, owes the £100 million to NatWest and the Savings Bank instead of to Barclays. In effect, what has happened is that the loan has been refinanced by NatWest putting in £75 million and the Savings Bank putting in £25 million. I would have been quite happy to put in the £100 million, but I am afraid I did not get the opportunity.

250 **Hon. R M Clinton:** And, just to be clear, Mr Speaker: so the £25 million in the Savings Bank is effectively the same issued type of debentures that the Government has sold to the Savings Bank in the past? The same sort of issue as the Savings Bank has held up until this point in time when the Barclays loan had to be refinanced?

255 **Hon. Sir J J Bossano:** It is at a lower cost than the Barclays loan was, and what it matches is the terms that were offered by NatWest. Obviously the Government would not have given the £25 million tranche to the Savings Bank if it was more expensive than the rate that it could get elsewhere. So we are matching, not the cost of the original Barclays loan, but the cost of the new NatWest loan.

260 **Hon. R M Clinton:** And in terms of time period, these £25 million debentures, do they have a maturity date or are they open-ended?

265 **Hon. Sir J J Bossano:** I believe the maturity date is longer than the NatWest. But I would have to confirm that.

**Hon. R M Clinton:** Mr Speaker, still on the same point: the £75 million refinancing with NatWest, I wonder if the Minister could clarify two particular points. The first is: from reading the documentation it seems to be a lot more complex than the previous revolving facility that was arranged for NatWest in 2015 for £50 million; and it seems to be set up so as to allow for some kind of syndication.

Is the Minister aware, as to whether this £75 million loan, whether the intention is to syndicate it or whether it has been syndicated since?

275 Also, can the Minister comment in terms of the maturity date, because historically Barclays were perhaps generous in that their facilities tended to be for a period of 10 years and I notice this is for a period of five years.

280 **Hon. Sir J J Bossano:** Mr Speaker, this is the result of a negotiation between the Office of the Financial Secretary and the bank. Barclays was generous in giving it for 10 years and it was ungenerous in the rate that they charged. I would have thought that, given the rate that we were paying Barclays, the more years that the loan lasted the worse it was for the taxpayer.

285 So, on that basis, it is better for the Government to have a shorter date and a lower rate than a higher rate and a longer date. But you cannot compare one with the other because in fact it is not just different in the number of years, it is also different in the interest rate.

290 But the hon. Member, having been a banker, knows that the product is the result of what had been agreed in the negotiations with what the bank was willing to offer and what we were prepared to pay, and this is where it has finished. At the end of the day I think we have no problem in financing what the Government wants from the Savings Bank and that would be my preferred position given that the rates we get by having things invested in London with the Crown Agents, do not compare favourably with what we pay here to banks. But we believe that the Government should continue to give its business to banks because it is important for them to have a presence in Gibraltar and for us to be customers of those banks.

295 **Hon. R M Clinton:** Mr Speaker, I did not quite hear when the Minister responded to my question about syndication as to whether the loan had been syndicated since issue or not. And,

when he mentioned cost, I noticed that under Section 11.2 of this particular agreement that it talks about a 'fee letter' whereas all other loan agreements that come before the House actually spells out what the arrangement fee has been for this loan.

300 Does he have any information as to the arrangement fee? And also can he advise as to whether the loan has been syndicated or not?

**Hon. Sir J J Bossano:** Well, Mr Speaker, the hon. Member is asking a serious question about a paper that was tabled today and I do not think that they naturally follow on the original question  
305 which is: Has the facility been fully drawn down?

Well, yes, the facility has been fully drawn down. He is not asking me about the details in the document that has been tabled in this meeting.

If he wants any explanation on anything in the document and he writes to me and tells me what they are, I will get the answers from the necessary Government Department.

310

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister, as always.

In respect of the £50 million loan that is maturing from Barclays – and he says it is intended that it will be refinanced. Can the Minister advise whether he intends to refinance that from the Savings Bank or is he looking to third party banks?

315

**Hon. Sir J J Bossano:** Well, that decision will not be taken by me, but if it was my decision it would be the Savings Bank.

**Hon. R M Clinton:** Finally, Mr Speaker, on to Question 269. I note he says nothing new.

320 Does he have any expectations for the future that he can share with the House in terms of any ongoing discussions, and would they perhaps be in any way linked into post-Brexit economic plans?

**Hon. Sir J J Bossano:** Mr Speaker, I am not sure that I am supposed to be giving answers to questions on expectations, which is all hypothetical, but even if it were legitimate to do so it is not something that I would indulge in. I believe in giving facts and I do not believe in saying what might or might not happen, because when you start explaining what might happen you are explaining it to a lot of people that are not necessarily in this House or in this country. And therefore I believe in going public when things cannot be interfered with, and not before.

325

#### Q270-272/2019

#### Government-funded training schemes – Types of schemes; numbers; applications; acceptances and rejections; disabled applicants

330 **Clerk:** Question 270, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please state how many people there were on Government-funded training schemes as at the end of November 2019 broken down by type of training scheme and numbers of people on each scheme?

335

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

**Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Questions 271 and 272.

340

**Clerk:** Question 271, the Hon. D A Feetham.

**Hon. D A Feetham:** Please state how many applications there were for participation in Government-funded training schemes in this calendar year; and how many were accepted and how many were rejected?

**Clerk:** Question 272, the Hon. D A Feetham.

**Hon. D A Feetham:** Please state how many disabled people are on Government-sponsored employment schemes setting out numbers, types of scheme and whether the individuals concerned are placed within the private or public service including Government-owned companies?

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

**Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, as at the end of November 2019, the numbers of people on each Government-funded training scheme was as follows: the CTCL, which is a construction company, 90; ETCL, which is the other training skills, 94; and Skills Enhancement, 75.

There were no applications to Government-funded training schemes in this calendar year. And there are no disabled persons on Government-sponsored employment schemes.

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

Just dealing with the first answer that he has provided to 270. I am aware what these two companies are, CTCL and ETCL. But as I understand it within those two companies there are no trainees that are doing the Levels 1 to 4 – not the City and Guilds, (*Interjection*) the NVQs, I beg your pardon. Yes.

Is he saying that in 2019 as a calendar year there were no trainees doing NVQs? Because my understanding is that NVQs are dealt with and are trainees that are training either with the Government, or if they are then placed within a company it is within the private sector.

**Hon. Sir J J Bossano:** Well, Mr Speaker, I am very surprised at the hon. Member's question, given that nothing has changed since 2012 and the system is the one that I explained to him when he was responsible for Labour in 2012 – that this CTCL is the Construction Training Company. The trainees are paid the Minimum Wage while they are in training. They are the figures that his colleague is asking for in the Written Questions, and the Written Answers gives him a breakdown of which people are doing the NVQ Level 1 and which are doing the NVQ Level 2 and who are doing the NVQ Level 3. There is no NVQ Level 4.

So the answer is that this is a continuation of a system that has been there since 2012, where people are doing either training in Gibdock or training in the construction training centre, and they are all placed for the Level 2 and Level 3 part of their training in private sector companies, but they are paid by the Government; and in some instances partly paid by EU funding, because the EU funding is available to people who come into training from unemployment. We still have that EU funding, but I do not know for how much longer, but there is still money left there.

The Skills Enhancement are the kind of training which is short term but which has been very successful, and in terms of value for money is the one, frankly, where the return has been best because it has been meeting the need that existed, for example, in drivers of coaches for cruise liners. I have explained this before in the House, but there, we had a situation where practically 90% of the drivers were cross-border workers. The people in the industry took the initiative of approaching me to say they were worried in the context of Brexit that they might find the liner

here and the coaches here, and the drivers on the wrong side! And could we do training for coach drivers – which we have done.

395 That does not lead to an NVQ, but it leads to a licence to be able to drive buses and coaches. We are doing the same thing and have extended that to lorry and truck drivers, and we have also extended it subsequently to plant operations for forklifts and stuff like that. All these things have been initiatives that have been taken by the private sector in telling us that there was a shortage of domestic, resident workers with those skills. And we do that in this area.

400 The other area in ETCL, for example, we also have the nursing assistants and the care workers training, which is funded by my Department initially until they complete the training and then they are taken into employment.

**Hon. D A Feetham:** So effectively there is nobody that is employed within the private sector that is also undertaking a training scheme that is funded by the Government? All those that are funded by the Government are actually in the employ of CTCL or ETCL, or the other company that the hon. Gentleman mentioned in the course of his answer?

**Hon. Sir J J Bossano:** Yes, that is correct. They are placed in the private sector –

410 **Hon. D A Feetham:** Yes, I understand they are placed.

**Hon. Sir J J Bossano:** – but they are paid by the Government. Yes.

415 **Hon. D A Feetham:** Does he have a breakdown of the number of people that are effectively undertaking what used to be called the Cadet Scheme or the VTS Scheme which is the basic, on-the-job training where you might do three months or six months or a year of a placement with a view of people being taken on permanently at the end of it? And how many people are undertaking NVQs and other types of training?

420 Does have a breakdown so that we can analyse these figures more specifically?

**Hon. Sir J J Bossano:** Well, the figure for that is not included in these figures, Mr Speaker.

The people that he is talking about are now on the wage subsidy and the employer gets a subsidy for a period of time, of 50% of a wage, and then has to take the employee on. Therefore they are on-the-job training, as it were, but the system is that there is a wage subsidy which is the employer recovers part of the wages from the Department, but not that the employee has a contract with a Government company.

430 **Hon. D A Feetham:** Right, okay; because originally in 2012 my recollection is that they were employed by ETCL directly and placed with the employer. My recollection is very clear as to how it used to operate in 2012. This was essentially the implementation of the Future Job Strategy policy at the time.

435 But does he not have a breakdown of the different types of trainings and the different types of qualifications that people are being trained to acquire in the numbers that he has provided me – the 19 in CTCL; the 94 in ETCL; and Skills Enhancement of 75? And I will come back to the last one in a moment.

440 **Hon. Sir J J Bossano:** Well, Mr Speaker, I have told the hon. Member already in this meeting of the House that there is a Written Question asking for the breakdown of the people who are in the training centres. He will get that when he gets the Written Answer. I can get him further information on those who are not in the training centres but I have not got them here with me.

But the main way in which we are now supporting people who will then get employed is by providing the wage subsidy which was a system that existed before 2011, which is EU-funded and where the employer has to enter into a commitment on employment at the end of a period.

But he is employing the person that he is training from day one; so there is not a period when he is trained and paid by the Government, which is the case with ETCL and Skills and CTCL.

So, for example, when the people are learning to be coach drivers or the plant operators, they are employed in the Skills Enhancement. We use the Skills Enhancement for areas where we are giving training which then leads to a job, but it is really an improvement on their existing skills. For example, in cases like bus drivers and coach drivers we have found that it is quite a popular thing, we have a waiting list for unemployed people in the case of people, for example, with forklift skills, we have a situation where people are in employment and some employers have approached us and said, 'Look, we need people that we are already employing to be trained to drive a forklift'.

So in areas like that, in some cases we paid and in some cases the employer pays the training, depending on the circumstances. If people are from the unemployment list then it is always the Government that pays, either directly to the employee or by reimbursing the employer. If people are acquiring more skills but are employed somewhere then we expect the employer is going to get the benefit of those additional skills to meet the cost of the training. *(Interjection)* So they would not be included in here. But I am telling him that in the 75 there may be some people where they are not unemployed and we are providing skills and we may not be paying them, or if we pay them we recover the money.

The mixture of people is in the skills area, the others are the traditional training we have been doing until now. So really what used to be done by ETCL before is now done in the skills enhancement or through the wage subsidy.

**Hon. D A Feetham:** So, what I called the VTS Cadet scheme that comes under the Skills Enhancement?

And may I ask another one and then perhaps we can gain the most use of time? Because what we are interested in is drilling down on some of these numbers – numbers without really knowing what they are doing are pretty meaningless, other than we know there are 90 people in CTCL and 94 in ETCL. But what we are interested in is: what exactly are those people doing in terms of training?

So, if there are 10 people that are training to become forklift or bus drivers, that is the kind of information that we would like to know about. And also, of course, what type of qualifications people are coming out with after their training. Does he have that information – which you would expect that an Opposition doing its job would ask about?

**Hon. Sir J J Bossano:** Mr Speaker, what I would expect the Opposition to do is not to behave as if they have never been in this Parliament before until today! The hon. Member is asking things as if he has arrived here from some other part of the planet and is suddenly discovering something and he has not got a clue what has been going on before! *(Laughter)*

There are hundreds of questions from the last eight years giving him those breakdowns. And there is in this House a question from his colleague for a Written Answer giving the kind of breakdowns that he is asking for. I would not have expected to get an Oral Question and a Written Question asking for the same information in two different forms.

**Chief Minister (Hon. F R Picardo):** It is good to talk!

**Hon. Sir J J Bossano:** But I have tried to be as accommodating as I can, in trying to explain to him what is happening. He knew how it happened because he was there when it started and therefore I am telling him to what extent the system now is different from what it was then. So I have said to him that people are not placed in the Government, they are placed in the private sector except in the areas of carers and nursing assistants which is as you would expect because those areas only exist in the public sector.

I also have told him that in CTCL you have got construction training, which is what there has been since CTCL was set up. In the construction training if people are doing Level 2 they are actually working in a construction company in the private sector, which is what has been happening since 2012, and what we have been telling him since 2012. So I do not understand the nature of the supplementary which seems to suggest that he is seeking some new information in a new situation which exists for the first time since the election, because that is not the case.

Everything that I am telling him now was there before the general election and it is a continuation of what started in 2012. The only difference in the nature of the composition of the components is that there are people on a wage subsidy where the employer receives rebates on the payment, which was something that existed in their time as well with EU funding; and people on short-term training where, in some cases, we are also providing aid to people who are in employment, and not just to the unemployed. But apart from that, the system is as it was.

If he wants more detailed information I will go back and get him more detailed information.

**Hon. D A Feetham:** But, Mr Speaker, there are a number of points in the supplementary. The only thing that I recognise that I could look back and would be of assistance is the way that the hon. Gentleman dodges legitimate questions. That really is true to form. **(A Member: Ooh!)** Anything else I am afraid ... *(Interjection)*

No, the other thing is that in fact it patently cannot be the case that we have this information because we have asked for this information. Look, this question is about this calendar year and, as he knows, in this calendar year there has only been one opportunity at asking questions because the same session of answering questions has been adjourned and adjourned, right through the year until the general election.

What I am asking is about 2019 and I am not asking about the system. All I am asking is could we please drill down on these numbers? Could he just simply tell us: on the 90, on the 94, on the 75, what are the people being trained to do? He has mentioned ... It is jolly good that the Government is providing this type of training. Bus drivers. I just need to know how many people are being trained as bus drivers. That is all I ask.

Now, if he does not have that information there, which I would expect, because this is a legitimate supplementary, I will ask it again next time round. But what he cannot do is say to me, 'This information I provided to you in 2012' – when I am asking *now*, as at the end of November 2019 what people are doing, *not* 2012. *(Interjection)*

And I should add, as well, Mr Speaker, that we have gone back and looked at the Written Question. It is not the same. The Written Question that is being asked is specifically in relation to the construction and training centres. That is what it is about. This question arises out of the answer that he has provided about the 90 in CTCL, the 94 in ETCL, not all of which are going to be in the training and construction centre – not all of them, because some of them are nurses and some of them are bus drivers. That is what he is telling me. So they are not going to be trained at the construction and training centre as he has suggested.

**Hon. Sir J J Bossano:** Mr Speaker, but he was also asking about the construction and the NVQs; and the nurses are not doing NVQs. And how many people are at the level of NVQs?

His first supplementary is 'How many people are getting NVQ 1 and NVQ 3 ... ?' Well, look that is the question that is asked for Written Answer, and is a follow-up on the information provided the last time, and the hon. questioner is asking me about the change that has taken place – how many people have completed; how many people have started? He has got all that information in writing, in this House, because it has been asked for in Written Questions.

If he wants information about the bus drivers, at any point in time there could be five or 10 or 20 because the bus drivers are not on a long course, it is in a matter of weeks that they learn the skills for driving a bus or driving a forklift.

So if he wants a more detailed breakdown he can ask me for a breakdown of those skills and I will give it to him in this House. But much of the information in his general supplementary was as if he had no notion of what has taken place before. I am telling him that basically the system is the same system, other than the changes that I have already explained to him where he said to me, 'What about the people who were in the equivalent of the old VTS where they were placed with an employer and then they get employed?' And I said, 'Well, those are either in Skills Enhancement or in the wage subsidy, which is not included in those three categories'.

If he wants more information he can ask me more questions for the next House.

**Hon. D A Feetham:** And indeed, Mr Speaker, I will. But I am not asking the same question.

I may have asked a previous supplementary about the Training and Construction Centres and NVQs, which was my first supplementary. But what we have done is we have homed in on these 90, 94 and 75 and all I want to know is of the 94 how many are trainee nurses? How many are training to be bus drivers? How many are training to be electricians? How many are training to be carpenters?

That is all I want! I do not believe, Mr Speaker, that I am being unreasonable by asking the hon. Gentleman this question, nor is it a systemic question. It is a very specific question about what people are doing today.

But, Mr Speaker, I realise that you have been extremely indulgent and I will not try your patience any more. All I would ask is in relation to Skills Enhancement, how many of those are what I would have termed the old VTS and something else? And what is that something else? Does he have a breakdown of that 75?

**Hon. Sir J J Bossano:** I do not have a breakdown of the 75 but I can tell him, when he started his new supplementary wanting to know how many nurses there were in CTCL: CTCL is the construction training company and we have no nurses in construction.

**Hon. D A Feetham:** ECTL, sorry, ECTL ...

**Hon. Sir J J Bossano:** So that at least answers that particular question!

I have not got a breakdown of the 75, except that they are people that are in the private sector and that the majority of them would be people with skills in the areas that I have mentioned.

**Hon. D A Feetham:** Does he have the number of nurses in ETCL?

**Hon. Sir J J Bossano:** Off the top of my head, I think we have got about 20, because that is what the intake is. So we have got about 20 nursing assistants coming in at a time, but I would not be able to tell him if today there are still 20 there because sometimes people drop out during the course.

**Mr Speaker:** May I respectfully suggest that the hon. Member, Daniel Feetham, write to the Hon. Minister asking the specific questions so that he can give you an answer before the next meeting of the House, please?

**Hon. D A Feetham:** Or indeed, sometimes I write to my hon. Friend – no doubt he has got a lot of papers on his desk – and my letters, my missives to him, seem to go missing. But if that happens, I will certainly ask the question again, for the breakdown, so that he has plenty of notice of the question and he can provide me with the answer, Mr Speaker.

Thank you very much.

**Clerk:** Question 273 –

**Hon. D A Feetham:** May I just have one more, on the third question, Mr Speaker?

In relation to the final question, which was about the disabled people on Government-sponsored employment schemes, setting out numbers and type of scheme and whether individuals concerned are placed within the private or the public service, he has said 'zero'. During the course of the election campaign, the Government made a commitment that it would essentially restart sheltered employment schemes, which would be included within the type of scheme that I am asking about in this particular question. When does the Government envisage that it is going to recommence those types of schemes?

I have to say I find it odd that there are no disabled people on Government-sponsored employment schemes, because I can tell the hon. Gentleman that I know at least two who are employed within a private company but I am pretty sure that their wages are being paid for by the Government and therefore I would class that as a sheltered employment scheme, effectively being sponsored by the Government. That is why I used the word 'sponsored'.

**Hon. Sir J J Bossano:** Well, Mr Speaker, a sponsored employment scheme is terminology that means something totally different from what we are doing in Gibraltar. He knows what we are doing in Gibraltar. He actually congratulated me on it when I did it in March 2012, when I took the people who were previously in ETCL, who had previously had difficulties in employment under the previous administration, and gave them permanent contracts in a Government company. So, they are not people in Government-sponsored employment schemes with anybody; they are employees of a Government company. There are 68 of them and they are the people who were previously on the same conditions as other people in the VTS – that is with contracts which theoretically had termination dates, and we gave them an indefinite contract having assessed the situation on the basis that they were people who for a long time had not been able to find employment and their prospects of finding employment did not seem to be very likely.

I think there is a difference between that and actually helping people to fit into the private sector in jobs and not to be simply placed there. As I explained to him the first time it came up, the people we have in the SEC, the Supported Employment Company, who are not included here because they are not people who are under training and they are not people who are in supported employment, are people who are in a Government company like they might be in some other Government company with the conditions that they have in Government companies, which happens to be the Minimum Wage. When they work somewhere in the private sector, in effect what we have is an employer who is taking them on in addition to his normal workforce and not as part of his normal workforce on the basis that he is being socially responsible in giving us that opportunity to place people who have difficulty in obtaining employment in that category. This is what we started doing in 2012. This is what we are still doing.

The idea of supported private sector employment, which is what happens in the United Kingdom, is something that has been explored through the Education Department, which employs somebody in the Education Department who talks to prospective employers and gets them, with Government support, to take on somebody. They are two different systems and I have answered in respect of the system that we introduced in March 2012, which he welcomed when we introduced it, and it is still going.

In fact, occasionally I was asked in the previous meetings of the House when people were being taken on. Normally the movement of the numbers there is that two or three people a year come in, and recently a couple of people have left because they have reached retirement age. When they reach retirement age they now obviously are entitled to statutory benefits from the Social Insurance because they are in formal employment and paying insurance. Therefore, that means that after 65, or 60 if they become community officers under Community Care, they stop being paid through SEC. But SEC has the same function it had before. The bulk of SEC is about 50:50, but it may be 52% private and 48% public – that is about the ratio that we have.

650 **Hon. D A Feetham:** Mr Speaker, when I have asked this question, I have attempted to phrase the question as widely as possible. What I am interested in is how many disabled people are being helped by the Government in employment – that is why I have said ‘Government-sponsored employment schemes’ – whether individuals are placed within the private or the public sector, including in Government-owned companies. I do not know whether it is the word  
655 ‘sponsored’ that effectively causes the difficulty – ‘sponsored’, ‘funded’ – but what I am after is how many disabled people is effectively the Government helping into employment? That is why, when he said ‘zero’, I was very surprised by the answer.

Is the Minister therefore saying that there are 68 individuals who are employed within Government-owned companies, disabled people? (**Hon. Sir J J Bossano:** One.) Perhaps in  
660 different Departments or different areas, one Government-owned company – 68 people who are disabled and are employed through this particular company. And there are no others anywhere in the system? It is just these 68 people the Government is helping, whether for sheltered employment, whether for training? Disabled people, I am talking about. These are the 68. That is the extent of the numbers?

665 **Hon. Sir J J Bossano:** There may be disabled people who are in CTCL or ETCL or Skills – that, I would not know, but the people who have been identified, and it only happens after efforts are made to help people in the normal labour market, in normal jobs in the public or the private ... Sometimes, people with disabilities apply and go through the selection process in the  
670 Government and are selected and are working in the Government.

So, I cannot tell him that there are none in the Government, or in any other area, who are not there with the criteria, that they are there because they have a disability. I can tell him that we have 68 who are in the Supported Employment Company, which we created in March 2012, who are there because they have not been found employment which they are able to deliver and  
675 therefore they are guaranteed a job for life, until retirement age, on the Minimum Wage with private sector conditions, but they are not placed in the public sector, including Government companies; they are in fact the employees of a Government company, as they were since March 2012.

They are not all the same people; some people have joined since and some people have left since. Sometimes we advertise for AAs and somebody from Supported Employment applies to  
680 the Government for an AA vacancy, goes through the selection process and gets selected, and then they stop being in the Supported Employment Company and they just become a normal civil servant like everybody else. So there is that kind of movement – it does not happen very frequently, but it does.

685 I thought the question was about something different, which is Government sponsoring private entities providing sheltered employment and these questions we have had before with that kind of terminology from the previous Member of the Opposition, Mr Llamas, who used to ask about that. I thought that the hon. Member was asking about that and not what is being done with SEC, because he is very familiar with what we are doing with SEC – he has asked many  
690 questions about that in the past.

**Mr Speaker:** Next question.

**Q273/2019**  
**Post-Brexit National Economic Plan –**  
**Means of funding**

**Clerk:** Question 273, the Hon. K Azopardi.

695 **Hon. K Azopardi:** Mr Speaker, how is the £500 million anticipated to be needed by Government for its post-Brexit economic plan going to be obtained?

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

700 **Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, as I explained in the recent General Election campaign, the anticipated impact of the Post-Brexit National Economic Plan over the next four years is in the order of £500 million. This is the effect on the national income and not on the income of the Government.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer, but I was given the distinct impression that this was a £500 million level of investment that was required in order to put into effect his post-Brexit economic plan. Did I misunderstand him at the time?

710 **Hon. Sir J J Bossano:** Well, Mr Speaker, I deduced that that was the impression of the hon. Member because he was sitting next to me when he got that impression and he jumped up and said, 'I wonder where the £500 million is going to come from', which is exactly what the question asks. But if the hon. Member looks at the fact that our target for the GDP this year was £2.5 billion and our target for the GDP in four years' time is £3 billion, he will see that the difference between £2.5 billion and £3 billion is £500 million.

**Hon. K Azopardi:** Mr Speaker, that is all very well, but this is the ... The hon. Member, with respect as the Father of the House – I use this expression guardedly, but with respect, changing the facts of ... as he presented it, because I am looking at a direct quote from that money debate where he said, in a debate with my hon. Friend Mr Clinton:

We have a plan to change the Gibraltar economy and we have the people lined up to do it, and it is a plan that will involve an injection of something of the order of £500 million.

Word for word, the juxtaposition of 'people lined up to do it' with 'injection of something of the order of £500 million' can only suggest that there are people, investors, who have £500 million, who are going to be injected, as he says, into the economy.

725 So, my question is: is the Minister now saying that there are no people with £500 million ready to inject it into the economy?

**Hon. Sir J J Bossano:** Well, I am not saying that; I am saying that they are not going to be – (**A Member:** Microphone.) Mr Speaker, if he has got the record of that, he must also have the record of what his colleague said, which was:

I look forward to hearing where the £500 million will be coming from.

And in that case he will also have the record of what I answered in a subsequent radio broadcast, where I said that what the Opposition was suggesting, which was that the Government was going to be receiving £500 million from somebody, was not the case and that this was the impact on the economy.

735 So, the explanation that I am giving him now was the explanation that I gave during the election campaign to correct the incorrect impression that they deduced from the statement that I made when I said it would mean 'an injection of something of the order'. That is to say when the GDP grows there is an injection of wealth in this community, but that injection of wealth in the community does not, regrettably, finish up in the hands of the Government. I wish it did, but only a very small proportion of the injection of new economic activity results in

Government revenue. I did explain that before the election was over so that there would not be mistaken voting.

745 **Hon. K Azopardi:** Well, Mr Speaker, much as I am a fan of the hon. Member, I do not keep a record, it is safe to say, of every single word he utters during a campaign. It did jump out at me that during that money debate he did use the phrase that I have just indicated. If he then subsequently corrected not the impression that we had deduced but the impression that he gave to the people of Gibraltar in the television debate – that there were people lined up to do it, as he said, and that there was going to be an injection as a result of the people he had lined up to do it – what he is now saying to the House is consistent with his subsequent correction of  
750 his own, the own impression that he gave the people, that in fact there are no people lined up to inject £500 million into the economy. So, how is he going to grow the economy without these people or the injection of £500 million?

755 **Hon. Sir J J Bossano:** I have not said that I have got no people and I have not said they have not got £500 million. I am saying this is not money coming to the Government, which was the impression that was created by the response of my good friend the hon. Member Roy Clinton when he was sitting next door to me and his reaction was, 'I look forward to hearing where the £500 million is coming from.'

760 If an investor comes tomorrow with £100 million, the important thing that I will want to know is what he is going to invest it in, not where he got it from, unless we suspect that he got it from a source that would make it a crime for us to allow him to invest. If they are interested in where the investors are getting the money from and if that is because they suspect that our investors are going to be money launderers, I will make sure that the proper area of the  
765 Government monitors the investors' money before it gets here.

**Hon. K Azopardi:** Mr Speaker, I am not making the distinction as to whether the money is going to the Government coffers or whether it is going into the economy of Gibraltar, because when he used that phrase in the debate he said, 'We have a plan to change the Gibraltar economy,' so I take it as a much more wider comment that he was making. He was saying that there was going to be an injection of £½ billion into the Gibraltar economy and he had the people lined up to do it, so I am asking him to give the House more detail as to whether these people do exist and what the reshaping of the economy will be.

775 **Hon. Sir J J Bossano:** Mr Speaker, he is asking me to give him more information on what is going to happen over the next four years, not what has happened in the last six weeks, and therefore the effect is in the four years, not in the first year.

In fact, I have subsequently made clear that the decision by our fellow citizens in the United Kingdom to create a Government that is capable of taking decisions in the United Kingdom means that we have now got more clarity as to where we are going to be, and on the basis of that clarity it means that we know now that there is going to be a transition period. We were not sure when the plan was written whether there was going to be a transition period. At the time we published and prepared these figures, the possible exit from the EU was in November without a transition. The position now is that there is a transition, which will end in December. I  
780 have already made clear that, in my judgement, it will be the exit of Gibraltar at the end of the transition without subsequent membership of the EU, or links with the EU. That is what I believe will happen. What is happening now is what I believed would happen when I said it in 2016, and therefore the plan that we have, which is a worst-case scenario plan, means that we believe that the level of inward investment that we will get will allow our economy to benefit by something  
785 in the order of £500 million.

790 I do not understand why the questions are about where the investors are going to get the money from, because that is what the original reaction of my friend the Hon. Mr Clinton was: 'I

look forward to hearing where the £500 million is coming from.’ Well, look, it is coming from the money the investors bring with them and it will come in over the next five years, and the economy will grow – and if we are successful, then we are guaranteed at least a 15% increase in our GDP against a background of slowing economies in Europe and in the UK, and possibly recession in Europe and in the UK, depending on how hard the Brexit is after the transition period, which could be very hard. The EU has already made clear to the UK that they think to do a deal in 11 months is too ambitious an expectation, and the UK for its part has already made clear that it has no intention of requesting a longer period. Well, if you put those two things together it is conceivable that there will be no deal. I would say it is probable.

So, our position is that we have assumed that will happen. If it does not happen, then we expect there will be a bigger influx of money than that, because we are assuming difficult trading conditions and we are confident of being able to generate new economic activity in Gibraltar which will generate £500 million of impact into our economy.

The wanting to know where the £500 million was coming from gave me the impression that the remark I made in that debate was seen by the Members of the Opposition as implying that we would be borrowing £500 million from somebody and then they wanted to know who was going to be providing us with £500 million. That is not the case. We are not being provided, as a Government, with £500 million by anybody, and I wanted to make that clear because it seemed to me they were interpreting what I had said in that way, that it would be an influx into the coffers of the Government. It is not the case.

**Hon. K Azopardi:** Mr Speaker, that was a really long answer, with all due respect again. I am afraid that we are going round the hedges because ... Let me ask very specifically. I am not asking about the next four years, although of course it is very welcoming to hear the hon. Member muse about the future. What I am really asking – because he was quite specific in his answer and the debate that ‘we have got a plan to change the economy and we have got people lined up to do it’, and in their manifesto there are all sorts of phrases about arrangements having been reached and so on – is can he explain in a bit more detail to people how this injection ...because the ‘people lined up to do it’ suggests that it is imminent, so this imminent injection of *some* money – not the whole £500 million, because I accept, as he said in his answer, it is going to be rolled out over a number of years – where is it going to be seen in the next 12 months?

**Hon. Sir J J Bossano:** Well, I will tell him in the next 12 months where it is when it starts happening.

**Hon. K Azopardi:** Mr Speaker, that is like someone who says they have a strategy 12 months after the event. So we are only going to be able to judge his post-Brexit strategy when he tells us 12 months later that that was the plan always that he had in his mind.

Mr Speaker, can I ask – because he went on in his answer to say that the £500 million is not going to be borrowing – is the Minister committing the Government not to borrow any more money?

**Hon. Sir J J Bossano:** This is not a game that we are playing so that he claims or asked me to commit ... I am not committing anybody to anything. I am trying to provide him information in order to correct the mistaken impression that he has, which is what I saw reflected in the comments of my friend Roy, who was sitting next to me, because I thought Roy had reacted as if he thought I had announced an increase in public borrowing of £500 million – because that is how it seemed to me, in saying, ‘Where is the £500 million coming from?’ Well, if I am saying I am going to spend £500 million, you say to me, ‘Where are you going to get the money?’ If I say, ‘The Hon. Joe Garcia is going to spend £500 million, then you do not ask me where I am going to get the money because I am not going to be the one doing the spending.

845 I am not saying the Government is borrowing £500 million and spending it in order to bring  
about an increase in the GDP. Should the Government decide to spend or not spend at any time  
in the future, then that will be seen where the time comes. However, there is a manifesto  
commitment on the public debt, which the hon. Member will have read because clearly we have  
a manifesto that is worth reading and I am glad that he reads it. So, the answer is in that  
850 manifesto on what the public debt is going to be as far as the targets of the Government are  
concerned. But what the hon. Member knows, because he has been in government, is that when  
we plan something over four years what we do not do is, in the first two months of the four  
years, start explaining what might or might not happen. In anything that you do in any business  
or in any economy you have got a projection of what you want to do, and then, as you embark  
855 on it, you find whether you can deliver one thing or not, and if you do not deliver that you  
deliver something else.

But of course the hon. Member knows from past projections that I have rarely been out by  
more than 0.1% in projections of four years, even when they were in government, so I expect to  
be able to do the same this time for Gibraltar.

860 **Hon. R M Clinton:** Mr Speaker, it is very rare for there to be any doubt as to what the hon.  
Member says, especially when it comes to finance and/or GDP, and he has never, to my  
knowledge, confused GDP with cash injection. It is not the sort of language you use when you  
are talking about GDP, 'an injection of GDP' – perhaps, but not in the context of the debate we  
865 were having, especially, as my hon. Friend has actually said, we talk about people being lined up  
for investment.

Mr Speaker, I am not going to go back and revisit what the Minister has already said. We will  
have to agree to disagree, but one thing we probably do agree on is that I certainly got the  
impression that there was going to be an injection of cash of some sort to finance his post-Brexit  
870 economic plan.

Can I ask him this, then, Mr Speaker? Having read his manifesto – in some detail, I may add –  
there is specific reference to the Gibraltar Development Corporation, there is specific reference  
to the Gibraltar Savings Bank. Is it the Minister's intention to use the Gibraltar Savings Bank hand  
in hand with the Gibraltar Development Corporation in order to fund his post-Brexit economic  
875 plan?

**Hon. Sir J J Bossano:** The priority of the Gibraltar Savings Bank in terms of reinvesting money  
is in the economic development of Gibraltar, and so are the terms of the GDC legislation – the  
GDC was created in 1990 by us in order to bring about the change in the economy that was  
880 needed post-1988 with the rundown of the MoD – and therefore those are the vehicles that will  
enable the Government to participate with the private sector in some of the areas of  
development where there will be investment and profits. Some of the profits will go to the  
private sector and some of the profits will come to the institutions that we have with money to  
invest.

885 **Hon. R M Clinton:** Mr Speaker, so there can be no doubt as to my interpretation of what he  
just said, he views it entirely legitimate to use money in the Savings Bank in order to fund his  
post-Brexit economic plan?

890 **Hon. Sir J J Bossano:** No, Mr Speaker, I am not saying that it is legitimate; I am saying that it is  
the priority laid down in the legislation that the legislation, which was passed unanimously by  
the House, says that we should give priority to reinvesting that money in areas that will help the  
economy to grow. That is what the law says, it is what we legislated and it is what we have  
created these public institutions for, to make money and make the economy grow. We want to  
895 do it in a way which is done in partnership with the private sector, and the private sector will be

investing money and we will be investing money. Clearly the important thing is to achieve the growth.

If the Members of the Opposition know a different or better way of dealing with the challenge of Brexit, I am all ears.

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**Mr Speaker:** Just one final supplementary, please.

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**Hon. R M Clinton:** Mr Speaker, I am grateful for your latitude. Just one final question on this: has the Minister costed his post-Brexit economic plan in terms of all the various projects that were listed in his manifesto, and can he give an indication of what number he came to? Perhaps it might be close to £500 million, I do not know.

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**Hon. Sir J J Bossano:** In the statement that I made in the debate in which we participated, I said we have got a plan to change the Gibraltar economy and we have got the people lined up to do it and it is a plan that will involve an injection of something of the order of £500 million, clearly in the economy because I am talking about growing the economy, not growing Government revenue.

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The plan in the manifesto says that the list of potential projects is not finite. That is to say that there is a list there. Some of the things on the list may not happen because when we look at the viability or the cost we may find that it is not sufficiently attractive or profitable. In the meantime, there are things that we are already looking at that are not on that list.

All I can say is that I am confident that when I said it will involve an injection of 'something of the order', that is likely to be at least that and possibly much more.

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**Mr Speaker:** Next question.

## EDUCATION, EMPLOYMENT, UTILITIES AND THE PORT

Q233/2019

### Department of Education facilities – Availability for community use

**Clerk:** We now move to Question 233. The questioner is the Hon. E J Reyes.

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**Hon. E J Reyes:** Mr Speaker, sir, can Government provide details as to which facilities pertaining to the Ministry for Education are currently available for community use after school hours, indicating where these facilities are situated and if any fees are charged for their usage?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the following schools have facilities which are currently available for community use: Governor's Meadow, Bishop Fitzgerald, St Anne's, St Joseph's Lower Primary, St Joseph's Upper Primary and St Bernard's Lower and Upper Primary.

Community use at the schools is managed by the GSLA. The GSLA currently charges for the use of the gym and drama studio at Governor's Meadow. The charges are £20 and £15 respectively. I would add that in respect of the gym at Governor's Meadow there are some organisations that use that, such as the Table Tennis Association, without charge.

Magnificent new sports facilities at the new Bayside and Westside will become available in the coming weeks, and the Government will be making an announcement in this respect as soon as the arrangements are finalised.

**Hon. E J Reyes:** Mr Speaker, a minor clarification: when the Minister said the charges are £20 and £15 respectively, is that an hourly rate or a session rate? Because sometimes a session can be longer than an hour, it is just to help me get a better picture of the charges.

**Hon. G H Licudi:** Mr Speaker, yes, it should have specified the charge is £20 per hour and £15 per hour, so it is £20 per hour for the gym and £15 per hour for the drama studio.

**Q234/2019**  
**Portakabin classrooms –**  
**Extent of use**

**Clerk:** Question 234, the Hon. E J Reyes.

**Hon. E J Reyes:** Can Government provide details of how many classes are currently being delivered in portakabins and the schools they relate to, in this academic year?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

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**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, there are five modular classrooms in total, as follows.

Three classrooms at St Martin's School were installed in August 2016, August 2017 and August 2018 to cater for the school's needs whilst the new St Martin's was being built. The new St Martin's will be ready in coming months.

There are two modular classrooms in the Gibraltar College, which were installed around 15 or 20 years ago.

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**Hon. E J Reyes:** Mr Speaker, the ones in the College – I know Government at some stage had the intention of repositioning the College elsewhere. Can I safely deduce that since that has not yet happened we are going to have those temporary portakabin classrooms until a new building is identified, or are there plans to construct a more permanent type of building in the current location of the College?

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**Hon. G H Licudi:** Mr Speaker, as I said, those modular classrooms have been there – in, I believe, the playground area – for about 15 or 20 years. We are in the process of planning, designing and developing the new College, so it would not make sense to do any more permanent structures or buildings in the College itself. Given the time that they have been there, they are going to continue to be there until the new College is built.

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**Hon. D J Bossino:** Mr Speaker, perhaps this is an unfair question to the Minister, but he has said that there are three portakabins or modular classrooms at St Martin's, and it is basically one each year if you go back to August 2018. Do we know how many children there are currently in St Martin's? Does he have the information with him? Presumably it is in order to address that particular need, the number of children in that school.

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**Hon. G H Licudi:** Mr Speaker, yes, of course it is to address that particular need. I do not have the number, although I know that very recently I was looking at all the numbers in each and

every school and off the top of my head I cannot remember the figure for St Martin's, but St Martin's, as the hon. Member well knows, has been growing steadily over the last few years.

955 The hon. Member is aware that in my previous period as Minister for Education we built an extension, which was funded by the Kusuma Trust, beside the playground at the back, and that caters for two or three rooms but in particular one very large classroom. Subsequent to that, there has been a further need for additional classrooms. One of the ways that was resolved is that there was a room, known as the Snoezelen Room, which was turned into a classroom and is currently a classroom, and which I visited the other day. As the school population expanded, 960 there was a need in each year to put in one extra modular classroom. Which are the ones at the entrance of the school, which is seen as one goes into the school, there is this modular structure made out of three classrooms.

Also because of need, on a temporary basis the school itself is using the Early Birds Nursery, which is at the entrance to the side, for the reception year. Arrangements have been made with 965 Notre Dame for the St Martin's nursery to be housed at Notre Dame itself, because of lack of space at St Martin's itself pending the construction of the new school. Once the new school is ready, which as I have said will be in the next few months, there will be enough room for everything that we have at St Martin's plus the nursery, which is currently housed temporarily at Notre Dame.

970 So the school, yes, has been growing steadily in the last few years and there has been an element of construction and accommodation for that increase in numbers and we expect that to be fully catered for in the new facilities, which will be ready certainly in the next few months to open fully by the next academic year, and hopefully well before that for familiarisation and all that, as is needed.

975 **Hon. D J Bossino:** Mr Speaker, I was going to ask that question. He said that it is going to be ready in a couple of months, so that will be, in effect, in the middle of the academic year, more or less, or perhaps closer to the end. But the expectation is that the move of the children will not happen in effect until September 2020, if I am correct. Is my understanding correct?

980 **Hon. G H Licudi:** Mr Speaker, just to correct the hon. Member, I did not say in the next couple of months; I said in the next few months. It is in the next coming months. The expectation is that it will be ready certainly before the summer recess and there will be, I expect and it is planned, a process of familiarisation and transition to the new school rather than everybody coming in in 985 September. So, it will not be operating as a school itself in the same way as St Martin's does, but it should be ready for some children to become familiar with the surroundings, the new facilities at the school, rather than doing all of that in one go in September. That is certainly the plan.

#### Q235/2019

#### Pupils excluded/suspended from school –

#### Numbers, circumstances and education provided during non-attendance

**Clerk:** Question 235, the Hon. E J Reyes.

990 **Hon. E J Reyes:** Can the Minister for Education state how many pupils have been excluded and/or suspended from schools since January 2019, indicating the number of separate incidents involved which resulted in these pupils being suspended and/or excluded, together with details of any education provided during the period of non-attendance at school?

995 **Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, 18 children have been excluded and/or suspended since January 2019, arising from 24 separate incidents.

1000 Most cases are children who need some reflection time and these are short-term suspensions or exclusions. No provision is made while the children are away from school for this very short period of time – sometimes it is a matter of a few days. In liaison with parents/carers, the school addresses the child's needs and adapts the provision accordingly when the child returns to school.

1005 Where it is deemed that the child's needs cannot be met within the school environment, provision has been made for specific children in a different location. The provision set for specific children during the current calendar year while away from their original school environment is, for example, as follows.

1010 One child was based in the College building with a teacher and a special needs learning support assistant. There were recreational/therapeutic activities and academic lessons were arranged.

1015 Two children are currently based at the Teaching and Learning Centre, which is based at the old St Bernard's nursery in the Upper Town. This is a separate building, not the old St Bernard's School but the building opposite the old St Bernard's School in the Upper Town, where the nursery was based. They receive two hours daily with a teacher and a special needs learning support assistant. Again, recreational/therapeutic activities and academic lessons are arranged.

Two children are receiving one-to-one tuition for an hour a day at Tangier View.

1020 The provision is based on the emotional needs of the child and takes into consideration their ability to engage. Provision is reviewed regularly in liaison with the Care Agency and/or parents. The aim is always for the child to be reintegrated into the mainstream school environment. I would add that it is never the aim to permanently exclude or suspend somebody from school. It is simply a temporary measure whilst arrangements are made to fully reintegrate that particular child into mainstream education.

1025 **Hon. E J Reyes:** I am grateful for the explanation, Mr Speaker. Can I ask for a little bit of clarification? The Minister refers to two pupils having received some tuition at the old St Bernard's nursery. That building is being used as an alternative learning centre? Or is it his Ministry's offices or whatever and are simply adapted? Can he please explain what is the purpose of the building? Is it a building that is manned on a long-term basis to cater for these alternatives, or does it have some other purpose with any particular room being used as and when required?

1035 **Hon. G H Licudi:** Mr Speaker, it is certainly not used as offices or the like. It is not an extension of the administrative side of the Department of Education, or anything like that. It is, in fact, a good facility because it is in a good block, an old block. It is currently defined as a teaching and learning centre and it is used specifically for this. I am not familiar with the full details of what else it might be used for, but I certainly know that it is a facility which is available and it is being put to good use whenever children need support through additional contact with a teacher or a special needs learning support assistant.

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

1045 At different stages the Minister has made a reference that there has been a special needs teacher and so on attached. When there has not been a requirement for a special needs teacher, am I safe in assuming that whatever tuition has been offered has been offered by suitably qualified teachers? And do those come from his supply list, or does he have teachers employed permanently on a basis to be used as and when this requirement arises?

**Hon. G H Licudi:** Mr Speaker, in every case, tuition is offered by a teacher. I have given some details of that teacher being supported by a special needs learning support assistant but it is not that the SNLSA is there providing tuition to the child or the student; it is always provided by a teacher and sometimes supported, and generally this is provided by teachers on the supply list who are engaged on an ad hoc basis whenever there is an urgent need to provide this tuition to these children.

**Hon. D A Feetham:** Mr Speaker, asking about the system, without condescending into any particulars – he knows that we have spoken about cases in the past – but from a systemic point of view, what efforts are made in order to identify what condition a child has?

When you talk about the programmes and how the education system deals with a child, it obviously has to depend on what condition the child has. You could have a very naughty child and that leads to a pattern of behaviour which leads to the suspension of that child. That bad behaviour may actually be caused by the fact that the child has ADHD or some other type of condition, or autism. Therefore, unless the system has an adequate way of identifying what is wrong with a child at an early juncture, it could then lead to a situation where that child, over a period of time – in some cases a significant period of time, and certainly I know of examples – is excluded from full-time education. I am asking him to address that point.

**Hon. G H Licudi:** Mr Speaker, the hon. Member is absolutely right, this is not just about a child on an adult basis – that something happens, he is excluded and then we just put in a teacher to deal with the child on a one-hour basis or a couple of hours a day. This is about identifying what the problem is, and the hon. Member is correct in saying that efforts not just need to be made but I know for a fact are made in respect of any particular issue with a particular child which leads to exclusion or suspension from school.

The Department of Education itself has two education advisers who are intimately involved in these matters. One is a special needs education adviser and the other is in charge generally of welfare in the schools, and they are very intimately involved in any cases of this type that arise. We also have, starting this academic year, as the hon. Members will know, a series of counsellors provided in the schools. There are four counsellors now employed full time and referrals are made to those counsellors whenever there is a child with an issue. Whether it is self-esteem, an emotional issue or a behavioural issue, there are referrals. And of course there is the involvement of the educational psychologists, who are also based at the Department of Education.

This is from an educational point of view, so we have a machinery, we have a system within the Department of Education through the advisers, through the schools, through the counsellors and through the educational psychologists in order to try and identify what the issue is and obviously to assist the child as much as possible.

Beyond that, there is a multi-agency approach that is adopted, particularly where the child is a looked-after child and the Care Agency/Social Services are involved only. In fact, I have a meeting arranged tomorrow precisely on this particular issue to look at those arrangements and to see how it is working, and how, if at all, it needs to be improved or assessed. It so happens, by coincidence, that I have that meeting tomorrow morning.

So yes, a holistic approach is taken to seek to identify the child's needs and cater for those child's needs in the medium term, but as I mentioned in the original answer to the Hon. Mr Reyes, the aim is always as set out in the original answer and every effort is made to reintegrate the child. Reintegration does not just mean let's wait until the child changes mood or recovers from social issues – or there might be domestic issues – or recovers from emotional issues. We do not just wait. There is a system of active support and engagement on a multi-agency basis to make sure that we provide that assistance and that support so that the child can be reintegrated into the school.

1100 **Hon. D A Feetham:** Just one final one, Mr Speaker. Is he satisfied – because of course he is  
right that this cuts across Government Departments – that with behaviour by children that leads  
to exclusion, that the Government is doing enough to actually identify whether it is as a  
consequence of a child, for example, being autistic or having that type of condition? Of course I  
1105 understand and you are right that one has to make an effort to see how one can help that child,  
but unless you identify what the condition is it is impossible.

Certainly I had cause to see a constituent last week whose child is autistic, and one of the  
points that she made to me is that educational psychologists are simply not qualified to diagnose  
autism in a child and therefore you do need other types of involvement by other Departments,  
in particular the GHA and paediatricians, for example, in order to make sure that you identify  
1110 what is wrong with a child, what is leading to the type of behaviour that is then leading the child  
to be excluded.

I know that in another case that I have drawn to the hon. Gentleman's attention his  
Department is making a significant effort. The child has been excluded over a period of three  
years but is making, under his stewardship, a considerable effort to attempt to identify. But of  
1115 course it comes three years down the line and that has meant exclusion over a three-year  
period, when perhaps if we had identified it three years ago something could have been done.

I do not want to criticise the Government about this because these are historical issues as  
well that go back. Gibraltar has perhaps not been as advanced in some of these areas  
historically – even when we were in government of course – as in other places. I was Minister for  
1120 Justice, Mr Speaker, from 2007 to 2011. My own child had ADHD. I had to take my son to the UK  
to be diagnosed and to be provided with a programme in the UK, not here in Gibraltar. That was  
when I was in government, so this is not about criticising the Government. My question is  
designed to drill down to make sure that these things are dealt with properly.

1125 **Hon. G H Licudi:** Mr Speaker, I must say that I am glad that that we are having this exchange  
on these positive terms so that we look towards what is the best way of assisting the child. That  
is what ultimately everybody is aiming for.

I certainly do not want to go into specific cases or specific issues as to what may have  
happened a year, two years or three years ago and whether things may have been different in  
1130 particular cases. That is not somewhere that we should go in this discussion. But yes, absolutely  
we must get to the bottom of what it is that a child may be in need of, or may be suffering from  
or may have need of a diagnosis. As the hon. Member well knows, whether it is in education or  
health or anything else, sometimes things are not black or white and even professionals can  
disagree when it comes to a diagnosis as to a specific or direct diagnosis.

1135 What we certainly try to do is to do our best in finding out what the needs of the child are  
and whether that is through diagnosis through the educational psychologists, or whether it is  
through the schools themselves providing screening. For example, one of the issues that we  
have been looking at recently is in relation to dyslexia. The Chief Minister recently signed the  
Made by Dyslexia Pledge. We have had a meeting subsequent to that on implementation and on  
1140 the efforts that have already been made and measures being implemented by the schools.

This is about identifying all types of special needs. Some types of special needs manifest  
themselves in ways which lead to what this question is about, exclusion or suspension, and  
ultimately if we can get to the bottom of what that special need is, what that diagnosis is, and  
provide a plan to make sure that that child receives the assistance that is necessary, that is not  
1145 just in the child's interests, that is in the interests of everyone involved at the Department of  
Education and the health professionals we work to. But yes, we do have to work together across  
Government Departments – Social Services, GHA, professionals of the different kinds – in order  
to make sure that we provide not just the best education but the best well-being experience for  
the child.

1150 The hon. Member will know we recently had a training session, for example, on mental  
welfare in education, where we have launched this mental welfare in education project. Very

recently we had someone from the UK providing a three-day training conference or seminar for teachers. So we are making efforts.

1155 When it comes to welfare of children, it is not just ... Although we are, in the Department of Education, responsible for education, we do not just look at education in a vacuum. It is the educational welfare, the social welfare and the emotional welfare of the child that is important, and where there is any issue that manifests itself in the school then we will engage with appropriate professionals across the board to make sure that the child fulfils maximum potential.

**Q236/2019**

**Students failing to complete courses –  
Number, gender and reasons**

1160 **Clerk:** Question 236, the Hon. E J Reyes.

1165 **Hon. E J Reyes:** Can the Minister for Education state the numbers and gender of those students who have returned to Gibraltar without fully completing their further or higher education studies, since 1st September 2018, indicating the reasons why together with details of the corresponding academic year in which the student left the course on which they were enrolled?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1170 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the information requested is set out in the schedule which I now hand to the hon. Member.

**Answer to Q236/2019**

No	Gender	Academic Year Withdrawn	Reason Provided
1	Male	18/19	Medical
2	Female	18/19	Medical
3	Female	18/19	Medical
4	Female	18/19	Homesick
5	Male	18/19	Reason not provided
6	Female	18/19	Reason not provided
7	Male	18/19	Reason not provided
8	Female	18/19	Reason not provided
9	Female	18/19	Reason not provided
10	Female	18/19	Homesick
11	Male	18/19	Wrong Course
12	Female	18/19	Reason not provided
13	Male	18/19	Reason not provided
14	Female	18/19	Medical
15	Male	18/19	Wrong Course
16	Male	18/19	Wrong Course
17	Male	18/19	Reason not provided
18	Male	18/19	Wrong Course
20	Female	18/19	Medical
23	Male	18/19	Failed
24	Female	18/19	Reason not provided
25	Female	18/19	Reason not provided
26	Female	18/19	Failed
27	Female	18/19	Reason not provided
28	Female	18/19	Reason not provided
29	Male	18/19	Failed
30	Male	18/19	Failed
31	Male	18/19	Failed
32	Female	18/19	Failed
33	Male	18/19	Failed
34	Male	18/19	Failed
35	Female	19/20	Reason not provided
36	Female	19/20	Reason not provided
37	Female	19/20	Reason not provided
38	Male	19/20	Wrong Course
39	Male	19/20	Reason not provided
40	Female	19/20	Reason not provided
41	Male	19/20	Reason not provided
42	Female	19/20	Reason not provided
43	Female	19/20	Reason not provided
47	Male	19/20	Medical
48	Male	19/20	Failed

**Q237/2019**  
**University of Gibraltar –**  
**Accredited PGCE courses**

**Clerk:** Question 237, the Hon. E J Reyes.

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**Hon. E J Reyes:** Can the Minister for Education provide this House with details in respect of accredited PGCE courses currently being delivered or planned to be delivered, inclusive of numbers of students enrolled and specialisation subjects, by the University of Gibraltar?

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**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the University of Gibraltar has one accredited PGCE course that has been offered to students for the first time this academic year, 2019-20.

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The programme is running with a cohort of 10 students. Of the 10 students, two are focusing on secondary education with specialisms in History and Performing Arts. The remaining eight students are training to be primary-based teachers with no specific subject specification.

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**Hon. E J Reyes:** And the primary ones – from my experience, unless they have changed, I know there was lower primary and upper primary – the full range of primary will be from reception up to year 6? From my experience, my fellow students, although I did the secondary PGCE, the primary ones were either referred to as lower or upper primary. Does the University of Gibraltar make that distinction, or is it a more generic primary?

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**Hon. G H Licudi:** Mr Speaker, the whole course is a generic course because it is one course for 10 students. It has been specifically designed in conjunction with Kingston University to meet the highest UK standards of education and training for teachers and it is done on a generic basis.

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The difference that exists in relation to the focus on secondary education and primary education primarily relates to the placements, and although primary-based teachers may be placed in either upper primary or lower primary, my understanding is that the focus is either the secondary sector or the primary sector.

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**Hon. E J Reyes:** The Minister has confirmed there is one course currently being delivered with these 10 students and so on. I also put in my question 'or planned to be delivered'. Is it too early a stage to say what he plans to offer in probably the next academic year? One would, I think, safely deduce that there would be at least one further continuation, but is it too early at this stage? Would the Minister rather I ask him this question more towards the summertime?

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**Hon. G H Licudi:** Mr Speaker, it is definitely not too early to stage. I can say that the plans by the University, liaising with the Department of Education, are that there will be definitely a provision of a new PGCE course with a new cohort starting in September 2020. After that, it will be up to the University to assess, but whilst there is a need and a demand for the course then certainly the University will, as I understand it, be more than happy to deliver. The plans definitely are that there will be a new course next year.

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**Hon. E J Reyes:** I was very pleased to hear, Mr Speaker, the Minister confirming in his answer that all this is being done in conjunction with Kingston University and so on. Does the Minister happen to know by chance, the students who successfully complete the course, would it end up with them automatically being given a Qualified Teacher Status number, as we do for teachers who do their PGCE in the UK, or is it something that he is still negotiating at this stage? The last

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time I asked this question, a few months ago, we were very hopeful that we would achieve it but we did not quite have the cat in the bag.

**Hon. G H Licudi:** Mr Speaker, it is not automatic in the same way as it is not automatic that someone who does PGCE or teacher training in Scotland gets a QTS number from the Department for Education in England.

What we have done is worked in collaboration with Kingston University with specific reference to the UK Quality Code for Higher Education, which includes, I am advised, the Quality Code's characteristic statements for masters' degrees and teacher standards, so everything has been done in accordance with the standards expected in the UK.

Once a teacher qualifies and obtains his qualification in the UK, it is up to the teacher then to obtain a QTS number. What we will be doing is introducing – for the first time, I understand – a Gibraltar Qualified Teacher Status, a Gib QTS number, so that students who qualify here, and then students who also return, get Qualified Teacher Status specifically for Gibraltar, and anybody who does this particular course, if they want a QTS number from the UK, will have to apply to the UK.

We are in the course of discussions, and it is something that I have raised with the Chief Minister and we will be raising with counterparts in the UK essentially to ensure that Gibraltar qualifications are as recognised as, for example, qualifications in England from Scotland. What the QTS number does is allow those professionals to work in state schools in England and Wales. That is specifically why they need the QTS number.

We will be liaising with our counterparts in the UK to make sure that anybody who obtains the qualification in Gibraltar is able to get a QTS number in England. We see no reason why they should not, given the way the course has been designed. It is not just something that has been concocted locally; it has been done looking with a firm eye on the UK Quality Code for Higher Education. I am told that the standard of the course is of the very highest order.

**Q238/2019**  
**Supply teachers –**  
**Number on supply list**

**Clerk:** Question 238, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Education inform this House how many teachers are currently on the supply list, together with details of when these teachers first joined the supply list?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, there are 101 supply teachers on the list, of whom 27 joined during this academic year, 26 have been on the list for one year, 25 for two years, nine for three years, three for four years, and one for five years. The person on the supply list for five years has not been active for all five years; in other words, during that period of five years has not been available for supply work, and that is why that person has remained on the list for so long.

**Hon. E J Reyes:** Yes, which hints me to ask, are all those teachers seeking to be employed on a full-time basis, or does the Minister know whether a number of them simply wish to remain on the supply list so that they are only called out for casual work? If it is an awkward question, with Mr Speaker's leave I can pose that as a follow-up next session.

**Hon. G H Licudi:** Mr Speaker, I am not sure that it would make any difference if the hon. Member asked next session or not, because what the hon. Member is asking me is about the intention of people who put their names on the list. That is not necessarily Government information.

1270 My assumption, based on the fact that virtually all of these are working in the school system in one way or another, is that these are teachers who are on the supply list because they want to continue to be not just on the list but want to aspire to permanent employment as teachers. There might be the odd one or two who are not, but generally, by and large, these are teachers who want to teach in Gibraltar on a permanent basis.

**Q239/2019**

**Vacant teaching posts –  
Details of schools and covering arrangements**

1275 **Clerk:** Question 239, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education provide this House with details in respect of all vacant teaching posts, identifying the school/establishment where these may exist and indicating which ones are being covered in an acting capacity?

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**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the information requested is set out in the schedule which I now hand to the hon. Member.

1285 Can I just add to that whilst the schedule itself is making its way to the Members of the Opposition? Although the question is phrased as teaching posts and the answer talks of vacant teaching and learning responsibility posts, we are essentially talking of TLR positions, which are basically allowances which are given to existing teachers. These are not vacant teaching posts in that we need to recruit extra teachers; these are responsibility posts, which traditionally have  
1290 been referred to as posts but they are essentially an allowance given to an existing teacher in return for a responsibility, like a year co-ordinator or previously a special needs co-ordinator – although SENCOs are now engaged full time in that capacity and not as a post.

I just wanted to highlight that because although there are a number of these positions vacant and they are all being acted, it does not mean that there is a vacancy at the bottom at all,  
1295 because we have the full complement of teachers and some teachers are acting or taking the responsibility that is vacant and they are getting the allowance for that responsibility. It does not affect at all the complement of teachers.

**Answer to Q239/2019**

**VACANT TEACHING AND LEARNING RESPONSIBILITY POSTS AS OF DEC 2019**

**GOVERNOR'S MEADOW**

Year Co-ordinator/foundation subject TLR 2B

**ST JOSEPH'S LP**

ICT Co-ordinator TLR 2C

Foundation Subject (Music) TLR 2D

**ST BERNARD'S LP**

Foundation Subject (Humanities) TLR 2D

**ST PAUL'S LP**

Core Subject Leader Mathematics TLR 2A

**ST ANNE'S UP**

Foundation Subject Music TLR 2C

**HEBREW**

ICT and Foundation Subject Co-ordinator TLR 2B

**BAYSIDE**

Admin and Learning resource Co-ordinator TLR 2A

Head of Geography TLR 2A

**WESTSIDE**

Key Stage 4 Co-ordinator TLR 1A

Design and Technology Co-ordinator TLR 1B

Science Co-ordinator TLR 1B

Head of Drama TLR 2A

Assistant to KS3 Co-ordinator TLR 2B

Assistant to KS3 Co-ordinator TLR 2B

**COLLEGE**

IT Co-ordinator TLR 1B

Language Co-ordinator TLR 2B

All posts are currently being covered in an acting capacity.

**Hon. E J Reyes:** Mr Speaker, I am so grateful that the Minister is actually providing me with that extra note; it has saved me the bother of having to ask. So, we do have a full complement and I am grateful that the schedule does precisely provide the information I wanted identified – the establishment and the TLR level – and I am grateful for the final wording there, that all posts are currently being covered in an acting capacity, so there is no need for any teacher to cry out that posts are simply not being covered. This other information is what I look forward to receiving next year, should I also need to pose this question.

**Hon. G H Licudi:** Mr Speaker, can I just add to what I said to the hon. Member? There is a list of these positions, allowances or responsibility posts which are currently being covered in an acting capacity. The hon. Member may be aware that there is currently in place an overall review of the TLR structure throughout the education system. Many of these posts or positions arise actually in 2019 and they are being covered in an acting capacity by design and by agreement with the union. So they have not been filled deliberately, by agreement between the Department of Education and NASUWT, whilst the whole TLR structure is being looked at – and it is being very actively looked at.

**Q240/2019**

**New school buildings –  
Emergency evacuation procedures**

**Clerk:** Question 240, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education confirm to this House that all emergency evacuation procedures in respect of new school buildings have been fully established and agreed upon by all pertinent authorities?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1320

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, I can confirm that each new school has an established fire safety management plan which includes emergency evacuation procedures. These have been devised in close consultation with the Gibraltar Fire and Rescue Service (GFRS) and the head teachers, who are responsible for implementing the plans.

1325

Although it does not say so in the prepared answer, I would add that it is not just devised in consultation with the GFRS but actually with the agreement of GRFRS – because that is something the hon. Member has asked in his question. So, these are established and agreed emergency evacuation procedures for each new school.

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**Hon. E J Reyes:** I am grateful for that, Mr Speaker.

#### Q236/2019

#### Supplementary question

**Hon. E J Reyes:** Before we change to my colleague's question, would this be a pertinent moment for me to have a quick supplementary on Question 236?

1335

The list provides us with the 48 students and the corresponding academic year in which they returned to Gibraltar without having completed their studies. Some of them say reasons not provided and so on: does the Minister know at this stage – or would he rather I posed in the future a question? – whether some of the students will have to repay Government as signed in their contract? Is it too much to ask if the Minister has those details at hand, or should I pose it as a question in the future?

1340

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, although I do not have the specific details about each and every individual on the list, what I can tell the hon. Member is that generally the position is that when a student returns to Gibraltar in these circumstances there is an agreement put in place for repayment of the amount that has been spent on that particular student. That is part and parcel of the original arrangement and contract with a student, which is generally subject to a guarantee given by parents.

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There will be extraordinary circumstances which the student can explain to the Department as to why they should not enter into a repayment agreement, and generally where that tends to happen it is as a result of medical issues. So, where a student has to return as a result of a medical problem, and provided that that is substantiated by both the university and a medical practitioner who has been treating the student ... There is a need for that medical evidence. Where that happens, generally the student will not be required to repay where there are medical reasons for the student having returned to Gibraltar.

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**Hon. E J Reyes:** I am grateful for that, Mr Speaker. In fact, I notice here as well that in a couple of cases – three of them – it is the wrong course. If I remember correctly from my days in the Education Department, the Director would enter into sort of a deal with the student and the guarantors, in that they would start again the following academic year, funding themselves that first year equivalent to what Government had paid for, and then the Department would automatically continue the funding for an extra three years. From the nod of the Minister's head, I think that in-principle practice is still in place and I wish him to rest assured that I fully support that because it does unfortunately happen, and to have three students over two academic years choosing the wrong course is not a high number at all.

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1365 **Hon. G H Licudi:** Mr Speaker, that is certainly my recollection, from my previous time in the Department of Education, as to how these things were dealt with. It is not the case that the student is permanently debarred from funding. If someone realises it is the wrong course, they enter into an arrangement in respect of the first year, or they themselves pay the first year, and then funding should normally continue.

**Q241/2019**  
**Autism spectrum disorder –**  
**Applications for disability allowance**

1370 **Clerk:** Question 241, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

**Hon. K Azopardi:** Mr Speaker, of those applicants who have applied for disability allowance and have been diagnosed with autism spectrum disorder over the last four years, how many of those applications were granted or refused?

1375 **Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1380 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, over the last four years, 47 applications for disability benefit have been received from applicants diagnosed with autism spectrum disorder (ASD), of which 27 applications were diagnosed with autism spectrum disorder in addition to other ailments. Of these applications, 20 were granted, 24 have been refused and three are pending the assessment panel's consideration and recommendation.

1385 **Hon. K Azopardi:** Would the Minister be able to help me? In terms of the ones that were refused, presumably that is a spectrum of issues, but is there some kind of categorisation as to why, following the diagnosis, those applications were refused?

1390 **Hon. G H Licudi:** Mr Speaker, clearly this is not something that I get involved in, in terms of the assessment of the applications. These are matters for the assessment panel that considers the matter and makes a recommendation to the Director of Social Security, and it is in the discretion of the Director of Social Security. I do not get involved at all in assessments and that is why, unless something has been specifically brought to my attention, I would not have specific details.

1395 What I can tell the hon. Member is what the system is, and it does not just apply to autism spectrum disorder. There is not a criterion for the granting of disability benefit with either autism spectrum disorder or speech impairment or visual impairment, or any other kind of disability. What the assessment panel will look at in assessing the individual and making recommendations to the Director – and particularly when we talk of autism spectrum disorder  
1400 we are primarily dealing with children – is whether the needs of the child are substantially in excess of those usually required by a child of the same age. In considering whether the child will qualify for disability benefits, the needs of that particular child are compared to those of a child of the same age or similar age with no disabilities – for example, if the child with a disability needs substantially more attention because care needed is different, or needs of issues of  
1405 toileting, being able to eat on their own or dress themselves. Those are the sorts of issues that the assessment panel will consider and they will come to an assessment as to whether the impact is substantially different to that of a child of the same age without a disability, and based on that assessment that the panel makes – which is made up of professionals – then they make an appropriate recommendation to the Director of Education.

1410 The same essentially applies in respect of adults where the criteria are not related to the  
specific ailment or disability but the criterion is simply the impact of the health condition or  
disability and the impairment of that individual's ability to carry out a range of activities which  
are fundamental in everyday life; in other words, whether there is a severe impact in everyday  
1415 life activities as a result of the disability. That is essentially the broad criterion that the  
assessment panel considers.

**Hon. K Azopardi:** So, would I be right then, given that explanation, to say that for those who  
have been refused, is because, despite the diagnosis, the panel has decided that their needs are  
not substantially in excess of an equivalent child without that diagnosis? Would that be correct?

1420 **Hon. G H Licudi:** Mr Speaker, although, as I have said, I do not know the reasons for the  
panel's decision in each individual case, the hon. Member's assessment or interpretation of  
what I have said leads to the logical conclusion which he has reached, that the panel has not  
considered the needs of that particular child, where it is refused, to be substantially in excess of  
1425 a child of the same or similar age with no disabilities.

**Clerk:** Question 242 –

**Hon. D A Feetham:** Mr Speaker, in our exchanges earlier I said that I had actually seen a  
1430 constituent who had a child diagnosed with autism and the letter that came back from Social  
Services, a refusal letter that I have seen in respect of other, non-autistic, condition, and the test  
that was applied was whether the disability severely adversely affected that person's daily life.  
So, it was the same test for non-autism that was applied to this particular autistic child.

Therefore, is he saying – he must be, from the answer that he has given me – that in fact the  
1435 test applied to disabled people generally, which is the severely adversely affecting that person's  
daily life, does not apply to autistic children (*Interjection*) because there is a different test? Well,  
that must be what he has said: there are two tests, one for autistic children, which is whether  
their needs are substantially in excess of the needs of a child without that condition, and the test  
for non-autistic disabled people, which is 'severely adversely affects' that person's daily life. Are  
1440 there two tests? I can tell him that in the letter of rejection of this constituent, her child, the  
Director of Social Services came back saying, 'We are refusing your child disability benefit  
because his condition does not severely adversely affect him in his daily life.'

**Hon. G H Licudi:** Mr Speaker, from what I said earlier, I cannot imagine where the hon.  
1445 Member considers that there are two tests that are applied, or one test specifically for autistic  
children and a separate test for everyone.

What I have indicated and I want to stress is that disability benefit – and although the  
question is phrased as disability 'allowance', we tend to refer to it as disability 'benefit' to  
differentiate between any disability allowance that may be a tax allowance, so to differentiate  
1450 between that, we refer to this as a disability benefit – is not awarded on the basis of any  
particular illness or disability. There is not one criteria for hearing impairment, another for  
autism, another for speech impediment or another for paraplegia, or any other kind of disability.  
There is one test because it would be impossible to apply different criteria depending on  
different types of disability. There is one test and that is the extent or the severity of the impact  
1455 of the illness or disability on the applicant's everyday life, which is exactly what the hon.  
Member has described.

The question is how is that criteria – which is the sole criteria, one test – that is the test –  
applied to children, and the way it is applied to children is by considering whether the needs of  
that child are substantially in excess of the needs of a similar child of the same age. But the test  
1460 is the same: the severity of the impact on everyday living. How do you assess that? By  
comparing, having regard to the disability but on a generic basis, the needs of that particular

child comparing to a similar child without disability and whether these are substantially in excess. If they are substantially in excess, then they are considered to be a condition of which there is severity in the impact of the illness or disability on the applicant's daily life.

1465 So, it is one test. How it is applied in relation to children is what I have described and it is applied across the board in relation to children with a disability, whether it is autism or any other kind of disability.

**Hon. D A Feetham:** Mr Speaker, I am grateful for the answer.

1470 There is a substantial problem here of transparency. I am not using the word 'transparency' from the point of view of criticising the Government as we have criticised the Government on the way that they manage the public finances, but there is a difficulty in understanding because there is a lack of clarity about how the system is operated, what test. And in fact the answer the hon. Gentleman has given me illustrates part of the difficulty – and I will explain something else  
1475 in a moment – because virtually every child with autism ... Unless it is a very mild form of autism, that child's needs are going to be substantially greater than a child who does not have autism, but it does not mean that that person is going to be severely adversely affected in their daily life. I believe, having seen a number of constituents who are coming to me complaining about how the test for disability benefit is being applied, that there is a lack of clarity, and indeed confusion.

1480 I will come to my supplementary in a moment, Mr Speaker, but let me give him another example. He was kind enough to extend the period of time for a constituent to apply for judicial review by three months in order to give someone I am representing on a pro bono basis ... The only way this could be done was through legal assistance, and in fact one of the lawyers involved is from the GSLP youth section, so this is cross party – professional but cross party. He kindly  
1485 extended the time period. We have gone to an expert – it is an expert who actually sits on these panels that advise the Director of Social Services – and they came back to us and said the test is permanent incapacity. I said, 'How can the test be permanent incapacity when there is a letter here about severely adversely affecting that person's daily life? That is the test.' So, even someone who sits on these panels has a different view about how the test operates in practice.

1490 Does the Government not agree with me that we would benefit from having a statutory test, because of course this test is not enshrined in any statute and not enshrined in any rules? This is a test that is being applied at the administrative level because nowhere in the Disability Act or in any statute in relation to disability benefit does it say that you will only receive disability benefit if you are severely adversely affected in your daily life.

1495 Will the Government consider the introduction of a statutory test with specific criteria that the panel needs to consider in order to determine severity? On a no-names basis, but in the case that I am dealing with of somebody who has had cancer, somebody who has a degenerative disease, she is being told, 'Well, I am sorry but you are not severely adversely affected in your daily life.' It is the way that this test is being applied that prevents people from being given  
1500 disability benefit at a moment in their lives when they are not employed and when they really need it in order to make progress with their lives.

**Hon. G H Licudi:** Mr Speaker, as the hon. Member says, this is not a statutory benefit, so this is not a contributory benefit that is set out in statute and people apply for. These are  
1505 administrative arrangements as a result of a benefit introduced by the Government and criteria which are provided to the Department of Social Security for them to apply.

I am certainly not going to go into any comment on any individual case. The hon. Member has talked about proceedings and I am certainly not going to go there.

1510 I can tell the hon. Member that there is no confusion, certainly from our side, the Department of Social Security or the Director of Social Security, who ultimately has to make this decision, admittedly on the recommendation of an assessment panel but ultimately it is a decision at the discretion of the Director. There is absolutely no confusion as to what the test is, and the test is what I have described on a number of occasions during the course of this

question and which the hon. Member has himself read in a letter that he has before him. If somebody believes that the test is different, then that person is confused and it is not that there is any confusion as to what the test is. The test is clear.

Would we benefit from having a statutory test? That may well be the case and I am very happy to consider it. This is not an issue of transparency or lack of transparency, or anything like that. The test is what it is. If there is benefit in having that test set out in regulations, then that is absolutely fine; I am happy to consider that and give serious consideration to that to the extent that there is benefit in doing that.

A totally separate matter is the application of that test, because we can have this test ... Suppose tomorrow I issue regulations and say the test is whether the severity of the impact of the illness or disability on the applicant's everyday life, and in particular for children, how it is assessed – that is a test which exists now and which would exist in statute. It is up to individuals to apply. It is not a question of interpreting the test but applying the test having regard to the condition of the particular individual before them, or the application that is before them. So, ultimately somebody has to apply the test and apply some criteria. That is not resolved by statute. Statute would say exactly what the test is, as it is now. But I am happy to give very serious consideration to putting this on a statutory footing.

**Hon. D A Feetham:** I am very grateful for that answer and could I draw the Hon. Minister's attention to the fact that in the United Kingdom, for example, there is an umbrella test relating to severity but that is applied differently depending on the disability that you are talking about. So, in relation to autism there are a number of factors that are taken into account that then feed into the issue of severity. If you are talking about a different type of disability, different tests ... In fact, I have a disability handbook in my office that goes into considerable detail as to how these things are dealt with, and with respect to the Director of Social Services and the panel and without meaning to demean him or the panel in any way, shape or form, it does appear to me to be patently much more sophisticated than at the moment the way the system operates and indeed has operated for a number of years going back even before the Government got elected in 2011.

**Hon. G H Licudi:** Mr Speaker, just to correct one minor matter, it is the Director of Social Security, not the Director of Social Services. Social Services is a different Department.

I can just add, to finish on this note, that you can have statutory provision but then that may well be backed by a handbook, by guidelines on specific issues. The sort of thing that the hon. Member has described I would not have thought is something that is contained in statute – maybe rules, maybe guidance or guidance notes that are provided to the assessment panel.

Can I just end. This affects, this particular question, although not directly related to disability benefit but also to the question we had before on supporting children with disabilities in the schools and identifying needs of children ... But given that this particular question relates to autism, can I just end by reminding hon. Members of a commitment made by us in our manifesto for these last elections that whenever there are suspected cases of autism we will consider and take steps to send the child, to what I understand is known as the Caldwell Institute for Autism in the United Kingdom, for a proper diagnosis and assessment and recommendations to be made. That is a firm manifesto commitment we have made in relation specifically to autism, which is what the question is about.

**Q242/2019**  
**New schools –**  
**Ventilation options**

**Clerk:** Question 242, the Hon. Keith Azopardi on behalf of the Hon. E J Phillips.

1560

**Hon. K Azopardi:** Mr Speaker, can the Government confirm that proper consideration was given to the use of large ceiling fans and better insulation in the new schools project to avoid the use of expensive and energy-intensive air conditioning?

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**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, all ventilation options were considered by heating, ventilation and air-conditioner specialists E&M Consulting Engineers. Natural ventilation or assisted ventilation was not considered sufficient to maintain optimum temperatures.

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**Q243/2019**  
**Statutory Benefits Fund –**  
**Balance**

**Clerk:** Question 243, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the Statutory Benefits Fund for each of the following dates: 31st March 2017, 31st March 2018 and 31st March 2019?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1580

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the balance on the Statutory Benefits Fund is as follows: 31st March 2017, £46,947.53; 31st March 2018, £22,181.07; 31st March 2019, £799,318.61.

1585

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for that information. Can he advise what the Government's policy is in respect of building up the balance in the Statutory Benefits Fund, especially in the light of the Principal Auditor's Report comments for the year ended 31st March 2016?

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**Hon. G H Licudi:** Mr Speaker, I am just hesitating one moment as I want to consult with my colleague on this particular supplementary.

1595

**Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano):** Mr Speaker, the figure shows what has been happening over a number of years where the number of workers has been increasing. I think we are now in a position where the workforce has stabilised and one of the things we have done to improve the ratio of the contributions made by employees and employers is that we have increased the ratio going to the Statutory Benefits Fund and reduced the ratio going to the Health Authority. I think it was something like 30:70 and it is finishing up with something like 60:40. We have now got to the stage where, in effect, basically 100% of the individual's contribution ...The employee's side of the contribution in effect is now all going into the Statutory Benefits Fund

1600 and the employer contribution is now all going to the GHA, and this has come about by ... If the  
hon. Member has looked at the Gazette, which brings in the increased rates every year, we have  
done two things: increased the rates and increased the proportion going to the Statutory  
Benefits Fund.

1605 In terms of the future, we are looking at a situation where ... I have already said in the  
context of the National Economic Plan that we are expecting the size of the workforce to  
stabilise at about 32,000 with the possibility that it may have already reached that level last  
month – it was just under 30,000 a year ago – and in future we would be looking to increases in  
the earnings of workers as opposed to increases in the number of workers, so that we would be  
creating a situation where there would be more high earners in the economy who make a higher  
1610 contribution.

The reality of it is that, given that the system of the Statutory Benefits Fund is that everybody  
makes a percentage contribution but gets back a fixed-return pension, the people who are on  
the lowest earnings are the ones who are contributing least towards what is their eventual  
pension and the higher the earnings are the closer you are to contributing closer to 100%. But  
1615 nobody really is contributing 100%. The reality of it is that it will take many years of gradual  
increases before the thing... We have actually reduced the gap. I think since 2011, in the sense  
that it is that the percentage gap between the contribution and the expenditure on the statutory  
benefits, it has been closing, but there is still a gap there that is met by a contribution from the  
Consolidated Fund, which is currently running at £7 million.

1620 What we would be expecting is that we would like there to be a reserve in that Fund and  
after Brexit we will be in a position to consider the changes that are needed. We have been  
waiting to see what happens, whether we are in the EU or not in the EU, because that makes a  
big difference to the flexibility we have in devising a new system. So, basically we are looking to  
see that balance going up, but there are a number of variables that will have an effect on that  
1625 which will determine how successful we are.

**Mr Speaker:** Next question.

**Q244-45/2019**

**Town Range Developments Ltd –  
Beneficial owners; acquisition of St Mary's School**

**Clerk:** Question 244, the Hon. R M Clinton.

1630 **Hon. R M Clinton:** Mr Speaker, can the Government advise who are the beneficial owners of  
Town Range Developments Ltd?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1635 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, I  
will answer this question together with Question 245.

**Clerk:** Question 245, the Hon. R M Clinton.

1640 **Hon. R M Clinton:** Mr Speaker, can the Government advise the arrangements entered into  
with Town Range Developments Ltd to acquire the site earmarked for the new St Mary's School?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1645 **Hon. G H Licudi:** Mr Speaker, the beneficial owners of Town Range Developments Ltd are John Joseph Bassadone, Raphael Benaim, Nigel Pardo, James Garbarino, James Levy, Peter Montergiffio, Javier Chincotta, Isaac Levy and the Hargate Group. The latter is an investor owned by a private trust for the benefit of the Klein family in the UK.

1650 The Government has entered into heads of terms with Town Range Developments Ltd for the construction of the new St Mary's by them on their site. Once the construction is complete, the Government will take a lease over the new school with an option to purchase.

**Hon. R M Clinton:** Sorry, Mr Speaker, just a lot of information there to digest. If I may ask the Minister, am I correct in assuming that the building effectively will still be owned by Town Range Developments and that the Government is to acquire a lease? How long is this lease going to be for? Most Government schools are owned outright by the Government. I am happy to be corrected if I am wrong.

1660 **Hon. G H Licudi:** Mr Speaker, as is pretty obvious from the answer that I gave, the land is not owned by Government, it is owned by a private entity, so the Government is not able to build a school itself on the land unless the Government were to acquire and buy the land. It is in private ownership and because it is in private ownership the Government has entered into heads of terms whereby the owner of the land will themselves build the school and then enter into arrangements with the Government for the provision of a lease with an option for the Government to purchase, which is as I indicated in the original answer.

1665 So the land will continue to be owned by somebody and the building, or the site, will be leased to the Government under lease arrangements which will be entered into once the project is complete.

1670 **Hon. R M Clinton:** Mr Speaker, surely it would have been cheaper just to buy the land from the developer, or the owners rather – was that an option on the table? – and the Government to build the school itself. I do not understand why the Government is effectively turning what is a fallow asset at the moment into an income-generating asset for a group of private investors.

1675 **Hon. G H Licudi:** Mr Speaker, private people have a piece of land; it is not available for sale. The Government cannot just take over the land from individuals. And importantly, of course, with this arrangement the capital cost is not that of the Government. If it was, they would be complaining about the amount of money that we are spending and where is all this money coming from and is it part of the £500 million that was discussed previously in respect of the injection of capital to the economy.

1680 Let me perhaps give a little bit more background, because then the hon. Member will be able to understand why this arrangement comes about in this way and that the land itself was not available. It is not fallow land. The land was not available for the Government to acquire for itself. This land is owned by a developer who was actually granted outline planning permission for that land for an eight-floor residential development in January 2015.

1685 Later on, in 2016, the Government successfully negotiated a reduction in the development to lower the building by three floors, and as part of the negotiations, the lowering of the height and the amassing of the building, the Government agreed the terms of the rental by Government of offices in that building at £30.50 per square foot. The developers were granted full planning permission in September 2018 for the aforementioned office scheme.

1690 So, it was originally intended to be, and they had planning permission for, a residential facility, Government engaged with them, the height was lowered and it was turned into an office facility of which the Government was going to take part of those offices at £30.50 a square foot.

1695 Subsequently again, in December 2018, Government successfully negotiated with the developer that the project should further be revised to actually build a school because we needed a new school. The school has a lower density than both the residential and the office

development which they were intending to do and for which they had planning permission. We further negotiated the rent downwards, from the original £30.50 for offices which had essentially been agreed, to £29.75 per square foot, which is a reduction of 2.5%. We also successfully negotiated an option for the developer to fit out the school at an additional rental cost of £4 per square foot or pay the developer the capital contribution in respect of those fitting-out costs. We then secured a right to buy an option to buy the property at defined intervals, which is based on a 4% per year yield at year 14 and a 6% yield at year 21 and every seventh anniversary thereafter, and that is assuming an RPI of 2.5%.

I would add, Mr Speaker, that office buildings built over the last 25 years – when costs were much cheaper, building techniques were simpler and building controls were much less – were commanding rents of £28 to £31 per square foot, and new builds command a rent now as high as £35 or £40 a square foot, even with long leases, and by comparison the deal which the Government has obtained from this developer, that owned private land and was intending to use that private land for their own commercial purposes, is a very good deal for the taxpayer.

**A Member:** Hear, hear.

**Hon. R M Clinton:** Mr Speaker, the Hon. Minister will be aware that there is projected to be a glut of office space in Gibraltar. If the developers were so keen to make a profit, they would retain that property for themselves and go ahead with their development. I still do not understand, from the point of view of the Government, why they have entered into this arrangement. Surely it is better for the Government to have their own school and their own premises.

But leaving that aside, Mr Speaker, I would like to hear from the Minister how he has dealt with any potential conflicts of interest, given that some of the beneficial owners named, as he must know, are partners in his former law firm, or current law firm.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, there is a question about conflicts of interest on the Order Paper, but let me start peeling that particular onion that the hon. Gentleman has put before the community, bit by bit.

There is not going to be a glut of office space in Gibraltar. Indeed, one of the things that we find on this side of the House when we are consulted by members of the business community, in particular the Minister for Financial Services and Online Gaming, is the need for more office space. So this is not a glut that the partners of Mr Feetham, who the hon. Gentleman has referred to, have tried and succeeded to palm off on us.

This is an opportunity which comes about from another very positive aspect of what has happened here, which the hon. Member has referred to and which the hon. Gentleman would be jumping on if the opposite were true, namely that the DPC granted planning permission for eight floors in that area, something which we thought was, although within the heights agreed etc., not in keeping with how Town Range was developing, and as superior landlord we engaged and said, 'Look, we think that you should be reducing the height here.' We did it also to much the same shareholders at Midtown, where *they* had permitted a height and amassing which was really completely outside anything that would have worked in that area, despite the fact that there were many conflicts of interest between those who negotiated the Midtown and those who were sitting on this side at the time. The conflicts of interest were assessed on the basis that he assesses them.

So, the first point, the glut: not true. The second point which he fails to alight on properly: the reduction of the height of the building and therefore ensuring that the area of Town Range keeps the heights that we think are more appropriate. Third: the absence of capital costs for the school, which the Hon. Minister has already referred to. But the thing that he does not seem to be alive to – again, if one only looks at numbers, one misses human beings – is the fact that we have a school in that area, St Mary's, which is suffering from the need for a deep refurbishment,

which it cannot have whilst children are there and which cannot be completed only in the period of the school breaks. The absence of another area which we can develop in town at the same time as the children in St Mary's stay in their school – without, for example, taking the only open area left, which is the car park in between the Senior Citizens' Club and the republican government of the knight of the realm ... If we had done that we would have been accused of taking the last open space in the centre of town for another building, so we have ensured that we are able to provide the school for these children without at the same time having to have their school turned upside down and having the health and safety issues that would have arisen as a result.

And then, of course, finally, Mr Speaker, the thing that he has not included in the equation, which he would have heard from the public statements that we have made, is that then there is the possibility of doing the deep refurbishment of St Mary's once St Mary's has moved to this new facility, and that may become the new Jewish junior school, infant school, Hebrew school, and that will vacate the other building. So there is value for the Government here at every level.

Now, the names which have been read, Mr Speaker, are four of them, or at least three of them, partners of a law firm from which I am on sabbatical and partners of a law firm in which the hon. Member, the former Leader of the Opposition – probably my most aggressive political opponent thus far, and I say that in praising his ability and in illustrating that he is by far the shining political star on that side, bar the hon. Lady – is also a member, one of whom is the founder of the GSD, who was recently in one of their videos extolling the virtues of their party.

Look, in Gibraltar, which is a small place, we all know each other. We could probably detect a conflict of interest in every aspect of what we do and we can believe that we discharge those conflicts of interest properly or improperly at every stage, depending on how we judge each other. He should rest confident that when we come to the question on conflicts of interest we will analyse how those are done, but in this case I do not think anybody would suggest that there has been any favourable treatment by the Government or those involved in these negotiations on behalf of Town Range Developments Ltd or of Town Range Developments Ltd on behalf of the Government. In fact, if you ask them they will probably feel very bruised by the way that this negotiation has been undertaken by the Government; and if you ask the Government, there are a couple of things that were left in our negotiation kitty which we were not able to achieve. That is what proper, objective negotiation achieves and delivers a great new facility for our children without, in this instance, capital cost.

We will see what he has to say about the capital costs of having built the schools that we will come to in the context of the other questions, because I have no doubt that when it comes to that he will put on his other hat and say that it is all too expensive and we should not have spent the money, as if you can build new schools without spending money either by paying rent for them or by incurring the cost. Or you could do what the party that one of the shareholders of Town Range Developments Ltd did, and that is not build one new school in 16 years and allow our children to be in facilities which are not befitting of this modern 21st-century community of which I am so proud.

**Hon. K Azopardi:** Mr Speaker, let's assess the elements of bruising, if I may. Can the Minister help us, because he gave a long explanation as to the different square footage of rent and all of that, but bottom line: what is the annual rent that will be paid by the school and/or by the Government in relation to the school, and what is the amount of money that has been fixed in relation to the option to purchase?

**Hon. G H Licudi:** Mr Speaker, the school is still at the design stage and therefore it is impossible to calculate. Once we have that information ... What I mentioned was that we have heads of terms and we have an agreement in respect of the amount that will be charged per square foot, but although I have a feasibility study and some layout plans, we have to finalise

1800 those and make them finalised plans in order that we will be able to assess exactly how much it will actually cost.

**Hon. K Azopardi:** So, Mr Speaker, the Minister, who has given us a guided tour of all the square footage of all the commercial rents in Gibraltar and has given us an assurance that this is value for money, has no idea how much they will actually pay for rent and no idea what the option to purchase will cost?

**Hon. G H Licudi:** Mr Speaker, the hon. Member wants to turn this into something which it is not. It is not a case of having no idea. I have the plans. I know how much the plans measure out to. What I am not going to do is do a blow by blow account when we still have to finalise arrangements, enter into a formal agreement, finalise plans and then be able to say, 'This is how much it is costing, this is the brand new school that we are doing.'

We have concept drawings, which the hon. Member will have seen, I am sure, as he leafed through our magnificent manifesto. That is just one set of drawings of many that there are there, so of course we know exactly what we want to achieve and we know that we are getting value for money, but when we have the final figures, at that stage, and all negotiations are complete and we have a final agreement in place rather than just heads of terms, at that stage we will make the appropriate announcement, as is proper in the course of action.

1820 **Hon. K Azopardi:** When does the hon. Member expect those negotiations to be finalised?

**Hon. G H Licudi:** I expect those negotiations to be finalised once we finally decide, from a Department of Education perspective and a school perspective, exactly the school needs and set out all the layouts. Then we will liaise with the developers to finalise all the matters in relation to that. I can tell the hon. Member that that is at a very advanced stage. We have draft layouts already and we are in the process of discussing it internally at the Department and also with the school to make sure that those layouts meet the school needs. That is something that is actively being done now – as far as I am concerned, the sooner the better.

1830 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister's answers. Can I ask him: is there any intention of the Government for any Government-owned entities to lend any money to Town Range Developments in order to put into effect this project?

**Hon. G H Licudi:** Mr Speaker, not that I am aware of.

1835 **Hon. D A Feetham:** Mr Speaker, I have in the past been critical about the plans by the developers, first of all to build eight floors, even when they agreed to reduce it, because Town Range is one of the iconic roads in Gibraltar with probably the largest concentration of Georgian buildings in Gibraltar.

1840 I was wondering, now that the Government is going to have an involvement in this because it is going to be a Government school, are there plans on the part of the Government to at least keep facades and be heritage sensitive in the development that is going to be taking place, because it really would look completely and utterly out of place; not only that, but it would potentially destroy what is one of the iconic roads/streets in Gibraltar, and views which are fantastic of continuous Georgian buildings, if this is not done sensitively from a heritage point of view.

1845 **Hon. G H Licudi:** Mr Speaker, it is good to hear the hon. Member praise the work that the Government has done in Town Range generally, which I take it includes the Government home in terms of Convent Place itself and the law courts – which I am happy, of course, to give him credit for because he was very much involved as Minister for Justice and which I obviously

opened. I invited the hon. Member to the opening, I remember, as Minister for Justice.  
(*Interjection*)

1855 But the hon. Member asks a serious question about heritage value and retaining. Absolutely,  
of course the Government is going to retain the value of the buildings and the look and the feel  
of Town Range. My recollection, and I am pretty sure, is that in our manifesto we have an artist's  
impression of what the school will look like from the outside, and the hon. Member will see that  
the stone facade of the building that is currently there is being retained. In fact, I would venture  
1860 to suggest that whenever we go to final planning permission, or the developer goes ... And yes, I  
can confirm that the stone facade and the building actually looks very good in the mock up that  
exists in our manifesto. So there is every intention of keeping that facade, keeping the building  
within what is Town Range as a whole, and I would expect that planning permission would be  
sought by the developers on that particular basis. That is exactly the Government's intention  
and we are in tune with the sentiments which have been expressed by the conviviality of the  
1865 hon. Member opposite.

**Hon. R M Clinton:** Mr Speaker, sorry, just one final supplemental in this area. The Minister  
mentioned that they were going to refurbish the old St Mary's School once the new one is ready  
and then move the Hebrew School across. Can he advise the House what then would be the use  
1870 of the old Hebrew School?

**Hon. G H Licudi:** Mr Speaker, that is still a matter under consideration. There are no firm  
plans but that is a matter on which an announcement will be made once a final decision is taken.

1875 **Hon. R M Clinton:** Can he advise the House: in terms of the school itself, does the  
Government own the building and the land, or is there some kind of complex arrangement?

**Hon. G H Licudi:** Mr Speaker, is the hon. Member referring to St Mary's or the building of the  
Hebrew School? My understanding is that the Government probably owns the land, but I cannot  
1880 be 100% sure about that. It might be a lease from somebody, but I am not 100% sure of what  
the property arrangements are in respect of the Hebrew School.

**Q246-247/2019**  
**New schools –**  
**Construction and fitting out costs**

**Clerk:** Question 246, the Hon. R M Clinton.

1885 **Hon. R M Clinton:** Mr Speaker, can the Government advise the cost to 31st October 2019 of  
construction and fitting out of each of the following new schools: St Anne's, Notre Dame and  
Westside/Bayside Comprehensives?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1890 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, I  
will answer this question together with Question 247.

**Clerk:** Question 247, the Hon. R M Clinton.

1895 **Hon. R M Clinton:** Mr Speaker, can the Government advise the anticipated total construction cost of each of the following new schools: Bishop Fitzgerald, St Martin's, Governor's Meadow and the College of Further Education?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1900

**Hon. G H Licudi:** Mr Speaker, the total cost to 31st October 2019 of construction of each of the following new schools is: St Anne's – construction cost £11.46 million – fixtures, fittings and equipment £0.8 million; Notre Dame – construction cost £9.52 million – fixtures, fittings and equipment, £210,000; the comprehensive schools – construction cost £55.54 million – fixtures, fittings and equipment, £8.44 million.

1905

The current anticipated total construction cost of each of the following new schools is set out below. These projects are in various stages of planning/development and therefore the anticipated total costs may vary: Bishop Fitzgerald, £9.98 million; St Martin's, £8.8 million; Governor's Meadow, £10.7 million; Gibraltar College of Further Education, £6 million.

1910

**Hon. R M Clinton:** Sorry, Mr Speaker, if you will just indulge me for a minute.

**Hon. E J Reyes:** Mr Speaker, if I may. I know Question 247 does not quite have the same words as Question 246, which is the fitting out of the new schools. Would the Minister have estimated costs in respect of the schools referred to in Question 247 on the estimated fitting costs?

1915

**Hon. G H Licudi:** Mr Speaker, no, I do not have this information. The schools that have not yet been built are at various stages of design and construction. St Martin's, for example, is being built at the moment, Governor's Meadow and Bishop Fitzgerald are at a very advanced design stage or a completed design stage and about to be built, and Gibraltar College still has to be designed, so it is difficult to anticipate the fitting out costs at this stage but I do not actually have that information with me.

1920

**Hon. R M Clinton:** Mr Speaker, I am very grateful to the Minister for the detail of his answer. Can he advise the House where the funding for the construction of these schools is coming from?

1925

**Hon. G H Licudi:** Mr Speaker, I understand there is a separate question on the Order Paper which relates to that.

1930

#### Q248-251/2019

#### Social security benefits –

#### Number of people in receipt annually since 2015

**Clerk:** Question 248, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please state how many people were in receipt of income support as at the end of December 2015, 2016, 2017, 2018 and at the end of November 2019?

1935

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1940 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Questions 249 to 251.

**Clerk:** Question 249, the Hon. D A Feetham.

1945 **Hon. D A Feetham:** Please state how many people were on unemployment benefits as at the end of December 2015, 2016, 2017, 2018 and at the end of November 2019.

**Clerk:** Question 250, the Hon. D A Feetham.

1950 **Hon. D A Feetham:** Please state how many people were on disability benefit as at the end of December 2015, 2016, 2017, 2018 and at the end of November 2019.

**Clerk:** Question 251, the Hon. D A Feetham.

1955 **Hon. D A Feetham:** Please state how many applications for disability benefit there were during the calendar years 2015 to 2018 and for this calendar year so far.

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1960 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

**ANSWER TO QUESTION 251****Answer to Question 248**

The following persons are in receipt of benefits that can be considered as income support:

Benefit	2015	2016	2017	2018	2019
Social Assistance*	442	491	485	457	493**
Child Welfare Grant	1464	1327	1349	1290	1047
Minimum Income Guarantee*	424 people 386 single 19 couples	418 people 376 single 21 couples	407 people 365 single 21 couples	366 people 334 single 16 couples	357 people 325 single 16 couples

\*It should be noted that some people may be in receipt of both Social Assistance and the Child Welfare Grant.

\*\* Figures last reconciled at end of October 2019

**Answer to Question 249**

The following people were on unemployment benefits as at the end of December 2015, 2016, 2017, 2018 and at the end of November 2019.

Date	No of people
31.12.15	121
31.12.16	80
31.12.17	84
31.12.18	79
30.11.19	75

**Answer to Question 250**

The following people were on disability benefit as follows:

Year	Persons in receipt of disability benefit
2015	233
2016	269
2017	316
2018	361
2019*	388

\*as at end of November 2019

**Continued Answer to Question 251****Answer to Question 251**

The following applications were received for disability benefit:

Year	Number of applications received
2015	73
2016	94
2017	116
2018	87
2019*	78

\*as at end of November 2019

**Hon. D A Feetham:** Mr Speaker, I think we may continue with questions; I will analyse the schedule and come back ...

1965

**Mr Speaker:** Yes.

**Q252/2019**  
**Port of Algeciras –**  
**Proposed expansion**

**Clerk:** Question 252, the Hon. D J Bossino.

1970 **Hon. D J Bossino:** Can the Minister with responsibility for the Port provide details of the current state of play regarding the potential transboundary effect of the proposed further extension of the port of Algeciras?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1975 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, neither the Gibraltar Government nor the Gibraltar Port Authority have been consulted in any EIA or scoping reports concerning the proposed expansion plans of the port of Algeciras.

The Government has raised concerns about these works with the Directorate General for the Environment of the European Commission. We have also raised issues in respect of past works and continue to reserve all rights in respect of damage arising to Gibraltar as a result thereof. We will, however, monitor the situation closely.

1980

**Hon. D J Bossino:** The two actions which he has referred to in his answer, are those the actions that were referred to at page 119 of their manifesto, which said:

We will take action to prevent that project from progressing if it will have a transboundary effect.

1985 I suppose the question is: what actions are specifically being taken by the Government?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, inter alia is the answer and he will excuse me for telling him that I do not think it is appropriate for us to be discussing this across the floor of the House but I am very happy to discuss it with him. I just think, because we are in the context of preparing actions in respect of that, it is not advisable that we should be debating that across the floor of the House.

1990

Indeed, I am advised by those who are dealing with this matter on behalf of the Government, because it involves the Commission, that one files with the Commission but one does not make statements about what one files with the Commission once one has filed it until the Commission has responded and given the other side an opportunity to comment.

1995

**Q253/2019**  
**Maritime Week Gibraltar –**  
**Business opportunities and commitments**

**Clerk:** Question 253, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for the Port provide details of the business opportunities and commitments which have arisen from the Maritime Week Gibraltar initiative?

2000

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the inaugural Maritime Week Gibraltar provided the platform to raise Gibraltar Port's profile

2005 from a home base. The driver for this event was to seek to further promote the maritime sector in the Gibraltar economy, but it was always envisaged that this would require a sustained effort to deliver tangible results.

We have already seen an increase in the interest of international companies considering setting up operations in Gibraltar, and this will be further reinforced by our continued engagement policy.

2010 This event has also afforded further engagement with other international events, with requests for the Gibraltar Port Authority representatives to speak at major maritime events, including the Argus Miami Fuel Summit, the IQPC Bunkering Conference in Barcelona and more recently the 8th International Med Bunker Fuel Conference in Athens. Invitations have also been received to participate in bunker round tables.

2015 Maritime Week Gibraltar also provided the opportunity to offer reassurance to existing clients about the product that Gibraltar Port offers.

Planning for Maritime Week Gibraltar 2021 is already in motion, as we see this as a valuable marketing event not just for the marine industry locally but more widely for the Gibraltar economy.

**Hon. D J Bossino:** Mr Speaker, can the Minister state whether any ...? He has mentioned interest from some international companies. Again in the manifesto it refers to a number of business opportunities and specifically says 'commitments'. Is there anything by way of substantive investment, substantive commitment that he can elucidate upon that has materialised as a result of this marketing initiative, which by all accounts was a success?

**Hon. G H Licudi:** Mr Speaker, I can definitely say that the Maritime Week Gibraltar as a whole was a resounding success. The quality of the speakers, the international delegates we had and the way it was received by the local maritime community was absolutely excellent.

2030 The hon. Member will have been, as have other Members of the Opposition – as I have and others – to international conferences in other jurisdictions. Certainly this particular week long of events had nothing to envy other international events that happen in many parts of the world and which we regularly attend.

2035 I know for a fact that there have been a number of expressions of interest in relation to possible port operator licence applications and I know that some participants in Maritime Week Gibraltar subsequently had meetings with local lawyers to process possible applications. It is often very difficult to know whether a particular application or interest arises from a particular marketing event. Does something happen because we go to a particular conference on bunkering in London or in Singapore, or the speaking events that I have mentioned? What we certainly know is that this was and must continue to be part of the marketing efforts of the Gibraltar Port to make a name for ourselves, to set out what Gibraltar does, the importance of the maritime industry for Gibraltar and the importance of Gibraltar for the maritime industry generally. It is a message that was made very clear in Maritime Week Gibraltar and which we continue to espouse whenever we travel and participate in conferences, whether as speakers or as delegates or anything else. This is a part of a continuing effort, as we have indicated. Because Gibraltar continues to enjoy success in the maritime sector and the marine industry, we can attribute that the marketing efforts that are made do have direct consequences in increased activity. Which particular consequence arises from which activity is always difficult to pinpoint, but Gibraltar is doing well from a maritime point of view.

**Hon. D J Bossino:** Mr Speaker, just one final supplementary on this question on the Order Paper, and it is a very specific and detailed one. Is the company which is I think partly organising this with the Government – Petrosport – organising it for the next one in 2021? Is that the idea?

2055

**Hon. G H Licudi:** Mr Speaker, yes, absolutely. Petrosport did an amazing job in organising this. They organise, I believe, London International Shipping Week, so they are organisers of very major events on a worldwide basis. Their commitment to Gibraltar is absolutely second to none. They believe, themselves having been involved in the international sphere, that what Gibraltar did and what Gibraltar can do is very special indeed and they are committed to working with us; and likewise, we are committed to working with them in the future.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, is it convenient that I should propose a short recess for Members' comfort now and that we might return at 25 to seven?

**Mr Speaker:** There shall be a short recess now, to return at 25 to seven.

*The House recessed at 6.25 p.m. and resumed its sitting at 6.45 p.m.*

**Q248-251/2019**  
**Social security benefits –**  
**Supplementary questions**

**Clerk:** Question 254, the Hon. –

**Hon. D J Bossino:** We are going back, Mr Speaker. I think my hon. Friend Mr Feetham is going to go back to his questions and the answers that have been given.

**Clerk:** You want to go back to ...?

**Hon. D A Feetham:** Mr Speaker, I am grateful to the hon. Gentleman for the table that he has provided that refers to people in receipt of, amongst other things, social assistance and also unemployment benefit and disability benefit. Looking at social assistance – for example 2019, there are 493 people in receipt of social assistance – does he have the figures, out of those 493, how many of those are long-term unemployed? In other words, people who are unemployed and are not in receipt of unemployment benefit, because the 13 weeks have expired.

2080 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, I  
do not have that specific figure. I expect that there may be some who have the unemployment  
benefits come to the end, at the end of the 13 weeks, and they apply for social assistance  
because of their particular needs and that is assessed as being valid; and some of those will then  
2085 find themselves in that particular figure. But I have not got the specific figure. I will be happy to  
provide it to the hon. Member.

**Hon. D A Feetham:** Is the Hon. Minister aware of any change in practice as to how you define  
'unemployed' for the purposes of unemployment figures, rather than obviously receipt of  
unemployment benefit, which is just a figure correlated by who is in receipt of benefit?

2090 **Hon. G H Licudi:** Mr Speaker, not only am I not aware of any change, I know that there has  
been no change. The definition of 'unemployed' has been the same and the way that we  
compile and produce the quarterly average of unemployed – which is not the figure of  
unemployment benefit, as the hon. Member will know – is a practice that was introduced in fact,  
2095 I am told, in 1997 when the party opposite was in government.

But it is not something that was done on a partisan basis because what we adopt is the  
international definition. The only definition of unemployment there is, is that provided by the  
International Labour Organization (ILO). It is not everybody that is without a job that is  
unemployed. We may have family members who have retired: they are without a job but they  
2100 are not unemployed. You may have an 18-year-old in school who is not unemployed. You may  
have an 18-year-old who is without employment and does not want to work, who is not  
employed; and you may have an 18-year-old who is looking for work and is unemployed.

The criteria for unemployment are quite simple: the person must be without employment,  
must be available for work and must be actively seeking employment. The rationale for those  
2105 criteria, which is the internationally recognised definition of unemployment, is that what you are  
looking at is to try and define your labour force in a particular country. The labour force is made  
up of the employed and the unemployed. People who do not have a job do not necessarily form  
part of 'the unemployed', if they are retired, if they are on a pension, or they simply do not want  
to work and they are not looking for work.

2110 So the labour force is made up of those who are employed and those who are without a job  
but are available for work and actively seeking employment. That is the international definition.  
It is the definition that is applied in Gibraltar.

**Hon. D A Feetham:** Yes, Mr Speaker, I am aware of the definition of unemployed from the  
2115 International Labour Organization, which sets the standards for these sorts of things.

But the Government has not changed administratively how one deals with the unemployed?  
So, for example, I know that in the past the Government used to issue jobseekers' cards. There  
has been no change in that sort of practice impacting on the official figures of unemployed in  
any way shape or form?

2120 **Hon. G H Licudi:** Mr Speaker, that is absolutely right. There has been no change. I specifically  
asked about how unemployment figures are compiled and I was specifically told that the  
practice has been exactly the same since 1997.

2125 **Hon. D A Feetham:** Mr Speaker, thank you very much.

Turning to the question of disability benefit, constituents who have come to see me have told  
me – I was not aware of this – that in 2012, this Government changed the practice in order to  
reduce disability benefit – let me just explain – for those who are in employment; and that if you  
have a disabled person who is in, for example, some form of sheltered employment scheme who  
2130 is earning the Minimum Wage – because that is what they are earning – the hon. Gentleman,

Minister Bossano made that point in answer to earlier questions, that in 2012 the practice changed so that that person's disability benefit was reduced by 75% to 25% of what it was.

Can he confirm that that is indeed the case and that that was a policy decision taken in 2012?

2135 **Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano):** That is correct. That was a policy decision taken in 2012 when we came in, because before that, in 2011, the whole of the income was taken off and we gave a manifesto commitment to phase it out in stages, and instead we went a step further and retained a percentage. So the people who were on disability benefit before 2012 and got a job  
2140 lost 100% of the disability benefit when the hon. Member opposite was in government. I can produce a document to show that, if he wants.

**Hon. D A Feetham:** Well, Mr Speaker, certainly in one case that has come to me who has been in receipt of disability benefit *before* the December 2011 election, I specifically asked him  
2145 about this. He is a paraplegic. He is in a wheelchair. He said to me, 'Before December 2011, I was in receipt of 100% disability benefit and I had the job' – because this particular job dated back before the General Election – 'and it was reduced.'

In any event, whether that is the position or is not the position, is the Minister aware that in the United Kingdom, for example – indeed, in other jurisdictions as well – disability benefit, the  
2150 equivalent is 'personal independence payments'? They are not means tested, so a stockbroker, for example, is paid his PIP payments. Indeed, Mr Speaker, perhaps the stockbroker is the wrong example but I raise that by way of a stark example. But if you look at this particular gentleman who is paraplegic, in a wheelchair, earning the Minimum Wage, there is no prospect of that person really earning or having the opportunities that you and I and others who do not have  
2155 these sorts of disabilities will have, and to reduce disability benefit to 25% does – (*Interjection*) Well, whether it was zero and it has been increased to 25% ... but to just give them 25% does seem to me to be unfair because that person is going to have greater expenses than your normal person who does not suffer this type of disability.

Being on the Minimum Wage for the rest of that person's life is not something that anybody  
2160 looks forward to, and then to have a situation where your benefits are being reduced in that way ... Could the Government undertake to look at this and to determine whether in the modern 21st century that is a fair way of dealing with disabled people?

**Hon. G H Licudi:** Mr Speaker, I am not sure whether the 'modern 21st century' started in  
2165 2012, or it also existed and we were still in the modern 21st century in 2010. It really is quite extraordinary what the hon. Member is suggesting. He was Minister of the Government up to December 2011, he was Minister for Justice, and that Government that he was a member of, and he was a Minister, eliminated completely 100% of the disability benefit upon that person getting a job. (*Interjection*) We decided that that was wrong and it was changed in 2012, as my  
2170 hon. Friend has confirmed – to reduce it and not to eliminate it.

**Chief Minister (Hon. F R Picardo):** What he is saying cannot be true, because the person would –

2175 **Hon. G H Licudi:** Yes. And of course I do not know the specifics of the case that the hon. Member alludes to, but certainly we can say that the system before 2012, when it was changed and when the hon. Member was a Minister of the Government, was that a person in the situation that he has alluded to would have had disability benefit reduced to zero. Under us, it was reduced but not eliminated. So it was a positive change that we did and therefore we  
2180 brought disability benefit into the modern 21st century.

**Hon. D A Feetham:** Well, with respect to the Minister ... Look, I am vocalising a concern of somebody who has come to me, who has told me about his personal circumstances. I would not be raising it if that were not so. I told the Minister I do not know whether this was a policy change that was introduced in 2012. It is a reflection, it is a vocalisation of somebody who has come to me – an intelligent individual, I have to say – and told me this was the position.

But look, even if that were wrong and even if it were as the hon. Member says to me, that in 2012 they increased it from zero to 25%, it does not detract from the point that I am making and the invitation that I am making to the Government, which is that in the modern 21st century – forget about what happened in the times of Margaret Thatcher or the greatest Gibraltarian of our time, *(Interjections)* or whoever else! In the modern 21st century, to have a situation where somebody is earning the Minimum Wage and on top of that only 25% of disability benefit does seem to me, in relation to disabled people, who are in a completely different kettle of fish to everybody else in terms of just focusing on opportunities for their earnings ... to just give them 25% does seem to me to be wrong.

If it was zero in our time in office, I accept it was wrong then. What I am inviting you as a Government is to at least commit to looking at this so that disabled people get a fairer deal, rather than making political points across the floor of this House – which is not what I am making – essentially shielding the Government from a legitimate point that I am making in asking the Government to look into this, just by simply referring to what happened during the GSD or some other administration before they came into office. *(Interjections)*

**Hon. Chief Minister:** They are thinking about world heritage status, about the way they treated the disabled ... They are in election denial.

**Hon. Sir J J Bossano:** Mr Speaker, the hon. Member is not doing what he says he is doing. What he seems to have is a bout of amnesia, which goes not just to when he was in government. Obviously what was happening when he was in government was that people did not get the Minimum Wage. The people in all the vocational cadet schemes were on a maximum of £400. Right? *(Interjection)* So we come in and we go from £400 to £1,000, to which he says, ‘How can people be expected to live on £1,000?’ when they were living on £400!

**Hon. D A Feetham:** I did not say that.

**Hon. Sir J J Bossano:** Yes, Mr Speaker, because the hon. Member has just said, ‘How can we expect somebody with disability to only reclaim 25% of the disability?’ He gets 25% of the disability on top of the £1,000 that somebody gets without the disability.

What the hon. Member used to do was that if people got their £400 they lost their disability benefit. What we did was that when people got their £1,000 instead of the £400 we let them keep 25% of their disability, which meant two people doing the same thing in EDEC were getting, if they had disability, 25% of the disability on top of the £1,000. Now he says, in the 21st century how can we be doing that? Well, look, where was he in 2011 – in the 18th century, in the 17th century? He was in the same century that it is now! How could he go to sleep at night knowing that he was part of the Government that was taking away from people with disability 100% of the disability and giving them 50% of the Minimum Wage? And, because somebody has approached him with a problem, he says we should change a policy that he was defending as a Minister.

We came in with a manifesto commitment because we criticised the way they were doing it and we put in the manifesto in 2011 that we would remove the disability in stages. *(Interjection)* Well, we put in the manifesto that when people went on the Minimum Wage and they got in SEC ... SEC was created and there were 48 people in SEC, who were some with disabilities on £400 a month and they had lost their disability when they got their £400. We came in and we said, having been approached by people with disabilities, ‘We are not going to take the disability

away from you the moment you get a job.' So we actually said it would be phased out in stages and we would take 25% every x months. Then when we came in we decided to do more than the manifesto and that the last 25% would not be taken off. And for people who went into part-time employment we decided that they should retain 66% of their disability.

So in fact the system was amended from their time to make sure that everybody with disability, if they managed to get into an employment, would be better off working than they would have been if they had stayed with disability benefit and no work. And I can tell the hon. Member that to suggest that what we are doing is not consistent with the 21st century, when it was an improvement, or which was a manifesto commitment which we implemented as soon as we got in, and on top of that we went beyond our own commitment – well, look, if that person says that he had 100% taken off it must have been because he had it taken off before 2012, because it has not happened since.

**Hon. D A Feetham:** Last supplementary, Mr Speaker.

I hear what the hon. Gentleman has to say – (*Interjection*) No! What he is trying to do is justify the continuation of what is an unfair situation to the disabled by reference to what he says we did when we were in government. I am sorry to labour the point, but the reality is that, yes, of course people can live on the Minimum Wage, but the difference between a disabled person and somebody who is not disabled is that a disabled person is in all likelihood going to remain ... These types of individuals that we are talking about in sheltered employment are going to remain in sheltered employment on the Minimum Wage for the rest of their lives and in those circumstances, and taking into account that in England, for example, the equivalent benefit is not means tested, will the Government consider moving in the excellent direction that the Government has moved since 2011 (*Interjection*) and decouple disability benefit from the fact that people are in employment because these individuals are in a different kettle of fish?

If we did not do that ourselves, I apologise to every single disabled person out there that we did not do it and we did not think about it, but what I am interested in, Mr Speaker, is attempting to push the Government, to hold the Government to account, to suggest to the Government ways in which the situation with disabled people in Gibraltar can be improved and assisted further.

**Hon. G H Licudi:** Mr Speaker, the hon. Member seeks to pray in aid of his arguments the situation in England. He will obviously be aware that there is a great deal of criticism in respect of how social security benefits work in England. Universal Credit is something that has been talked about ad nauseam and has been the subject of *great* criticism in the UK. So he should not suggest or imply that the system is great in the UK and we should adopt whatever it is that they have in the UK.

What we have done is introduce changes to the system which we felt improved a flawed system, a system which was flawed when he was in government. I really wish, Mr Speaker, that his impassioned address to Parliament today, he would have made that same impassioned address to Cabinet on 1st January 2011 when he was still in government, if Cabinet of course had ever sat in 2011, which it probably never did. Had he done so, maybe his colleagues would have listened to him.

But we listened, not to him, to the people. We listened to the unfairness that was created as a result of a scheme, a system which had people permanently with no prospect of more permanent employment, and no prospect of coming out of that, on half the Minimum Wage for ever, and ever, and ever. And we gave a commitment that we would change that on day one; and we did. (*Interjection*) We changed that and we doubled the amount that they got. And not only did we do that, we removed the unfairness of those people who were getting that wage, having had the whole amount eliminated of disability benefit, and therefore we substantially improved.

2285 Can the system be improved further? Of course it can. Every system, every benefit can be improved. We can double every benefit today. Is that what the hon. Member is suggesting? Perhaps his colleague next door would start complaining about public finances and what we do with the money. But there has to be an element of responsibility. There has to be an element of looking at needs of people and putting a fair system in place. That is precisely what we have  
2290 done and that is a system that will continue.

**Hon. Chief Minister:** Mr Speaker, if it may be of assistance to the House, I am sorry to say but in the United Kingdom the criticism of the system is really quite remarkable, and to see him recommend to us that we should follow a system like the one in the United Kingdom is frankly  
2295 not something that is going to curry any favour with us. For example, in the United Kingdom the amount that one is permitted to earn before your benefits start to be reduced is £20 a week – £20 a week!

**Hon. D A Feetham:** Personal independence payments are not means tested.  
2300

**Hon. Chief Minister:** Yes, the permitted work higher limit is £131.50 a week after tax, and you have to work for less than 16 hours, Mr Speaker.

**Hon. D A Feetham:** You are looking at a different benefit –  
2305

**Hon. Chief Minister:** Yes, I am looking at a different benefit; I am not looking at the PIP, Mr Speaker. *(Interjection)* But the hon. Gentleman should ask *any* disabled person whether the regime they would prefer to live under is the regime in the United Kingdom or the regime in Gibraltar after 2011. I guarantee that he will find that neither under the Tory party in the United  
2310 Kingdom nor under his Government in Gibraltar would they choose to live more often than they would choose to live under the system that we have today.

**Hon. D A Feetham:** Mr Speaker, I do not accept that what he has read accurately reflects the point that I was making. I was referring to personal independence payments, which are not means tested in the UK. That is the equivalent of our disability benefit regime.  
2315

**Q254/2019–  
Gibraltar Airport –  
Air traffic control contingency tower**

**Clerk:** Question 254, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, I go to more mundane matters of aviation.  
Can the Minister with responsibility for aviation provide details of when it is expected that  
2320 the air traffic control contingency tower is expected to be completed?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, it is expected that the air traffic control contingency tower will be completed towards the end of January 2020. Once this occurs, there will be a process of inspection and acceptance of the facility before it can be deemed operational.  
2325

Can I add, Mr Speaker, that the tower itself is complete; all the works have been done. It has been subject to an inspection already by the UK CAA, who have recommended a couple of

2330 additions, simply blinds to improve glare issues and an additional air-conditioning unit. So, it has  
been completed and inspected. Once that happens, all this will be ready and then there is a  
process of acceptance of the facility by what is known as an acceptance board, which involves  
the MoD, the Gibraltar Government – or the Director of Civil Aviation – and representatives of  
2335 NATS, who are the operators of the air traffic control facility. Essentially it is a process of just  
making sure that the facility has been finalised, is fit for purpose and can become operational. So  
it is the final tick to make the facility operational, which we expect to happen very early on in  
2020.

**Hon. D J Bossino:** Mr Speaker, just a couple of supplementaries following from that. The cost  
2340 of the construction of the tower: does he have that information with him and can he provide it?

**Hon. G H Licudi:** Mr Speaker, I have not got it with me. I seem to recall that was a subject of  
previous questions – from memory, something in the order of £½ million pounds, but that is just  
from memory. It may have been a little bit more or a little bit less but it is in that order, in that  
2345 region.

**Hon. D J Bossino:** It is probably not within his remit, actually, but in terms of the staffing of  
this, it is going to be the same complement of NATS employees, presumably; it is not that more  
employees will be required?  
2350

**Hon. G H Licudi:** Mr Speaker, this is precisely what it says it is: it is a contingency tower, so it  
is not that there are going to be people there permanently. In the event of a catastrophic failure  
of the existing facility because of fire or whatever, then the contingency tower is there to keep  
this Airport open and operational.

2355 It is unusual to have these sorts of contingency towers in small regional airports but this is a  
view that we have taken, that we had to do this in order to make sure, in the event of that  
catastrophic failure of the existing facility, that we were able to keep the Gibraltar Airport  
operational. That is the most important factor.

**Q255/2019**  
**Gibraltar Airport –**  
**Negotiations re hangar for private aircraft**

**Clerk:** Question 255, the Hon. D J Bossino.  
2360

**Hon. D J Bossino:** Can the Minister with responsibility for aviation provide details of the  
current state of the negotiations regarding the hangar for private aircraft at Gibraltar Airport?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.  
2365

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker,  
the Government is in discussions with a third party concerning the construction of a hangar for  
private aircraft at Gibraltar Airport. An announcement will be made once those discussions are  
concluded.  
2370

**Hon. D J Bossino:** Simply to point out, Mr Speaker – I do have a supplementary question – I  
think this is a positive development and a positive initiative on behalf of the Government. It does  
assist the economy; I think it is a good initiative.

2375 I appreciate from the answer that this is pretty much at the early stages and perhaps he can confirm that; and, as a result, would he have any idea as to what the cost of that hangar is at this stage? I presume the answer is no, but I will ask it anyway.

2380 **Hon. G H Licudi:** I am grateful for the comment that this is a positive development. It is something that I am very keen on developing, not just the Airport from a commercial point of view but from a business jet point of view as well and generally in respect of aviation, so it certainly will be good to have a hangar.

2385 What we have done is identify an area which we believe is suitable for this purpose. We have engaged with an entity that is interested and a study is being carried out at the moment as to the area in the works that would be required in order to create a hangar. That study will involve issues of costing, so we do not have that at the moment.

**Q256/2019**  
**Gibraltar Airport –**  
**Commercial units**

**Clerk:** Question 256, the Hon. D J Bossino.

2390 **Hon. D J Bossino:** Can the Minister with responsibility for aviation provide details of the number of commercial units available in the Airport terminal, with details of the numbers which are currently unoccupied?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2395 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, there are 20 commercial units available at the Airport terminal. Four units are currently vacant.

2400 **Hon. D J Bossino:** Mr Speaker, he and I have had a discussion in the antechamber earlier about this, but that is not the information that I had. I am wondering, does he have the number of businesses which currently operate in the terminal, particularly the departure lounge? I understand, as a result of the conversation that we had, and I made inquiries, that there may be some businesses which occupy more than one unit. I will not mention names but I think there are at least three which occupy two units. So I suppose the more pertinent question may be: does he know how many businesses operate from the departure lounge? This comes as a result of representations which have been made to me that there are ...

2405 Reputationally for Gibraltar it does not look good that we have empty units at the departure lounge. It simply does not look good, and it certainly does not look good from a Gibraltar Inc/ Gibraltar plc perspective. The idea is to try and see whether there is any possibility on the Government's part to see whether they could incentivise the occupation of those premises by perhaps lowering rates, lowering rents and the like.

2410 **Hon. G H Licudi:** Mr Speaker, I do not have the figure with me or know offhand the number of businesses. I understand that the hon. Member may be correct that there may be one business that occupies two units.

2415 I absolutely agree with the hon. Member that it is desirable to have 100% occupation, as it is desirable in any commercial facility to have 100% occupation. That has not been possible as a result of the closure of these four, though I know that there are discussions with at least one entity to take up one of the units. We hope that as developments continue at the Gibraltar Airport ... We have announced recently the new Edinburgh flights and I would like to offer my

2420 congratulations to my colleague Vijay Daryanani, who made that announcement and who has been involved in that with a new destination to a brand new region. Excellent news for Gibraltar and it of course means extra traffic through the Airport terminal, and that is exactly what will incentivise people to open up in the terminal.

2425 **Hon. D J Bossino:** Given the announcement, which is obviously welcome from the Opposition benches, of the new flight to Edinburgh – and I would also add my congratulations to the Minister for Tourism in relation to that – the obvious question is: is it the Government's expectation that those four remaining units will be occupied in short order?

2430 **Hon. G H Licudi:** It is the Government's hope that – (*Interjection*)

**Chief Minister (Hon. F R Picardo):** We have no expectation. They are the ones who built it, expecting to have millions of passengers through it, Mr Azopardi, and we took the view that it was –

2435 **Hon. G H Licudi:** We certainly hope that those units will be fully occupied. We want to see as much traffic as possible to the fullest capacity possible of the air terminal, which was built at extraordinary cost by the previous administration. It is something, of course, that we want to make the most of and we want as many airlines as possible to be able to use it, as many regions to be served as possible, as many passengers as possible to flow through to be able to service all  
2440 the commercial units and for people to want to open up those commercial units. So it is certainly our hope that those units will be occupied in the short term.

#### Q257/2019

##### Air arrivals and departures – Breakdown of numbers

**Clerk:** Question 257, the Hon. D J Bossino.

2445 **Hon. D J Bossino:** Can the Minister for Aviation provide the total numbers of arrivals and departures broken down in the same manner as they are provided in Table 1.01 of the Air Traffic Survey 2018?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2450 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

**Answer to Q257/2019**

Year	Arrivals (000's)						Departures (000's)					
	Total		Scheduled		Charter		Total		Scheduled		Charter	
	Seats Offered	Seats Used	Seats Offered	Seats Used	Seats Offered	Seats Used	Seats Offered	Seats Used	Seats Offered	Seats Used	Seats Offered	Seats Used
2019												
(i)	269.1	227.2	269.1	227.2	*	*	268.7	231.3	268.7	231.3	*	*

Notes:

(i) Figures for 2019 are incomplete as they include data for January to November 2019.

\* Data for Charter flights are only compiled after the year-end and are therefore currently unavailable.

**Answer to Q257/2019 continued**

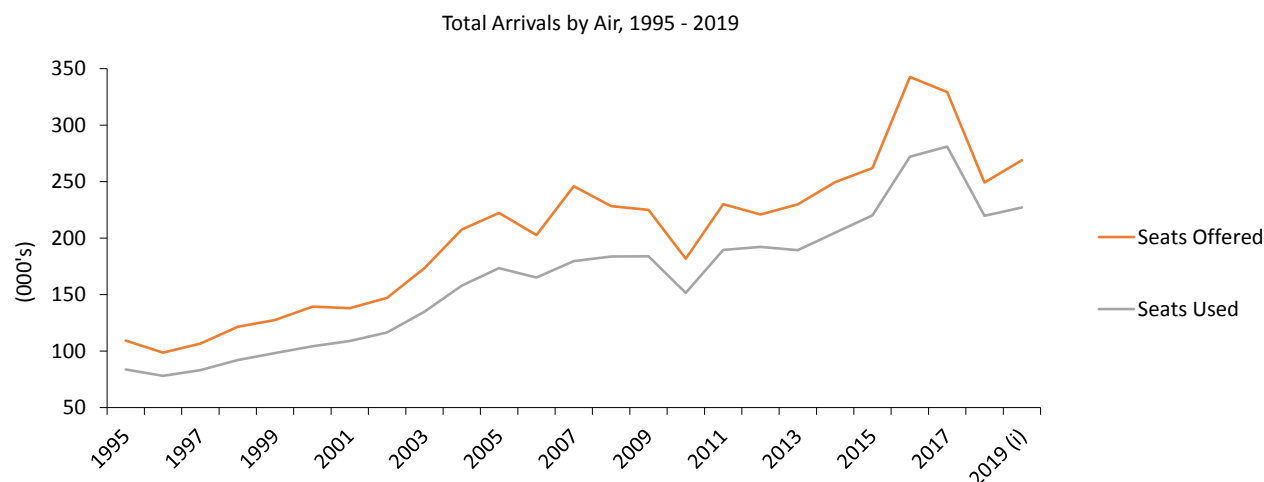
**Continued Answer to Question 257**

Air Traffic Survey 2019

1: Arrivals and Departures by Air

**Table 1.01 Arrivals/Departures by Air, 1995 - 2019**

Year	Arrivals (000's)						Departures (000's)					
	Total		Scheduled		Charter		Total		Scheduled		Charter	
	Seats Offered	Seats Used	Seats Offered	Seats Used	Seats Offered	Seats Used	Seats Offered	Seats Used	Seats Offered	Seats Used	Seats Offered	Seats Used
1995	109.4	83.8	109.4	83.8	-	-	109.5	85.3	109.5	85.3	-	-
1996	98.7	78.1	98.7	78.1	-	-	98.1	78.2	98.1	78.2	-	-
1997	106.6	83.2	106.6	83.2	-	-	104.4	81.5	104.4	81.5	-	-
1998	121.5	92.0	120.4	91.0	1.2	1.1	120.2	91.0	119.0	90.1	1.2	0.9
1999	127.5	98.3	126.5	97.8	1.0	0.5	127.5	97.9	126.5	97.4	1.0	0.5
2000	139.4	104.3	138.6	103.7	0.8	0.5	138.9	107.1	138.1	106.6	0.8	0.5
2001	138.0	109.0	137.7	108.8	0.3	0.2	138.2	110.6	137.9	110.5	0.4	0.2
2002	147.2	116.6	146.3	115.7	0.9	0.9	147.0	114.8	146.1	114.0	0.9	0.9
2003	173.5	135.0	170.3	133.0	3.3	2.0	173.1	134.8	169.8	132.9	3.3	1.9
2004	207.6	157.9	206.4	157.0	1.2	0.9	207.6	158.3	206.4	157.3	1.2	0.9
2005	222.4	173.5	221.6	172.7	0.8	0.8	222.2	174.4	221.4	173.7	0.8	0.7
2006	202.7	165.2	202.0	164.6	0.7	0.6	202.6	166.0	201.9	165.4	0.7	0.6
2007	245.9	179.7	244.1	179.3	1.8	0.5	246.2	181.6	244.3	180.6	1.8	1.0
2008	228.3	183.7	228.3	183.7	-	-	228.3	187.3	228.3	187.3	-	-
2009	225.0	183.9	224.8	183.7	0.2	0.2	224.9	186.2	224.7	186.0	0.2	0.2
2010	181.9	151.5	181.0	151.0	0.8	0.5	182.0	152.7	181.2	152.1	0.8	0.6
2011	230.1	189.5	230.1	189.5	-	-	230.1	193.5	230.1	193.5	-	-
2012	221.0	192.2	221.0	192.2	-	-	221.2	193.6	221.2	193.6	-	-
2013	229.9	189.4	229.9	189.4	-	-	227.6	193.4	227.6	193.4	-	-
2014	249.7	204.9	248.7	204.6	1.0	0.3	249.8	209.4	248.8	209.1	1.0	0.3
2015	262.1	220.2	261.8	220.0	0.3	0.2	262.4	221.7	262.2	221.5	0.3	0.2
2016	342.7	272.2	342.5	272.0	0.2	0.2	342.7	274.9	342.5	274.8	0.2	-
2017	329.2	281.1	329.1	281.0	0.2	0.2	329.2	286.0	329.0	285.8	0.2	0.2
2018	249.2	219.8	248.1	219.7	1.2	0.1	247.7	220.2	246.5	219.7	1.2	0.5
2019 (i)	269.1	227.2	269.1	227.2	*	*	268.7	231.3	268.7	231.3	*	*



Notes:

(i) 'Figures for 2019 are incomplete as they include data for January to November 2019.

\* Data for Charter flights are currently unavailable.

2455

**Q258/2019**

**Air arrivals and departures –  
UK scheduled flights for seats used**

**Clerk:** Question 258, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Aviation provide the updated figures as set out in the Gibraltar Government website at Tables T.4 and T.5 in respect of air arrivals and air departures?

2460

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

2465

**Answer To Question 258****Table T.4****Air arrivals, UK scheduled flights for seats used**

Year	January	February	March	April	May	June	July	August	September	October	November	December
2000	4,614	6,244	8,660	9,052	10,130	9,697	10,824	10,100	10,512	9,955	6,954	7,001
2001	5,363	6,885	8,613	8,999	11,072	10,992	11,720	10,471	10,182	9,529	7,545	7,462
2002	5,549	7,605	10,227	8,030	10,409	10,398	13,222	12,227	11,386	10,996	7,997	7,635
2003	6,522	7,884	10,296	10,958	13,021	12,249	14,590	13,163	11,984	12,336	10,168	9,834
2004	7,460	9,237	12,401	12,854	13,962	14,322	17,488	16,242	15,494	14,321	11,650	11,585
2005	9,990	10,549	13,429	13,906	15,983	16,239	18,429	18,161	17,028	16,359	11,492	11,130
2006	9,727	10,702	14,630	15,189	17,070	16,815	17,863	14,429	13,947	13,812	9,760	10,698
2007	9,909	10,075	13,638	14,986	18,223	17,659	20,261	17,659	17,923	15,963	11,687	11,284
2008	9,357	9,105	11,802	15,425	17,253	16,293	20,071	18,943	18,284	18,053	13,927	15,150
2009	10,877	12,228	16,131	16,387	17,741	17,808	19,151	17,623	16,672	16,186	11,778	11,121
2010	9,261	9,771	12,393	9,743	13,378	14,182	15,118	14,858	14,390	15,091	11,920	10,855
2011	9,139	10,061	12,821	15,316	17,114	18,205	21,486	21,491	18,834	17,142	13,813	14,107
2012	11,407	12,922	15,862	16,161	16,915	18,282	20,826	19,782	17,388	17,128	12,112	13,367
2013	8,943	11,984	14,774	13,608	16,554	17,990	21,084	19,699	18,649	17,487	14,013	14,597
2014	12,174	13,403	16,562	16,615	17,465	17,884	21,335	20,928	19,296	19,184	14,420	15,629
2015	11,448	12,462	16,287	16,363	20,120	20,900	24,228	22,794	21,251	20,655	15,555	16,657
2016	13,315	15,125	20,464	19,926	25,467	24,764	30,485	29,003	26,733	25,033	18,563	21,189
2017	14,666	17,936	23,035	27,473	29,231	27,914	32,587	31,246	29,556	19,110	12,352	12,678
2018	10,190	12,473	14,688	18,258	20,420	22,066	24,085	23,371	22,189	18,491	14,418	16,410
2019	12,063	14,891	17,937	20,624	24,598	23,899	25,002	25,166	24,079	22,130	14,438	

*Updated 10 December 2019**Source: Gibraltar Air Terminal Ltd*

Cont...

Continued Answer to Question 258

Table T.5

## Air departures, UK scheduled flights for seats used

Year	January	February	March	April	May	June	July	August	September	October	November	December
2000	6,473	5,899	7,977	8,353	9,932	10,532	9,747	10,627	11,731	10,958	7,582	5,658
2001	6,617	6,564	7,898	9,354	10,158	11,043	10,262	11,449	11,105	11,315	8,502	5,979
2002	6,400	6,960	8,386	9,241	9,356	10,533	10,775	13,066	12,619	11,712	8,626	6,190
2003	7,518	7,255	10,123	10,480	11,996	12,795	12,007	14,627	13,673	12,878	10,943	8,497
2004	8,678	9,053	11,563	12,958	12,335	15,153	14,875	17,899	17,110	15,383	12,598	9,754
2005	11,894	10,177	11,826	14,441	14,446	17,157	16,347	18,778	18,969	17,497	12,613	9,584
2006	10,451	10,647	13,246	15,500	15,817	17,687	16,286	15,886	15,399	14,539	10,458	9,499
2007	10,967	10,070	12,486	15,141	17,470	18,453	18,274	18,453	19,554	16,926	12,712	10,057
2008	10,108	8,932	10,900	16,053	16,591	16,946	18,597	20,536	20,532	18,851	15,773	13,504
2009	12,469	12,212	15,005	16,580	17,283	17,844	17,904	18,910	18,155	16,944	12,581	10,162
2010	9,671	9,566	11,123	9,096	13,035	14,179	14,375	15,452	15,598	16,504	13,167	10,302
2011	10,264	10,127	12,502	14,809	16,422	18,862	19,602	22,089	21,426	18,823	15,456	13,102
2012	12,391	12,934	14,683	16,936	15,841	18,034	19,344	20,519	19,043	18,380	13,582	11,936
2013	10,140	11,760	13,335	14,653	15,500	18,176	19,491	21,421	21,066	18,205	15,596	14,025
2014	13,356	13,378	16,039	16,932	16,707	18,034	19,911	22,361	21,545	20,576	16,566	13,987
2015	12,596	12,345	14,790	16,668	18,824	20,883	21,627	23,869	23,530	22,652	17,956	14,258
2016	15,034	14,746	17,624	21,140	23,578	25,239	27,519	30,745	30,024	28,180	20,369	18,373
2017	17,409	17,687	21,553	28,259	27,963	28,960	30,262	33,171	32,145	20,236	13,157	11,753
2018	10,855	12,570	13,074	18,552	19,182	21,878	22,626	24,557	23,682	19,912	15,259	14,902
2019	13,523	14,913	17,372	20,961	23,161	24,885	23,400	26,503	25,851	23,658	14,872	

Updated 10 December 2019

Source: Gibraltar Air Terminal Ltd

**Hon. D J Bossino:** Mr Speaker, I can go straight ahead to the supplementaries. I just wanted to check what it was that the Hon. Minister was handing over to me, and in fact it accords with information which I have already managed to study, because this is information which was uploaded after I filed the question with Parliament. Yes, on 10th December. We filed the questions on 9th December, so we have had an opportunity of analysing the figures before coming here. Helpfully, the information on the Government website is of greater assistance than the schedule he has provided to me because you have the totals in bold in the far right corner, rather than just the monthly figures.

Mr Speaker, the question really is: what efforts are being made? We have heard the Minister making a reference to the new flights to Edinburgh, which as I said earlier the Opposition does welcome, but there has been a significant drop in the bumper figures of 2016 and 2017, where we reached figures in the region of 270,000 to 280,000. So that viewers and listeners can understand, that was a jump from the previous year, 2015, from 220,000 to about 270,000. However, from 2017 we have seen a drop of about 65,000 passengers. That, on this year's figures, is slightly higher – which obviously is also welcome – by about 12,000. But I think if we are going to be ambitious about this I would ask the Minister what efforts are being made, quite apart from the flights that we now have coming in terms of connectivity with Edinburgh, to go back to those very good years, 2016 and 2017, which would obviously also be welcomed by the Opposition? (*Interjection*)

**Minister for Business, Tourism and Transport (Hon. V Daryanani):** Yes, exactly.

Mr Speaker, the reason why those figures have fallen is due to the collapse of Monarch. As the hon. Member said, from 2018-19 we are starting to come up again. Of course we are ambitious, as you can see. That is why we have announced that the Government has been actively trying to engage with airlines to have more routes. Edinburgh is one of them and with a little bit more patience there are more in the pipeline.

**Hon. J J Bossino:** I also welcome that answer from the Minister for Tourism. When he says 'more in the pipeline', can he be more specific without revealing details? I will now sit down, but can he identify which destinations, which routes – at least how many he is in active negotiations with?

**Hon. V Daryanani:** Mr Speaker, these are commercial things. I cannot just divulge routes and all that you are asking for. You are not asking for detail, and then you are asking for the detail. At this moment in time there is nothing really that I can tell you. We announced Edinburgh when we were ready and that is exactly what will happen when we do announce another route.

**Hon. D J Bossino:** Mr Speaker, one final supplementary, and again this deals with the statistics. Is the Minister able to tell me – he may not be able to tell me, but the air departure figures, do those include ...? I may be completely wrong about this, but do those include those passengers who have then been diverted to Malaga? For example, I understand – and it has never happened to me, thankfully, ever, but I understand that you check in, in Gibraltar, and then you are bus driven to Malaga and all the rest of it. So, when you go through the system is that then computed as a departure from Gibraltar, although technically it departs from Malaga? He may not have that answer available to him.

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, yes, my understanding is that all departures from Gibraltar Airport – even though technically the plane might physically depart from Malaga, it is a Gibraltar-London or Gibraltar-Bristol flight – and those will be counted as departures from Gibraltar Airport.

**DEPUTY CHIEF MINISTER**

**Q274/2019**

**Europa Walks Estate, Trafalgar Heights, Naval Hospital Hill,  
Prevost House, Phillimore House and Lake Ramp –  
Resale restrictions on recently sold homes**

**Clerk:** We move to Question 274. The questioner is the Hon. E J Reyes.

2520 **Hon. E J Reyes:** Mr Speaker, coming to Question 274, can Government inform this House with details in respect of resale restrictions in relation to recently sold homes by tender at Europa Walks Estate, Trafalgar Heights, Naval Hospital Hill, Prevost House, Phillimore House and Lake Ramp?

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

2525 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, the resale restrictions in relation to recently sold homes by tender at Europa Walks Estate, Trafalgar Heights, Naval Hospital Hill, Prevost House, Phillimore House and Lake Ramp are that during the first 15 years of the date of the underlease the lessee shall be a person who has resided in Gibraltar for a minimum period of three consecutive years prior to his ownership of the premises.

**Q275/2019**

**Sale of ex-MoD housing –  
Amount collected by Improvement and Development Fund**

2530 **Clerk:** Question 275, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise how much has been collected by the Improvement and Development Fund in respect of the sale of ex-MoD housing in the six months to 30th September 2019?

2535 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

2540 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, as at 30th September 2019 no moneys have been collected by the Improvement and Development Fund in respect of the sale of ex-MoD housing.

2545 **Hon. R M Clinton:** Mr Speaker, the Deputy Chief Minister will be aware, of course, that in the Budget for the Improvement and Development Fund there is an amount of £54 million anticipated receipt from the sale of ex-MoD housing. Does he find it somewhat concerning that halfway through the year he has received no money in respect of those sales?

2550 **Hon. Deputy Chief Minister:** No, Mr Speaker, it is not concerning at all and the reason is this: £5.1 million has been collected as of 30th September 2019 and an additional £24.9 million has been collected to date, bringing the total collected to £30 million. As is customary practice, the collections are recorded through a Government-owned company, Gibraltar Properties Ltd, which is used to issue the relevant documentation in respect of these sales. The moneys are subsequently transferred to the Improvement and Development Fund.

2555 **Hon. R M Clinton:** I am grateful to the Deputy Chief Minister for his answer and he could obviously have just said that at the beginning.

Could he just give me the total again, if you mind please, the total received by GRP?

2560 **Hon. Deputy Chief Minister:** Mr Speaker, the original answer given was the answer to the question asked, but the total amount collected, to advise the hon. Member, is £30,096,867.

**Q276/2019**

**Pedestrian use of airfield –  
Negotiations**

**Clerk:** Question 276, the Hon. D J Bossino.

2565 **Hon. D J Bossino:** My final question. Can the Minister with responsibility for aviation provide details of the state of the negotiations regarding the pedestrian use of the airfield?

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

2570 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government is not yet in a position to provide details of these ongoing negotiations.

**Hon. D J Bossino:** Mr Speaker, this question arises from part of the 'Queen's Speech' given by the Governor at the Ceremonial Opening of Parliament when he said:

The railway tunnel remains on course to be opened by mid-2020 and the Government will discuss with the Ministry of Defence keeping the runway open for pedestrians, at least at peak times.

2575 The question is: what are the prospects of success in achieving this? I am told and my understanding is that under aviation rules, if there is an alternative route to cross an airfield then that is the one that needs to be used. So, as I understand it, the moment the tunnel is open and functioning, international aviation rules, which we will need to comply with, will disallow us the opportunity to continue to use the airfield in a pedestrian way. So, in those circumstances,  
2580 the question is: what opportunity does he think there is that this will be achieved?

**Hon. Deputy Chief Minister:** Mr Speaker, the hon. Member will recall that the position that we inherited was that no pedestrians would cross the runway; that was the deal that that was done at the time.

2585 My colleague the Chief Minister is the person who is leading on these negotiations directly, but I do think, unless there is anything he would like to add there, it would not be helpful to elaborate on the arguments across the floor of the House.

**Q277/2019**

**Cross-border delays –  
Contingency plans re health and care workers and pharmaceutical supplies**

**Clerk:** Question 277, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

2590 **Hon. K Azopardi:** Can the Government specifically state its contingency plans for a four-to-six-hour pedestrian and vehicular delay in respect of those cross-border workers engaged within our health and care services?

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

2595

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer this question together with Question 278.

**Clerk:** Question 278, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

2600

**Hon. K Azopardi:** Mr Speaker, can the Government specifically state what contingency plans are in place to prepare for potential constraints at the land border with Spain in a post-Brexit scenario in relation to the importation of pharmaceutical products and medicines?

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

**Hon. Deputy Chief Minister:** Mr Speaker, the Hon. Mr Phillips, who tabled the question, was given a briefing on 28th January as Leader of the Opposition, which lasted for nearly two hours, on the no-deal preparations of the Government. This covered cross-border workers employed in health and care and the importation of pharmaceutical products and medicines. That position remains unchanged.

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The Government considers that it is not in the public interest to discuss these plans across the floor of the House, for obvious reasons, but would be happy to do so, again, in private.

2615

**Hon. K Azopardi:** I appreciate that and thank you for that answer, and of course we may take up that invitation.

Can I ask the Minister if he is at least prepared to say whether as part of its planning there have been discussions and consultation with the relevant unions and indeed other representative bodies that might be involved in that no-deal planning, at least in respect of these spheres of activity?

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**Hon. Deputy Chief Minister:** Mr Speaker, the planning which relates to the GHA and to health and care has been done directly by the Department, so what filters through to me is the final result, but my understanding is that there has been full consultation with those involved.

#### Q279/2019

#### Brexit contingency projects – MoUs re financing

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**Clerk:** Question 279, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, will the Government publish the MoUs recently signed or entered into with the UK in respect of the financing of certain Brexit contingency projects?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government will be happy to provide the MoUs to the Opposition on a confidential basis at a meeting of the Brexit Select Committee, once this has been established.

2635 **Hon. K Azopardi:** Mr Speaker, if the Government is happy to provide those documents to the Opposition, I would invite the Minister to just provide them. There is no need for, I would suggest to him, delay. Perhaps he can reflect a bit further on that, given their willingness to do so.

2640 Can I just ask - on what has been put into the public domain on the contingency memoranda itself, can I just ask – at least from what has been said publicly – a couple of questions? First of all, it has been suggested that certainly a couple of projects are being funded through these MoUs. Are these one-project MoUs, or is it MoUs against a particular backdrop of criteria within which projects will fall? I hope I am explaining myself. When we get these MoUs, will we just read that it is about one project, or is it creating a tier of separate categories in two different  
2645 memoranda under which the Government will then consider whether other projects might in future be available for funding?

**Hon. Deputy Chief Minister:** Mr Speaker, they arise obviously in the context of Brexit and of contingency planning under the UK's own plans in that context, but they are one-project MoUs.  
2650 There is one MoU dealing with one specific project, which is the ferry ramp, and one MoU dealing with another specific project, which is the waste project.

In terms of the confidential nature of passing across the documentation, I think there are two parties to the agreement so obviously it is more complex if we decide to give it to the Opposition without it being on a confidential basis.

2655 **Hon. K Azopardi:** I was not suggesting that we would not accept it on a confidential basis. All I am saying is that if the Government has decided in principle to provide us with a copy, whether it is directly or via a committee meeting may not be the point. The issue is on what basis it is accepted.

2660 I take from his answer that these are one-project MoUs. Are there any plans, or in the negotiations with the UK is there a possibility, that there might be other projects, other memoranda of a similar nature in the pipeline?

**Hon. Deputy Chief Minister:** Mr Speaker, there is nothing specific in the pipeline at the  
2665 moment but that does not mean that there may not be in the future.

**Hon. K Azopardi:** Mr Speaker, the projects themselves are of a category of what I would call physical contingencies, things that need to happen as a result of the possibility of Brexit – the ramp, the waste issue – so is that the kind of container of possible projects that the Government envisage?  
2670

We heard, for example, yesterday or the day before, that there are contingencies in relation to the insurance industry, but those are perhaps of a more legislative, administrative nature. The Government presumably is not looking for funding – there was an answer yesterday on that – but perhaps there may be other physical projects that may require some assistance, and has  
2675 there been an indication from the UK that they are prepared to look at this with a constructive eye?

**Hon. Deputy Chief Minister:** Mr Speaker, I think the UK has overall looked at all this with a very constructive and positive approach. There is nothing in the pipeline at the moment. It does  
2680 not mean there may not be.

Perhaps this is something that we can discuss in a different place, not across the floor of the House, because of the sensitivity of the issues involved.

**CHIEF MINISTER**

**Q280/2019**

**New homes for rent –  
Details of Government commitment**

**Clerk:** Question 280, the Hon. E J Reyes.

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**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide this House with details of Government's commitments to build new homes for rental, indicating by when these new homes are expected to be ready for allocation?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, in the eight weeks since the General Election we have already started planning to fulfil all our manifesto commitments. That includes work to fulfil our commitment to provide more homes for rental and when these can reasonably be expected to come into housing stock.

**Hon. E J Reyes:** Mr Speaker, does the Chief Minister have details of the numbers of new homes that would eventually become available for allocation as rental homes?

2700

**Hon. Chief Minister:** Not yet, Mr Speaker, but I very much look forward to making the announcement when I do.

**Hon. E J Reyes:** And is the Chief Minister willing to at least give a tentative date for when the homes will be ready for allocation?

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**Hon. Chief Minister:** Mr Speaker, I would not want to create a hostage to fortune and therefore I am not in a position to do so at this stage, barely eight weeks from having renewed for the third consecutive time my mandate as the Leader of the House.

**Q281/2019**

**Main Street –  
Security arrangements re vehicular access**

**Clerk:** Question 281, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

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**Hon. K Azopardi:** Mr Speaker, can the Government confirm that it is revisiting security arrangements for unauthorised vehicular access to Main Street?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

**Hon. K Azopardi:** Will the Chief Minister be willing to give the House a bit more detail as to when it will finish its review of the security arrangements?

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**Hon. Chief Minister:** Mr Speaker, it is in the nature of security arrangements that the least said about them the better because we do not want the people who we are hoping to ensure

are not able to get up to any harm or give effect to their ill will to have any inkling of what is going on, when it is going on or how it might manifest. But I am very happy, if the hon. Gentleman wants to know more about this, to have a chat with him later and give him an indication of the sorts of things that are being put to us.

This is not just the Government's work qua Government. There are many agencies involved, some of them not Government agencies, like the Police etc., who are involved in looking at different permutations.

**Hon. K Azopardi:** I know that my friend Mr Phillips only asked about Main Street, but presumably the same review is Gibraltar wide, really?

**Hon. Chief Minister:** This is about the centre of our city and therefore other considerations might apply in respect of other areas.

**Q282/2019**  
**New schools –**  
**Confirmation of use of taxpayers' money**

**Clerk:** Question 282, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government confirm that the new schools were built with the taxpayers' money?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, in part.

**Hon. R M Clinton:** Mr Speaker, could the Chief Minister give an indication of how much he considers was taxpayers' money and how much was not?

**Hon. Chief Minister:** Mr Speaker, no, sir.

**Hon. R M Clinton:** Mr Speaker, would he agree with me that the part that was taxpayers' money should be fully accounted for to the taxpayer? And the element that is not, as he says, taxpayers' money, perhaps he would care to explain where the money came from.

The Minister for Education has already given us the total construction costs of those schools already built and those to be built of about £111 million. I have been present and he knows I have been present at some of the openings of the schools where he has proudly told everybody present that he is happy to spend taxpayers' money on building schools. So what I would like to know is: is this or is this not taxpayers' money? And if it is taxpayers' money, why doesn't this Parliament have full sight of the expenditure?

**Hon. Chief Minister:** Mr Speaker, all of the taxpayers' money is already within the purview of this Parliament. We already contribute, as he knows, £25 million to the companies structure every year in the context of the Budget debate. I have told him that. He will see that we are contributing £30 million, this year, of taxpayers' money to the corporate structure. I have told him that. I have told him that the schools are funded through the corporate structure. He does not like that, but I have told him that. And so, Mr Speaker, he knows all of this and there are other questions on the Order Paper that relate to how moneys in the corporate structure have been spent.

2770 So the hon. Gentleman knows exactly where the money coming from to spend on these schools is, what its origin is, which part of it is taxpayers' money and which part of it is not taxpayers' money. He just does not like the fact that we spend money and we spend money on the right projects for the right reasons because people have asked us to continue to do so in the way that we have set out to do so from the moment we were first elected.

2775 And so, Mr Speaker, I am very comfortable with the fact that we fully account for every penny that we spend and for every penny of taxpayers' money. He just does not want to see it.

**Hon. R M Clinton:** Mr Speaker, he is obviously, as usual, shoddy with his maths: £20 million a year into the corporate structure, which he knows gets spent every year on the Bus Company and other entities, so that is not money that has gone to fund the building of these new schools, and he knows it.

2780 If he is so happy with spending this money and he thinks I know where the money came from, well frankly I do not, Mr Speaker, because on this side of the House we do not have the information. So perhaps he can tell us once and for all: where has the money come from?

2785 **Hon. Chief Minister:** Mr Speaker, I am not as shoddy with my maths as he is with his questions. Look at the problem he had with the Deputy Chief Minister. He asked a specific question and he got it wrong. And the answer was there, sitting in plain sight, because the device of having sales of MoD properties into GRP was one that they invented when they were in government. It is the way the Government accounts – and he is supposed to be an accountant. So I think the question of shoddiness is not really going to get him very far.

2790 As he will see when I come to other questions on the Order Paper, all has been revealed. He needs to take off his dim-sighted spectacles. He wants to see everything through a dark filter, where everything is unaccounted for, and because of that he does not see the wood for the trees.

2795 **Hon. R M Clinton:** Mr Speaker, let me ask him a different question. Does he accept that any spending on schools was done in his capacity, or done by the Government, or caused to be done by the Government, and therefore is accountable to this Parliament?

2800 **Hon. Chief Minister:** Mr Speaker, in exactly the same way as it was when they were spending through corporate structures and accounted for it in this Parliament in the way that they did, which is the way that we account today.

**Hon. R M Clinton:** Mr Speaker, will he ever tell us how he has paid for these schools?

2805 **Hon. Chief Minister:** I have, Mr Speaker, and I will repeat it later when we come to another question on the Order Paper.

2810 **Hon. K Azopardi:** I am sorry to probe, because I am sure he is enjoying that exchange with my friend Mr Clinton. I can see from the way that he was deploying those answers that he was deriving some pleasure.

Let me ask this question. The original answer to the question 'Can the Government confirm that the new schools were built with taxpayers' money?' was 'Yes, in part.' We have heard from the Minister there was £111 million, so what is the 'part'?

2815 **Hon. Chief Minister:** Mr Speaker, as he knows, money is fungible, and so when we contribute £25 million each year into the corporate structure the corporate structure receives funding – not just from this House; it receives borrowing funding as well and it receives direct income from some of the things that the corporate structure that they set up does.

2820 The Bus Company, which Mr Clinton referred to earlier, receives very little income because they made buses free, something that we supported and continue to support. But there is some income there and there are other sources of income.

2825 Therefore, if hon. Members look at how much is directly taxpayers' money contributed by this House and how much is from other sources of income, I think they will find it is difficult to say unless we were to agree which definition should apply to what part of what is moving through the corporate structure, is just purely money sourced from the taxpayer, or if we were to adopt the view that every penny controlled by the Government is the money of the taxpayer even if it has not been contributed by the taxpayer, even if it may have been paid as income to the Government corporate structure in another way. All of that is taxpayers' money, then you reach a different definition. That is why, Mr Speaker, I think the only answer I can give him is

2830 'yes, in part' because of the contribution from this House.

He will see, as we get to other questions on the Order Paper, that I think there is more clarity that will enable us to understand how they might have wished to see the question answered. It is just clarity that is going to come from other answers there have been in this House before he was elected and which are the source of a great deal of disagreement and constant repetition of questions between the hon. questioner and those of us on this side of the House.

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**Hon. K Azopardi:** Mr Speaker, thank you for that very long and unilluminating answer.

Let me try one more time, and perhaps the hon. Member will indulge me because I especially do not understand the meaning of the word 'fungible' – I have never heard it.

2840 We have heard that it is £111 million, and I hear what the hon. Member says but using his definition – at the very least his definition of what 'in part' means, because he has reached the conclusion that it is in part, so using his definition – how much of the £111 million are we talking about?

2845 **Hon. Chief Minister:** Mr Speaker, I am surprised that someone as erudite as him has not heard the word 'fungible' before. It is a relevant term when dealing with issues like this. It goes to, for example, the issue of whether or not someone dealing with appropriation intentionally deprives or not. One can only intentionally deprive of a particular note in money, so the money has to be physical in order to intentionally deprive. Once money is pooled and is no longer

2850 physical, it becomes fungible and there are different arguments about permanent deprivation etc. that would apply.

In the context of what I am dealing with here, what I am saying is that £25 million is contributed every year to the pool. It is then in the pool of companies and the question is: how do you define taxpayers' money before you are able to do an exercise of saying exactly what part is taxpayers' money? That is why I have reached the conclusion that it is in part taxpayers' money, but I have reached no conclusion because I have adopted no definition of what exact part I would say is taxpayers' money if I was asked to do so today with that level of precision.

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**Hon. K Azopardi:** Let me give him this analogy. When the £25 million leaves the train station it is taxpayers' money, but then the question is it enters the pool. I get that analogy. But when it leaves the station, the £25 million is taxpayers' money, is it?

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**Hon. Chief Minister:** Mr Speaker, the view I have taken for the purposes of this answer is that the money contributed by the House, whatever source it may have come from, into the pool of revenue of the Government, is by a loose definition taxpayer's money, but it may not have come from taxpayers' money.

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In other words, that £25 million, unless you accept that money is fungible and pooled in the Government as well, may have come from Import Duty or other relevant sources of income. If you call Import Duty a tax, then those paying the duty are taxpayers because they are paying the

2870 tax on that importation. But there are other sources of revenue; there are utility revenue receipts into the Government account.

I have said, for the purposes of answering this question, let's call that the taxpayers' money because it is the amount we control for the electorate and we therefore donate that money by way of a contribution of £25 million into the corporate structure, something that we introduced.

2875 In the context of the Gibraltar that we took over, they will know that there was no contribution into the corporate pool from the Government. There was only the funding that the corporate pool took from borrowings and from other income. We say that is only going to create a situation which is not sustainable; you need to have an annual contribution to bolster the revenue of the companies. That amount is the amount that I am adopting for the purposes of

2880 today under the definition of taxpayers' money being contributed – the £25 million, then the £30 million.

**Q283-285/2019**

**Clay target shooting facility, Lathbury and Europa Point complexes –  
Cost**

**Clerk:** Question 283, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the costs incurred in the

2885 construction of the new clay target shooting facility?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 284 and 285.

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**Clerk:** Question 284, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the anticipated total cost to completion of the Lathbury sports and swimming complex?

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**Clerk:** Question 285, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise the anticipated total cost to completion of the Europa Point sports complex?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the construction costs of all these projects are subject to receipt of final accounts once these are agreed. However, the expected final account

2905 costs of each of these projects as at today are as follows: Lathbury sports and swimming complex, £28,092,000 construction cost with other costs of £4,996,000; Europa Point sports complex, £24,659,000 with other costs of £3,378,000; and the clay target shooting facility, £1,287,000 with other costs of £299,000.

**Q286-288/2019**

**Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views –  
Construction costs re affordable housing schemes**

**Clerk:** Question 286, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the anticipated total construction cost of the new Hassan Centenary Terraces affordable housing scheme?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I can, and I will answer with Questions 287 and 288.

**Clerk:** Question 287, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise the anticipated total construction cost of the new Bob Peliza Mews affordable housing scheme?

**Clerk:** Question 288, the Hon. R M Clinton.

2925

**Hon. R M Clinton:** Mr Speaker, can the Government advise the anticipated total construction cost of the new Chatham Views affordable housing scheme?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the tender assessment process for Hassan Centenary Terraces has been completed. Although there are still a few commercial points to finalise in order to arrive at a final contract sum, the anticipated figure is of the order of £140 million.

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The tender assessment process for Bob Peliza Mews and Chatham Views has not yet been completed. It is therefore not in the taxpayers' or the purchasers' interest for any anticipated order of costs to be disclosed yet at this stage.

**Hon. K Azopardi:** Can I ask when does the Government expect the assessments and the work to be done, so that you have an anticipated cost on the other two developments?

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**Hon. Chief Minister:** Well, the work has been done, but there is now the negotiation to be carried out with the preferred bidder to try and ensure that we know what they are bidding for is what we are asking for and that the price is exactly as it should be.

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The hon. Gentleman will know, or perhaps not because at the time there may have been different issues in play when he was in government, but the negotiation will include issues as to currency hedges etc., so we need to ensure that we keep our powder dry on what we think the costs will be.

**Hon. K Azopardi:** I appreciate all that. How well into that process of discussions are they? Is there some kind of timescale for them?

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**Hon. Chief Minister:** Mr Speaker, I told the House, I think yesterday or the day before, that we still anticipate meeting the dates for completion that we had set out. So we are quite far down the process but we are not yet completed, and therefore I am not able to say anything other than we think that these projects are on time and on schedule for delivery.

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**Hon. K Azopardi:** I think the Chief Minister has misunderstood what I was asking. I was not talking about the completion or delivery of the projects; I was asking, on simply the negotiation, how far down that road you would be and when you anticipate to be in a final position so that you can come to the House and give us some figures once the preferred bidder negotiations are done.

**Hon. Chief Minister:** Mr Speaker, I would suggest for hon. Members that with the rule of thumb that they ask the question again in six months I would then anticipate that I should be in a position to give an answer in respect of the Bob Peliza and Chatham projects that I have given for Hassan's.

**Q289/2019**  
**Francis Flats –**  
**Initiator of negotiations**

**Clerk:** Question 289, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if the negotiations to purchase Francis Flats were initiated by it or by the landlord?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the discussions were initiated by both sides.

**Hon. K Azopardi:** Mr Speaker, I have never heard of negotiations being initiated by both sides. That is a very interesting synergy. Perhaps the hon. Member can tell us how that happy coincidence happened.

**Hon. Chief Minister:** Well, Mr Speaker, the issue was raised by both sides as a potential resolution to the dispute between the parties.

**Hon. R M Clinton:** Mr Speaker, I would be grateful if the Chief Minister could clarify: dispute between which parties?

**Hon. Chief Minister:** The Government and the landlords of Francis Flats, which are the two parties mentioned in the question that he wrote and I would have thought he would remember having written.

**Q290/2019**  
**Cruise Terminal –**  
**Closure of retail facility**

**Clerk:** Question 290, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise when it anticipates the closure of the retail facility at the Cruise Terminal?

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

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, as soon as we are able to enter into terms which are advantageous to the taxpayer to resolve the matter.

**Hon. R M Clinton:** Mr Speaker, the Chief Minister will of course be conscious that the Chamber of Commerce and the Federation have raised this point for quite a while now and they will be looking to a resolution. Can he give the House an indication as to how soon he can come to terms that are advantageous to the taxpayer?

**Hon. Chief Minister:** It might hamper my ability to negotiate the best possible deal for the taxpayer to do so.

**Q291/2019**  
**Queen's Cinema –**  
**Cost of demolition and conversion to car park**

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

**Hon. R M Clinton:** Mr Speaker, can the Government advise the total cost of demolition of the Queen's Cinema and its conversion into what I understood at the time were 23 parking spaces?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the demolition of the Queen's Cinema has not been pursued to provide 23 parking spaces. The demolition was undertaken to give way to a development, the nature of which was set out in the manifesto selected by well over 50% of the electorate at the recent General Election. The cost of the demolition works was £625,000. These costs will be fully recovered as part of the redevelopment of the area.

The fact is, Mr Speaker, that given there is an empty plot of land it would be criminal if we did not allow people to park there whilst it remains empty.

**Hon. R M Clinton:** Mr Speaker, I am grateful for that answer. Can the Chief Minister advise what was the urgency in demolition?

**Hon. Chief Minister:** Mr Speaker, I understand there were structural issues with the inside part of the Queen's Cinema which were becoming quite dangerous.

**Q292/2019**  
**Double tax treaty network –**  
**UK letters of entrustment re expansion**

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

**Hon. R M Clinton:** Mr Speaker, does the Government have any signed letters of entrustment from the UK in respect of expanding Gibraltar's double tax treaty network; and if so, for which countries?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, Gibraltar has a general letter of entrustment from the Foreign and Commonwealth Office dated 1st July 2019, which, subject to the conditions set out therein, entrusts the Chief Minister, under delegated power and in accordance with the relevant constitutional provisions, to negotiate and conclude: tax information exchange agreements (TIEAs); other agreements relating to taxation, including double taxation agreements and double taxation conventions, provided that they allow for exchange of information on tax matters to the OECD standard as set out in Article 26 of the Model Tax Convention on Income and on Capital; and agreements relating to taxation that are ancillary to or concluded after the signature of a tax information exchange agreement, double taxation agreement or double taxation convention entered into with the same contracting party.

**Hon. R M Clinton:** I thank the Chief Minister for that answer. Can he advise if there is an expiry date on that letter, or is it good until varied by the UK later?

**Hon. Chief Minister:** I believe it is open ended, Mr Speaker, but I cannot be held to that; I would need specific notice of that question.

**Hon. K Azopardi:** I appreciate that it may not necessarily be in the scope of this, but is this the first time that there is a letter of entrustment in this field?

**Hon. Chief Minister:** Mr Speaker, I think if the hon. Gentleman is wanting to have a precise answer I would invite him to put that question again. I think it would be helpful for all of us if he did, because I do recall that there were other letters in the past, and I will tell him why I recall that because I do not want to put anything down on the *Hansard* which might later turn out to be incorrect. I have delegated the power I have been given in the past to others to be able to enter into TIEAs, but the nature of this letter may be different to the nature of the letters we have had in the past.

So it would help us all to clarify the difference between the previous position and this position if he asked the question next time, and then I can give him precisely the answer to that question that he has put now.

**Hon. K Azopardi:** Would the Chief Minister be willing to provide us with a copy of this letter of entrustment?

**Hon. Chief Minister:** Mr Speaker, I do not believe that letters of entrustment are public, but they may be. I will certainly provide the hon. Gentleman with access to it, and if I am able to provide him with a copy of it I have no difficulty with him having a copy of it and the earlier one. And indeed, if it is common practice and not contrary to the agreement that they should be public, I am quite happy to let him have it and to publish the document by exchanging it in this House so that it can be in *Hansard*, if that is appropriate.

**Hon. K Azopardi:** Mr Speaker, I have seen letters of entrustment before in respect of some territories. I appreciate that, because of the nature of some of these letters, not all are public and it obviously requires some kind of discussion with the party that gave you the entrustment. But yes, we would appreciate it if, first, it could be made public, and if it cannot be made public it would be helpful for us to see it in any event on a different basis.

**Hon. Chief Minister:** Mr Speaker, he will have seen from my answer that my own view is that frankly there is no reason why they should not be public. I have given him the terms of the one which is current, which is what we have been asked about, and the only reticence I express is because this is a letter to us from someone else and I need to just, as a matter of courtesy, ensure that that someone else does not have a concern about the publication of this, which may

relate to the difference between our letter and other letters that they may have provided to others. But, subject to that, I have no difficulty whatsoever in providing a copy to the hon. Gentleman or indeed publishing it.

**Q293/2019**  
**Rooke site –**  
**Update re negotiations**

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

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**Hon. R M Clinton:** Mr Speaker, can the Government provide an update in respect of the Rooke site and its negotiations with London and Regional?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer remains as stated in my reply to Question 138/2019.

**Q294/2019**  
**Andrea Bocelli concert –**  
**Net cost**

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

3105

**Hon. R M Clinton:** Mr Speaker, can the Government advise the net cost of the Andrea Bocelli concert?

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

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**Chief Minister (Hon. F R Picardo):** If only it was time to say goodbye, Mr Speaker.

Mr Speaker, the final costs and revenues for the magnificent Andrea Bocelli concert organised to celebrate the sacrifice that the Closed Frontier Generation endured are not yet finalised. As soon as they are, we will be pleased to share that with the Opposition, as they will no doubt agree that this Festival of Culture was the greatest classical music event ever organised in Gibraltar and the least we could do to reflect that, despite the attempt to sink us 50 years ago, we have emerged stronger and more prosperous as a people.

3115

**Hon. R M Clinton:** Mr Speaker, for once I can agree with the Chief Minister.

Can I ask him was the cost of this concert included within the Mega Concert costs in the Estimates Book, or is that a cost that arose subsequent to the Estimates Book?

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**Hon. Chief Minister:** Mr Speaker, the Mega Concert includes the possibility always of organising a larger event around the period of National Day – there is a sharing of the stage etc. – so we envisage the possibility of organising something. I know that some element of cost was provided for in respect of the organisation of the concert, but I think when we had the opportunity to bring Andrea Bocelli to Gibraltar for a most memorable night of music, that, I think, was not what we had originally envisaged and so there will, of course, be additional cost in respect of that head and additional revenue.

3125

**Q295/2019**

**Gibraltar Development Corporation –  
Consultancy agreements entered into**

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

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**Hon. R M Clinton:** Mr Speaker, can the Government provide a list of all consultancy agreements entered into by it or the Gibraltar Development Corporation in the period 1st September 2019 to 31st October 2019?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer is set out in the schedule I am now passing to him.

**Answer to Q295/2019**

1. Six monthly contract (the latest signed 25 September 2019) with Mr Paul Siman (ex UN) who is IT Expert on ASYCUDA and who manages all software related matters and assists ITLD and the trade on ASYCUDA networking and functional problems.
2. Golder Associates (UK) Ltd — Professional services in connection with Eastside water catchments catch fence.
3. Golder Associates (UK) Ltd — Professional Services in connection with Dudley Ward Tunnel ventilation study.
4. Golder Associates (UK) Ltd — Professional Services rendered in connection with Black Strap Cove optioneering study.
5. Golder Associates (UK) Ltd - Professional services in connection with Little Bay Cliff inspection.
6. Golder Associates (UK) Ltd - Professional services in connection with Catch Fence repairs at Dudley Ward.
7. Golder Associates (UK) Ltd - Professional Services rendered in connection with Eastside Rubble Material assessment.
8. Meridian - Topographic Survey at Blackstrap Cove.
9. Ramboll — Feasibility study conducted in connection with Europa Road pedestrian crossing.
10. Wood Environment & Infrastructure Solutions Limited - Survey conducted reference Prince Edward's Road flooding.

**Q296/2019**

**Gibtelecom –  
Completion of external audit**

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

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**Hon. R M Clinton:** Mr Speaker, can the Government advise if Gibtelecom has completed its external audit for the year ended 31st December 2018?

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

3145

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I understand that the audit for the year ended 31st December 2018 is not complete; it is presently under way.

**Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for that answer. Has he had an indication as to how soon it may be completed, given that we are coming to the end of the year? Does he expect it within the next few months?

**Hon. Chief Minister:** Mr Speaker, I expect they will be completed by 29th February 2020.

**Q295/2019**

**Supplementary questions**

**Hon. K Azopardi:** In relation to the schedule that has been handed –

**Chief Minister (Hon. F R Picardo):** Do you want to go back one? Can you just say that, so that the record can show that –?

**Hon. K Azopardi:** Sorry, this is Question 295. Sorry, I thought we were still on that.

In relation to that schedule, can I just ask ...? These are not very explicit. At item 4, it is a contract in respect of professional services in relation to Black Strap Cove 'optioneering'. Is that a technical term, like – what was the other word that I did not know? (**A Member:** Fungible.) – 'fungible'? Is 'optioneering' another technical word that I am going to learn today?

**Hon. Chief Minister:** Yes, Mr Speaker, I understand it is.

**Hon. K Azopardi:** What does it mean, Mr Speaker? (*Laughter*)

**Hon. Chief Minister:** In the context of the consideration of an option.

**Hon. R M Clinton:** Mr Speaker, staying on the same schedule, item 8 is in respect of a topographic survey at Black Strap Cove. Obviously, it must be related to item 4. Given these are consultancy agreements, is the Government in a position to give some sort of indication of what it is that is being looked at in Black Strap Cove?

**Hon. Chief Minister:** Mr Speaker, I am not able to because it is not something that my office is dealing with, but I am sure if hon. Members ask at the next session they will be able to have that information.

**Q297/2019**

**Principal Auditor's Reports –  
Responsibility for delay**

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

**Hon. R M Clinton:** Mr Speaker, does the Government accept that it is solely responsible for the delay in the Principal Auditor's Reports for financial years 31st March 2017 and 31st March 2018 by not having taken the Supplementary Appropriation Bills for the relevant years?

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

3190 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, that is correct. We are also solely responsible for having negotiated for Gibraltar's inclusion in the UN/EU Withdrawal Agreement, the completion of our Double Taxation Agreement with the United Kingdom and myriad other magnificent successes.

3195 **Hon. R M Clinton:** Mr Speaker, does the Chief Minister consider it acceptable that the Principal Auditor's Report, the last report, was effectively 2016 and that there are two years outstanding? Does he consider that to be good government?

3200 **Hon. Chief Minister:** Well, yes, Mr Speaker, I do consider it to be good government because being three years out in respect of a Principal Auditor's Report is not going to be, in my view, something that is going to cause excessive concern given what is happening – because Brexit has been happening and the Government has been involved in that – and especially given the fact that, as he knows, the Supplementary Appropriation Bill for 2016-17 was published on 12th January 2018, the Supplementary Appropriation Bill for 2017-18 was published on 8th March 2019 and it was simply that the parliamentary calendar did not allow us to have the debates to have these Bills passed, which would have been able therefore to move on the process of the completion of the Principal Auditor's accounts.

3205 Parliament was dissolved on 16th September 2019 with the happy result that for the third consecutive time this Government was returned to office, but these Bills were republished immediately by 31st October 2019 so that we are able to move matters on as quickly as possible.

3210

**Hon. K Azopardi:** Mr Speaker, I think the original answer to the question of do they accept that they are solely responsible for the delay was 'yes', and he then went on with a litany of what he called 'magnificent successes'. By analogy is the Chief Minister saying that the delay in the Principal Auditor's report is a magnificent success?

3215

**Hon. Chief Minister:** No, Mr Speaker, I am not, as he knows, and I think at 20 past eight in the evening to be making a point like that does not advance the cause of any of us.

3220 **Hon. K Azopardi:** Mr Speaker, nor was it to compare it to a magnificent success. It was a serious point, and the serious point being raised by the Opposition is that of course we understand that the parliamentary calendar was impacted by Brexit and other matters beyond the Government's control, but that there must be a bigger effort.

3225 Doesn't the Chief Minister agree there should be a bigger effort to ensure that the Principal Auditor has the information available so that he can finish the reports that he is constitutionally responsible for?

3230 **Hon. Chief Minister:** Well, Mr Speaker, let us be very clear. The key issue that we have to get right for our community, as he knows – and I do not know whether today he takes the view that it is seminal or he takes the view that I am just exaggerating the importance of it – is the Brexit issue. In that context a lot has been delayed – and the delays are not anything that fill me with joy – but despite those delays there have been a lot of successes as well.

3235 And so, Mr Speaker, if we have not been able to comply with what would have been our own preferred timetable in respect of the Principal Auditor having the information necessary to complete his accounts, it is for a good reason and hence why the serious point being made by the Government in respect of the question put is that a lot was happening at the time, including many things which are very positive for our community.

**Q298/2019**

**Accounts audited by Principal Auditor –  
Delay in tabling in Parliament**

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

3240 **Hon. R M Clinton:** Mr Speaker, can the Government advise why the following accounts audited by the Principal Auditor have not yet been tabled in Parliament and who is responsible for the delay, namely: the Borders and Coastguard Agency, 2011-12 and 2012-13; the Care Agency, 2010-11, 2011-12 and 2012-13; the Gibraltar Health Authority, 2009-10, 2010-11, 2011-12; and the Housing Works Agency, 2011-12, 2012-13, 2013-14 and, finally, Mr Speaker, 2014-15?

3245

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

3250 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, there clearly has been some oversight here in terms of laying these accounts in Parliament. Having said this, the accounts referred to, namely the balance sheet and receipts and payments accounts, have been made available within the relevant section of the Government's accounts which have been laid up to 31st March 2016, thereby covering information for all of the periods in question in respect of all the organisations in question. The financial information is therefore already available for public inspection and comment.

3255

**Hon. R M Clinton:** Mr Speaker, I must respectfully disagree with the Chief Minister in that the audited accounts of the agency ... and he will appreciate that the Principal Auditor does not necessarily have, when he does the Estimates, the audited information.

3260 But he has not answered the main question, Mr Speaker, which is why haven't they been tabled in this Parliament and who is responsible – and perhaps I could ask the Chief Minister what does he intend to do about it.

3265 **Hon. Chief Minister:** Mr Speaker, I think I have not answered the question about who is responsible because I think we are still trying to find out what Jaime Netto thinks about the Care Agency accounts of 2010-11 and what Yvette Del Agua thinks about the Gibraltar Health Authority accounts of 2009-2010, 2010-11 – his stablemates. Once we have got all the information we will bring it to this House all together.

3270 **Hon. R M Clinton:** Mr Speaker, the Principal Auditor on his website points the finger at this place, saying that he cannot publish them because they have not been tabled here. So we have to make a bit more of an effort, if I can suggest to the Chief Minister, to chase up these things and get it done.

3275 **Hon. Chief Minister:** Well, Mr Speaker, these things will be done and I have told him there has been some oversight here, but I am not going to take any lessons from him on effort. He gets £36,000 to walk up and down Main Street and have coffee whilst I go to the office every day to ensure that the work of the people of Gibraltar is done and I work 24 hours a day in order to ensure that that is the case.

3280 **Hon. R M Clinton:** Mr Speaker, the Chief Minister will be delighted to hear I would happily swap roles with him.

**Hon. Chief Minister:** Mr Speaker, I have already given an indication I do not intend to stay very long, but I have a great doubt that the people of Gibraltar will be choosing him to discharge

3285 the functions that I undertake, because when it came to being selected between the current  
Leader of the Opposition, who came fourth in the poll of the public and he came fifth, he came  
second to that. Although he set up his own office to try and have a Clinton campaign going in  
Gibraltar, he could not even succeed in beating a man who had not been a member of the GSD  
3290 for as long as the Constitution required to lead the GSD. So look, frankly I do not think the public  
will be too enamoured of his suggestion.

**Q299/2019**

**Gibraltar Government company accounts –  
List of accounts filed**

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

3295

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for following my short  
political career so avidly.

Can the Government provide a list of all company accounts filed by the Gibraltar  
Government or the Gibraltar Development Corporation or subsidiaries and the date of filing  
3300 from the date of the Chief Minister's Budget speech in 2018 to the date of the Chief Minister's  
Budget speech in 2019?

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

3305

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested by the hon.  
Member is provided in the schedule that I now over.

**Answer to Q299/2019**

The following are the companies, respective year ends and the date which the accounts were filed (a) to the date of my Budget Speech of 2019.

<b><u>Companies</u></b>	<b><u>Respective Years</u></b>	<b><u>Date Filed</u></b>
Credit Finance Company Limited	December 13	8th November 2018
Credit Finance Company Limited	December 14	8th November 2018
Credit Finance Company Limited	December 15	8th November 2018
Credit Finance Company Limited	December 16	8th November 2018
Credit Finance Company Limited	December 17	8th November 2018
Gibraltar Capital Assets Limited	December 17	10th July 2018
Gibraltar National Exploration of Minerals, Gas and Oil Company Limited	December 13	6th November 2018
Gibraltar National Exploration of Minerals, Gas and Oil Company Limited	December 14	6th November 2018
Gibraltar National Exploration of Minerals, Gas and Oil Company Limited	December 15	6th November 2018
Gibraltar National Exploration of Minerals, Gas and Oil Company Limited	December 16	6th November 2018
ES Limited	December 17	19th July 2018
Gibraltar Bus Company Limited	December 15	15th January 2019 and 16th April 2019
Gibraltar Bus Company Limited	December 16	15th January 2019 and 16th April 2019
Gibraltar Bus Company Limited	December 17	15th January 2019 and 16th April 2019
Gibraltar Cleansing Services Limited	March 18	11th January 2019
Gibraltar Joinery & Building Services Limited	December 06	2nd July 2018
Gibraltar Joinery & Building Services Limited	December 13	2nd July 2018
Gibraltar Joinery & Building Services Limited	December 14	2nd July 2018
Brympton Co-ownership Company Limited	December 16	23rd January 2019 and 16th April 2019
Brympton Co-ownership Company Limited	December 17	23rd January 2019 and 16th April 2019
GCP Investment Limited	December 18	7th May 2019
Gibraltar Co-ownership Company Limited	December 16	23rd January 2019 and 16th April 2019
Gibraltar Co-ownership Company Limited	December 17	23rd January 2019 and 16th April 2019
Gibraltar Manchester Property Company Limited	December 13	5th November 2018

**Answer to Q299/2019 continued**

Gibraltar Manchester Property Company Limited	December 14	5th November 2018
Gibraltar Manchester Property Company Limited	December 15	5th November 2018
Gibraltar Manchester Property Company Limited	December 16	5th November 2018
Gibraltar Residential Properties Aerial Farm Limited	December 15	23rd January 2019 and 16th April 2019
Gibraltar Residential Properties Aerial Farm Limited	December 16	23rd January 2019 and 16th April 2019
Gibraltar Residential Properties Aerial Farm Limited	December 17	23rd January 2019 and 16th April 2019
Gibraltar Residential Properties Bishop Fitzgerald Limited	December 15	23rd January 2019 and 16th April 2019
Gibraltar Residential Properties Bishop Fitzgerald Limited	December 16	23rd January 2019 and 16th April 2019
Gibraltar Residential Properties Bishop Fitzgerald Limited	December 17	23rd January 2019 and 16th April 2019
Gibraltar Residential Properties Coach Park Limited	December 15	23rd January 2019 and 16th April 2019
Gibraltar Residential Properties Coach Park Limited	December 16	23rd January 2019 and 16th April 2019
Gibraltar Residential Properties Coach Park Limited	December 17	23rd January 2019 and 16th April 2019
Westside Two Co-ownership Company Ltd	December 16	23rd January 2019 and 16th April 2019
Westside Two Co-ownership Company Ltd	December 17	23rd January 2019 and 16th April 2019

**Answer to Q299/2019 continued**

(b) The following accounts have been filed since the Chief Minister's budget speech in 2019

GDC (Directors) Limited	December 15	12th November 2019
GDC (Directors) Limited	December 16	12th November 2019
GDC (Directors) Limited	December 17	12th November 2019
GDC (Directors) Limited	December 18	12th November 2019
GOC (Secretaries) Limited	December 17	12th November 2019
GOC (Secretaries) Limited	December 18	12th November 2019
Credit Finance Company Limited	December 18	22nd October 2019
Gibraltar Capital Assets Limited	December 18	20th March 2019
Gibraltar Estates Management and Administration Limited	December 18	12th November 2019
Gibraltar Estates Maintenance Services Limited	December 18	12th November 2019
RMB Investments Company Limited	December 16	12th November 2019
RMB Investments Company Limited	December 17	12th November 2019
RMB Investments Company Limited	December 18	12th November 2019
Zero Carbon Footprint Company Limited	December 16	12th November 2019
Zero Carbon Footprint Company Limited	December 17	12th November 2019
Zero Carbon Footprint Company Limited	December 18	12th November 2019
Gibraltar National Exploration of Minerals, Gas and Oil Company Limited	December 17	4th November 2019
Gibraltar National Exploration of Minerals, Gas and Oil Company Limited	December 18	4th November 2019
ES Limited	December 18	22nd October 2019
Gibraltar Bus Company Limited	December 18	22nd October 2019
Gibraltar Investment (Directors) Limited	December 15	12th November 2019
Gibraltar Investment (Directors) Limited	December 16	12th November 2019
Gibraltar Investment (Directors) Limited	December 17	12th November 2019
Gibraltar Investment (Directors) Limited	December 18	12th November 2019
Gibraltar Joinery & Building Services Limited	December 16	23rd August 2019
Brympton Co-ownership Company Limited	December 18	22nd October 2019
Gibraltar Car Parks Limited	December 09	31st October 2019

**Answer to Q299/2019 continued**

Gibraltar Car Parks Limited	December 10	31st October 2019
Gibraltar Car Parks Limited	December 11	31st October 2019
Gibraltar Car Parks Limited	December 12	31st October 2019
Gibraltar Car Parks Limited	December 13	31st October 2019
Gibraltar Car Parks Limited	December 14	31st October 2019
Gibraltar Car Parks Limited	December 15	31st October 2019
Gibraltar Commercial Property Company Limited	December 13	23rd October 2019
Gibraltar Commercial Property Company Limited	December 14	23rd October 2019
Gibraltar Co-ownership Company Limited	December 18	22nd October 2019
Gibraltar Manchester Property Company Limited	December 17	31st October 2019
Gibraltar Manchester Property Company Limited	December 18	31st October 2019
Gibraltar Residential Properties Aerial Farm Limited	December 18	22nd October 2019
Gibraltar Residential Properties Bishop Fitzgerald Limited	December 18	22nd October 2019
Gibraltar Residential Properties Coach Park Limited	December 18	22nd October 2019
GRP Management Company Ltd	December 12 to December 18	12th November 2019
GRP Management Company Ltd	December 13	12th November 2019
GRP Management Company Ltd	December 14	12th November 2019
GRP Management Company Ltd	December 15	12th November 2019
GRP Management Company Ltd	December 16	12th November 2019
GRP Management Company Ltd	December 17	12th November 2019
GRP Management Company Ltd	December 18	12th November 2019
Westside Two Co-ownership Company Ltd	December 18	22nd October 2019

**Q300/2019**

**Senior public sector salaries and relativities –  
Review appointment**

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

3310 **Hon. R M Clinton:** Mr Speaker, can the Government advise who it has appointed to conduct a review of senior public sector salaries and relativities in Gibraltar as announced by the Chief Minister in his 2018 Budget Address?

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

3315

**Chief Minister (Hon. F R Picardo):** Mr Speaker, my answer remains the same as set out in Question 139/2019. I do anticipate, however, that progress will be made on this in coming months.

**Q301/2019**  
**Financial Secretary –**  
**Succession planning**

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

3320

**Hon. R M Clinton:** Mr Speaker, can the Government advise what steps are being taken in planning for the succession to the current Financial Secretary when his contract expires?

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

3325

**Chief Minister (Hon. F R Picardo):** Mr Speaker, Albert Mena is doing sterling work as Financial Secretary. As anyone who has worked with him knows, he is the leading Gibraltar brain on matters relating to accounts and financial arrangements of his generation. Indeed, he is undoubtedly without peer in his generation in his field. He will be impossible to replace.

3330

In order to develop internal candidates, those who work with Mr Mena are exposed to his methods of work and his careful and diligent consideration of issues. It is not clear, however, whether the role of Financial Secretary can immediately be filled by anyone currently in the Civil Service, although I do not discard that possibility.

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**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer, but has the Government not considered the real issue of succession planning and if there is no candidate immediately available in the Civil Service that they should plan so there should be a candidate in the Civil Service who can take over the position? What is the Government doing in respect of training up such individuals? Or have they not even tried identifying such individuals?

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**Hon. Chief Minister:** Well, Mr Speaker, I think I have said a lot in what I have said, but let's be clear. In the history of the role of Financial Secretary, the role has only been filled by a civil servant once and that civil servant was extraordinary in the work that he did. He started in the Treasury and was a Treasury man through and through. There is no other Dilip Dayaram Tirathdas, there is no other Albert Mena, and what we are trying to do is to bring people from inside the service along. That includes offering them courses and it includes exposing them to the work of the Financial Secretary. The job is a complex one indeed and it may not be possible to develop a person from within the service at this time in our history, although we are going to continue to try to do so because my ambition is that the next person to be appointed Financial Secretary should be a civil servant. Why is that my ambition, Mr Speaker? Because I said so at the time that Albert Mena was appointed. I wanted to ensure that we develop people in the service in order to do that, and that is still what I am keen to do. Are we sure that we are going to be able to do that? No, we are not.

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This should not be a political point, because the person we appoint to be Financial Secretary in the future must be somebody who is able to discharge the role and we will do a disservice to Gibraltar, to this Parliament and to whomever we appoint if they are not able to discharge the role at that time, and indeed to the Civil Services as a whole if we fail to comply with our obligations to appoint somebody who is able to discharge the role when they are appointed.

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That does not mean that there are not civil servants who may be able to do the role in five, 10 or 15 years, but there may not be one able to do the role in four years or in three years or in

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six years. That is why the hon. Gentleman is insisting in his question about the succession to Albert Mena. The next Financial Secretary to come from the Civil Service may not be the successor of Albert Mena; he may be the successor to Albert Mena's successor or he may be – or she may be – the successor to Albert Mena. But to try and pigeonhole ourselves into insisting that the successor to Albert Mena must be a civil servant would not be in the interests of the Civil Service, although I do recognise that only eight weeks in from a General Election they are already trying to curry favour with people for the next General Election.

**Hon. K Azopardi:** Given the very nice comments that the Chief Minister made about Albert Mena – who, of course, I know very well; he is a school friend of mine – is he, rather than focusing on succession, looking at the renewal of the contract?

**Hon. Chief Minister:** Mr Speaker, I do not even know when the contract expires, but if Mr Mena were prepared to stay on for longer – if his contract comes up for renewal whilst I am Chief Minister and, I put it to him, if he were Chief Minister – we would be foolish not to renew him because this is a resource of *massive* value to Gibraltar.

This is an opportunity to see the Government finances through a different light and to deliver advantages for the Gibraltarian taxpayer and to this Parliament which have never been delivered before, because different people bring different things to the equation. If Mr Mena were prepared to renew, I am sure that if he were in my place he would certainly renew the contract, and if he were advising me, if I am still in this place when the contract comes up for renewal, he would advise me to renew it.

#### Q302/2019

#### Ministerial conflict of interest – Government actions to address

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

**Hon. R M Clinton:** Mr Speaker, can the Government advise how it has addressed questions of conflicts of interest in respect of transactions with business associates and relatives of Ministers or transactions in which Ministers have a financial interest since December 2011?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, by ensuring that decisions are being made by officers who are not conflicted in any way and by ensuring that any decision is always the best decision for the taxpayer and the economic growth and development of Gibraltar.

**Hon. R M Clinton:** Mr Speaker, I would refer the Chief Minister to the draft Ministerial Code, although I appreciate it is still in draft. In respect of the section on conflicts of interest there is a suggestion that there should be advice taken from the Chief Secretary. Does any of that actually occur at the moment?

**Hon. Chief Minister:** Mr Speaker, that is exactly what I have told him: 'by ensuring that decisions are being made by officers who are not conflicted' – going to the Chief Secretary.

**Hon. R M Clinton:** So, Mr Speaker, just to be absolutely certain, any contract in which any Minister may have an interest, directly or indirectly, the Minister would then notify the Chief Secretary, who would then advise the Minister what to do?

**Hon. Chief Minister:** The Minister would very likely advise the Chief Minister and the Chief Minister would advise the Chief Secretary, and then we would make a decision.

3410 Mr Speaker, is the hon. Gentleman referring to anything in particular? He seems to be raising spectres but not being prepared to point in a particular direction. I would be quite happy to hear what it is he thinks we have done in the context of a conflict of interest.

**Hon. R M Clinton:** Mr Speaker, just to put the Chief Minister's mind at rest, I am just seeking to see how it is that the Government goes about managing potential and actual conflicts of interest so that the public interest is always looked after.

3415 I would urge him, once he has set up the select committees, that we move quickly to adopt the codes both for Ministers and for Members of Parliament.

3420 **Hon. Chief Minister:** Well, Mr Speaker, I am very grateful indeed that he is not making any allegation in respect of any conflict of interest and that he has clarified that – I think it is very helpful and constructive of him to do so – and that all he is doing is urging us to do that which we have already committed to do.

So, we are fully in agreement and the Hon. the Leader of the Opposition knows that we are looking to re-establish the work of the select committees with renewed vigour and gusto.

3425 **Hon. K Azopardi:** Can I just ask one supplementary, which is –?

**Hon. D A Feetham:** 'Gusto' is a Spanish word for something else. Sorry, but I thought I would get that in!

3430 **Hon. Chief Minister:** For exactly the same thing, I am sorry to say.

**Hon. K Azopardi:** You have put me off by cutting across with that comment on Latinisms.

3435 **Hon. Chief Minister:** The Latin for exactly the same thing.

**Hon. K Azopardi:** Can I just ask by way of supplementary: the original answer to the question asked by my friend was ... He asked about how the Government addresses conflicts of interest. The Chief Minister answers by ensuring that non-conflicted people are involved and then there is a process in that the Chief Secretary also gets consulted and so on. How many times has that process and procedure been used since December 2011?

3445 **Hon. Chief Minister:** It is impossible for me to answer that question with any level of precision, Mr Speaker. It is a question about something which is very particular and very precise, and to say that it has happened twice and maybe it has happened three times would be to mislead the House, so if the hon. Gentleman wants to ask that question, if there are any records kept we will of course provide him with the information.

3450 **Hon. K Azopardi:** I only ask because the Chief Minister said, in answer to another question that my friend put, did they go directly to the Chief Secretary. He said, 'I would have expected the Minister to come to me.' So, how many times have Ministers gone to the Chief Minister on these issues?

3455 **Hon. Chief Minister:** Mr Speaker, that is a very precise question, how many times. If I say I remember it happening two times and in fact it has happened four, I would not want to mislead the House by talking from memory.

I do not know whether records are kept on the number of times that Ministers come to me. Whenever anybody has come to me I have immediately referred the matter to the Chief

Secretary. The Chief Secretary may have kept a record and we may be able to give an answer which is precise, but I do not want to be accused of misleading the House.

3460 I do not suggest that the hon. Gentleman is baiting me in order to catch me out, but given the examples I have had from other Members of his crew doing exactly that, I am now more careful.

3465 **Hon. K Azopardi:** The hon. Member does not need to be careful with me. I am asking him a straight question: without asking him to be precise, have there been occasions since December 2011 when that has happened and a Minister has brought an issue up with the Chief Minister of such a nature?

**Hon. Chief Minister:** Mr Speaker, yes, sir.

**Q303/2019**

**Mortgaging of housing estates –  
Government use of £300 million raised**

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

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**Hon. R M Clinton:** Mr Speaker, can the Government advise how it has used the £300 million raised by the mortgaging of six housing estates in 2016?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the £300 million investment into Gibraltar which we secured just before the Brexit referendum will be used as part of the loan to the developer for the development of the Victoria Keys project.

3480 Additionally the moneys have been used to fund the payments for the schools and sporting facilities in respect of which answers have already been provided in this House. Part of that money returns on the sale of part of the properties. There is also the potential to refinance them in future.

3485 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Can he say how much of that £300 million has gone towards the schools and how much has gone towards the sporting facilities? Does he have that information with him?

**Hon. Chief Minister:** No, Mr Speaker, I do not.

3490 **Hon. R M Clinton:** Mr Speaker, if he recalls Sir Joe Bossano's golden rules, he will remember that when it came to borrowing, certainly through the corporate structure, Sir Joe has always extolled the virtue of making sure if we are going to use a corporate structure that has borrowing, that effectively it is self-financing. So, can the Chief Minister explain to the House how the use of the £300 million in building schools and sports complexes will be self-financing?

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**Hon. Chief Minister:** Mr Speaker, in different ways. Although, I do not think that arises from the question – but in different ways, because for example, as I have already indicated to him, some of these properties will be sold and they will be sold for profit and to cover costs.

3500 **Hon. R M Clinton:** Mr Speaker, the schools, as we already know, are a significant amount, as are the sporting facilities. Is he suggesting the schools and the sporting facilities are going to be sold?

**Hon. Chief Minister:** Mr Speaker, I have told him on a number of occasions that the sporting facilities are going to be sold and I have told him on a number of occasions that parts of the schools are going to be sold.

**Hon. R M Clinton:** Sorry, Mr Speaker, my memory must be failing me. I do not recall the Chief Minister advising that the sports facilities were going to be sold. Is he talking about Lathbury Barracks and the Europa sports facility?

**Hon. Chief Minister:** Mr Speaker, I am talking about Lathbury Barracks, I am talking about the shooting range at the North Mole, I am talking about Bayside and Westside, I am talking about Notre Dame and St Anne's.

**Hon. D A Feetham:** The previous Bayside?

**Hon. Chief Minister:** Mr Speaker, I mean the previous Bayside and the previous Westside, and I also mean the current Bayside and the current Westside.

**Hon. R M Clinton:** Mr Speaker, that is indeed news to me. **(A Member:** It is?) Yes. If he can point us in the direction of a Government press release in which this was announced I would be grateful, but certainly I am not aware of any information in the public domain – I am happy to be corrected by my colleagues – that the comprehensive schools will be up for sale.

**Hon. D A Feetham:** Not the new ones.

**Hon. Chief Minister:** Yes, the new ones, Mr Speaker. Jaw hits desk. Haven't they seen the advertisements for the parking spaces, Mr Speaker? *(Laughter)*

**Hon. R M Clinton:** Mr Speaker, we are talking about selling the schools. Obviously the natural assumption is that it is the whole school, but is he really just referring to the parking spaces that he has mentioned? Is it just the parking spaces and also, I guess, the parking spaces below Lathbury Barracks? I take it the Europa sports complex and the clay pigeon shooting would not be sold because there are no parking spaces, as far as I am aware.

**Hon. Chief Minister:** Mr Speaker, if you look at all of the sporting facilities – I have explained this before – they are developed in exchange for the sale of Victoria Stadium, and then all of them together, if you look at the cost of all of them, the amounts that are going to be produced from the sale of the parking spaces underneath some of them.

Look at the schools, Mr Speaker: you have got the sale of Bayside, you have got the sale of old Westside and you have got the sale of all of the parking spaces in all of the areas etc., and that goes towards the revenue side of these equations. I thought that we had explained it on a number of occasions. We have had lengthy debates on the subject and this is what we are doing, having been re-elected to continue to do so and having advertised the sales and being in the process of doing so.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his clarification. I think it begins to make a bit more sense now. But when he sells the old site of Bayside – and obviously he cannot sell the old site of Westside, because he needs that – where will the revenue go? Will it go into the Improvement and Development Fund, or will it go back into the corporate structure?

**Hon. Chief Minister:** Mr Speaker, this obviously shows that there are more things in heaven and earth than are thought of in his accounting philosophies, because he has not worked out something that we have been talking about for the past three years in this House.

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The site of Westside is also going to be sold. I do not know why he thinks we are not going to sell it. We have just had a discussion about how much it is going to cost to develop it, and then we are going to sell it. We are going to sell 50% at least of each of the homes that we build there, so there is going to be a sale also of Westside.

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This is how we create the revenue that he sometimes does not appreciate. The revenue will then come into that part of the Government in which we need it in order to deal with the expenses that we have had in respect of these developments. Whether that is in the Improvement and Development Fund or into the corporate structure will depend on where the cost has been.

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**Hon. K Azopardi:** Can I just ask, going back to the original question: given that some of that £300 million has been used, as Chief Minister says, in the Victoria Keys and the schools project, how much of that £300 million is left to be used for other purposes?

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**Hon. Chief Minister:** Mr Speaker, I have not said it has been used for the Victoria Keys project; I said it will be used, Mr Speaker.

**Hon. K Azopardi:** Well, on the same basis, if some of it is earmarked for Victoria Keys and some of it has been used for the schools project, how much is left for use in other projects?

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**Hon. Chief Minister:** Mr Speaker, I would need formal notice of that question in order to be able to give him an answer, but I would suggest that when he does ask me he asks me at a particular date because of course that will change. As money starts to come back in from the sale of those parts of these projects which are being sold to produce income, the amount – the kitty, the war chest – is replenished, and as interest is earned on loans that have been given, like for example the loan that might be given in respect of Victoria Keys, there is more income into the kitty, so there is more money back and it is growing and it is producing revenue for Gibraltar and for future projects. This is why this is a system that works so well, Mr Speaker.

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**Q304/2019**  
**GIC Ltd –**  
**Directors' fees**

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

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**Hon. R M Clinton:** Mr Speaker, can the Government advise what directors' fees are payable to the directors of GIC Ltd?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the directors of GIC Ltd receive no directors' fees.

**Q305/2019**

**GIC Ltd –**

**Cashflow realised from homeowners' purchase of remaining interest  
in affordable housing schemes**

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

3595 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much has been realised in terms of cashflow by GIC Ltd from the purchase by homeowners of the remaining interest in the affordable housing schemes in the periods from inception to 31st October 2019?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the amount realised from the purchase by homeowners of the remaining interest from inception to 31st October 2019 is £1,753,811.

**Q306/2019**

**External gross borrowing –  
Breakdown of total**

**Clerk:** Question 306, the Hon. R M Clinton.

3605 **Hon. R M Clinton:** Mr Speaker, can the Government advise the total, and a detailed breakdown of, external gross borrowing of all Government or Gibraltar Development Corporation owned companies, with the exception of the Gibraltar International Bank, as at 30th September 2019?

3610 **Clerk:** Answer the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the total external gross borrowing of all Government or Gibraltar Development Corporation owned companies stood at £93.46 million as at 30th September 2019.

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**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer, but I did ask for a detailed breakdown.

3620 **Hon. Chief Minister:** Well, Mr Speaker, this is the answer I have been given. What I have got, if he is interested, is: ES Ltd, £53.65 million; Gibraltar Bus Company, £2.06 million; GCP Investments, £13.32 million; Gibraltar Car Parks Ltd, £22.87 million; Gibraltar Strand Properties Ltd, £1.56 million.

**Hon. R M Clinton:** Sorry, could he just repeat the last two? The £22 million was with whom?

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**Hon. Chief Minister:** Gibraltar Car Parks Ltd, £22.87 million, and Gibraltar Strand Properties Ltd, £1.56 million.

3630 **Hon. D A Feetham:** Gibraltar Strand Properties Ltd is a UK company, is it not? Can the Chief Minister provide any information as to what that borrowing in that company was utilised for? I suspect it might have been Calpe House, but obviously we do not have a clue on this side of the House.

**Hon. Chief Minister:** Mr Speaker, I cannot with certainty provide the information, but I think that that company predates my Government and I think that the borrowing might predate my Government. I am not sure, but I think this is all related to the ownership of Gibraltar House in London, not to Calpe House, and so therefore, I put it to the hon. Gentleman, it is not necessarily our doing.

**Q307/2019**

**Government-owned companies and subsidiaries –  
Overdue accounts**

**Clerk:** Question 307, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government provide a list of all companies owned by it or the Gibraltar Development Corporation and associated subsidiaries for which the filing of accounts is overdue at Companies House as at 30th September 2019?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested by the hon. Member is provided in the schedule I now hand over.

**Answer to Q307/2019**

The following are the companies and the respective year ends for which filing of accounts is overdue as at 30th September 2019.

Economic Development & Employment Company Limited	December 12 to December 17
Skills Enhancement Company Limited	December 15 to December 17
Supported Employment Company Limited	December 12 to December 17
Graduate Research Company Limited	December 12 to December 17
Employment Training Company Limited	December 12 to December 17
Construction Training Company Limited	December 12 to December 17
Gibraltar General Construction Company Limited	December 12 to December 17
Gibraltar Air Terminal Limited	December 10 to December 17
Gibraltar Community Projects Limited	March 11 to March 18
Europa Incinerator Company Limited	March 00 to March 18
Gibraltar Defence Estates and General Services Limited	December 11 to December 17
Gibraltar Facilities Management Limited	December 14 to December 17
Gibraltar Freeview Limited	December 14 to December 17
Gibraltar General Support Services Limited	December 12 to December 17
Gibraltar Home Loans Company Limited	December 15 to December 17
Gibraltar Industrial Cleaners Limited	December 1989 to December 17
Gibraltar Investment (Holdings) Limited	December 08 to December 17
Gibraltar Mechanical & Electrical Services Limited	December 08 to December 17
Gibraltar Joinery & Building Services Limited	December 17
GAR Limited	December 14 to December 17
Gibraltar Car Parks Limited	December 16 to December 17
Gibraltar Commercial Property Company Limited	December 15 to December 17
Gibraltar Land (Holdings) Limited	December 13 to December 17
Gibraltar Residential Properties Limited	December 08 to December 17
Gibraltar Strand Management Company Limited	December 11 to December 17
Gibraltar Strand Property Company Limited	December 16 to December 17
KIUY Parkings Limited	June 2009 to June 2018
Kings Bastion Leisure Centre Company Limited	December 15 to December 17
GSBA Limited	March 2015 to March 2018
Gibraltar International Mint Limited	December 13 to December 17
Gibraltar National Mint Limited	December 13 to December 17

**Q308-315/2019**

**Eruca Investments Ltd –**

**Placement agent; fees to service providers; directors' fees;  
Subordinated Liquidity Facility; option agreements; proceeds held as cash;  
private placement memorandum; responsible officer**

**Clerk:** Question 308, the Hon. R M Clinton.

3650 **Hon. R M Clinton:** Mr Speaker, can the Government advise who acted as placement agent for the £164.7 million loan notes issued by Eruca Investments Ltd and what was their fee?

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

3655 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 309 to 315.

**Clerk:** Question 309, the Hon. R M Clinton.

3660 **Hon. R M Clinton:** Mr Speaker, can the Government advise the legal and other fees paid and payable to individual service providers by name in creating the Eruca structure for borrowing £164.7 million?

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

3665 **Hon. R M Clinton:** Mr Speaker, can the Government advise what directors' fees are payable to the directors of Eruca Investments Ltd?

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

3670 **Hon. R M Clinton:** Mr Speaker, can the Government provide a copy of the 'Subordinated Liquidity Facility' made available to Eruca Investments Ltd, and has it been called upon?

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

3675 **Hon. R M Clinton:** Mr Speaker, can the Government provide copies of all and any option agreements in relation to the Eruca structure?

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

3680 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much of the £164.7 million proceeds of the loan notes is held as cash as at 31st October 2019?

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

3685 **Hon. R M Clinton:** Mr Speaker, can the Government provide a copy of the private placement memorandum for the loan notes issued by Eruca Investments Ltd?

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

3690 **Hon. R M Clinton:** Mr Speaker, can the Government advise who is the responsible officer for the Eruca structure?

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

3695 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there is no placement agent because there was no public placement.

There were no legal fees for creating the Eruca structure. The other fees paid and payable to individual service providers in creating Eruca Investments Ltd and Eruca Holdings Ltd are the sums below paid to Line Management Services Ltd, namely: £1,000 paid as a one-off  
3700 incorporation fee for each entity; £2,500 paid as an annual responsibility fee for the provision of registered office and company secretarial services for each entity; £150 paid as an annual review fee for FATCA and CRS for each entity; £500 paid as a fee for the urgent change to company name fee for each entity; for Eruca Holdings Ltd only, £5,000 paid as an annual corporate directorship fee and an hourly charge of £150 to £325 for the provision of corporate  
3705 administration for ad hoc work depending on seniority of staff members, for each entity.

The directors' fees payable to the directors of Eruca Investments Ltd are: Jose Julio Pisharello, who is paid £50,000 with an additional £10,000 during the first three years; Brian Francis, who is paid £25,000 a; and Chris Cavilla, who is paid £35,000 a year.

The Subordinated Liquidity Facility and the other agreements referred to by the hon.  
3710 Gentleman are expressed to be confidential and therefore cannot be disclosed.

As at 31st October 2019, the full amount of the proceeds of the Eruca arrangement was held in cash.

As I said earlier in relation to Question 308, there is no private placement memorandum in respect of Eruca.

3715 There is no HMGoG officer who is responsible for Eruca Investments Ltd. The officers responsible for the management and day to day affairs of Eruca Investments Ltd are its directors and company secretary. The Government officer responsible for maintaining Government's relationship with Eruca Investments Ltd is the Financial Secretary. The Financial Secretary is assisted by the Accountant General, the Chief Technical Officer and officers from their respective  
3720 departments. The Financial Secretary is also assisted by Land Property Management Services Ltd and its directors.

**Hon. R M Clinton:** Mr Speaker, if there was no placement memorandum and there was no placement agent, how were these notes placed, and by whom? How did you identify the  
3725 investors, or the people who would lend you the money to buy the £164.7 million loan notes? How did the Government identify these people or corporate entities?

**Hon. Chief Minister:** I do not know what makes the hon. Member think, Mr Speaker, that we had to go out and identify them.  
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**Hon. R M Clinton:** So the Chief Minister is saying that effectively the Government phoned up existing holders of I presume the £300 million loan notes and asked them if they were interested in participating in this programme? Would that be correct?

3735 **Hon. Chief Minister:** Well, Mr Speaker, except for the phone call, the fact is that we did not have to go out to seek publicly people who would become involved in this arrangement because we have other such arrangements and both the Government and they were interested in pursuing these new arrangements, and therefore there was no need for a public placement.

3740 **Hon. R M Clinton:** Mr Speaker, in his analysis of fees paid he said there were no legal fees paid, but was James Stotz & Co used in this process, and, presumably, did they get paid anything?

3745 **Hon. Chief Minister:** Mr Speaker, I am not able to give detail of who was or was not used like that. If he wants to have an answer to that question, he should put it specifically and then I can ask those responsible to give me an answer.

I did not say that there were no legal fees payable; I answered the question that he has asked about legal fees payable in respect of one particular part of the process.

3750 **Hon. R M Clinton:** Mr Speaker, he will have noticed I used the word very carefully: the Eruca 'structure'. I did not identify any one particular entity. I am talking about the entire functioning structure. I think anybody reading that will understand what it is that I am after. I am after the cost of creating the structure. Does he have the information with him?

3755 **Hon. Chief Minister:** Yes, Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

**Hon. R M Clinton:** Mr Speaker, I am asking about the costs of creating the structure. I have asked about the legal fees paid and payable, by name, in creating the Eruca structure.

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**Hon. Chief Minister:** Shall I read it to him again?

**Hon. R M Clinton:** Please do.

3765 **Hon. Chief Minister:** Mr Speaker, there were no legal fees for creating the Eruca structure. The other fees paid and payable to individual service providers in creating Eruca Investments Ltd and Eruca Holdings Ltd are the sums paid to Line Management Services Ltd. I read them to him, Mr Speaker. He can either have them when the time comes to have the printed copy, or I can read them again.

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**Hon. K Azopardi:** Can I ask what were the legal fees paid to the Government's lawyers in relation to the transaction and advice in respect of the whole matter?

**Hon. Chief Minister:** I do not have that information here, Mr Speaker.

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**Hon. K Azopardi:** And who were the Government's lawyers?

3780 **Hon. Chief Minister:** Mr Speaker, I believe Hassan's was involved, I believe Taylor Wessing were involved; I have not got the detail, but from memory I do not know whether TSN were involved in some part of this equation and I do not know whether there were other Gibraltar law firms involved.

**Hon. K Azopardi:** Would the Chief Minister write to us with that information?

3785 **Hon. Chief Minister:** Well, Mr Speaker, if they want to ask the question I am happy to answer it when the time comes; or, if they prefer, I can write them a letter which provides the detail. It is up to them.

3790 **Hon. K Azopardi:** Mr Speaker, I have just asked the question and I am asking the question: will the Chief Minister write to us, given that he does not have that information today?

**Hon. Chief Minister:** I am happy to, Mr Speaker.

3795 **Hon. R M Clinton:** Mr Speaker, just going back to Question 311, the Chief Minister says it is confidential, the facility, but he has not answered the second part of my question, which is: has it been called upon?

**Hon. Chief Minister:** Mr Speaker, he is right, I have not answered that, but I assume the answer is absolutely not.

**Q316/2019**  
**Census –**  
**Collation of additional information**

3800 **Clerk:** Question 316, the Hon. K Azopardi.

3805 **Hon. K Azopardi:** Mr Speaker, will the Government take steps to ensure that the next census collates information that breaks down occupants of dwelling houses by marital relationship status of the tenant, number of children living in the household, and, in the case of single people or tenants generally, whether they are non-custodial parents, and if so, to how many children?

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

3810 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

**Hon. K Azopardi:** Mr Speaker, we are grateful for that. I am sure the Chief Minister will have gauged, I think, from some of the questions that have been asked already in respect of this that such information would be useful in allowing Government to take positions in a number of matters, so we are certainly grateful for that confirmation.

3815 Will that adjustment be in place for the next census?

3820 **Hon. Chief Minister:** Mr Speaker, if it is not, it is going to take another 10 years because the census is done every 10 years. That is why I answered with a straight yes, because I think it should be done for this census. I understand that our statisticians were already looking at this sort of material being relevant because of the queries that they get from our relevant Departments. So, we are agreeing with something that they are saying, which was already the position that the Government was being asked to pursue internally by officials in respect of our next collation of data.

**Q317/2019**  
**Divorced Women's Pension Group –**  
**Resolution of longstanding issues**

3825 **Clerk:** Question 317, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, will the Government resolve or ensure the resolution of the longstanding issues affecting the Divorced Women's Pension Group?

3830 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we are already engaged in the process of doing so.

3835 **Hon. K Azopardi:** Mr Speaker, I am told that the engagement on such a matter goes back many many years, indeed before the hon. Member was even in government. He has been aware of the issue. How much longer is this small group of women going to have to wait to see a resolution of this issue?

3840 **Hon. Chief Minister:** Well, Mr Speaker, it depends what you call a resolution of this issue. The GSD position has been – although I do not know, now that it is led by the PDP, what its position would be, but the GSD position has been that they resolved the issue of the divorced women. In fact, there was a press release, I think in 2010, setting out how the GSD had resolved the longstanding issue of the divorced women. Indeed, when I first raised the issue of the divorce women I was told by the former administration that there was no issue left to resolve.

3845 I appreciated that there were some concerns in some of this collective that there was an unfairness and I sought to pursue this unfairness in a number of different ways for it to be resolved. The resolution I think finally we have been able to determine cannot be resolved looking at the existing legislation and would require legislative change. I have asked that the Department of Social Security should engage with these ladies to look at what the unfairness is  
3850 and how in the legislation it may be cured, and indeed who should take on the responsibility for payment of that because there may be issues about how wide the net might be and whether it might not actually be such a small group if it is something set out in legislation, and we may want to encourage the trustees of a well-known local charity to be involved in dealing with the matter.

3855 A number of proposals for resolution have been made already. Some of them have been found to be ungenerous by some of the women in question, although they will be more generous to others, and I am hoping that this will be resolved very quickly indeed because I recognise that this is a collective that has a problem.

3860 I was the only one who would listen to them at the time and I feel that they need to have a resolution for the issues that they raise as soon as possible because it is a group that should not be getting bigger, as the rules changed for married women to make their own contributions, it is a group that I think in some instances has a real need, and it is a group that I believe need to be able to put to rest their claims as soon as possible.

3865 **Hon. K Azopardi:** I am glad the Chief Minister recognises that.

Let me assure him that despite his little jibes from time to time, which he regularly is making during all his interventions, he will find me quite difficult as an opponent in terms of rising to his little jibes because it is not my nature. He is going to waste his time with me if that is going to be the game he plays for the next four years.

3870 Let me assure him that the position that the GSD take in respect of the divorced women's pension is reflected in our manifesto for this election – it is as simple as that. We recognise that this group has a problem that needs to be addressed and I am glad he recognises it too.

3875 I am told that it is a small group of people – 70 or 80 people perhaps, 70 or 80 women – and perhaps we are talking about shortfalls, on average, of between £160 and £250 a month, which makes a very big difference to these women.

Jibes aside, I would ask the Chief Minister, who is perfectly aware of the issues because he has regularly met them and he has been doing so for several years, to bring some finality to these women so that they can be better off in their old age, as they deserve.

3880 **Hon. Chief Minister:** Well, Mr Speaker, I would urge him not to champion the causes I have championed in less effective ways than I have championed them, because at least I was able to win an election when I was championing those causes and am now in the process of resolving

them in a way that is in keeping with my dual obligation both to them and my obligations to the taxpayer.

3885 I guarantee him one thing, Mr Speaker: I will resolve the issue of the divorce women's pensions like I have resolved all of the other issues that I have committed to resolve, and I will continue to point out as often as I have to, whether it rains him or not, because it is part of our political history and it is the record that he puts before the public in Gibraltar, that he has taken positions, or that he leads a party that has taken positions, which are contrary to the position that he sets out today.

3890 I think that is important, Mr Speaker, because it also liberates him. You see, when he gets up and he shows that he is leading the GSD in a completely different direction to the one it was led in before, it liberates him to do so and to condemn the past history of the GSD, as he has done in relation to the World Heritage site and as he has done in relation to other issues. We do not discuss the Cordoba Agreement, Mr Speaker, but that which was considered to be the greatest achievement of the GSD Government between the years 1996 and 2011 and which he condemned in terms more trenchant than even we did when we were in Opposition I am sure will be another opportunity for him to lay to rest the ghost of 'the greatest ever Gibraltarian' in the lexicon of a more successful Leader of the Opposition and GSD than him, namely the Hon. Mr Feetham.

3900 But on the issue of the divorced women, Mr Speaker, he should not get away with pretending that he is the only one taking them seriously. I am the one who has championed their cause when they were not being listened to, when they were in government. As he has said, rightly, I have met them on a number of occasions, I have understood the issue and I will resolve the issue. It is important that it be resolved and it is important as a matter of conscience that this issue should not be allowed to fester much longer. We have tried our best to resolve it before now; we have not been able to. If we had been able to, we would have been delighted to have done so. If we had done so, they would have accused us of trying to buy votes at the election.

3910 **Hon. K Azopardi:** Does the Chief Minister, given that he has been slaving away at this issue with such diligence over the better part of 10 years, does he have anything to say to this small group of women to give them comfort as to when this finality will come?

3915 **Hon. Chief Minister:** Mr Speaker, of course I do. They are friends of mine. I meet many of them regularly, I am in touch with them and I tell them what I have to tell them directly and not having to accept his invitation to do so over the airwaves.

#### Q318/2019

#### Public sector reform – Failure to consult GGCA

**Clerk:** Question 318, the Hon. K Azopardi.

3920 **Hon. K Azopardi:** Mr Speaker, why was the GGCA not consulted ahead of the press release that announced the Government's intention on public sector reform on 22nd October 2019?

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

3925 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, because the Government does not consult unions on press releases.

**Hon. K Azopardi:** Mr Speaker, I did not ask the Chief Minister whether they should have been consulted on the press release; my question was ... I will repeat it to him, because he has misread it, clearly.

3930

**Hon. Chief Minister:** Is that right?

**Hon. K Azopardi:** Oh, yes. Why was the GGCA not consulted ahead of the press release that announced the Government's intention on public sector reform? I was asking why they were not consulted on the public sector reform, as they complained of at the time.

3935

**Hon. Chief Minister:** Well, Mr Speaker, I do not think that is what his question says. Let's read it again: why was the GGCA not consulted ahead of the press release that announced the Government's intention on public sector reform on 22nd October 2019?

3940

The Government believes, Mr Speaker, both the political Government and the administrative Government, that the discussions we have had with the GGCA – the fulsome and detailed discussions that we have had with the GGCA – and indeed part of what our mandate was and has been, includes all of this and that we have been in deep consultation with that union and with others about these issues and there was a lack of agreement with the union that this was going to be said publicly in this particular way.

3945

That is why the answer I have given him is about the press release, because on the substance of issues, on the working together to deliver public sector reform together in Gibraltar, there is no issue between us, certainly not between the political Government and the GGCA or indeed the unions, and I look forward to continuing the very positive engagement that we have had in the eight years that we have been in government – in the past year in particular – and going forward with the GGCA, with Unite the Union and with all unions in Gibraltar as we build a stronger and better Gibraltar at an industrial level as much as at every other economic and social level.

3950

**Hon. K Azopardi:** So, when the GGCA said, in reaction to the press release, that it had not been consulted on that aspect of public sector reform, the Chief Minister is saying that they are lying?

3955

**Hon. Chief Minister:** I do not accept, Mr Speaker, that that is what the GGCA said, and I do not accept that the hon. Gentleman is right to characterise what I have said in that way. Indeed, I have said a very positive thing about engagement with the trade unions, about the strength of the consultation between the political Government and the unions. If he wants to try and extrapolated it to win a prosecutor's point or a defence lawyer's point in that way, he can try, but I do not think it takes the debate any further.

3960

I think the issue of public sector reform is an important one. It has to be dealt with in a way that delivers the result that this community needs. I am not going to fall into the trap of being cross-examined to give a yes or no answer on an issue like that, so that he can lead me by the nose as if I were this Christmas's turkey. I do not look like a turkey, I do not behave like a turkey and I am not going to answer like a turkey.

3965

**Q319/2019**  
**Spanish Protección Civil vehicle –**  
**Results of investigation**

**Clerk:** Question 319, the Hon. K Azopardi.

3970

**Hon. K Azopardi:** Mr Speaker, has the investigation concerning the entry into Gibraltar of the Spanish *Protección Civil* vehicle on 20th October 2019 finished; and; if so; what have the results of that investigation been and what measures will be put in place to ensure such an incident is not repeated?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, an internal investigation was immediately undertaken and new protocols introduced. The details of these new protocols cannot be shared, as they form part of our security policies and procedures.

**Hon. K Azopardi:** Mr Speaker, the fact is, and we all saw the footage. The Chief Minister reacted on the day, I believe in a tweet. We have seen the footage. It was a marked car. It was no accident. This was not an unmarked, this was a marked car and it had in it three or four individuals who had their uniforms on. They had navy blue trousers and their tops or jackets were a luminous kind of orange. They went through the Frontier. They were driving around Gibraltar. People will want to know what the result of this investigation has been. There was public outcry at the time; indeed, the Chief Minister reacted. So, what can the Chief Minister say to give comfort to people?

**Hon. Chief Minister:** I recognise that the hon. Gentleman has pointed to my leadership on this issue and I am grateful, Mr Speaker because it was unacceptable. Absolutely unacceptable from my point of view, because that was a marked vehicle. It is a vehicle of an instrument of the Spanish state. What instrument is it? It was not a law enforcement agency and it was not indeed a military agency of the Spanish state; it was a civilian agency containing unarmed individuals. That we now know.

There were stories circulating on social media that night of armed Spanish officials having come into Gibraltar. Well, let us at least set that in context: that is not what we were dealing with; just as unacceptable, in my view, however, because this was a vehicle that would not have been insured to enter Gibraltar and these were people who were not authorised to enter Gibraltar wearing their uniforms of this emanation of the Spanish state.

Therefore, for the reasons I have set out, there was an investigation carried out. That investigation has led to new practices and procedures which I am not able to share here, Mr Speaker, because you are disclosing the practices and procedures of the security of access to Gibraltar. It is for that reason that I cannot say more, but I am confident that this should not happen again, and that is what he and I, I know, will agree should not happen again because it should not have happened in the first place.

### Q320/2019

#### Representation in UK Parliament – Discussions with UK government

**Clerk:** Question 320, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, is there any discussion, formal or informal, between the Gibraltar and UK governments that has taken place or is intended to take place on the issue of representation in the UK Parliament?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, any such discussion will take place in the context of constitutional reform.

4020 **Hon. K Azopardi:** Mr Speaker, the answer the Chief Minister has given is in the future tense. I have asked a different question; I have asked in the past tense has there been any discussion. Is there any that has taken place? He has answered the future question, but I also asked whether it *had* taken place.

4025 **Hon. Chief Minister:** Well, Mr Speaker, because I intend that my answer should be understood to be something that could only happen – because it has not happened – in the context of constitutional reform proposals set out by this House.

I do not think it is right that there should be a flippant discussion about something like this that could have a tangential negative effect on the current constitutional state of play, or indeed where we might agree we want to take Gibraltar in the future. I say ‘where we might agree’  
4030 because this is work that would have to emanate from a select committee of this House making a decision in that way and I have not been offered, formally or informally, representation in the United Kingdom Parliament and so therefore it is not something that arises.

4035 **Hon. K Azopardi:** So the Chief Minister can confirm that there have not been any discussions in that regard?

**Hon. Chief Minister:** I believe that is what I have just done, Mr Speaker.

4040 **Clerk:** Question 321 –

**Hon. D A Feetham:** Given that the Chief Minister has referred to the future intentions of the Government to consider this issue in the context of the Select Committee on Constitutional Reform, is this something that the Government is prepared to back as a Government – in other words, obtaining representation for Gibraltar in the UK Parliament?  
4045

**Hon. Chief Minister:** Mr Speaker, if that is the outcome of the views of the Select Committee, of which the Government will be a part, then yes; if it is not the outcome of the consideration of the Select Committee, then no.

I think this is a fundamental issue that we need to come together on. I have a public position  
4050 on this which I have expressed on a number of occasions, which is to say if they want to offer us representation in the United Kingdom Parliament whilst we preserve our current Constitution – something which I do not think is likely because of the Midlothian question, because of the level of devolution that Gibraltar enjoys under its constitution; indeed, it is not even rightly expressed as devolution, in my view – then we would be foolish not to accept it. But nobody is making that  
4055 offer. We must also be careful, Mr Speaker, that we do not accept that offer, if it were ever to come, in a way that might curtail our future potential development of the Constitution, which we believe should continue to be something that we aspire to.

So, Mr Speaker, that is my public position; it is the position that I intend to bring to the Select Committee. I think there is a lot more to be debated in the context of constitutional reform than  
4060 just the issue of representation in Westminster. Representation in Westminster itself can have many different permutations. There is the issue of direct election of a Member of the House of Commons; there is the issue of appointment to the House of Lords. That could happen at any time; any Gibraltarian could be appointed at any time to become a Member of the House of Lords on the basis of the current appointments system, as long as that Gibraltarian fulfils the  
4065 criteria for membership of the Upper House. That could be modified in conjunction with this House, so that there is a different way of appointment, so the representation could be in two different places. The value of that representation could be different.

4070 All of these things would fall to be considered, but frankly I do not think that we should do any of this in a way that is frivolous or motivated by those others who may wish to advance this agenda. They should come to the Select Committee, they should give evidence in the Select Committee, and then we together in the Select Committee should decide what we should do, when and how, and if we should do it or whether it is a negotiating impediment for us in the context of a future Constitution or a negotiating advantage for us in the context of a future Constitution.

4075 This is a complex issue, Mr Speaker, and it has to be dealt with in the context of the complexity which it gives rise to because of the advantage or disadvantage it could create for what the Select Committee may decide to go forward with.

**Q321/2019**

**Attendance at UN –**

**Joint delegation with Leader of the Opposition**

**Clerk:** Question 321, the Hon. K Azopardi.

4080 **Hon. K Azopardi:** Mr Speaker, is the Chief Minister willing to form a joint delegation with the Leader of the Opposition to attend the UN twice a year?

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

4085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am open to the Leader of the Opposition attending with us at the Committee of 24 and the 4th Committee of the General Assembly.

4090 **Hon. K Azopardi:** Mr Speaker, we welcome that statement in principle. Will the Chief Minister... Ultimately it is in his gift; he is the leader of the delegation. Is he going to table discussions with the Opposition on that basis?

**Hon. Chief Minister:** I am happy to do so, Mr Speaker.

**Q322/2019**

**Negotiations with EU –**

**Creation of cross-party negotiating team**

**Clerk:** Question 322, the Hon. K Azopardi.

4095 **Hon. K Azopardi:** Mr Speaker, in the event that we enter a phase of negotiations of a possible permanent deal with the EU to cover the period beyond any transitional period, will the Government set up a cross-party negotiating team to drive that task?

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

4100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will continue the Brexit negotiations in the same manner as we have so successfully until now.

**Q323/2019**  
**Brexit strategy –**  
**Update following UK election**

**Clerk:** Question 323, the Hon. K Azopardi.

4105 **Hon. K Azopardi:** Mr Speaker, following the results of the UK election, will the Government make a statement to update the House in relation to its Brexit strategy and how it views the next few months?

I ask that question on the record, although the Chief Minister has now made a Statement.

4110 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Thank you, Mr Speaker. As the hon. Gentleman has said, I have already done so.

**ADJOURNMENT**

4115 **Chief Minister (Hon. F R Picardo):** If the hon. Gentleman has no supplementaries, Mr Speaker, because the next questions he is going to ask are going to be linked to a question that will be asked by the hon. Lady, who is not able to be here now, I would propose that the House should now adjourn to tomorrow at 3 p.m., when the Government's intention will be to take the remaining few questions and then to move immediately into motions and legislation.

4120 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday the 20th at 3 p.m.

I now put the question, which is that this House do now adjourn to Friday the 20th at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Friday the 20th at 3 p.m.

*The House adjourned at 9.20 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.06 p.m. – 7.46 p.m.**

**Gibraltar, Friday, 20th December 2019**

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# The Gibraltar Parliament

*The Parliament met at 3.06 p.m.*

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

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

## COMMUNICATIONS FROM THE CHAIR

### Procedural – Motions re Public Services Ombudsman

**Clerk:** Meeting of Parliament, Friday, 20th December 2019.  
(iii) Communications from the Chair.

5       **Mr Speaker:** Hon. Members will have noticed that there are two notices of motions dealing with the Public Services Ombudsman. The Hon. Roy Clinton gave notice of his motion on 27th November, and the Hon. the Chief Minister did so on 19th December. Yesterday, the Hon. Roy Clinton made representations to me on the basis that both motions were on the same subject and that therefore the Hon. the Chief Minister's motion infringed Standing Order 47(1) 10 on the grounds that it constituted anticipation, and as such should therefore be ruled as being out of order.

Using a ruling by Speaker Alcantara as a precedent, there were no grounds for not accepting the tabling of the motion by the Hon. the Chief Minister, as putting it in the Order Paper safeguards the moving of his motion had the first motion been withdrawn. That was a bit of a 15 mouthful, that one!

The Hon. the Chief Minister's view is that it does not infringe Standing Order 47(1), since the wording of some parts of the motion is different to that of the Hon. Roy Clinton. Moreover, he added that Government motions are transacted ahead of Private Members' motions in the Order of Business and therefore it has to take precedence.

20       My attention was drawn to a ruling made by a former Speaker in which it was declared that two motions on the granting of the Freedom of the City to Sir Joshua Hassan dealt with the same subject and ruled that the second motion by the then Chief Minister of a later date could not be moved.

Both the motions which are the subject of the present discussion are lengthy and generally 25 similar, although the wording and phraseology varies. There are, however, several paragraphs, the contents of which should be noted. In summary, these are as follows.

The Hon. Roy Clinton resolves that the relevant Act be amended to allow for own motion investigation, whilst the Chief Minister's resolves that the Act be reviewed to enable the office of the Public Services Ombudsman to launch investigations of its own motion.

30       The Hon. Roy Clinton makes specific references to two Departments, namely the Housing Authority and the Civil Status and Registration Office, included in the Public Services Ombudsman recommendations contained in the 2018 Annual Report, whilst the Chief Minister's does not.

35 The Hon. Roy Clinton speaks about the Public Services Ombudsman's office being created for the public to complain about any act of maladministration. The Chief Minister's motion is silent on this.

The Hon. Roy Clinton calls on the Ombudsman's recommendations to be acted upon in a timely manner; or, if not, that a proper explanation is given by heads of Departments on a case by case basis. The Chief Minister is silent on this.

40 On the basis of the aforementioned, and whilst I recognise that there is merit to the Hon. Roy Clinton's argument, I am not sure whether Standing Order 47(1) has been breached.

In the absence of any Gibraltar clarifying references, I have looked to *Erskine May*. In its 25th edition, it states on anticipation – and I paraphrase – at the second paragraph of paragraph 20.13: 'Stated generally, the rule against anticipation, which applies to other proceedings as well as motions, as strictly enforced in earlier times, was that a matter must not be anticipated if 45 contained in a more effective form of proceeding than the proceeding by which it was sought to be anticipated, but it must be anticipated if contained in an equally or less effective form.'

In layman's language, that means, for example, a Bill or any other Order of the Day is more effective than a motion, which in turn has priority over an amendment, which is in turn more effective than a Written or Oral Question. If such a motion were allowed, it could indeed 50 forestall or block a decision from being taken on a matter already on the Order Paper.

It should be noted that at the Meeting of Parliament held on Friday, 7th October 2016, Parliament debated two motions that were substantially similar. In fact, *Hansard* records the Hon. Roy Clinton saying:

Mr Speaker, it is regrettable that the Government has seen fit to bring this counter motion in what the *New People* describes as an attempt to hijack my prior motion for the creation of a Public Accounts Committee.

55 Given the precedence set by Speaker Canepa in allowing both motions to go ahead and the advice contained in *Erskine May*, I am allowing both motions to stay on the Order Paper.

**Clerk:** We now proceed to –

60 **Hon. R M Clinton:** Mr Speaker, just a small point of order. I am grateful for your ruling, and in the interest of making the most effective use of parliamentary time, may I suggest to the Government benches that perhaps before coming to debating the Government's motion, we might be able to sit down and agree a consensus motion that might be agreeable to the Government?

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we would have been agreeable to agreeing a consensus motion if before the hon. Gentleman had put his motion he had sought that consensus. Now that the hon. Gentleman has decided to progress in another way, today we will progress with the terms of the Government motion as already set out.

70 **Hon. K Azopardi:** Mr Speaker, on a point of order, given the effect of your ruling, is Mr Speaker intending to take debate on both motions simultaneously? I think there is a paragraph in *Erskine May* that suggests that if there are motions that are on the same subject they should be taken together, and perhaps we can reflect on that practice, especially because 75 the Hon. Roy Clinton's motion had been filed before the Government motion.

But as we say, that is not the intention. The intention of my hon. Friend's suggestion to the Chief Minister is that perhaps there is still time for us to come up with language which we can all agree without wasting time.

80 **Hon. Chief Minister:** Well, Mr Speaker, the Government is confident that its motion is likely to pass, and that is the language that we believe should be recommended to the House. You have ruled and we accept your ruling, of course, and will look forward to the debate.

## Questions for Oral Answer

### EDUCATION, EMPLOYMENT, UTILITIES AND THE PORT

**Q259/2019**

**Bayside and Westside Schools –  
Completion date for works**

**Clerk:** We now return to answers to Questions.

We commence with Question 259. The questioner is the Hon. Ms M D Hassan Nahon.

85

**Hon. Ms M D Hassan Nahon:** Can Government give a date by when it commits to all works being completed at the new Bayside and Westside Schools?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

90

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, all building works at Bayside and Westside have been completed. There are some minor works which are in the process of being completed, but these are expected to be ready by 31st January 2020. In addition, as with all new buildings, there will be a period of snagging.

95

Mr Speaker, when I say the minor works are expected to be ready by 31st January, there may be a little bit of slippage in respect of one or two minor matters, but that is normal, and then there will just be a normal period of snagging.

**Q260/2019**

**Scheduled power cuts –  
Whether anticipated to continue**

**Clerk:** Question 260, the Hon. Ms M D Hassan Nahon.

100

**Hon. Ms M D Hassan Nahon:** Scheduled power cuts have been happening routinely in recent months. Can Government confirm if these will continue and for how long?

**Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

105

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, scheduled power cuts tend to occur for maintenance and system upgrade reasons in relation to the electricity supply distribution system, and where possible, except in emergencies, customers are duly informed in advance by using the local press and social media.

110

Scheduled power outages are envisaged to continue as part of the network's maintenance and upgrade programmes. None of the scheduled power outages have been in relation to the new North Mole power station.

Attachment 1, which is a schedule, shows a list of scheduled outages for the calendar year 2019 to date.

**Answer to Question 260/2019**

**Scheduled power cuts 2019**

Maintenance/upgrade	Date and time	Location
Interruption of Electricity Supply- Low Voltage Distribution System	Wednesday 9 <sup>th</sup> January 2019 at 2300hrs for approx. eight hours	Kiosk by Bus stop in Winston Churchill Avenue (North) Coach Shelter Bureau de change by frontier Toilets by frontier Revenue offices by frontier Pumping Station Watering Jetty Coastguards and borders offices Churchill Centre Octagonal complex GJBS Site Supply Sewage pump house
Interruption of Electricity Supply- Distribution System.	Friday 11 <sup>th</sup> January 2019 at 0930 hrs for a period of approx. two hours	Churchill House (in its entirety) 2-14 Witham's Road
Interruption of Electricity Supply- Distribution System.	Saturday 16 <sup>th</sup> February 2019 at 1300 hrs for a period of approx. three hours	Unit 10, The New Harbours Unit 11, The New Harbours Unit 12, The New Harbours Unit 13, The New Harbours Unit 14, The New Harbours Unit 15, The New Harbours Unit 17, The New Harbours Unit 81, The New Harbours Unit 83, The New Harbours Unit 84, The New Harbours Unit 90, The New Harbours Unit 91, The New Harbours Unit 92, The New Harbours Unit 93, The New Harbours Unit 94, The New Harbours
Interruption of Electricity Supply- Distribution System.	Sunday 17 <sup>th</sup> February 2019 at 0930 hrs for a period of approx. three hours	Unit 5B, The New Harbours Unit 28, The New Harbours Unit 29A, The New Harbours Unit 29B, The New Harbours Unit 29C, The New Harbours Unit 29D, The New Harbours Unit 29E, The New Harbours Unit 30, The New Harbours Unit 31, The New Harbours Unit 32, The New Harbours Unit 33, The New Harbours Unit 34, The New Harbours Unit 35, The New Harbours Unit 36, The New Harbours Unit 37, The New Harbours Unit 38, The New Harbours Unit 66, The New Harbours

**Answer to Question 260/2019 continued**

		Unit 68, The New Harbours Unit 69A, The New Harbours Unit 69B, The New Harbours
Interruption of Electricity Supply-Distribution System.	Friday 15th February 2019 at 0015 hrs for a period of approx. three hours	Cornwall's Parade (in its entirety) Cornwall's Centre (in its entirety) 15 Cornwall's Lane, Corkbay House (in its entirety) 173 Main Street
Interruption of Electricity Supply-Distribution System.	Friday 15th February 2019 at 0215 hrs for a period of approx. three hours	New Passage (in its entirety) Hospital Steps (in its entirety) Boschetti's Steps (in its entirety) Benzimra's Alley (in its entirety)
Interruption of Electricity Supply-Low Voltage Distribution System	Thursday 21st February 2019 at 0930 hrs for a period of approximately three hours	Willis's Passage (in its entirety) Willis's Road from its junction with Castle Steps to its Junction with Paradise Ramp.
Interruption of Electricity Supply-Low Voltage Distribution System	Sunday 24th February 2019 at 1100 hrs for a period of approx. four hours	Governor's Lane in its entirety (from its junction with Main Street to its junction with Secretary's Lane) – Not including Convent Place.
Interruption of Electricity Supply-Low Voltage Distribution System	Friday 22nd March 2019 at 0930 hrs for a period of approx. 1 hour	Eaton Garages; Devils tower Road Opposite Red Roof House.
Interruption of Electricity Supply-Distribution System.	Saturday 23rd March 2019 at 0930 hrs for a period of approx. 7.5 hours	Bassadone Building, North Mole
Interruption of Electricity Supply-Distribution System.	Saturday 23rd March 2019 at 1400 hrs for a period of approx. 3 hours	Western Arm in its entirety (Ferry Terminal Building to end of Western Arm).
Interruption of Electricity Supply-Low Voltage Distribution System	Tuesday 26th March 2019 at 2300 hrs for a period of approx. five hours	1 Fountain Ramp Ex Police Station 122 Irish Town 87 Irish Town 95 Irish Town
Interruption of Electricity Supply-Low Voltage Distribution System	Friday 29th March 2019 at 0930 hrs for a period of approx. three hours	Orillion House Causeway House Bayside House Laguna House
Interruption of Electricity Supply-Distribution System.	Wednesday 3rd April 2019 at 1600 hrs for a period of approx. three hours	St Bernard's Nursery 9-24 Castle Road Paradise Cottages Chicardos Passage

**Answer to Question 260/2019 continued**

**Scheduled power cuts 2019**

Maintenance/upgrade	Date and time	Location
Interruption of Electricity Supply- Low Voltage Distribution System	Wednesday 9 <sup>th</sup> January 2019 at 2300hrs for approx. eight hours	Kiosk by Bus stop in Winston Churchill Avenue (North) Coach Shelter Bureau de change by frontier Toilets by frontier Revenue offices by frontier Pumping Station Watering Jetty Coastguards and borders offices Churchill Centre Octagonal complex GJBS Site Supply Sewage pump house
Interruption of Electricity Supply- Distribution System.	Friday 11 <sup>th</sup> January 2019 at 0930 hrs for a period of approx. two hours	Churchill House (in its entirety) 2-14 Witham's Road
Interruption of Electricity Supply- Distribution System.	Saturday 16 <sup>th</sup> February 2019 at 1300 hrs for a period of approx. three hours	Unit 10, The New Harbours Unit 11, The New Harbours Unit 12, The New Harbours Unit 13, The New Harbours Unit 14, The New Harbours Unit 15, The New Harbours Unit 17, The New Harbours Unit 81, The New Harbours Unit 83, The New Harbours Unit 84, The New Harbours Unit 90, The New Harbours Unit 91, The New Harbours Unit 92, The New Harbours Unit 93, The New Harbours Unit 94, The New Harbours
Interruption of Electricity Supply- Distribution System.	Sunday 17 <sup>th</sup> February 2019 at 0930 hrs for a period of approx. three hours	Unit 5B, The New Harbours Unit 28, The New Harbours Unit 29A, The New Harbours Unit 29B, The New Harbours Unit 29C, The New Harbours Unit 29D, The New Harbours Unit 29E, The New Harbours Unit 30, The New Harbours Unit 31, The New Harbours Unit 32, The New Harbours Unit 33, The New Harbours Unit 34, The New Harbours Unit 35, The New Harbours Unit 36, The New Harbours Unit 37, The New Harbours Unit 38, The New Harbours Unit 66, The New Harbours

**Answer to Question 260/2019 continued**

	0930 hrs for a period of approx. three hours	
Interruption of Electricity Supply- Low Voltage Distribution System	Wednesday 26th June 2019 at 2330 hrs for a period of approx. five hours	Duke of Kent House Joshua Hassan House Governors Lane Georges Lane Leon House Bristol Hotel Cathedral Square Cathedral of the Holy Trinity Main Street – Between Library Street and Georges Lane
Interruption of Electricity Supply- High Voltage Distribution System	Tuesday 2nd July 2019 at 1100 hrs for a period of approx. two hours	New Harbours (in its entirety) GBC Site Supply
Interruption of Electricity Supply- Low Voltage Distribution System	Thursday 4th July 2019 at 0930 hrs for a period of approx. three hours	Cheshire House, Buena Vista Estate (in its entirety)
Interruption of Electricity Supply- Distribution System.	Wednesday 21st August 2019 at 0930hrs for a period of approx. 1 hour	Queens Hotel Queens Cinema Piccadilly Restaurant AquaGib Building – Ragged Staff Road Gibraltar Electricity Authority - Rosia Road Electricity Centre 1 to 10 Europa Road
Interruption of Electricity Supply- Low Voltage Distribution System	Tuesday 3rd September 2019 at 0700hrs for a period of approx. ½ hour	GIB V William Jackson Estate in its entirety
Interruption of Electricity Supply- Low Voltage Distribution System	Wednesday 4th September 2019 at 0700hrs for a period of approx. ½ hour	GIB V William Jackson Estate in its entirety
Interruption of Electricity Supply- Low Voltage Distribution System	Sunday 22 <sup>nd</sup> September 2019 at 0915 hrs for a period of approx. 5 hours	No's 1 to 16 Bomb House Lane Hebrew School Line wall Rd Synagogue
Interruption of Electricity Supply- Low Voltage Distribution System	Saturday 28th September 2018 at 0915hrs for a period of approx. 3 hours	Orion House, Georges Lane 26-28 Georges Lane
Interruption of Electricity Supply- Low Voltage Distribution System	Thursday 10th October 2019 at 0930 hrs for a period of approx. 4 hours	2 to 4 Town Range 13 and 15 Town Range 10 to 28 Georges Lane Orion House, Georges Lane

**Answer to Question 260/2019 continued**

Interruption of Electricity Supply- High Voltage Distribution System	Thursday 10th October 2019 at 1400 hrs for a period of approx. 3 hours	Calpe Road Castle Steps (upper) Old Civil Prison Tank Ramp (East of No.8) Tarik Road Upper Castle Steps Waterworks Willis's Multi Storey Car Park Willis's Passage (North of No.17) Willis's Road (North of No.17) Hay's Level, Princess Caroline, Bruce's Farm, World War II Tunnels, Upper Galleries
Interruption of Electricity Supply- Low Voltage Distribution System	Thursday 17th October 2019 at 0930hrs for a period of approx. 3 hours	Rosia Road Meeting Hall
Interruption of Electricity Supply- Low Voltage Distribution System	Thursday 21st November 2019 at 0015hrs for a period of approx. 3 hours	Bedlam Court Office Block Turnbull's Lane, in its entirety Pizza Hut 1/5 Irish Town
Interruption of Electricity Supply- Low Voltage Distribution System	Wednesday 20th November 2019 at 2300hrs for a period of approx. 1/2 hour	GIB V William Jackson Estate in its entirety GASA swimming pool complex
Interruption of Electricity Supply- Low Voltage Distribution System	Thursday 21st November 2019 at 0100hrs for a period of approx. 6 hours	GIB V William Jackson Estate in its entirety GASA swimming pool complex
Interruption of Electricity Supply- Low Voltage Distribution System	Wednesday 4th December 2019 at 0930hrs for a period of approx. 4 hours	Knights Court; in its entirety
Interruption of Electricity Supply- Low Voltage Distribution System	Thursday 5th December 2019 at 2000hrs for a period of approx. 4 hours	Telecoms Towers by British Lines Customs Building and Barriers. (Not including offices in air terminal)

115 **Hon. M D Hassan Nahon:** Mr Speaker, I was asking a question which I do not think I got the answer to, regarding whether we can expect the basic practical inconvenience of more power cuts in the future. As the hon. Member will know, they affect people, they affect businesses and the economy, and I was just trying to understand whether the power cuts that have been happening will happen less and less, or are they going to continue to happen in Gibraltar?

120 **Hon. G H Licudi:** Mr Speaker, the question is specifically about scheduled power cuts, not power cuts generally which may happen as a result of perhaps testing or a fault or an outage, which occasionally happens.

125 The question specifically says ‘scheduled’ power cuts have been happening in recent months – will they continue? Well, they have always happened. There have always been scheduled power cuts to specific areas, and the list which the hon. Lady now has shows not just the reason for the scheduled power cuts but the area or the building that is affected by that specific power cut.

130 There has been a process for some time of upgrade of the distribution system. This has absolutely nothing to do with power generation and therefore nothing to do with either Waterport generating station or the new power station. You are talking of scheduled power cuts and they only happen when there is a need to open up a bit of the road to change a little bit or change something in the distribution system or the distribution centre, which happens around Gibraltar. That is the reason why scheduled power cuts occur.

135 Also, in relation to new buildings, when there is a need to put new power to a new building, there is a need to connect something to a distribution centre and possibly the need to schedule a power cut to an adjoining building at the same time. That has always happened and will obviously continue to happen, but the disruption is minimal. The hon. Lady has in the list itself the time that it takes in respect of each scheduled power cut that has occurred this particular year, and they tend to be for a couple of hours, or two or three hours.

140 It has always happened and clearly it will continue to happen whilst upgrades to all distribution systems and all distribution networks in Gibraltar continue to occur, as we have been doing for the last eight years, but again I stress this has absolutely nothing to do with power generation in Gibraltar.

145

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer, and perhaps I did make a mistake. It was not through lack of doing any homework, just a genuine mistake in not putting ‘and other power cuts’.

150 Would the hon. Member indulge me, even though he does not need to, to give me some idea of whether normal general power cuts might be happening as frequently as they have, or whether he feels confident that normal power cuts ...? Or would he like me to pose the question next month again in different terms?

155 **Hon. G H Licudi:** Mr Speaker, I understand where the hon. Lady is coming from. I focused, obviously, as the hon. Lady will understand, on the specific question. I understood that what the hon. Lady wanted to know was about these scheduled power cuts and why they occur, or how often they occur. That is why the answer has been given to the specific question.

160 If the question is about power cuts generally, there are occasions when there are power outages. There have been one or two occasions when as a result of building works a contractor has hit a cable, for example, and that has ended up in a power outage. I am told that as a result of upgrades to the distribution system and new systems being put in place, those things will either disappear or will be less and less in the future, because there will be automatic systems which recognise where there has been that fault in the distribution system itself and automatically redirect the power supply through the rest of the system so that there is no power outage. I am even told that when that happens – and it is already in place, for example, in all the new buildings, all the new estates that are being done, all those have this new system – when that happens that redirection occurs, in milliseconds, there might be a flickering of the light but that is all that is felt.

170 The hon. Lady knows that we have been undergoing a process not just of improvements to the distribution network and supply throughout Gibraltar but to the generation of electricity. With the Waterport power station in the process of being decommissioned and the final stages of commissioning of the brand new power station in Waterport – which will be running, we expect, in future, almost exclusively on gas, even though some of the engines are dual-fuelled – when that process is complete, then we expect that the resilience of the system will obviously be much better than it has been in the past with the old generators.

175

It is impossible for me, or any Government Minister, to say that power outages will forever be a thing of the past and there will never be a trip-up or an outage for whatever reason. There might be an electrical reason, an electronic reason. At the moment, there is a phase of testing of the new generating station. There have already been occasions, and I can certainly think of one occasion last week when the whole of the power supply in Gibraltar was being generated from the new power station in the North Mole with the gas generators on. That is the whole of power generation. There is sufficient capacity there for the whole of Gibraltar on a long-term basis and we expect, therefore, this to be a much more reliable, much more resilient system. But there are, of course, periods of testing that need to take place. You need to load up the machines and see how the machines actually react in certain situations and it is impossible to say, because of the electronic nature of the system, that something might not trip up in testing. That is the whole point of testing: to see how the system holds up to different provisions. But certainly with the new power station not only will we have cleaner energy, cheaper energy, but we will have much more reliable energy in the future.

**Q324-27/2019**

**Victoria Keys –**

**Publication of developer contract and more detailed information;  
timetable; details of loan**

**Clerk:** We now move to Question 324. The Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, will the Government publish the contractual arrangements entered into with the developers of Victoria Keys; and, if so, when?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 325, 326 and 327.

**Clerk:** Question 325, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, is there an agreed or projected development timetable for the Victoria Keys development or period by which the developers need to commence or complete the development?

**Clerk:** Question 326, the Hon. K Azopardi.

**Hon. K Azopardi:** Which company or entity will fund the Victoria Keys development or lend the developers £50 million, and what is the rate of interest and term of the loan?

**Clerk:** 327, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** When can the people of Gibraltar expect to receive more detailed information regarding the Victoria Keys development project?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we will publish the terms of the agreement with the developers of Victoria Keys once the negotiations of these are entirely finalised. I believe it is important for all of Gibraltar to see the excellent terms we have secured for the people of Gibraltar.

The timing of the development of this project will be dependent on the Development and Planning Commission approval and the engineering aspects of the project and we look forward to the project progressing as quickly as possible.

The Government will determine which funding vehicle it will use to provide lending to Victoria Keys when the loan is established. The terms of the loan have not yet been entirely finalised, but when they are, they will be transparent to the public as they will form part of the full publication of the terms of the agreement reached with the developers, which I have repeatedly committed to and which I look forward to.

Her Majesty's Government of Gibraltar has nonetheless already released detailed information regarding the Victoria Keys development project. More will be said as and when the project develops and as we start the process of delivering against this excellent opportunity for the enhancement and growth of our nation by the establishment of this beautiful, carbon-neutral garden city by the sea, an important part of the delivery of our Green Gibraltar manifesto.

**Hon. K Azopardi:** I think the pronunciation yesterday was '*gasto*', not '*gusto*', for the tone of those pronouncements by the Chief Minister.

I appreciate that he is going to publish the contractual arrangements when the negotiations are finalised. Can he indicate how close to finalisation they are and a likely timescale for that?

**Hon. Chief Minister:** Mr Speaker, I cannot, because then I will be told that I have not been precise if they go on any further than I might expect. And I do not do finger in the air. I have been advised not to announce things until the ink is dry on the paper and I am going to take that advice.

**Hon. K Azopardi:** Who has given him that advice?

**Hon. Chief Minister:** Mr Speaker, if he cares to turn to his right and look to his not immediate but pre-immediate predecessor as former leader of the party – or FLOP for short – it was him.

**Hon. K Azopardi:** It is very pleasant to hear that the Chief Minister is taking advice from the GSD now.

Mr Speaker, he said that the development timetable depends on the planning process. In my experience, it depends on perhaps two things sometimes. One is the planning process, but sometimes there is a timescale built into a development licence or a building lease. Is the Government contemplating that kind of arrangement, where it gives the developer a finite end timetable?

**Hon. Chief Minister:** Mr Speaker, yes, sir.

**Hon. K Azopardi:** Has that end timetable been identified already, and can he illuminate us as to that?

270 **Hon. Chief Minister:** Mr Speaker, I have said the negotiations are not finished, and as he will  
know, it is not in the interest of the taxpayer that we should stymie ourselves by putting out  
there what our position in that may be. I understand that those negotiating for the other side  
already have an indication from us of what that may be, but we may want to tighten that and  
therefore I do not want to be held to having told the Parliament something which I might then  
275 seek to make even tougher in the context of the negotiations in the interest of the taxpayer.

**Hon. K Azopardi:** And in relation to Question 326, where I asked about the funding – and I  
apologise if this was already contained in the Chief Minister's answer, but he was going quite  
fast and I was a bit distracted by the enthusiasm of his delivery – can he tell us if he did give us  
280 that information, and if not, is this also part of the finalisation issue?

**Hon. Chief Minister:** Well, Mr Speaker, I shall take it as a compliment that he sees me  
enthused, and I am just disappointed I do not seem to appear to have been able to enthuse him  
with the same sort of gusto for the job that we are entrusted to do.

285 Mr Speaker, I said that the Government will determine which funding vehicle it will use to  
provide lending to Victoria Keys when the loan is established.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can ask, the Government boasts of the  
carbon neutrality of this project, this development, but how carbon neutral will the actual  
290 development time for the project be, the years of development? And how does the Government  
propose to mitigate any negative effects of this development? Is it taking environmental advice  
or lead on the project?

**Hon. Chief Minister:** Mr Speaker, we are taking advice on how to deliver our key objective,  
295 which is that Gibraltar should continue to see development, but that that development should  
be done in a sustainable way which is also carbon neutral.

She will have seen the designs of this, which I think, even though she may or may not back it,  
she will no doubt agree, at least as artist's impressions, are the sort of area that one might like  
to see developed, the sort of approach that one might like to see developed in the future in  
300 Gibraltar. And this is obviously not just about the look of the place, it is about the carbon  
neutrality of the place, how the guts of it are going to be put together, and on that we are taking  
advice on those issues.

In my Government the Minister for the Environment leads. He is one of Gibraltar's leading  
specialists on the subject and he is leading a team that is addressing these key issues and  
305 bringing together both the need to continue to see growth and development in our community  
and the fact that we should do so sustainably and that we should do so in the context of carbon  
neutrality.

**Hon. K Azopardi:** Sorry, I had one final supplementary to the Chief Minister, which is to ask  
310 him – I appreciate the negotiations are ongoing – who is, on the Government's side, leading on  
these negotiations?

**Hon. Chief Minister:** The man, Mr Speaker, who I described yesterday as the finest financial  
and accounting brain of his generation.

315 **Hon. K Azopardi:** Okay. And how are the procedures that the Chief Minister described to us  
in respect of conflicts being navigated on that basis?

**Hon. Chief Minister:** They are being navigated, Mr Speaker, on the basis that they should not  
320 arise.

**Hon. K Azopardi:** In what way should they not arise?

325 **Hon. Chief Minister:** Because the negotiations are not being handled between people who are in any way in a situation of conflict.

**Hon. K Azopardi:** Mr Speaker, who is on the other side of these negotiations?

330 **Hon. Chief Minister:** A man, Mr Speaker, who we considered might have been in a situation of conflict when they were in Government.

**Hon. K Azopardi:** Mr Speaker, that is far too oblique for me, so can the Chief Minister perhaps name that person?

335 **Hon. Chief Minister:** I can, Mr Speaker, but it would be unfair to name a person across the floor of the House. I am happy to tell the hon. Gentleman, but it is the director of a company that they entered into a number of contracts with at the time that they were in Government, in particular the contracts to deal with the supervision of the Airport and road projects. But I do not want to simply name the individual across the floor of the House.

340 **Hon. K Azopardi:** Mr Speaker, I appreciate that, and perhaps the Hon. the Chief Minister can tell me privately. Until such time, of course, he will understand that it is impossible to take a view on that last exchange over the last two minutes until we have more details.

345 **Hon. Chief Minister:** Mr Speaker, I appreciate that he might not be able to take a view, but given that it is up to me to take a view, I am sure when I tell him he will take the same view, although it will not be as relevant to the conduct of the negotiations as my view.

**Q328/2019**  
**Voter fraud –**  
**Legislation to eliminate**

**Clerk:** Question 328, the Hon. Ms M D Hassan Nahon.

350 **Hon. Ms M D Hassan Nahon:** Does Government intend to bring in legislation in order to eliminate the rare, yet real and intolerable incidences of voter fraud?

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

355 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no instances of electoral fraud have been reported to the Returning Officer, nor has the Returning Officer found any occurrence of electoral fraud.

I am sorry to be so precise, but the hon. Lady asked a precise question and I think I should give her a first answer that is that precise.

360 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the Chief Minister quotes me as having said 'electoral' fraud – I said 'voter' fraud and that is what is in the question on the Order Paper.

One could say that there was voter fraud. There is always some voter fraud, in that people report that their own name has been used to vote, and this year was no different. We saw it being reported to the Returning Officer and we saw people making complaints on social media.

365

So my question was rather simple and, I think, quite clear. What I would ask in that regard is whether something as easy as legislating in favour of voters having to present their ID card at the polling stations is something that this Government would look at implementing.

370 **Hon. Chief Minister:** Well, Mr Speaker, I do not agree that there were instances of voter fraud. For me to be able to agree to that, and indeed for any of us to think that there was voter fraud we would have needed the Returning Officer to have identified that there was voter fraud or electoral fraud.

375 What the Returning Officer has said is that there are three instances of administrative error which led to three voters not being able to cast their own vote because their names had been marked as having voted already when they appeared to vote. So it is within the realms of statistical human error to be expected that when there are similar names on the list individuals may be crossed out accidentally. There has not been any suggestion that in any of those three instances, which are not outside the sort of instances seen in previous elections ... There has  
380 been no suggestion that any of that has resulted from an act of impersonation, which would be something akin to fraud. The Election Rules already provide for that to be an offence, so if the hon. Lady is asking us whether we would legislate to eliminate this, the legislation is already there. I am told it is Rule 35 of the Election Rules, which she may care to have regard to.

385 Mr Speaker, in the context of the way that general elections are run in Gibraltar, where I think we will all want to congratulate ourselves for how the electoral staff run the elections, the instances which the hon. Lady refers to and which she may recall I referred to in the context of my speech on the morning of the election result being announced ... even if there is one instance of a voter not being able to cast his vote, we are all equally concerned that that should not happen again. We are equally concerned when people who believe they have registered have  
390 not registered, or where people have not realised that they needed to take steps to register. So we always need to up our game.

The Returning Officer has always been careful to ensure that any changes which are required are brought to the attention of the Parliament, and indeed to the Government, so that we can act. I think in this instance what we must understand is that this is in the realms of what has  
395 happened in other elections, in the realms of the sort of statistical margin which is to be expected, and that we need to ensure wherever possible that the systems are in place to avoid this happening again. But an onerous system which requires people to turn up with identity carnets or passports etc. might actually put people off. I must tell the hon. Lady I turn up with my ID card every time and I put it on the table every time. Most people in Gibraltar have an ID  
400 card, but we do not want to make it difficult for people to vote, and therefore, Mr Speaker, anything which changes the requirements today, whatever they may be, would have to be something we consider very carefully.

I think that this is an issue which we should always continue to have under consideration and it is not a bad thing for the Select Committee on Reform of the House, which comes about as a  
405 result of elections, to look at. There is a motion on the Order Paper that reconstitutes that Committee and that puts her on it. It may be that she wants to raise that in the context of the work of that Committee, and I would welcome any suggestions that she might make there.

**Hon. Ms M D Hassan Nahon:** Thank you to the Chief Minister for that answer.

410 I accept the statistical margin of error, as the Chief Minister says, but the truth is that the Chief Minister says that there is no indication of it being voter fraud and it is probably human error, but we do not know either way whether it was or whether it was not voter fraud – we will never know – or whether it was or was not human error, but the point of suggesting the possibility of having to present your ID card is to eliminate any of the two possibilities, whether  
415 it is fraud or whether it is human error. It would help perhaps the staff, because they are checking the names and numbers all day, throughout the day. It would actually maybe help them be clearer on the line that they have to cover, considering how much of it they are doing.

So, when the Chief Minister talks about implementing systems, I think that this is something very minor that could make a big change and would make the system fairer.

420 The other ... well, I would ask that question another time, but I think that my question was mainly about whether he would be open to put this minor addition in place in order to make things run smoother and fairer, Mr Speaker?

**Hon. Chief Minister:** Well, Mr Speaker, I have not said no. I have told her to raise it in the context of the Select Committee.

425 But I must say that I do believe that she is wrong in one respect. If there were an instance of likely voter fraud, I think we would know. In other words, we would likely have had a report from one of the tables where the three instances arose, that they believed that – let me use the hon. Lady's name – Marlene Hassan Nahon had actually come before and somebody had  
430 identified themselves as Marlene Hassan Nahon of whatever address. That was not the instance. This was an instance of what the people in the polling stations considered was an administrative error on their part at a human level. So I think there is a difference and there would be an indication if there had been a suggestion that there was a fraud in play here, which would have come to our attention before today.

435 Mr Speaker, I think with the suggestion that she puts the matter in the Select Committee ... that would be helpful. I am assisted, Mr Speaker, by the Clerk in reminding her that in the United Kingdom, where people could not vote ... even where they had to identify themselves with polling cards, there were also instances of this administrative error. So it is not something that is cured so easily, although I do think that we need to do everything possible to avoid it. But I think  
440 we do also have to commend ourselves for the fact that this only happened in three instances in the context of a voting population of over 23,000.

#### Q329/2019

#### Select Committee on Parliamentary Reform – Scheduled consultation/meetings

**Clerk:** Question 329, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Regarding parliamentary reform, will further consultation or  
445 meetings of the Select Committee be scheduled for the near future?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, there is a motion on the Order Paper that  
450 will deal with these issues.

**Hon. M D Hassan Nahon:** Mr Speaker, can the Chief Minister give us any clarity on how often, more or less? We know of the Brexit cloud over all of us, but has he got any idea how often he would like to meet in the lifetime of this Parliament?  
455

**Hon. Chief Minister:** Well, Mr Speaker, I think it is something for the motion. If the hon. Member allows me, I do not want to talk on the subject and the substance of the motion until we get to it, because I think she will get some of the clarity that she is seeking there.

**Q330/2019**

**Abortion referendum campaign—  
Rules regarding funding and expenditure**

**Clerk:** Question 330, the Hon. Ms M D Hassan Nahon.

460

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I respectfully say that on this question I will probably get a similar answer, which I understand, as we have a motion on the following question coming up. But I will ask it anyway: will the Government be imposing rules regarding the funding and/or expenditure for the abortion referendum campaign?

465

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I respectfully tell her that she is right. Yes, sir, there is a motion on the Order Paper which will deal with these issues.

470

**Clerk:** Written Questions.

**Standing Order 19 suspended  
to proceed with Government motions**

**Clerk:** (ix) Order of the Day – Government Motions.  
The Hon. the Chief Minister.

475

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows.

*I hereby give notice of Motion under Standing Order 59, to proceed with a suspension of Standing Order 19 in order to proceed with four Government Motions.*

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

**GOVERNMENT MOTIONS**

**Reconstitution and establishment of Select Committees –  
Motion carried**

**Clerk:** The Hon. the Chief Minister.

480

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*This House:*

*Agrees to reconstitute the Select Committee on Parliamentary Reform, the Select Committee on Constitutional Reform and the Select Committee on work related to our departure from the European Union (Brexit);*

*Resolves and establishes a Select Committee on the Environment which will be chaired jointly by the Chief Minister and the Leader of the Opposition;*

*And further resolves that these Committees shall each consist of four Members nominated by the Chief Minister, two Members nominated by the Leader of the Opposition and the Independent Member.*

Mr Speaker, hon. Members will know that the work that has been done by the Brexit Select Committee has been praised by me and by the Deputy Chief Minister in our various interventions in respect of that subject. We have also referred to the number of meetings that have been held, some chaired by me, most chaired by the Deputy Chief Minister, who is the Minister with responsibility for our departure from the European Union.

In the context of those meetings we have been able to share, not selectively but quite openly and quite extensively, a lot of information with hon. Members, which has helped them, I hope, to understand the detail of our progress through our departure from the European Union – although it is not our choice that we should of course leave the European Union – and indeed to enable us to receive their input and consider such ideas as they might have in respect of that process. So we are going to re-establish that Committee in order that we may be able to continue to do that work, as we still have to finalise our departure from the European Union.

Mr Speaker, I would be considering, if hon. Members agree, that we should amend this motion to include the words ‘and future relationship with’ after ‘departure from the European Union’, so that the same Committee is able to consider the issues that relate to the negotiation of the future relationship and we do not have to come back and establish a new committee for that purpose, especially as there may be an element of overlap between one period and the other. We think it makes sense that we should be able to do that work in that way.

Mr Speaker, I met recently with the Leader of the Opposition to discuss the work of the House in relation to Select Committees and I indicated to him, when I sought that he should provide the names that he would seek to populate the Committees with on his behalf, that it was the Government’s intention – and this addresses the point made by the hon. Lady – to seek to have the Select Committees meet at least once a month, on Tuesday mornings.

In an attempt to make the life of Ministers, and indeed the life of hon. Members, easier to plan as we start the lifetime of this Parliament, I wanted to try and shape the political month in a way that would be best for all Members to be able to plan travel or indeed to plan other work which they may have outside of this place. In order to do so, Mr Speaker, I expect, as I already indicated to you in the course of the Ceremonial Opening, to have a monthly meeting of the Parliament in the third week of each month. In that week I expect to be able to be in the House with the questions in the afternoons on the Monday, Tuesday, Wednesday or Thursday of the week and take the Friday to deal with issues relating to motions and legislation, insofar as that is possible.

I would propose, therefore, that the morning of the third Tuesday of each month should be set aside for the work of Select Committees to enable us to give regularity to the work of the Select Committees that are meeting on issues as important as the reform of this Parliament and indeed the reform of the Gibraltar Constitution. Additionally, this will also give us an element of regularity for meetings of the Brexit Select Committee whilst that remains necessary and indeed for the discussion of the future framework. I think that discipline will also mean that we are able to get through a lot of work that we might not otherwise get through.

Of course, this is subject to the vicissitudes of Brexit and the vicissitudes of government life, or indeed where hon. Members on the other side might not be able to make one or two meetings I think we also need to understand that, in the same way as Members on this side of the House have Government responsibilities that may on one month or another prevent one of us from attending the Select Committees, it should not stop the Select Committee from meeting, and that hon. Members have working lives, in some instances, outside of this Parliament, and if

one of them who is a member of a Select Committee is not able to attend, the Select Committee work can continue. I therefore would envisage that, subject to August and Easter breaks, we would have a good 35 to 40 meetings of these Select Committees in the context of the lifetime of this Parliament, something which I would commend, the regularity of which I believe will enable us to see the work of these Select Committees really being taken apace in a way that has not been the case until now.

Mr Speaker, I am happy to deal with any questions that hon. Members may have, if they want to ask any questions during the course of their interventions.

It is a very short amendment that I am proposing, but if hon. Members want me to, or indeed if Mr Speaker wants me to put it in writing, I am happy to do so.

I therefore, Mr Speaker, would move, with your consent, both the motion and the short amendment that I have proposed.

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

**Hon. K Azopardi:** Mr Speaker, we welcome this motion and we will support it, and indeed the amendment that the Chief Minister has just proposed.

These are important Committees, of course, and just to touch upon all of these, they are going to cover important issues as we go forward over the next few years, and indeed important challenges.

Touching upon the parliamentary reform one, just being back for two or three days, the Chief Minister knows that I am committed to the area of parliamentary reform generally, not just in terms of the granular mechanics of this House but the wider questions as well that need to be discussed in terms of how this House interacts with the public; the composition of the House; indeed the whole concept of electoral reform, whether it needs to be discussed; the Standing Orders and general practices. So, when the Chief Minister gives us an overview of how he views the way forward over the next 12 months, or indeed the lifetime of the Parliament, and the way he has just described how the House should sit on the third week of the month and so on, I welcome that.

But of course it deals only with one aspect of the work on parliamentary reform, and one of the things that the Committee itself will need to do is to set an agenda of issues that need to be discussed. That is not just for that Committee, of course; it is in relation to all the Committees that are being reconstituted today and the new Committee on the Environment. It is a welcome start, Mr Speaker, and indeed because of it and because of the structure – and of course I am understanding entirely what the Chief Minister says about the fact that work sometimes gets in the way of a specific structure – because of the way that the Chief Minister puts it, that once a month on Tuesday mornings we will have the Select Committees and the third week of the month there will be Parliament and so on, it should be possible for us to lay out a calendar amongst each other – even at the Select Committee stage there are enough of us there, because this Parliament is small – so that to lay out a calendar and at least agree amongst ourselves, and indeed for the convenience of the parliamentary staff, may I say also, the specific days that we are going to sit as a Parliament for the next 12 or 24 months. It should be completely possible and all within the realms of what we have said.

I entirely agree with the Chief Minister when he says that there will be times, because of Government business or indeed business that other people on this side of the House may have, that meetings will go on without them. I entirely understand that. Again, there are enough people on these Committees to make that work, and there should not be a problem in having some kind of regular process to ensure that there is real work conducted through these Committees.

I am not going to speak about the specific work of each Committee because that will be for the Committees to set, but of course the Members opposite, in particular the Hon. Sir Joe

Bossano and the Hon. Dr Garcia, will recall the work that was done by the Select Committee on the Constitution between 1999 and 2002, which had followed the exploratory discussions that we had with the UK and organised well and at pace with regular meetings.

These Committees can indeed lead to quite a lot of output and we would welcome certainly that they should be real Committees where real work is done and not Committees that should stay on the Order Paper without any great level of proactivity, because in all of these areas ... Brexit responds to the fact that there is a real ongoing challenge out of our control in part, but the rest of these agendas, or at least two of them – parliamentary reform and constitutional reform – can be driven here locally by us.

The Environment is an important new Committee which responds to a global challenge and what we in Gibraltar can do from our small perspective to contribute to that challenge, and I think it is a good recognition of that major importance of that area, especially now, in the days of the climate change challenge.

All these Committees, Mr Speaker, represent important areas of either reform policy or challenges for Gibraltar, where cross-party work can lead to a real legacy of progressive change and measures that can protect Gibraltar in the future. We therefore look forward to contributing through those Committees and we will certainly support this motion.

**Mr Speaker:** The hon. Lady.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I echo the words of the Leader of the Opposition, who makes some very valuable points, obviously, and I look forward to the work within the Select Committees.

I take this opportunity to thank the House for involving me and incorporating me in these Committees and acknowledging the strong mandate afforded to me by the people of Gibraltar to represent them in Parliament in as many committees as I can be available to in order to discharge my duties as an elected Member. So, thank you very much.

**Mr Speaker:** If no other hon. Member wishes to speak, I will call on the mover to reply.

**Hon. Chief Minister:** Mr Speaker, I am grateful to hon. Members for their confirmation that they will be supporting the Government motion.

Dealing with the points that the Hon. the Leader of the Opposition has made, the agenda for the Select Committee on Parliamentary Reform to a very great extent is set by the work that was done by your predecessor on the commission that was established for parliamentary reform. We now need to take that further. There is a list of items there that we are dealing with. Some of them have already been implemented by the Government of its own motion, some require other consideration, and indeed the Select Committee may take the view that some of those recommendations are no longer the recommendations that we would propose to the House because we may be, together, more progressive in the approach that we take to reform. But I think it is important that we do not forget that there is that agenda item that needs to be dealt with.

Mr Speaker, dealing with the regularity of meetings and the possibility that we should be able to see the work of these Committees be done, and indeed that these are real Committees that do real work, I do detect, if the hon. Gentleman will forgive me, that he is urging me to do exactly what I said to the House I was intending to do. So I will take that less as being urged and more as just agreement that we are on the same page in respect of the work that can be done by these Committees.

I do not think a Leader of this House has ever proposed that committees should meet with the regularity that I am proposing and with the discipline, if I can call it that loosely, that I am proposing in order to seek to achieve an outcome in the time that I am proposing. But I think this is a time of change for Gibraltar. Leaving the European Union will have consequences, both

630 economically and socially for Gibraltar, and those must also be felt in the context of the development of our democracy, our constitutional relationship with the United Kingdom, and that must also I think be reflected in the way that we engage with the public in this House as we continue to modernise the work of this House.

635 I will say to him that although I think the Select Committee on the Constitution which was previously established by the former House of Assembly did do work which resulted in a new Constitution, I do think that there are different views as to whether that Committee worked with the alacrity that all parties would have proposed, or indeed that its Chairman was discharging the functions that he was telling the Members that he was discharging. There was one particularly colourful moment, Mr Speaker, when a particular knight of the realm could contain  
640 himself no longer and expressed in graphic terms what he felt the approach of another now knight of the realm had been in promising the Committee work two years before, which he then had told the Committee had absolutely no intention of pursuing. So I think it is better that we look forward.

645 He and I are going to also jointly chair the Environment Select Committee. He will know that that arose from my offer at the time of the General Election campaign, if I was elected and returned as Leader of the House, to have that Committee jointly chaired in order to illustrate the importance that all parties give to the environment. So I think we want to reflect in particular the cross-party approach by having that joint chairmanship of the Select Committee.

650 Mr Speaker, if I may say so to the hon. Lady, the proposal that she should be a member of all of the House's Select Committees is the Government proposal. We have taken that approach since the time that she became an independent Member. I must tell her it is not the approach of all Governments and it has not been the approach of all Governments of Gibraltar that independent Members should be in select committees, but in the context of the nature and size of this House I think it is valuable to hear her views in respect of the Select Committees that we  
655 are establishing today. I am pleased that this appears to be accepted by hon. Members opposite but it is the motion of the Government that she should be a member of these Committees.

660 **Mr Speaker:** I now put the question in the terms of the motion and the short amendment proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

#### **Composition of Select Committees – Motion carried**

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the motion standing in my name, which reads as follows, should now be moved:

*This House:*

*Agrees the composition of the Select Committees listed below as follows:*

*The Permanent Select Committee on Members' Interests:*

*The Hon S E Linares*

*The Hon S J Sacramento*

*The Hon E J Reyes*

*The Hon R M Clinton*

*The Select Committee on Parliamentary Reform:*

*The Hon F R Picardo  
The Hon Dr J J Garcia  
The Hon G H Licudi  
The Hon V Daryanani  
The Hon K Azopardi  
The Hon R M Clinton  
The Hon M D Hassan Nahon*

*The Select Committee on Constitutional Reform:*

*The Hon F R Picardo  
The Hon Dr J J Garcia  
The Hon J J Bossano  
The Hon S J Sacramento  
The Hon K Azopardi  
The Hon E J Phillips  
The Hon M D Hassan Nahon*

*The Select Committee on work related to our departure from and future relationship with the European Union (Brexit):*

*The Hon F R Picardo  
The Hon Dr J J Garcia  
The Hon Prof. J Cortes  
The Hon A J Isola  
The Hon D J Bossino  
The Hon D A Feetham  
The Hon M D Hassan Nahon*

*The Select Committee on the Environment:*

*The Hon F R Picardo  
The Hon Dr J J Garcia  
The Hon Prof. J Cortes  
The Hon P J Balban  
The Hon K Azopardi  
The Hon E J Phillips  
The Hon M D Hassan Nahon*

665 Mr Speaker, this is in the nature almost of an administrative motion which is required to populate the Committees which we have just discussed the establishment of.

It is an area of particular consternation for the Deputy Chief Minister and I that it is necessary to have a separate motion to populate the Committees that are separately established, and in discussion with the Hon. Leader of the Opposition we have wondered whether in future it might  
670 just be possible to have one motion establishing a committee and actually setting out the names of the people on it. It seems to me that nothing turns on that, but that by supporting this motion the Committees will now be properly populated and their work can start.

I therefore commend the motion as amended to the House.

675 **Mr Speaker:** I now propose a question in the terms of the motion moved by the Hon. the Chief Minister.

I now put the question in the terms of the motion proposed by the Hon. Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

**Abortion Referendum –  
Amended motion carried**

**Clerk:** The Hon. the Chief Minister.

680

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*This House:*

*Takes note of the public discussion in Gibraltar on the question of abortion;*

*Further notes the debate on abortion in this Parliament on 12 July 2019 and the subsequent passing of the Crimes (Amendment) Act 2019 to be referred to hereafter as ‘the 2019 Act’;*

*Recalls that the 2019 Act contains a proposed new Section 163(A) of the Crimes Act which defines the circumstances under which abortion would be legal in Gibraltar;*

*Recalls that such circumstances relate to injury to the physical or mental health of the pregnant woman or to whether there is substantial risk of fatal foetal abnormality;*

*Takes into account the announcement made on 12 July 2019 that the question of the commencement of the said Act would be put to the people of Gibraltar in a Referendum;  
And hereby resolves:*

*1. That a Referendum be held in Gibraltar on Thursday 19 March 2020 under the Referendum Act 2015.*

*2. That the question put to the people of Gibraltar in the said Referendum will be:*

*‘Should the Crimes (Amendment) Act 2019, that defines the circumstances which would allow abortion in Gibraltar, come into force?’*

*3. That the answers to the said question should be YES or NO.*

*4. That Mr Paul Martinez, Clerk of the Gibraltar Parliament, be appointed by notice in the Gazette as the Referendum Administrator and that an official YES campaign and an official NO campaign be recognised by the Referendum Administrator in accordance with such recognition criteria established by him and funded on an equal basis in an amount not exceeding £50,000 (‘the funding’) and that such funding be disbursed in such manner and in accordance with such procedures as the Referendum Administrator may set for that purpose.*

*5. That over 50% of the votes cast be required for the result to be treated as qualifying for recognition as a winning lead.*

*6. That the Referendum Administrator should provide a neutral information document (in terms to be approved by motion in this House) to every person eligible to vote in the Referendum setting out in clearly understandable language the relevant provisions of the Act.*

*7. That Mr Simon Galliano be appointed by notice in the Gazette as the Registration Officer with Mr Kevin Balban being additionally appointed as his alternate.*

*8. That Registered Gibraltarians and British Citizens aged 16 years or over on the date of the referendum who have been resident in Gibraltar for 10 years or more and eligible to be so registered under the Referendum Act shall be eligible to vote.*

*AND THEREFORE AGREES that an Order for a referendum under Section 3 of the Referendum Act 2015 now be made.*

685 Mr Speaker, I am able to inform the House that I put this motion after having consulted with the Leader of the Opposition, and although this is an area on which I think the political parties represented in this House all have a different position, which I will come to, it would be a very good thing indeed if we are able to tell the public in Gibraltar that the question and the referendum mechanics that are to be deployed are coming about as a result of unanimity in this  
690 House, even though there may be disparity in this House in the views as to the need for a referendum and what the outcome of that referendum should be.

So, it is fair to say that the beginning of this motion refers back to the debate that we had in this House when this House was considering the Crimes (Amendment) Act 2019. In the context of that debate on the Second Reading of the Bill for that Act, the House had an opportunity to  
695 ventilate the respective views of each side of the House in respect of the substance of the issue that is contained in that Act now, then a Bill, and the views of each of the individuals, and indeed parties represented here, as to whether a referendum should be held or not.

I am going to seek to avoid referring to particular views in respect of the substance of the different positions that we each have in respect of the issue of abortion, or indeed the issue of  
700 the referendum, in the context of presenting this motion, because I think the House today is concentrating and should concentrate on mechanics and on how we can agree that. The only thing I would say about that is, as I have said before, that I recognise that there are different views both in respect of the main party of opposition and in respect of the hon. Lady as well as in respect of the Government.

705 Having those different views, I think it is absolutely right that we should recognise the effort being made by all hon. Members to acquiesce around a motion that we can all agree as to question and as to mechanics. In that respect, I think that the important thing to point out is that the question that will be considered during the course of that referendum is now the question that will emerge from today as a result of this debate: should the Crimes (Amendment)  
710 Act 2019, that defines the circumstances which would allow abortion in Gibraltar, come into force? Yes or no?

In discussions with the Hon. the Leader of the Opposition we have been keen to ensure that the question is as neutral as possible and admits of debate, once the referendum campaign starts, that both of the campaigns to be recognised can vigorously present to the public in  
715 Gibraltar, so that they can each set out their view of the answer that each citizen should be giving to this question.

We have also provided, in the context of the motion, for the Clerk of the Parliament, Mr Martinez, to be appointed the Referendum Administrator. To a very great extent here we are led by the Referendum Act 2015, which sets out who should be responsible for the running of a referendum, and in the motion we are required, therefore, just to identify who should be designated as the Referendum Administrator, who is already a creature in the Referendum Act, that he should recognise a Yes campaign and No campaign and that there should be funding provided to that campaign.

Mr Speaker, I recognise that the hon. Lady has moved an amendment in respect of that funding, which we will come to – and I do not want to speak to the amendment before she has had a chance to address it, but I do recognise it is there. The reason that we have put in the sum of £50,000 is because it is the amount I referred to during the course of the election campaign that we would want to see available, but she is making a proposal in that respect which we will come to and which we can debate once she has moved that amendment.

The Government's view is that there should be equality of arms and that one campaign and another campaign should not be able to outspend each other, should not be able to steal a march on the amounts that they spend in trying to persuade the people of Gibraltar in one way or another. Much as there is in a general election campaign a limit that can be spent in respect of each candidate, so there should be a limit here on the amounts that can be spent in respect of each of the campaigns.

We have then set out that that funding that should be available should be disbursed in a manner and in accordance with procedures which the Referendum Administrator might set for that purpose.

Mr Speaker, we have set out that the threshold for success in persuading the people of Gibraltar one way or the other should be 50%, a simple majority of those voting, and we have also, as a result of a discussion with the Leader of the Opposition, felt it appropriate that the Referendum Administrator should provide what we have described as a neutral information document that should go to every voter, setting out what the Crimes (Amendment) Act 2019 provides for and what the question should be, and that should be expressed in totally neutral terms so that everybody knows neutrally what it is that they are being asked to consider and what the question they are being asked to answer in respect of that which they are being asked to consider should be.

That is not, Mr Speaker, for us to become involved in the campaign; it is quite the opposite. It is for us to ensure that directly from this House there should be, in a form to be approved by motion in this House, a direct communication with each voter that sets out what the issue is, and the Yes and No campaigns can then go at each other on the subject or indeed express their views on what is set out in that neutral information document in a way that is designed to persuade voters, in keeping with the rules, to accept their views or reject the views of others.

We have also appointed a Registration Officer, who would be Mr Simon Galliano, and Mr Kevin Balban to assist him also as an alternate Registration Officer, to assist with the work that will have to be done on the registration of individuals to vote in this referendum.

Importantly, we have been able to agree – and I think this is a very important aspect of what we are dealing with today – that the franchise for this referendum should be extended to all otherwise eligible voters who are over the age of 16. The Select Committee on Parliamentary Reform I think will have to consider whether the franchise in general elections should in future be extended to those aged 16, or not. This step is a step only in relation to this referendum, but it is a step that I think is an important one, especially given the nature of this referendum campaign, the types of individuals the underlying issue might affect and the rules that relate to the age of sexual consent in our laws.

And so I am very pleased indeed that we have been able to agree that particular paragraph with Members opposite and indeed that we have been able to step away from those areas of dispute as there may be between us on the underlying subject of the referendum, or indeed on whether or not there should be a referendum, and to produce an agreed text that I hope will be

able to pass unanimously so that the people of Gibraltar, when they come to vote in the referendum, will know that although their Parliament may be divided on the substance of the issue on which they are going to vote, we have been able to be united on the mechanics of that vote and the question that is to be put to them.

Mr Speaker, for all those reasons, I commend this motion to the House and I commend the fact that this will be now a resolution for an Order for a referendum under section 3 of the Referendum Act 2015.

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

**Hon. K Azopardi:** Mr Speaker, we are going to support this motion as drafted and presented by the Chief Minister, and I want to explain why. And, again taking a leaf out of the Chief Minister's book, I am not going to speak on the amendment; I will speak separately on the amendment, if I may. I will make a short intervention in respect of that, so I am not going to talk about that.

There are several issues here, and indeed, stepping back from the issue itself, the mechanics, because I want to get to the mechanics ... But the Chief Minister is of course correct that on the issue of substance there were very distinct positions at the election.

I am not going to describe our position in great detail, but I do want to say this: that we had a very clear position when it came to the debate on the legislation in July and we voted against it for a variety of reasons, that we explained at the time and that we do not abandon. So the points that we made in July we made, and it is the issues of the presentation of the legislation, the run up to that legislation, the bundling up of what we viewed as the constitutional issues and the non-constitutional exceptions that gave rise to greater latitude in some countries – we viewed all that, and for those reasons we voted against and we presented a clear position at the election which was different to that of the Government.

In doing so, we explained what we would do if we were elected to government, but of course we were not. What we said in our manifesto was that if we were elected we would introduce legislation of a certain type, which in our view would have been more limited. We also said in our manifesto that we did not contemplate going beyond the position that we set out in our manifesto, but we said this: that if any future Government contemplates going beyond those limited exceptions, then we consider that question should be put to a referendum. So, when I speak to this motion it is in our view entirely consistent with our manifesto position to say there has been a Government elected that has a position that wants to go beyond the position that our party advocated at the election and it is right that that question should go to a referendum.

For that reason, we support the principle that there should be a question on a more liberal position put to a referendum, but of course in so doing uppermost in our minds we had the concern that the process should be neutral and fair, as indeed the Chief Minister echoes in his thinking. We welcomed the process that we had with the Chief Minister and those discussions that we had on a number of issues. We are satisfied that the language that we have reached and the mechanics can indeed deliver a neutral and fair referendum. The question itself we think is simple enough to understand. It is cast in terms which are not loaded in one way or the other, which was certainly one of my core concerns.

The date itself is not of our making, I should say. The date was announced by the Chief Minister, I believe, in the presentation of the Bill in July and that amendment that they put forward in July, and he repeated it in the manifesto. I have got my own views on the date and I will just share them with the hon. Member.

My own view is that if that date had not been set in stone and had not been announced previously, it might have allowed a bit more latitude to put in place mechanisms in relation to other matters, that I will come on to, that might have allowed a better process of thinking on some of these things. But we have not sought to dislodge that date at all. We have accepted,

again, that the Government made clear during the election campaign that if it was re-elected it wanted to organise a referendum with a very clear date in mind that it had told the people of Gibraltar. So we accept that, again; but that of course influences some of the things and some of the mechanics around which this referendum is organised, and I want to come to a couple of those in particular.

We have got a simple question, and the legislation itself that we are asking people to say yes or no to – whether it should be commenced or not commenced – is short, is brief, but legislation sometimes does not read in a friendly way to the layman. So it is, I think, an important part of the mechanics that the Referendum Administrator, as the neutral supervising body to the referendum, should be able to, when he writes to people with a polling card, include in that communication some kind of summary of the main provisions of the legislation.

The Chief Minister knows, because I have said that to him, that there are in effect four categories in section 163(A) of the Act, the proposed new section, and it should be possible to take those categories and put it in a neutral communication from the Referendum Administrator in terms – and I am not drafting, but in terms of: ‘The House has voted for a referendum to take place in Gibraltar on 19th March. The question will be this ...’ and it asks whether you want this Act to come into force or not, ‘and the main provisions of this Act are the following ...’ It should be possible to construct an easy to understand communication.

May I say also that we support the fact that, as the motion says, that the communication should then be approved by motion in this House. I will say, and I am sure it will be delivered, that it is in my view crucial that there is unanimous support to that communication and that if we were to arrive at a stage where that would not be possible, it would be a deep flaw in the process, and I very much hope that that will not be the case. I am sure, with the efforts of the Referendum Administrator, we will ensure on all sides of this House that we get to a place where we are able to construct that neutral communication.

Mr Speaker, I want to say something about the franchise, because for the first time ever we would be allowing 16-year-olds to vote in any public process in Gibraltar. I think that is an important development and I want to say several things there.

First of all, this, from a personal perspective, because not everyone, of course ... Certainly on the GSD side we did not have a manifesto commitment on the lowering of the age for voting, and there may not be a uniform view in any political party on that question. There are, I have heard, many views on this question of whether 16-year-olds should have the right to vote or not. I express my own personal view and I caveat it as a personal view.

I think that there is a very big case for bringing the voting age down, but I express it as a personal view. I know that there are people in my party who take a different view and that is a matter for internal debate, as indeed it is a matter for Gibraltarwide debate. We, certainly on this issue, support that 16-year-olds should have the right to vote on this question at a variety of levels, because clearly 16-year-olds, who are beyond the lawful age of consent for sexual relations, can be affected by a question like this.

But I would say this, Mr Speaker – and this is why I would have preferred, in terms of process, that we perhaps would have gone a different way, but we are going to support this and I am very clear about that and I hope that is clear to the House – we are going to support the extension of the franchise in this respect to 16-year-olds on this occasion.

As I say, I have a personal view on it, but in general terms, when you are making a change to the democratic system which is as fundamental as this one, I would have preferred – if nothing else, I would have preferred; I put it no higher, I would have preferred – that there should have been a wider consultation process on the issue. The reason that that has not been possible is, of course, because to a large measure we accept the date of the referendum and it may be that it is not possible to do that – well, it is certainly not possible, because the Referendum Administrator would be left with the headache of trying to reorganise the electoral register with a very tight timescale, which will be impossible if we are meeting the 19th March deadline.

In reality, it is not possible to do that, but in an ordinary sense I would have preferred that across the floor of this House there would have been a proposal, which we would have supported, for a consultative process on the issue of adjustment of the voting age, that there  
875 would have been such a process and that in the ordinary way perhaps we would have ended up supporting the same measure. But that would only have been possible in respect of this referendum if the date of the referendum had been two or three months hence, and that is not the case today.

The reason I say all that is because in the same way as I say that there is a big case for  
880 inclusion of 16-year-olds voting on this referendum ... Again I express my personal view, but once that door is open, the logic of the argument – that the 16-year-olds are affected by this referendum because they can have sexual relations by consent and they can be affected by whether they get pregnant or not – the logic of their argument in the wider context is the same, in my view, because 16-year-olds can get a job and 17-year-olds can join the Gibraltar Regiment  
885 even though they cannot serve in active scenarios, 17-year-olds can have learners' licences and they are affected by transport policy, and 16- and 17-year-olds are affected by education policy. So the whole idea of the logic of the argument ... As soon as you open the door, in my view you open the door much more than simply ajar.

But I am only expressing a personal view. I would recommend to the hon. Member opposite that at some point – and it is not for today, but at some point – in the context perhaps of the Parliamentary Reform Committee, we widen the scope of that Committee to consider issues such as this and that we run a consultative process on a wider level on the issue of the franchise generally.

This is a chance for society to express a view on a very important subject and I want to say a couple of things on this. First of all, I have heard the argument that referenda should not be used to determine these rights. I believe that, in my view certainly, it is a legitimate view to hold, that you should not use referenda to determine issues of rights, but may I say that I consider it a bit of a myth, because they are common.

Referenda around the world are commonly used to determine rights of peoples in all legislative rights in different ways. They are commonly held in many countries. California, Switzerland – we can name lots of examples of places around the world where rights are adjusted one way or the other as a result of referenda. Indeed, our own Constitution envisages that the rights in Chapter I of our Constitution can be adjusted if there is, first of all, a motion  
900 passed by three quarters of a majority of this House together with a simple majority in a referendum. So the Constitution itself envisages that kind of procedure. I am not saying ... and indeed this referendum is not adjusting the rights in Chapter I of our Constitution, but it is a good example of how referenda are used to adjust rights, because at the end of it, Mr Speaker, rights are simply a manifestation of society's development of existing norms. That is all it is, and  
910 as it moves forward they are dynamic and organic. They change.

Sixty years ago, people were not acceptant of gay rights and today they are indeed the norm, and rightly so in my view. So it is worth reminding ourselves that these are moving rights and the fact that there is a chance for society to express a view in a referendum is not one to be decried but rather celebrated, in my view.

I will say this, though, on an issue which is connected to that: it is an opportunity for society to express a view, and that view should be expressed, in my view, unhindered, with equality of arms in a fair and neutral process. I remind myself of this: we are, in this motion, organising a scheme that will be administered by the Referendum Administrator and his team in the most effective and efficient way, as they indeed organised the last election, but we are the ones – the  
920 Members of this House – who are convening this referendum to allow society to express a view. In doing so, we must be very cautious about the role that we respectively play in that referendum.

And so I make a very big distinction across the floor of this House between the right to express a view on this referendum and the ability of campaigning in it. On this side of the House at least, speaking for the GSD as I do, in approaching this referendum we may express a view, but none of us are going to campaign in this referendum and I urge the hon. Member to consider that with his colleagues as well. I do so because I have seen comments, I think one particular tweet some weeks ago – and it may be that the hon. Member has reflected further on the issue – where he suggested that he would campaign for one side or the other. I consider that we are the conveners of this referendum and it would be wrong for us to actively campaign, because as the organisers and referees of the process we should not don the jackets or sides of any of the particular teams on the field, in my view.

I will also say this about the stance of the party that I lead in this referendum: we will, as I say not campaign. Individuals may express a view, but I think I said during the election campaign – I certainly did when I was asked, and I have said throughout the last 18 months when this has been an issue – that the GSD is a broad church and of course there are different views in the GSD, as indeed there are in the GSLP or the Liberals on this issue. When we arrived at a position it was a position by majority, of course, so when it comes to this referendum, MPs or Members of the executive will of course have the right to express a view, we will not be campaigning for one side or the other and it will be a free vote for those people who want to participate in the referendum and vote one way or the other and express a view one way or the other. We will adopt that kind of position.

I agree with the Chief Minister and I have tried to keep my speech within the measured parameters. I have not tried to stray into the substance of this issue. This referendum allows society to speak on an issue of importance, on an issue where rights are being balanced between the rights of the woman and the rights of the unborn. We have expressed many comments before on that conflict of rights which society now has a chance to express itself on and we will support this motion on the basis that we are delivering this neutral and fair process for people to have a say on. *(Banging on desks)*

**Clerk:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, on 19th March this community will be slumped into a nasty, divisive and unnecessary referendum. Families will be torn; lifelong friendships are going to be tested. The social fabric of this community will be strained and we will all be subjected to an emotional pounding which will take a long while to heal.

I am not speculating with this or being overly dramatic. We all know this is the case, because we have seen it happen every time politicians have bailed out on their responsibility to lead on this issue: in Ireland, in Argentina and in Portugal. And all this over a law which would have had to be changed and would be changed, whether or not the result is a yes or a no, sooner or later anyway as a matter of legal imperative because our legislation violates the human rights of our women. Where rights are violated it should be incumbent on us, as legislators, to spearhead such change, instead of shirking our responsibilities so as not to upset certain lobbies.

I have to remind the Leader of the Opposition that he spoke of gay rights and referenda just now. We did not need to have a referendum on equal marriage. We legislated and I commend the Government for that. To allow society to express a view on rights and for that view to be enshrined in law if the result of that view contravenes human rights is simply not good enough. I have always therefore maintained that it is wrong from a principled and human rights perspective to put this question to the public.

So in principle, Mr Speaker, this motion which enables this referendum to take place poses a dilemma for me to vote in favour of, and I have to stipulate that today. However, the fact of the matter is that this referendum is going to take place regardless and at this stage the procedure for the mechanics and logistics of the referendum presented within the same motion is crucial. As mentioned by the Chief Minister, we need to focus on these mechanics at this motion

because if we are going to go down this path let us at least exercise some integrity over the process of the referendum itself.

In terms of the question itself in clause 2, it is neutral and fair and perfectly acceptable, in my view.

On clause 8, the matter of enfranchising the 16-year-olds, I believe it is imperative that the enfranchisement criteria are cohesive with the fact that legislation be linked to the stakeholder, and the main stakeholder is the 16-year-old woman and upwards.

The reasons to back the proposal to lower the voting age in clause 8 of this motion for this particular referendum are very specific and targeted. The subject of the voting age itself is a widely discussed topic across modern western democracies, with countries in Europe affording voting rights to citizens of ages ranging from 14 to 18 years. I also believe the debate about the democratic enfranchisement of our youth is a wider one and one that our evolving society is already beginning to demand. But any seminal change in the mechanics of our democratic system always deserves much discussion prior to legislation and I look forward to having that debate within the Committee on Parliamentary Reform in due course. I consider it vital to do so, as the Leader of the Opposition said himself.

So, Mr Speaker, today in this motion clause 8 is one of the most significant clauses, given that for the first time in our history it allows for the enfranchisement of the 16-year-olds to vote in our abortion referendum.

In Gibraltar, the legal age of sexual consent is 16. This means that as from 16 a woman can legitimately get pregnant. Across Europe, the non-commercial age of consent ranges from 14 to 16. Only in three countries – Ireland, Turkey and Cyprus – they have set the age at 17, 17 and 18 respectively. This effectively means that in Europe, and, for the purpose of sexual intercourse, women are considered adults at 16. This in turn means that if Gibraltar did have abortion legislation in place, a 16-year-old woman would have the same access to the medical process of terminating her pregnancy as would an 18-year-old or a 40-something-year-old. A 16-year-old would be dealt the same advice, counselling and medical care as her older peers.

Conversely, if that legally entitled to have sexual intercourse 16-year-old woman wants to have a vote to negate her own bodily autonomy and that of other women – something which, as you well know, Mr Speaker, I and lawmakers in the UK, and in most western democracies, would disagree with – she is no less worthy of registering her vote in the context of a referendum than someone over the age of 18. Therefore, it very logically follows that engaging this prime stakeholder demographic in the referendum is absolutely necessary.

Furthermore, I think nobody in this Chamber will disagree with the fact that 16-year-old girls would be better off attending education or working towards establishing a career than being mothers. I do not wish to condemn teenage pregnancy, but I would not like to condone it either. It is important for our women to continue advancing in many areas of society, such as business, politics and other areas of professional and public life, and in order to do so it is important that they have all the tools necessary to plan their journey into motherhood wisely.

Not only are 16-year-old girls directly impacted by this legislation, but they are the ones who need reproductive autonomy the most. This referendum is about whether or not a woman will be legally entitled to autonomy over her own sexual reproductive system, and here in Gibraltar a woman is legally entitled to use that reproductive system as from the age of 16. It is clear as water that a woman should have every right to partake in a referendum that concerns her; and the same applies to men, who can legally impregnate as from the age of 16 and must also be enfranchised in this referendum.

Mr Speaker, in my role as a parliamentarian I always strive to be coherent, and the coherent course of action here is to enfranchise the 16-year-old for the clear reasoning that I have provided.

In this case, I would disagree with anyone who thinks that we need consultation on this matter. A woman who can legitimately get pregnant must be enfranchised into this choice. It matters not whether you are on the anti-choice or the pro-choice side of the argument. For as

long as nobody in this Chamber challenges the legal age of consent, then it would be the height of hypocrisy to negate those very stakeholders to have a voice in a referendum that concerns them, as well as making an exercise of direct democracy, however futile it may be, anti-democratic. I therefore support the Government wholeheartedly on this particular section of the motion.

However, on the issue of campaign funding I believe it necessary to highlight the extortionate sum of £50,000 being set in clause 4 as a limit for each side on funding expenses for the period of the campaign. To paraphrase the Hon. Chief Minister, we have entered the age of responsibility, and as much as I believe that publicly funding campaigns is the best way to protect the interests of Gibraltarians from lobbies and other interest groups, I feel that asking the taxpayer to shoulder a budget of up to £50,000 potentially for each side of the campaign is utterly unreasonable.

Firstly, I would like to remind the Chamber that this is one of many referendums that have already taken place around the world about this issue. Hundreds of organisations of almost all nationalities and denominations have taken part in this debate, producing extensive amounts of literature and media. In our General Election we have also seen parties espousing completely different views on this issue and several local organisations have been engaging in a very public discussion over abortion for many years. We have had even a heated exchange about it in the last leaders' debate during the election campaign, which I am sure both the Hon. Leader of the Opposition and the Chief Minister remember very well. My party, Together Gibraltar, has been one of these active organisations, producing a significant amount of material in favour of women's right to choose. All of this media, covering all sides of this debate to a very detailed degree, is available online at the click of a button.

In general elections we cap party spending at £30,000 – of which, by the way, we do not fund a single penny. At these democratic junctures our people choose between a large number of candidates and their positions on a wide-ranging variety of issues, such as public spending, healthcare policy, education, international relations and, this time, Brexit. A large amount of that budget, as we all know very well, goes to fund the production and delivery of 100-plus-page manifestos describing party policies on all fields of public governance. Each of these decisions, particularly in these times of uncertainty, can define the lives of generations, not just on the issue of women's reproductive freedom but on all aspects of the future of this community. In order to inform the electorate on this choice, we find it fit to cap funding at £30,000 and not fund a single penny of these political campaigns.

This referendum, Mr Speaker, is a one-issue choice whose nuances have already been debated by nations both more conservative and more progressive than ours. It is also a vote that, as endlessly parroted by politicians around the world, is a very sensitive one which will be determined by deeply rooted moral and spiritual convictions, which is to say that most people have actually already made their minds up on what to vote for on this one and nothing we can do or say will change that.

I therefore believe that, in the age of responsibility and reasonable public spending, at the very least the same budget of a general election should suffice in order to provide our very own take on this extensively debated issue. Without the burden of manifesto printing, it should provide both camps with enough funds to create a larger media output than all of our parties at the last General Election.

I would therefore urge Government to limit the cap at no more than £30,000 per side. To put things into perspective, the £40,000 saved if we cap the spending to £30,000 per side could fund the services of 1.5 – thereabouts – extra nurses at one of our elderly care homes. If £30,000 is not enough for this referendum, then further debate about our campaign financing is well overdue.

Furthermore, with reference as well to clause 4, I find that the permissible amount to be spent in total on this campaign has not been made clear enough. Clause 4 commits Parliament to awarding an equal amount to each side fighting the referendum 'not exceeding £50,000', but

1080 does not stipulate whether that is the entire amount permissible to be spent during the campaign or whether it is simply the maximum that Parliament itself is going to be awarding to this campaign.

1085 It is precisely, because of the point on equality of arms, which the Chief Minister quite rightly pointed out just earlier, that brought me to propose this very amendment. I therefore believe – and given the already overgenerous limit set by Parliament – that we should specify that what the Parliament is awarding will in fact be the overall ceiling or the overall limit that will be set across the board in order to place a clear and unequivocal cap on campaign spending.

I am therefore proposing an amendment to this effect, which has been circulated, and the amendment reads as follows:

*At the end of clause 4 insert:*

*‘The campaigns recognised shall not spend any sums in excess of £50,000 in the course of campaigning in the referendum campaign, whatever the source of that spending or funding may be.’*

Thank you.

1090

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

1095 **Hon. Chief Minister:** Mr Speaker, speaking just to the amendment at this stage, the Government takes the view that there must be equality of arms – it is for that reason that we have proposed that financing should be made available – but I do think it is important that that equality of arms should be ensured during the course of the referendum campaign for both sides, whoever might have benefactors beyond the public purse.

1100 I will deal with the issue of quantum when I address the hon. Lady’s speech as a whole; I am just dealing with the issue of the maximum amount that might be spent. Therefore, we would be supportive of a clause like the one that the hon. Lady has proposed. Looking at it, I think it does what she intends. I would be interested to hear if the Leader of the Opposition has a view about the language and whether it is the language necessary at least to indicate to the Referendum Administrator that in the procedures he now sets out – which is referred to in the body of the motion, that he must now set out procedures – he should set out that the maximum amount of  
1105 spending allowed by the campaigns is to be the sum of £50,000 each.

1110 I think that is in keeping with the Government position, I think it is expressed in the sentence that the hon. Lady has proposed and I am open to any suggestions there may be as to how that might be tightened up or otherwise included in the context of what I think the hon. Lady is indicating is unanimity across the House if we are able to agree also the inclusion of language of the sort she has proposed with whatever minor changes might be suggested. But otherwise, the principle that the hon. Lady is putting is one that is acceptable and I think the language does what she intends it to do and what would be agreeable.

1115 **Mr Speaker:** The Hon. the Leader of the Opposition.

1120 **Hon. K Azopardi:** Mr Speaker, just speaking on the amendment if I may, of course we see the sense of what the hon. Lady is trying to achieve, which is to ensure that there is a cap. The difficulty that I see, and this is where I land on this issue, is how is that actually going to be policed, enforced and work, because up until the moment of the hon. Lady’s amendment what we were saying is, let the House vote equal funding for an official yes and an official no campaign. So the Referendum Administrator will have an equal pot for both official sides which he will disburse, on the basis of production of invoices or whatever, up to a certain limit. He has

got that. But we would now be saying you have got to cap the general funding that the official  
yes and official no campaign can spend on the referendum.

Is the Referendum Administrator going to also intervene in anybody else doing campaigning?  
When the Referendum Administrator, under the guise of the Returning Officer of an election, is  
ensuring the enforcement of a cap on expenditure he does so with statutory backing because  
there is a whole string of legislative procedures in regulations and in the Parliament Act that  
provide what you can and cannot do for spending. It provides that you have to submit accounts.  
It provides a whole number of mechanical things that are not in the Referendum Act.

So it is easy, in my view, to do what we have said we would do, which is to give him a pot of  
money which he disburses, but if we are going to go the extra mile of saying there should be a  
cap on expenditure and let's behave as if we were in a normal election, well then I am afraid to  
say that I do not know how he is going to do that in the short period of time that is being made  
available and also update the register and so on. I think he would need –

Yes, I will give way.

**Hon. Chief Minister:** I am grateful to the hon. Gentleman for giving way just on that point.

Mr Speaker, I do think that the issue of who is able to campaign in the referendum is one that  
is determined by the motion. In other words, there are only two campaigns and only those two  
will be the ones campaigning. To take his position, other people can express views but in terms  
of campaigning there will only be two recognised campaigns. That will have a consequence in  
the context of broadcasting etc. and what the GRA and the local national broadcaster do, what  
some newspapers do etc. So there will only be two campaigns, much as in the Brexit referendum  
there might have been people who had many views but two campaigns were recognised and  
there was a competition to be recognised as one or the other.

Therefore, Mr Speaker, there can be a requirement for those individuals to produce returns  
after the referendum, which I think goes to the point the hon. Gentleman is making, which is  
how do you police it? You police it by seeking those returns. When do you do it? It does not  
interfere with the work that is being done during the referendum campaign because, as in a  
general election, the returns are provided at the end of that process and the issue is, if there has  
been a breach, there may have been an electoral offence committed, or indeed you could even  
vitate an election in that way. So you could vitiate a result.

But those things are *ex post facto* the result, and so I do think that some of the concerns that  
the hon. Gentleman has are dealt with about the amendment. I think we are agreeing that the  
spirit that the hon. Lady is putting is one that makes sense – that there should not just be an  
equal pot, there should be an equal cap – and I wonder whether we might not agree this  
language or any variation of it that he might care to propose and then offline, if I could put it in  
that sort of modern lexicon, sit with the to-be-appointed Referendum Administrator together  
and see how the procedures that he is going to create, as provided for in the motion, might  
address this concern.

**Hon. K Azopardi:** It sounds like a sensible suggestion, Mr Speaker, but the problem is that it  
may need statutory backing in the same way as the Parliament Act.

Here we are talking across the floor because this amendment has just been presented, but  
we are giving it, with all due respect, not a huge amount of thought.

I know that the common aspiration is to make sure that this referendum is fair and neutral  
and there is equality of arms. I share that sentiment. Let me be clear about that: I share that  
sentiment wholeheartedly. If this is achievable is a different debate given the rather, probably,  
different statutory frameworks that we have under the Referendum Act and under the  
Parliament Act, which is a tried and tested set of rules that goes back decades, where there are  
very clear procedures that the House is very familiar with. It may not be as easy as just sitting  
down with the Referendum Administrator after today and saying 'Come up with a list of 20

1175 principles that apply', because for there to be real enforcement and statutory force, sometimes you do need it to be underpinned by regulation or legislation.

I think we are all speaking from a common desire, but the additional problem that we have is the same problem that we have in confronting the issue of 16-year-olds. It may be that you have to jump one way or the other because we are compromised by time; and in being compromised  
1180 by time, unless we are absolutely sure that this is an enforceable mechanism, I would be very reticent about adding language that then puts us in the quandary that we either have to rush for the line in terms of legislation, or puts the Administrator in a position where he is being asked to do something that he cannot properly police.

Those are things going through my mind, even though the objective is something that clearly we share, but I believe that unless there is a clear path forward it would be not particularly wise  
1185 to agree language that we have not tested would work in practice.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank both hon. Gentlemen for their interventions.

1190 It was precisely for equality of arms that this clause struck me in terms of leaving a void which did not provide that equality of arms. For example, let's say that Parliament awards £50,000 to each side and this clause is not stipulated and you have this void. What exactly does that mean? That each side can equally fund privately however much else they want?

There is no ceiling, and I do not understand how allowing for putting in a clause where the  
1195 Returning Officer ensures invoicing receipts in order to contain within the ceiling of the limits that we are setting ... would be a problem in terms of carrying out the framework for the campaign. It would be the same as accounting for that in a general election, where we have to provide the returns after an election and it is very simple to have the different sides officially registering. Are we saying that we should not cap general election spending, or that rogue  
1200 supporters are entitled to extend the limit of that funding during general election campaigns?

This amendment tightens and provides the equality of arms just in the way that a general election does and I think it is the only fair alternative.

We have seen, for example, one of the sides of the referendum campaign already boasting that they have collected £40,000. What does this mean? That if we allocate an extra £50,000 to  
1205 each side, one side might have £90,000 and the other side might have the £50,000 plus £2,000 that they collected? I do not find that that is equality of arms and I think that it is incumbent on this House to find whatever regulations and framework to ensure that there is not a void for this to be possible at all.

1210 **Mr Speaker:** Does any other hon. Member wish to speak on the amendment?

I now put the question in the terms of the amendment proposed by the hon. Lady. Those in favour? (**Members:** Aye.) Those against? Abstained? Carried.

We now revert to the original motion as amended. Does any hon. Member wish to speak on the amended motion?

1215

**Hon. K Azopardi:** Yes, Mr Speaker. On the basis that that language has been adopted and the House has not taken my more cautionary bit of advice and rather jumped off without looking at whether legislation needs to be in place, and regulations, and there needs to be a system, and we have now placed the Referendum Administrator in that position, all I would say is that  
1220 certainly from this side of the House, as I am sure will be shared by the Chief Minister, we will now need to support the Referendum Administrator in ensuring that the mechanics are in place to enable him to enforce and police it as if it were an election.

It may require legislation to be taken at short notice in the House. I do not know if that is the case – that is something that will need to be looked at – but if he forms the view, the  
1225 Referendum Administrator, that he needs regulations or legislation, then clearly he will have our support.

**Mr Speaker:** If no other hon. Member wishes to speak, I will call on the mover to reply.

1230 **Hon. Chief Minister:** Mr Speaker, just on a quick, narrow point. I do not know that it was in order – although I am not taking the point – for the hon. Member to get up and speak on the motion as amended, having already spoken on the motion.

I am not complaining – (*Interjection*) I know that hon. Members were being invited; usually it is hon. Members who have not spoken yet. I think it is not controversial at all and I think it is very helpful to have heard the hon. Gentleman's view on that, but can I just put down a marker  
1235 that we should consider whether that is how the procedure works in the context of motions? It is just a point that I think it is important should be reflected.

I will give way to the hon. Gentleman.

1240 **Hon. K Azopardi:** Certainly. First of all, I responded because I thought we were being invited. Secondly, it was to try to be helpful. And thirdly, if that is not the procedure – it is a long time since I have been in this House, so I may get a bit rusty on the procedure – I will certainly make sure that we follow the right procedures.

1245 **Mr Speaker:** If I could just intervene for a moment, I think the procedure is correct. You were speaking to the amendment and I think everybody has an opportunity to speak to the amendment.

1250 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman spoke to the amendment. In fact, the hon. Lady proposed the amendment, I spoke to the amendment, the hon. Gentleman spoke to the amendment and gave way to me. I then sat down, he continued speaking to the amendment, the hon. Lady replied on the amendment and the amendment was passed. Then the motion as amended was before the House and anybody, I think, can speak again who has not spoken yet.

1255 There is debate – (*Interjections*) If hon. Members let me finish, Mr Speaker, they might all agree with me. This is the problem when they jump the gun, as we will see when we get to the other motion. There is debate in the *Hansard* as to whether those who have spoken already and then speak again may speak only in relation to those parts of the motion which are new or whether they can speak again on the whole motion as amended. That is the point I want to reserve the position on, simply because I could find myself on the other side of the House in the  
1260 future and I think it is important that we understand that there should be clarity on that issue.

So, now speaking in reply to the whole motion as amended, if I may start with the position set out by the Hon. the Leader of the Opposition, I recognise entirely that in giving us support for this motion they are not abandoning the positions that they set out in July or indeed during the General Election campaign. The same is true for the hon. Lady.

1265 If I might simply summarise, Mr Speaker, there were three positions, broadly, at the General Election campaign – and I am going to try and do this again without myself falling into the trap of addressing the substance of the issue, although I dare say that the hon. Lady has given us the substance of her views, but I am going to continue to try and avoid setting out at this stage the substance of my views on the underlying issue. The three positions broadly were: the position of  
1270 the hon. Gentlemen's party, which was that they would have no referendum if they were elected, that they would not commence the law that was passed in July and that they would propose a different law, and there was no statement from them, that I can recall, on whether that law would then be put to a referendum or it would simply be brought to the House for individuals to vote according to their conscience; there was our position that there should be a referendum and the commencement of the Act; and there was the hon. Lady's position that  
1275 there should be no referendum and the Act would simply be commenced if she were elected. I think broadly those were the three positions, without going into which is carrying more merit or not.

Needless to say, we were elected and that is why we are here, proposing the referendum, and therefore hon. Members are simply, in my view, I put it to them, honouring the decision of the electorate to select the second of those three options by giving effect to the motion that triggers the referendum. I would put no higher than that their support for this motion and I hope that that demonstrates that we want to play this with a straight bat. I am not suggesting anything otherwise in thanking them for their support.

We agree entirely that the mechanism should be fair and neutral, and that is why we have been able to agree the terms of this motion, but we do not agree that it is necessary for the date to be further in the future than it already is. Hon. Members will know, indeed the hon. Gentleman reminded us today, that the date of the third Thursday in March was one that was alighted upon during the course of the debate on the Bill, as it then was, in July. So, already from the period since July, with the hiatus of the General Election, which might have vitiated the need for a referendum if another party had been elected, the community knew that on the third Thursday of March there would be a referendum. I think that is important because that has informed people's thinking about the issues as much as the referendum campaign will. Indeed, this issue was debated in our community from before July 2018. This is an issue that really had come from earlier in that year and one which was already in the throes of causing people to want to put their separate and quite disparate views.

So we do not believe that there is a need for a later date, and indeed, coming to the point that the hon. Gentleman made later, even if there were need for legislation in the context of the issue of spending, there is still time for that amendment in legislation to be put. Indeed, I think there may soon be, or may already be, a Bill on the Referendum Act, or there may be some regulations coming in the Referendum Act and it may be that if, as the hon. Gentleman says, we have to support the Referendum Administrator with legislation, we are in time to do so.

Mr Speaker, I have been proposing since 2014 that the franchise should be extended to 16-year-olds, not just in referenda but also in general elections. I have a very clear view, which I have expressed on a number of occasions in this respect. I am roundly supported for having that view and roundly condemned for having it, so it is a position that I know causes the usual political division, which as he indicates is not on party lines. There are different views in different parties about this issue, but I am very clear about my view. I think on the issue of this particular referendum it is even clearer and puts into sharp focus the rights of those that are to be determined, and therefore I am grateful that hon. Members across the floor of the House, led by the hon. Gentleman – and the hon. Lady on her own here, but in support of what we have said – are going to acquiesce around the proposal that 16-year-olds should be enfranchised for the purposes of this particular election.

As I said during the course of my original intervention, this is something that I think must also be considered by the Select Committee on Reform in respect of voting in general elections, so the hon. Gentleman is not inviting me to do so, he is accepting my invitation that we should do so; I am just very pleased that we will therefore do so, because this is an issue that is now long overdue. I think the three of us who have spoken in the course of this debate have a very clear view in that respect and none of us have gone into the detail of why we have that clear view. I think we have unanimity of view, so I need not labour the point, but I do think that it is something that will benefit our community when the time comes and I look forward to having an exchange of views with them in the course of the Select Committee.

Mr Speaker, I am reminded by the Hon. the Deputy Chief Minister that there is a Bill, that has not yet passed its six weeks, for an amendment to the provisions of the Referendum Act 2015 to provide for proxy voting and connected purposes, and so therefore we will have a vehicle that is already running through its stages that we might, if necessary, during the course of the debate at the Second Reading amend if we come to the conclusion that it is necessary to support the Referendum Administrator in some way.

The hon. Gentleman has taken us to the issue of whether or not referenda should be used to determine issues of rights, and I want to conflate my answer to the hon. Lady and to the hon.

Gentleman in this respect. He has said that it is a bit of a myth that you cannot have referenda to determine issues of rights, and of course as the mover of this motion I am bound to agree with him because I am moving the motion for a referendum having defended the principle of a referendum on this issue during the course of a General Election campaign. He gave the example, rightly, of the provision in our Constitution which allows for a referendum to amend the first chapter, which is the chapter that deals with fundamental rights and freedoms. Therefore, in our Constitution there is envisaged the mechanism for a vote to give rise to the entrenchment of rights into the Magna Carta.

You might take the view, Mr Speaker, 'well, so be it', but you can still legislate short of constitutional rights without going to a referendum, and this is short of a constitutional right. But I would put the point even higher than he has in agreeing with him and disagreeing with the hon. Lady in this way: our Constitution, which contains the chapter that the hon. Gentleman has referred to, which sets out what are our fundamental rights and freedoms, was itself adopted as the result of a referendum. In other words, even the fundamental right to life, which is in the first clause of the first chapter of our Constitution, is adopted as a result of a referendum, and therefore that is not a bad point that the hon. Gentleman has taken and which I have developed, because I think it is important that we reflect that this is not a vitiation of rights. This is, for those of us in particular who are going to argue for it – and I will come to whether we will be campaigning or simply expressing views in a moment – exactly the way that we should be ensuring that these rights come about.

I would say to the hon. Lady that I know circumstances change, but they do change for all of us, and she started part of this debate by calling for a referendum on reproductive rights. Of course her circumstances have changed afterwards and she has explained why she has changed her position. Indeed, during the course of the election campaign she explained that, but it is clear that even in her view there was a moment when a referendum might have been an appropriate way of progressing with this particular issue.

If I may say so – it is a point that I do not think any of the three of us have taken, but I would take it now, I am sure, with unanimity across the floor of the House – we have to be careful as this referendum gets under way to ensure that we keep the rhetoric on the right side of respectful, and, if I may say so, even in respect of the convening of the referendum we should try and keep the debate on the right side of respectful. I am not suggesting this afflicts any of the points of view expressed here, but beyond this place I think it is important that we all are careful in the way that we describe each other's positions.

Therefore, I do agree with the hon. Gentleman that having a referendum on an issue like this is something to be celebrated and not decried, although of course I am left with the happy view that I was the only one defending having a referendum in the General Election campaign.

As to whether or not Members of this House should be expressing views or campaigning and the probity or lack of probity thereof, I am afraid we are going to have different views, because it is common for those who convene referenda to take positions in them and to campaign in them – if not to lead campaigns, certainly to be parts of campaigns and to express views in that respect.

I wonder whether all we are left with is really a question of fact and degree between us, because I do not expect to be leading the campaign in the referendum for the particular side with which I have expressed an affinity but I do expect to be a part of it by the expression of my views. And so I think it is right that those of us who are leaders in our community should not abdicate our responsibility to lead in respect of those views which we hold when the time for decision has come.

The hon. Gentleman said that as far as he was concerned he would be giving a free vote in respect of the referendum. If I may say so, with respect, I think that this is to put it a little too high. The referendum will be an exercise of democracy, where there will be a secret ballot, where every individual will be entitled to express his view behind a curtain and by law is

therefore a free vote. People will be free to tell us what they did behind that curtain honestly or less honestly, depending on their own views.

1385 The position of the Government is that we have a mandate to convene a referendum and our collective responsibility is to convene, but on the substance of how people will vote in the referendum I already made clear that people who were on this side of the House in July were free to express their views and their conscience and they will continue to be able to do so. So this is not an issue, when it comes to the view to be expressed in the referendum, which is covered by collective responsibility.

1390 The hon. Lady started by using fairly emotive language to express how she felt about the convening of the referendum. She said that we were being 'slumped' to a 'divisive' referendum and that we were going to take an 'emotional pounding' as a result. Well, Mr Speaker, I have to put it to her that that is not fair, in my view, because the fact that we are going to a referendum is the choice of more than half of the electorate and therefore it is absolutely the right thing for us to do. It is not to 'slump' to anything other than to the expression of the popular will, as set out as recently as eight weeks ago.

1395 The hon. Lady talks about the fact that this was a law that would have to be changed and that we, as legislators, would have to do this. I respectfully disagree with her, whilst agreeing with the sentiment that she expresses as to the substance of the law. In other words, she knows that I have expressed my view about what the law should be and how it should change, but as she might have observed, when others were in administration there were those who, even faced with decisions of courts of similar compunction, have simply taken the view that they take a step back and allow the courts to change the laws by way of decision.

1400 And so we are not abdicating our responsibility as legislators. We are taking a step forward as legislators in having, first, passed the Act; and second, now moved a referendum to commence the Act. So she will understand that I do not agree with her at all, and in particular I would refer her to the fact that there have been referenda on this subject in many other developed countries around the world, not least recently in Ireland.

1405 Mr Speaker, she told us during the course of her intervention that she had always been against a referendum. As I set out a moment ago, that is obviously not the case. Although she may have explained why she changed her position, the fact is that she took a position which was that there should be a referendum.

1410 On the issue of the amount to be spent – we have now accepted her amendment as to the totality to be spent, now on the issue of the amount to be provided we have to be clear that this is the age of responsibility, but the fact that it is the age of responsibility does not mean that we cannot afford £25,000, more or less, to ensure that people are properly informed.

1415 We have to understand that this is going to be a longer campaign than a general election campaign. Yes, the issues are starker, but it is going to be longer and therefore there might be a good reason for there to be a larger amount available. But I do think that one of the things that we can do in order to ensure that there is proper control of the expenditure is that the Referendum Administrator, who will be seeking to disburse amounts and therefore will have control over the amounts being disbursed, should consider having an initial limit of £25,000 and then a more stringent approach to any amount above that. But that is something I think we can debate in the context of the procedures that he is going to be putting in place whilst being able to reach the higher amount.

1420 She is wrong to say that there are no referenda where funding has been made available from the public purse. In the Brexit referendum there were competing campaigns and those competing campaigns accessed a public purse which was then made available to them. That is probably why there was such a competition to be recognised as the leaders of each of the relevant campaigns in the course of the Brexit referendum.

1425 Mr Speaker, having dealt with those points and now having the motion for the referendum as amended before the House, and taking into consideration the point that the hon. Gentleman made when he got up to speak on the motion as amended, I would commend now the amended

1435 motion to the House and I would thank all hon. Members for having indicated that there will be unanimous support for this motion which deals with a fundamental issue that will soon be before all voters in Gibraltar.

**Mr Speaker:** I now put the question in the terms of the motion, as amended, proposed by the Hon. Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

**Public Services Ombudsman –  
Amended motion carried**

1440 **Clerk:** The Hon. the Chief Minister.

**The Chief Minister (F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*This House:*

*Notes:*

*1. That it has been 21 years since the House of Assembly passed the Public Services Ombudsman Act ('the Act') unanimously, with the support of the GSLP in its then role of official Opposition in November 1998;*

*2. That 2019 marks the 20th anniversary of the appointment of the first Public Services Ombudsman under the Act by motion of the House of Assembly, which motion also enjoyed the support of the then GSLP Opposition; and*

*3. That the office of the Public Services Ombudsman enjoys the full support of all members of this Parliament.*

*Further notes the publication by the Public Services Ombudsman of its Annual Report for 2018 as well as the recommendations contained therein;*

*Acknowledges the Government's support for the review and modernisation of the function and powers of the Public.*

*And resolves that the Act should be reviewed to enable the office of the Public Services Ombudsman to launch investigations of its own motion, as recommended by the Public Services Ombudsman in 2016.*

1445 Mr Speaker, this is a motion that arises from the Report of the Ombudsman, Mr Dilip Dayaram Tirathdas, who is the third of Gibraltar's Public Services Ombudsmen. It also arises from various meetings I have held with former incumbents of the post of Ombudsman, namely Mr Pinna and Mr Hook.

1450 The first thing to reflect upon is the success of the office of the parliamentary or Public Services Ombudsman in Gibraltar. This was an initiative of the then new GSD Government of 1996. Within two and a half years of their election they moved the creation of an office in Gibraltar for an ombudsman.

On balance, having been outside of Government and in Government, in exchanges with the Ombudsman both as a Member of Parliament and not as a Member of Parliament before I was

first elected in 2003 and after I had been elected as Chief Minister, I think the public as a whole recognise that the role of the Ombudsman in our community is one to be universally considered as having been a positive one. In particular, I want to congratulate all of the individuals who have held the post of Ombudsman in the two decades since that office has been created and I want to reflect in particular on the success of Mr Dilip Dayaram Tirathdas in the role.

The House has already reflected on the successful tenure of Henry Pinna and Mario Hook and I do not mean, by not concentrating on their contribution, to suggest that their contribution has been any less important than Dilip Dayaram Tirathdas's, but I do want to concentrate, as the House has not already done so, on his contribution.

I want to say, Mr Speaker, that although we had what might have been called a fairly unnecessarily divisive debate on the appointment of Mr Tirathdas to that post on 26th July 2017 because of his previous role as a member of the public service, as a civil servant in Gibraltar, I think in the time since his appointment Mr Tirathdas has demonstrated that his integrity and ability, of which we all spoke at the time of his appointment, have not in any way been vitiated by the fact that he was a retired senior civil servant. In fact, as I indicated when I presented the motion to the House for his appointment, his understanding of the mechanics of Government from the inside – from the guts, if those listening in the Treasury will permit me; almost from the pancreas of Government, Mr Speaker! – has assisted the way that we have seen Mr Tirathdas being able to resolve issues and engage with senior officers in the administration. I think that the position that the House took to appoint Mr Tirathdas – unfortunately not unanimously but with Members opposite abstaining on the appointment – was a wise choice indeed and I congratulate Mr Tirathdas for the work that he has done in his role.

One of the things that Mr Tirathdas has written about in the context of his reports and indeed one of the issues on which he has written generally to the public is the adoption of what are known as the Venice Principles on the Protection and Promotion of the Institution of the Ombudsman. The Venice Principles are adopted by the Council of Europe, Mr Speaker. They were adopted earlier this year, in March 2019, and those set out 25 principles for the protection of those who hold the office of ombudsman and indeed for the protection of the institution of ombudsman in all of the jurisdictions in which ombudsmen operate. Those are laudable principles, a review of which will indicate to hon. Members of this House that most are already understood and respected in Gibraltar.

I think there is one in particular that is not, and that is the issue of the Ombudsman's ability to initiate his own investigations without having to have a report signed by a member of the public. That is now recognised, not just in the Venice Principles but in most of the jurisdictions where there are ombudsmen, as a valuable tool in the hands of those who discharge the office of the ombudsman, and that is why the Government's motion will seek not just to congratulate those who have held the post of Ombudsman and indeed to look at the value of the work that they have done, but also to seek that there should be a review of the legislation that creates the office of the Ombudsman in order to provide for own motion investigations.

The key issue that you see coming across in the Venice Principles is the principle of respect for the findings of ombudsmen. I am very pleased indeed to be able to refer the House to the Ombudsman's latest report, which is of course tabled in this House; the Ombudsman is a Member of this House *ex officio*. In his introduction, Mr Tirathdas refers to the fact that the recommendations made by the Ombudsman are invariably respected and followed by Government Departments, which I think is a laudable position for the Government to be taking. At 2.1, he talks about recommendations are normally given very careful consideration by public service providers and in most instances taken on board – absolutely exactly the right approach that the Venice Principles seek there should be to the role of the ombudsman.

Mr Speaker, setting out that position, the Ombudsman himself issued a press statement on 10th July this year welcoming the adoption by the Council of Europe of the Venice Principles, which is what put the Government on an inquiry in respect of these issues, and recently has

written to a local newspaper setting out his position and confirming that he would be welcoming of the ability to commence those own motion investigations.

I do appreciate that there is likely a consensus in respect of the issue that I am putting to the House today. It would have been absolutely better to take the view together that we could present this motion, but unfortunately we were not presented with the opportunity to do so by those Members opposite who sought to present their own motion.

I am afraid that it would not be possible for us to agree that one should *have* to follow the recommendations of the Ombudsman, for a simple reason – which I hope hon. Members will understand and share – and that is that if a Government Department were to be required to *have* to follow recommendations of an Ombudsman, then the Government Department would have to become involved in the investigation leading to those recommendations, almost as if it were involved in a court case. That would clog up the mechanism, which is so successful, for the Ombudsman to be able to become involved and to have the utmost goodwill provided to him by the Departments without the Departments needing to consider taking legal advice or legal representation in making submissions to the Ombudsman. For that reason we will go down the road of pursuing the Venice Principles and agreeing the own motion investigation, but I do not think it would be in anybody's interest that we should go further.

Mr Speaker, for all of those reasons I commend the motion to the House. *(Banging on desks)*

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

**Hon. K Azopardi:** Mr Speaker, there is no other party that has supported the office of the Ombudsman more than the GSD. **(A Member:** Hear, hear.) Indeed, we introduced the legislation. When I was on the other side of the House I had carriage of the work that led to the drafting of the Public Services Ombudsman legislation 21 years ago and I was the Minister responsible for the Ombudsman and any liaison with the Ombudsman initially. So I have no doubt that we introduced the legislation, supported the office of the Ombudsman and the principle that the office should be there, and have for decades been supporting it.

The hon. Member, when I look at the motion that he has presented it is clear that all he is seeking to do in this motion is take a scoop and react against a motion that was presented by the Hon. Mr Clinton some weeks earlier, because in some way he felt as if the initiative had not been taken by him. The first couple of paragraphs, and, I have to say I am quite dismayed by that, because the motion of Mr Clinton – to which I am not speaking, but of course I must respond to some of the comments that the hon. Member has made because he has made reference to it – was entirely, much more neutral, much more non-partisan than his, and yes, called upon the Government to ensure that all the recommendations are acted upon, but the hon. Member in his last comment, when he said 'I cannot accept the idea that Government should act upon the recommendations', should not stop there because that is not what that motion says. It does not say that we want to force the Government to act upon all recommendations, because it then continues 'that if not that a proper explanation be given', so that the Government has leeway to do that.

Twenty years on, it is right and proper that we look at the office of the Ombudsman and see what improvements can be made. That is the only message that was being put across in a non-partisan motion. For the hon. Member to bring forward his own motion in a petulant kind of way and then reject, after the Speaker's ruling today, the offer that we sit down and seek consensus when we have just done precisely that – pass a motion on an issue of public importance in Gibraltar by consensus ... For the Hon. the Chief Minister to react in that petulant and childish way is a matter of dismay. That is the reality behind that gesture and refusal to engage with the Opposition on this issue.

If he did not like the language of the motion that the Hon. Mr Clinton put forward, it was within his gift to engage with us and come to a conciliatory position on it and we would have

welcomed that initiative. Instead, he brings forward a motion which in essence is seeking to congratulate the Ombudsman – which of course we congratulate the work of the Ombudsman and intends to support the initiative that they can launch their own motion investigations, which was in our first motion. So it is not new ground but adds a couple of paragraphs, as a preface to his motion, of a self-congratulatory nature. He wants to congratulate the GSLP for voting, in opposition, in support of the legislation that the GSD introduced but without mentioning the GSD, and wants to congratulate, in his paragraph 2, that in 2019 the motion which appointed the first Ombudsman also carried the support of the then GSLP Opposition.

Mr Speaker, the hon. Member knows I am fond of him, but there are times when I almost feel, when I view his performance, that he is in a Monty Python film. There are moments when I honestly feel there are stances that he takes that he does not need to take if he wants to behave like a statesman and as a leader of this community, and this is an example. Perhaps it is not the most, the biggest example, but it is an example where it was within his gift as Chief Minister of this community to engage with the Opposition. We would have come to a consensus. We would have supported the work of the Ombudsman without the need for these facile self-congratulatory statements that are incredible and beyond belief.

For those reasons, we are unable to support the motion and we will abstain on it. We will abstain because of the self-congratulatory, childish paragraphs of this motion, but we absolutely make clear in doing so that we support the work of the Ombudsman, as we have done from the initial moments of the office of the Ombudsman when we introduced the Bill on that side of the House 21 years ago. *(Banging on desks)*

**Mr Speaker:** The hon. Lady.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I really think that the people of Gibraltar must be very confused – if they are watching Parliament at all, that is. We have two motions before us which are actually almost totally identical. The hon. Gentleman initially came in with a motion, which then has been hijacked by Government, and of course Government has the front foot on this and gets to speak on it first. We still do not even know when the Opposition Member's motion will even, if ever, be heard.

I consider myself a layperson, and I am around many political veterans here and I find myself tied up in knots in legal and parliamentary language which does not really make sense, because now there seems to be a precedent. What does that actually mean for opposition? That every time we may be the architects of a motion that maybe Government has not thought of, that Government will then run with their own motion and put ours to the back of the shelf and we have to wait until it is deemed appropriate to be heard, when the heat of the moment is over?

I do not consider it fair and I will reserve my offering on the actual substance of the motion of this discussion to when the Hon. Roy Clinton presents his own.

Thank you. *(Banging on desks)*

**Mr Speaker:** If no other Member wishes to speak, I will call on the mover to reply.

**Hon. Chief Minister:** Mr Speaker, it had all been so convivial until now.

The hon. Gentleman says that no one has supported the office of Ombudsman as much as he has, and he reminds us of the time when he had carriage of the legislation when he was a Minister in the Social Democrats. I do sense that he is going to remind us more and more of the work that he did in the Social Democrats, hoping perhaps that we will forget more and more the work that he did to denigrate the Social Democrats when he was the leader of the Progressive Democratic Party. But however often he tries to do that, he knows that I will be his foil – *(Interjection and laughter)* in ensuring that Gibraltar will remember that indeed we almost have to thank him for our election victory in 2011, because if he had not taken the 400-odd paltry votes that he was able to take from the GSD, we might not have won by 200 votes. But I do

know that I do not need to remind staunch supporters of the GSD of what it is that they need to remind themselves that he was responsible for.

The hon. Lady and hon. Gentleman are making points which seem to ignore the reality of the political system in which we run. The political system in which we run is tried and tested. It will no doubt need reform, it needs to be modernised, but it has done this community proud in the time that we have run it. Indeed, it is based on the Westminster model. In the Westminster model you win an election and you have a majority in the Parliament. In the context of our Parliament, without backbenches, we have what is known as an inbuilt majority. And so, in order to pass legislation or motions in this Parliament one must enjoy a majority of the votes supporting it.

Hon. Members on this side of the House meet every Monday, unless it is impossible for us to do so; we debate the legislative measures that we are going to take, we agree in what form we would each support them and therefore when we present a motion or where we present a piece of legislation, we do so in the knowledge that out of the 17 votes in this place 10 will be deployed to support it. That is the way in which democracy works. In other words – and I am sorry to have to labour this point – out there, the voter decides who should enjoy a majority in this place. Once they have determined who enjoys a majority in this place, 10 votes are provided to one side and a spread ... Usually, successful Oppositions enjoy seven. In this case, the hon. Gentleman enjoys six; I suppose on most occasions, he should enjoy six. We have seen that fracture even more under a former leader of his party – another FLOP, Mr Speaker, the one sitting to his left. I say ‘FLOP’, as the hon. Gentleman understands, only as an abbreviation. So, if you want to see a measure prosper in this place, it must enjoy the support of a majority of Members in this place who will raise their hands or their voices in support of it.

I was very conscious, in discharging my obligations as Chief Minister when it came to the motion that we have just debated on abortion, which I could simply have passed by a Government majority, to reach out to the hon. Gentleman and seek on that issue, which is greatly divisive as to the substance – as we have managed to avoid showing today for the reasons that hon. Members have heard and Members of this community will have heard – to reach a consensus in respect of that very difficult issue.

On an area where it might have been possible to reach consensus ... and indeed the hon. Gentleman is right, there are two motions on the Order Paper and there are areas between them which are almost identical. It might also have been possible to reach a consensus. But of course, Mr Speaker, it is not possible to reach a consensus on the basis of that consensus being sought after a measure has been published. In the normal way, in the responsible way, the mature way of doing things ... And I must say to the hon. Lady she sometimes does it, so I do not see why she does not expect her fellow Members of the Opposition to do it – picks up the phone and says, ‘I am intending to move a measure. Would it enjoy the Government’s support? And how might the Government wish to see it change in order to enjoy support?’

If you want to enjoy the support of the majority in this House, you get in touch with the leader of the majority, you do an agreement, and then you still move it and you have the benefit of saying, ‘I am moving this, even if it is from the Opposition benches, knowing that I have the support of the majority in this House.’ That would be the normal way of genuinely trying to do something which is not designed in order to try and steal a political march – in other words, all of the things that the hon. Gentleman has described that he says I have tried to do: the petulance, the childishness and the other matters that have led to his dismay. Well, he might have said that, but he knows in his heart of hearts that the disagreement on an issue which could have been an issue of agreement arises from the fact that a Member of the Opposition published a motion, in relation to an issue on which we might have agreed, without getting in touch with the Government and understanding the Government’s sensitivities on the issue.

The Opposition motion goes much further than the Government motion. Indeed, Mr Speaker, the Opposition motion goes further than the Opposition’s manifesto. The GSD manifesto contains a paragraph on the issue of the Ombudsman which is much more circumspect than

what they have tried by motion to seek the Government's agreement for. If the hon. Gentleman does not recall that, Mr Speaker, then I do not know who the author of his manifesto was, but he might like to look at the fact that the paragraph in their manifesto talks about certain Departments and categories of cases being specified where the Ombudsman's recommendations will have to be followed within 120 days or reasons given for the failure to do so. That is not included in the motion. In the motion that is being proposed the language is different. Of course, they are now not in Government. They might have sought a way out with a 120-day period – I will give way to the hon. Gentleman in a second – and written reasons and certain specific cases. In their motion, which I am not debating and which comes later on the Order Paper, the language is completely different. So, Mr Speaker, I do not accept that there is even a good reason for them to say that they had sought a mandate on what they are now seeking to put a motion on.

The hon. Gentleman has asked me to give way – and we have had a convivial afternoon, so I shall agree.

**Hon. K Azopardi:** And I will not abuse the request to give way, because there is a simple explanation for that.

In the motion, that was drafted when we debated it, we are not seeking to implement what was GSD policy. We were trying to call on the Government to put in place a mechanism to ensure recommendations are followed, or, if not, reasons are given, but to give the Government side leeway to do it in whatever way it wanted and not necessarily do it in implementation of the GSD manifesto.

**Hon. Chief Minister:** I am grateful for that clarification, Mr Speaker, because simply reading the two, one might have been left with the impression that they were seeking to impose on the incumbent Government a tighter position than they were seeking to have imposed on themselves by way of their manifesto commitment on the subject.

So let's be very clear. It is possible for this House to continue to work on the basis of us, together, being able to reach difficult decisions which are good for the community and where we might have different views but where there may be areas, like a Venn diagram, on which we agree and where we can proceed together. That is not going to be possible if we do not talk to each other. The hon. Gentleman and I, as leaders of our respective parliamentary factions, and the hon. Lady, speak to each other and were therefore able to reach consensus. We speak to each other directly; we do not speak to each other over the airwaves. By the time we get to the airwaves we are expressing the differences between us.

And so, Mr Speaker, I commend anyone who wishes to bring a motion to enjoy the support of the majority of this Parliament ... that there should be more inter-parliamentary debate and discussion between Members before we escalate matters to publication, because otherwise all that happens is that you are exposing the old politics of trying to steal a march.

I say to the hon. Gentleman, as I have said before in this House – and I want this to be on the record, on *Hansard* – if I am approached by a Member of the Opposition seeking my support for a motion or other measure which can enjoy the Government's support, when I tell that Member of the Opposition that they will enjoy the Government's support they will be able to publish their measure and say that they will have the Government's support when it comes to the House. I will not seek to tell them that it will only enjoy my support because it is now a lovely, good idea if they allow me to put the measure or a Government Minister to move the measure. I say 'measure' because it could be a motion or it could be a piece of legislation that can be moved as a Private Member's motion.

So, Mr Speaker, for all of those reasons, the Government is ready to act as the leader of this community and to support the Opposition in putting measures which might enjoy the support of the whole community. But what we are not ready to do is to see petulant, childish games played by Members of the Opposition who simply want to get their name in print and get their name in

a headline as soon as possible, having been disregarded by the general public once again, having seen their support fall during the course of the General Election, and looking desperately for relevance once more.

And so, Mr Speaker, for all of those reasons, I commend the motion standing in my name to the House and I ask that hon. Members now, in future, act in a way more consonant with their parliamentary responsibilities going forward.

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Abstentions? Carried.

**Hon. Chief Minister:** Mr Speaker, I wonder whether that might be a convenient moment to recess the House for 15 minutes.

**Mr Speaker:** The House will now recess for 15 minutes.

*The House recessed at 5.52 p.m. and resumed its sitting at 6.15 p.m.*

## GOVERNMENT BILLS

### FIRST AND SECOND READING

#### Marriage (Amendment) Bill 2019 – First Reading approved

**Clerk:** Bills – First and Second Reading.

A Bill for an Act to amend the Marriage Act. The Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

**Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Marriage Act be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Marriage Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Marriage (Amendment) Act 2019.

#### Marriage (Amendment) Bill 2019 – Second Reading approved

**Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, I beg to move that the Bill for the Marriage (Amendment) Act 2019 be read a second time.

The Bill is a simple one. It consists of three clauses. The substance of the Bill is contained in clause 3, which deletes section 6B of the Marriage Act in its entirety.

This House will recall that in 2016 the Marriage Act was amended to introduce civil marriage to same-sex couples in our legislation. That amendment included clause 6B, which provided for

registrars to opt out of conducting a same-sex marriage in exercise of their freedom of conscience.

By way of background, Mr Speaker, you may recall that this legislation was laid before Parliament following the publication of a Command Paper which had, at that date, the largest response to a Government Command Paper. The majority of the responses were in favour of equalising civil marriage. However, there was a split, in that of the 2,336 contributions made, 1,368 were comments in favour, whereas 955 were against same-sex marriage. This shows that there was a split in the community and it was on the back of this split that section 6B of the Act was included, so as to ensure the rights of any persons employed by the Government as deputy registrars who may be unable to perform same-sex marriages as a matter of conscience, while still ensuring that marriage finally became equal and available for all.

Mr Speaker, when the Bill was debated in Parliament and became law after a unanimous vote, this section was the only point of contention. Some Members expressed their disquiet at the inclusion of this clause, and in fact an amendment was put forward for its deletion but this was defeated by 11 votes to four.

This law has now been in force since 15th December 2016, just over exactly three years from today. In these three years that same-sex marriage has been available in Gibraltar there have been a total of 192 civil marriages of couples of the same sex, 88 of these in this year alone, and the opt-out provision in section 6B has not once been engaged. As such, it is the Government's view that this statutory protection in the Marriage Act that we considered necessary in 2016 no longer is.

It was the right thing to do at the time to ensure that the rights of anyone employed as a deputy registrar were protected, even though I must also add that there was no deputy registrar, even at that time, who expressed to the Government any suggestion that he or she did not want to undertake such same-sex marriages. It was, however, the right thing to do at the time and we are more than happy to see that it is now no longer necessary, and hence why we are doing away with it now.

Mr Speaker, I commend this Bill to the House. *(Banging on desks)*

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. K Azopardi:** Mr Speaker, yes.

As the Hon. Minister has reflected in the chronology of her exposition to this Bill, indeed last time this situation was here there was a debate around the issue which became section 6B, and there was an attempt to repeal it and there was a free vote on the GSD side. I was not here, so I am not sure if there was a general free vote, but there was certainly a free vote on the GSD side in respect of this matter. Consonant with that position, we on this side, in respect of the GSD, will also provide a free vote on this issue today. In doing so, therefore, in the remarks that I make I speak for myself in respect of the position that I take on this Bill.

I will be supporting this Bill. Indeed, not only do I support it, I feel rather strongly about it, because I believe it was unnecessary at the outset. **(A Member: Hear, hear.)** I was not in this House when this House debated it, but I do not believe it was either necessary or constitutional when it was first introduced in this House.

I believe that the state needs to act in a manner compliant with the Constitution. People might be free to do whatever they want if they are not employees of the state, but as soon as they are employees of the state and they are delivering a state service it is not right for those employees to place the state in a way that the state discriminates against people on the grounds of sexual orientation.

So I feel rather strongly about it and that is the reason why I am going to support this Bill, and I believe that the vast majority of Members on this side of this House will do so as well.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, the overturning or reversal of clause 6B comes as a welcome step, a step away from discrimination and, albeit unfairly delayed, a small step towards legislating with courage and conscience instead of legislating to appease all demographics. It is also a step that I strongly advocated for when this law was discussed and voted on in this Chamber in October 2016.

At the time, I put forward an amendment in order to stop the giving of powers to registrars to opt out – a practice that clearly condones discrimination on the grounds of sexual preference – of same-sex marriage ceremonies. I considered this clause prejudicial then, as I do today, and this is why I am pleased to finally see the back of it. At the time, my arguments were shot down by Members opposite citing things like, and I quote:

They come to the Government and they say, ‘Can I please have a cake?’ and the Government says, ‘After this change in the law, you will have the cake.’ But we cannot be told that inside the Government the cake must be baked by Joe or by Jerry, by Diane or by Dorian.

Mr Speaker, it has to be said that as pleased as I am to see the reversal of this clause, the reasons for this move are less than satisfactory, I am sorry to say, and I feel that this must be pointed out as a matter of principle.

Reasons cited for the removal of clause 6B by Government have been, and I quote, ‘because there has never been a situation where section B has been needed’. Mr Speaker, from where I stand, it was never about whether registrars would or would not use or need it, but about applying the law of the land in a way that makes a strong, principled statement in support of equality.

The cake arguments were abhorrent then and are abhorrent now. If we allow the freedom of conscience of public servants to get in the way of equality in our society, this opens up the doors to all sorts of forms of publicly endorsed discrimination. They knew it then, as they know it now – but somehow Together Gibraltar are the populists, Mr Speaker.

Whether it has been used or not is totally immaterial to the principle. Had this clause been used frequently, would we be saying we enjoy having this clause because it is serving its purpose of discriminating and those with prejudices are protected by law to act their prejudices out?

It is simply not good enough to remove it because fortunately our registrars themselves understand that this clause is wrong and choose not to make use of it. Let us pause for a second to reflect on the fact that our public officials have actually taught a valuable lesson on real equality to those lawmakers holding these portfolios. We, as parliamentarians, have a duty to pave the way for a fairer and more equal society. This clause sent out a strong message that the state understands and endorses those who reject equal marriage. This message was in direct conflict with the legislation to allow for equal marriage to take place – something I genuinely commend this Government for bringing in – in a move that seemed clearly aimed at appeasing those offended by this just and necessary change. The offence that was inflicted on this community when this clause was allowed to remain must be undone with an unashamedly principled statement from this Chamber, and I believe that an apology is also in order. (**A Member:** Hear, hear.) (*Banging on desk*) We move to eliminate this clause today because it is the right thing to do for equality, for freedom and for justice and it was wrong to allow discrimination to exist in the first place.

Mr Speaker, if I may pick up on something that the Leader of the Opposition just said – he said that he was going to give a free vote to the GSD. From what I understand, the reversal of this clause was a GSD manifesto commitment, so I am at a loss as to how the GSD Members of Parliament to my right would actually justify any of their Members of Parliament voting against it today.

In conclusion, today is a great day for the fight for real and not half-hearted, half-baked equality. Needless to say, I will be supporting this Bill.

**Mr Speaker:** The Hon. Edwin Reyes.

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

I thank the Hon. Minister for Justice for her introduction because I concur with her views. When we took the vote in Parliament I was one of those who voted, because like her I believed it was the right thing to do.

1855 As a politician, one has to be open and hear the views of your constituents and take them into account. That, combined with the issue that the need to impose this clause has not really arisen, has led me now to lean towards the other side.

I would have been happier if in the same way that legislation was introduced whereby newcomers into the Civil Service had to opt in to a different pension scheme and it safeguarded the pension rights of those who were in the service before, as indeed the same thing applied to parliamentarians. That perhaps would have been an easier way out, of safeguarding, should the need arise, for anybody who joined the Civil Service – knowing that they would not be forced to have to conduct marriages if they did not want to. That would have been the easy option, but given as it stands and given the arguments in favour of ‘is it constitutionally correct to have this section’, I am now inclined to change my mind from the way I voted in the past, and therefore, Mr Speaker, I will be supporting this Bill.

**Mr Speaker:** The Hon. Elliott Phillips.

1870 **Hon. E J Phillips:** Mr Speaker, I certainly identify with the comments made in this Chamber by the Leader of the Opposition and indeed the Hon. Ms Hassan Nahon in respect of the matters in relation to 6B.

I said at the time that 6B was offensive and I say it again today: it is offensive and it is a great shame that the Government at the time passed this piece of legislation with 6B in place. In fact, I said quite strongly that it should be removed at the time.

1875 But it goes further than that, in fact. The Chief Minister, on 26th October, when hearing the debate, actually talked about the ‘balance’, so obviously he had considered 6B in some detail and he actually said:

So this strikes the balance because we will provide absolutely that service that is required in order to provide equality to those who must have equal marriage, but we will not force it down anyone’s throat that they must also officiate those marriages when – I do not understand why, but – they may have an objection to it.

1880 What the Chief Minister was trying to explain there is that a balancing exercise had been done when they looked at the law, reviewed it and put in place 6B. But it is wrong of him to say that. In fact, 6B was offensive, it was not necessary then and it is not necessary now, and therefore I repeat the position that I have made since 26th October 2016, I identify my contribution with that of the Leader of the Opposition, and I will be supporting this amendment.

1885 **Mr Speaker:** The Hon. Damon Bossino.

**Hon. D J Bossino:** I am grateful, Mr Speaker. I am grateful also to the Leader of the Opposition and my colleagues in the GSD parliamentary team for allowing me the latitude to express my own personal views in relation to this Bill.

1890 I will be voting against the Bill and I think that is in fact a reflection of the strength of the party rather than its weakness; it shows that we continue to be a very broad church. I cannot in all conscience vote in favour of this proposed amendment and there is nothing, I am afraid, that the Hon. Minister has said which assuages my concerns in relation to this removal.

1895 I will be very short in terms of my submission. In fact, I will be quoting at some length some of the things that the Hon. the Chief Minister himself said, I think very usefully and helpfully, when he himself was one of the prime movers behind the introduction of this sort of ring-fencing clause.

1900 This is clearly one of these situations, which is happening more and more often nowadays, where matters of faith and the law collide, resulting, in many respects, in potentially irreconcilable differences. But in my view, in relation to this particular section of the Act, which is the status quo before it is amended, presumably, by a vast majority of this House – I am probably going to be the only Member voting against this, I suspect ... where we could have it, using the Chief Minister's own words when he made his presentation to the House, that people could have their cake and eat it and where those differences could in those circumstances be reconciled.

1905 As I said earlier, I need only cite some of the excerpts from the Chief Minister's speech, and I quote, where he said:

I have read hon. Members section 9(1) of the Constitution. Section 9(1) of the Constitution, in the view of the Government, avails a public servant of a constitutional right not to be required to do something which is contrary to his conscience. What we are doing, therefore, is ensuring that we provide not just for the right of equality of those who are same sex couples, but also of the freedom of conscience of the public servant who may not wish to be involved in the – I will use the word loosely – officiation of that particular union.

Now, Mr Speaker, the Government comes to this as the main architect of the *Corpus Juris* of Gibraltar but also as the employer in the context of public servants. And in that sense, as a responsible employer, our role must be to ensure that we provide the service to the public – i.e. in this context the same or opposite sex couples who wish to enter marriage at a civil level – and provide the protection for our employees who wish the freedom of conscience, which the Constitution provides them, not to be involved in that whilst still being able to accede to the relevant post of Deputy Registrar or Registrar. This strikes that balance, Mr Speaker.

1910 I also wish to read from this short paragraph, which I think is very relevant. It was not just to deal with a situation as it was in 2016 when the Bill became the Act and was approved by this House at the time – I was not a Member of it; he also spoke, I think quite rightly and quite correctly, about potential aspirants to the position of deputy registrar and that those individuals who may not at the time have been deputy registrars and want to be deputy registrars in the future will be allowed to exercise their conscientious objection in relation to this issue. He said this:

Now, if there is a person who does not want to officiate same sex marriages, they can simply be moved; but they might be quite happy to officiate other marriages. So the Government as employer is preserving the right of its employees who do not wish to do this, to have access to the grade of Deputy Registrar, to be able to do the other marriages which they wish to do and yet respect their 9(1) right not to do the other things.

1915 And then he rightly quoted from an opinion piece given by His Lordship the Catholic Bishop of Gibraltar, Carmelo Zammit, when he said ... This is the Bishop of Gibraltar:

Gibraltar has always been looked upon as one big family with different religions and cultures living peacefully together. In spite of our different opinions and beliefs, it is my hope that all of us will continue to live together without hostile feelings alongside those whom we agree to disagree with, whatever the final outcome of this debate.

And then – on to the Chief Minister – he said:

I think these words from Bishop Zammit are absolutely worth reflecting on, because they are entirely and absolutely correct as to the cohesion of this community of ours that we call Gibraltar.

1920 Mr Speaker, the conscience clause, in my view, provides that happy medium which works, as I said earlier. With the law as it stands, no official will be expected to go against his conscience, but at the same time the state will make another official, who does not have a conscientious objection, to do what is required by the state. I do not consider it offensive in the least, as my learned and hon. Friend said earlier.

1925 The state is entitled to have its own working definition of marriage – and indeed this Parliament decided to change that working definition three years ago – which may be different to the Church's, but the state is also obliged, in my view, in the interests of harmony and

cohesion to respect the consciences of its officials and of its citizens, and in this regard I disagree entirely with the Leader of the Opposition in that respect.

1930 In fact, we have an example – and I do appreciate it is not quite the same thing – in relation to the Bill to amend the Crimes Act in relation to the introduction of abortion, where there is a very specific clause which deals with the right of doctors to conscientiously object in relation to the performance of abortions, and these are doctors who would be employed by the state as well, so there is some analogy, although I agree that it is not exactly on all fours and there can be differences.

1935 Mr Speaker, simply to say that the opt-out clause shows respect for the conscience or convictions of individuals and also reflects, in my humble estimation and view, maturity, responsibility and sensitivity on the part of the state and should therefore be kept and not abolished.

1940 **Mr Speaker:** The Hon. Roy Clinton.

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

My position on this clause is exactly the same as it was when this came up before the House in October 2016. I believe the clause was unnecessary and I think this House owes a collective

1945 apology to the community that it has directly affected.

Mr Speaker, I think in this place we must in future consider the need to consider principle over political expediency. It is obvious that on a point of principle this clause should never have been inserted in the Bill (**Two Members:** Hear, hear.) in the first place and I welcome the Minister for bringing this amendment today to have this offensive clause removed. (*Banging on*

1950 *desk*)

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Lady has led this community on all

1955 issues of equality since she was elected to this House in December 2011. She led this community when we first introduced the Civil Partnerships Act, and indeed at her instance the Civil Partnerships Act in Gibraltar did not just cover the opportunity for same-sex couples to enter into civil partnerships, it also enabled opposite-sex couples to enter into civil partnerships, the position that was eventually found to be what the United Kingdom should have done after

1960 appeals to the Supreme Court there. I can disclose to the House – I think I may have already told them – that Gibraltar adopted that position because it was the position that Samantha Sacramento took in the Cabinet, that she passionately believe we should take. She led on that equality issue. On issues of disability equality Samantha Sacramento has led on those equality issues, and on the key issue of equal marriage Samantha Sacramento has led this community. So

1965 I am frankly a little surprised that there should be some here who suggest that she should be making an apology for the way that we have brought the community to a situation where there is now finally marriage equality in our community. Frankly, there are those who now take that position having initially told the public, when they were seeking their vote, that they stood for traditional values, get elected to the House and then say that they want to bring about the values which they did not initially have the gumption to associate themselves with.

1970

Mr Speaker, I do not suggest that that is the Leader of the Opposition. I think he has been clear on what his views are from the time that he has been involved in politics, and those are the views that he has espoused today. Indeed, his manifesto in this General Election campaign is clear on the issue of 6B of this Act; indeed, our manifesto is clear on the provisions of 6B of this

1975 Act. So I must say that on this issue there is broad agreement and I am grateful that he has put his intervention as he has. He has not suggested that we should be apologising to anyone. He has set out his position as he did in his manifesto, telling us that his view is that constitutionally

that clause should not be there. He knows that we have taken a different view but he has played his position I think absolutely fairly and rightly in setting out the position that he has taken.

1980 But, Mr Speaker, in taking the position that he has taken and expressing it as he has, and setting it out clearly also in his manifesto, he has put the position in a way that we have not. In other words, we did not think that having section 6B was unconstitutional for all the reasons some of which have been summarised by Mr Bossino. We thought it was appropriate and we felt that this was a time-limited provision that could be there whilst also delivering the holy grail of  
1985 equal marriage. I make no apology for having delivered the holy grail of equal marriage, and frankly I think those who suggest that we should be giving an apology for having delivered the holy grail of equal marriage are simply playing politics with the emotions of those who were prejudiced by the absence of equal marriage in our law. People who play politics are seen through in politics.

1990 Mr Azopardi has made his position very clear indeed and set the standard higher than we have. The things that the hon. Gentleman has said today are entirely consonant with what is set out in his manifesto, where he said this:

S6B MARRIAGE ACT

We will repeal the provision that enables Registrars to refuse to marry same sex couples. The State must act constitutionally and its employees cannot act in a way that breaches constitutional rights.

That is his view; it is the position for which he sought a mandate.

1995 And so, Mr Speaker, it is one thing to say that one gives one's Members a free vote, a vote on matters of conscience; it is quite another to take a view that something is unconstitutional and to then see one of one's Members take the view that the Parliament and the law should continue to be unconstitutional.

2000 I put it to Members opposite that this is not something that strengthens the GSD, as the Hon. Mr Bossino has suggested; this is something that demonstrates that they are not just divided but that they are at a church before schism and that they do not need a general meeting to elect a new leader, they need a general synod to decide what it is that they believe, because you cannot have one part of the party saying that something is unconstitutional and another part of the party saying that he is going to vote to keep it unconstitutional. At least we never took the view that it was unconstitutional.

2005 We have never taken the view that this is something to apologise for. Two of them – the hon. Lady is not one of them – have said that we owe people an apology for having done what one of them ... Indeed the leader of their political faction, in terms of electoral popularity – by two handfuls of votes, but the leader nonetheless, Mr Speaker – is taking a position which their former Leader of the Opposition in Parliament and their former leader of the party before their  
2010 current leader of the party says we should be apologising for. There are so many 'formers' here, Mr Speaker, I feel like I am in the old days of the PWD with so many foremen around! It is really something quite remarkable and I congratulate them for continuing to push the boundaries of political credibility. In that respect, I do confess that they have absolutely no equal in this community.

2015 The Hon. Mr Phillips has, for once, been consistent in the positions that he has put – for once. In the debate in 2016 he said that he found 6B offensive. Today he has continued to take that view and express it both from a sedentary and a standing position, and has suggested that we should apologise for it. Well, Mr Speaker, we are not going to apologise for it; we do not think there is anything wrong with it. He has been consistent in his position and the only thing that he  
2020 fails to explain to us is how he could have stood for election for a party that did not support equal marriage – that indeed, in its first iteration in opposition after we were elected, asked us to confirm that we would *never* allow the aberration of equal marriage!

2025 Mr Speaker, it is absolutely right that we should all have our personal opinions about this issue, it is absolutely right that we understand that the community is in progress and that values change, but I think that hon. Members should give us an apology for not recognising how we

have led on these progressive issues and how Gibraltar today benefits from a *Corpus Juris* – which is, given that the hon. Gentleman quoted my Latin, a body of laws – that better protects the rights of minorities than at the time that they were in Government, and that instead of talking about whether or not we should be apologising for anything or for anyone they should indeed be supporting the measure that we are taking today, understanding that Mr Clinton is wrong to say that the measure had any consequence for the minority that was being dealt with, because as the Hon. Minister has said, no one ever sought to rely on the exception and therefore there was no consequence.

If I may, Mr Speaker, also commend the Hon. Mr Feetham, who at the time ... He will excuse me for not remembering whether he was Leader of the Opposition at the time or not, because I am losing count of how many of them I have seen off already. (*Interjection*) No, just losing count; not losing it, just losing count of how many of them I have seen off already. He supported both the Bill and the amendment for the reasons I think that the hon. Lady was eruditely able to set out so that people understood that we were doing this in the right way and in a progressive way to deliver a progressive agenda.

So I make absolutely no apology for the excellent, sterling work that has been done by my Government at the instance and leadership of the Minister for Equality, who has been the leader of this community on these issues and who deserves the support and praise of all of those in this class and other classes of minorities whose rights she has defended in her usual sterling fashion.

I therefore commend the Bill to the House. (*Banging on desks*)

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Marriage Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Hon. Chief Minister:** Can we have a division, Mr Speaker? A bit more convenient.

*A division was called for.*

**Clerk:** K Azopardi (**Hon. K Azopardi:** Aye.); P J Balban (**Hon. P J Balban:** Aye.); J J Bossano (**Hon. Sir J J Bossano:** Yes.); D J Bossino (**Hon. D J Bossino:** No.); R M Clinton (**Hon. R M Clinton:** Yes.); J E Cortes (**Hon. Prof. J E Cortes:** Aye.); V Daryanani (**Hon. V Daryanani:** Aye.); D A Feetham (**Hon. D A Feetham:** Aye.); J J Garcia (**Hon. Dr J J Garcia:** Yes.) M D Hassan Nahon (**Hon. Ms M D Hassan Nahon:** Aye.); A J Isola (**Hon. A J Isola:** Aye.); G H Licudi (**Hon. G H Licudi:** Yes.); E J Phillips.

**Hon. E J Phillips:** At last, yes.

**Clerk:** F R Picardo.

**Hon. F R Picardo:** Yes, at exactly the right moment.

**Clerk:** E J Reyes (**Hon. E J Reyes:** Aye.); S J Sacramento (**Hon. Miss S J Sacramento:** Yes.).

*Voting resulted as follows:*

**FOR**

Hon. K Azopardi  
Hon. P J Balban  
Hon. Sir J J Bossano  
Hon. R M Clinton  
Hon. Prof. J E Cortes  
Hon. V Daryanani  
Hon. D A Feetham  
Hon. Dr J J Garcia  
Hon. Ms M D Hassan Nahon  
Hon. A J Isola  
Hon. G H Licudi  
Hon. E J Phillips  
Hon. F R Picardo  
Hon. E J Reyes  
Hon. Miss S J Sacramento

**AGAINST**

Hon. D J Bossino

**ABSENT**

Hon. S E Linares

**Mr Speaker:** The result is that there are 15 in favour, 1 against, and there is 1 absent.

**Clerk:** The Marriage (Amendment) Act 2019.

**COMMITTEE STAGE AND THIRD READING**

**Marriage (Amendment) Act 2019 –  
Committee Stage and Third Reading to be taken at this sitting**

**Clerk:** Committee Stage and Third Reading. The Hon. the Chief Minister.

2070

**Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

*In Committee of the whole Parliament*

**Marriage (Amendment) Act 2019 –  
Clauses considered and approved**

**Clerk:** Committee Stage and Third Reading. The Hon. the Chief Minister.

2080

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Marriage (Amendment) Bill 2019.

**Clerk:** A Bill for an Act to amend the Marriage Act.  
Clauses 1 to 3.

2085 **Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Marriage (Amendment) Bill 2019 –  
Third Reading approved: Bill passed**

2090 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Marriage (Amendment) Bill 2019 has been considered in Committee and agreed to without amendments, and I now move that it be read a third time and passed.

2095

**Mr Speaker:** I now put the question, which is that the Marriage (Amendment) Bill 2019 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

**PRIVATE MEMBER'S MOTION**

**Public Services Ombudsman –  
Amended motion carried**

**Clerk:** Private Member's motion. The Hon. R M Clinton.

2100 **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 the Public Services Ombudsman's Annual Report for 2018 and the recommendations contained therein especially in respect of the Housing Authority and the Civil Status and Registration Office.*

*This House further notes:*

*1. That it has been 20 years since the office of the Public Services Ombudsman was created in order for the public to complain about any act of maladministration by Government Departments or Public Service Providers,*

*2. That the Office of the Ombudsman enjoys the full support of Parliament,*

*3. That twenty years on the powers of the Office of the Ombudsman and the duty of Government Departments or Public Service Providers to take account of recommendations should be reviewed to see what improvements could be made to the current system.*

*Calls upon the Government to ensure that all the recommendations of the Ombudsman are acted upon in a timely manner, or if not that a proper explanation is given by heads of department on a case by case basis.*

*Resolves that the Public Services Ombudsman Act 1998 be amended so as to allow for Own Motion Investigations as requested by the Ombudsman in 2016.*

Mr Speaker, the role of the Public Services Ombudsman is an important one in giving the public an independent avenue to complain about any act of maladministration by Government Departments or public service providers. This importance is reflected not just in the powers granted to the Ombudsman under the Public Services Ombudsman Act 1998, but also that under the Gibraltar Constitution Order 2006 the Ombudsman is a parliamentary officer under section 25(3)(b). And so, Mr Speaker, the Ombudsman should thus be able to rely on the support of this House in performing their duties.

Every year, for the last 20 years, the Ombudsman's Report is formally laid in this House – without, I must say, much further comment or debate, although I am sure that Members do read his report with considerable interest.

The motion I have brought to the House today should, I hope, enjoy the full support of Members, including those opposite, as the office of the Ombudsman deserves. My motion tackles two specific areas arising from his report and his recommendations for 2018: firstly, addressing the recommendations; and secondly, looking to review legislation following the request by the Ombudsman for additional powers.

Mr Speaker, let me deal first with the recommendations. The 2018 report varies from the previous year in that it carries over a number of findings that have yet to be acted upon by the relevant Government Departments. I am glad the Minister finds it so amusing. These can be found on pages 9 to 15 of the report.

There are four outstanding recommendations from 2017, and one, in fact, in respect of 2016. These are in respect of the Gibraltar Electricity Authority, the Housing Authority, the Driver and Licensing Department and the Gibraltar Health Authority. If the Ombudsman's recommendations are not acted upon in a timely manner, it undermines his credibility and authority in the eyes of the public. The Ombudsman had to state publicly, in an interview with the GBC on 12th November 2019, that it is now for Parliament to take the matter up and he has no power of enforcement, nor does he necessarily seek such power. The Ombudsman has appealed to this place for help, and help we must give.

This motion calls upon the executive, i.e. the Government, to act upon the recommendations. This is necessary if public faith is to be maintained in the office of the Ombudsman. To fail to act is to fail the Ombudsman and to fail the people of Gibraltar.

Over the last 20 years a lot has changed in the world of public finance and administration. The public now, quite rightly, demands a high level of accountability and scrutiny. In his 2016 annual report the Ombudsman at the time requested that his powers be extended to allow for what are called 'own motion' investigations. Ombudsman offices in other jurisdictions were asking for this, as it was reasoned that it would, and I quote, 'allow the investigation of matters which are brought to their attention but where people may be reluctant to make written complaints for a variety of reasons'. We can achieve this simply by adding such powers to section 13 of the Public Services Ombudsman Act 1998.

Mr Speaker, such is the strength of their conviction that such powers are necessary that the two previous Ombudsmen wrote and co-signed a letter to the *Gibraltar Chronicle* on 6th December 2019. For the purpose of recording their views into *Hansard*, this is what they had to say on the matter, and I quote directly from their letter:

As previous holders of the post of Gibraltar Public Services Ombudsman, we are pleased that Parliament will shortly be considering a resolution to allow 'own motion' investigations to be carried out by the Ombudsman. This

will certainly be a welcome development, especially following the 20th anniversary of the establishment of the office of the Ombudsman in Gibraltar.

We are of the view that the ability of the Ombudsman to investigate any issue of maladministration without having to rely on receiving a written complaint from the public should not be underestimated. The power to conduct own motion investigations is a much desired and necessary tool to have in the pursuit of administrative justice. We would also like to highlight that the Public Services Ombudsman in Gibraltar is now one of the very few such ombudsmen worldwide that is not empowered to conduct own motion investigations. In our view, this is a matter that should be regularised by the Government and by Parliament as soon as possible.

2145 Mr Speaker, if this appeal is not convincing enough for Members, the current Ombudsman also wrote to the *Gibraltar Chronicle* a few days later, on 9th December 2019. He wrote that he was 'fully agreeing with the views expressed by my predecessors and I would welcome such a development in Gibraltar'. He also urged the full adoption of the Venice Principles in Gibraltar, which are a set of internationally accepted standards for the proper functioning and independence of public service ombudsmen.

2150 Mr Speaker, the issues are really quite clear as to outstanding recommendations, and the request for a review of legislation is clear and unequivocal. It is now time for us to act.

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

2155 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. R M Clinton.

2160 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the motion, of course, as we all know, has been overtaken by events, namely the motion that the House considered earlier on the substance of the issues that the hon. Gentleman has now addressed, but which dealt with –

**Hon. R M Clinton:** Point of order, if I may? Mr Speaker, you did, did you not, rule that they were different motions?

2165 **Hon. Chief Minister:** Mr Speaker, you did rule that they were different motions, but the substance of one of the parts of the motion is clearly one that has already been overtaken by events, namely the earlier motion, because the hon. Gentleman has told us everything in his motion and completely ignored that one part of his motion has already been dealt with. And although the motions addressed different aspects of what ombudsmen might want, past and current, he has not addressed the fact that one of the key things that he was putting is already  
2170 dealt with now with the motion passed already.

I nonetheless fully recognise the human issue that was in play here: the hon. Gentleman had written a speech and he wanted to read it. Look, Mr Speaker, given that it is almost Yuletide we should not hold that against him. If he wants to come here and read us the speech that he had prepared, I think that is absolutely within the remit of what he is entitled to do as a Member of  
2175 this Parliament.

On the issue of whether or not the Ombudsman's recommendations are followed, I will remind the House of what I said earlier about the Ombudsman's own introduction to his annual report of 2018, filed in this House on 17th April 2019. The introduction says:

The investigations carried out by the Ombudsman's Office and the many recommendations made by the Ombudsman, which are invariably respected and followed by Government Departments ... have made a significant contribution towards the improvement of our public services over the years.

2180 I think that that is an excellent testament to the position that this Government takes to the investigations and recommendations of the Ombudsman, but for the reasons that were ventilated during the course of the debate earlier, Mr Speaker, I do believe that this motion is no longer necessary and I do believe that it is important that we do not simply let this pass.

The things that the Hon. the Leader of the Opposition said to me about why I had put my motion etc. I have already replied to, but I do think we need to take this further, Mr Speaker. I do think that we need to ensure that we start to behave in a more convivial way, and therefore I am asking hon. Members, as I did during the course of my earlier intervention, to remember what the structure of this place is and how it is that they can bring motions which might enjoy Government support.

And so, Mr Speaker, I hereby give notice of an amendment that I intend to move to this motion. The notice that I am passing in writing of the amendment that I intend to move is:

*Delete every word after 'This House' and insert thereafter the following:*

*'This House calls upon all Members to seek to work together for the benefit of the community as a whole on all matters on which consensus may be achievable and to consult widely with other parliamentarians in order to seek to achieve that consensus in debate.'*

Mr Speaker, in formally moving this amendment to the motion, what I am seeking to do is to turn a moment of discordant disagreement into a step forward for consensus in this House to ensure that the community sees us working together wherever possible to try and achieve that consensus.

On the substance, the key issue which the Ombudsman wrote about to the *Chronicle* and has been pursuing, which is the issue of own motion investigations, is already on foot. The other aspects of the motion which the hon. Gentlemen has put, he knows, for the reasons I set out before, we are not going to agree. But this is an important step forward, an important way taking ... the way that the Hon. the Leader of the Opposition and I, and the hon. Lady, have demonstrated that it is possible to take areas of discord and produce unity for our community, therefore showing the maturity that we are required to show in leadership at this difficult time, and leaving aside the sort of point-scoring that we have seen attempted by the Hon. Mr Clinton. Let us call that all the deleterious approach of the past Parliament, and let us look forward to trying to continue to work together to achieve consensus in debate where possible, to lead this community together, where all of that consensus is possible on this particular issue.

Mr Speaker, a moment ago we saw a genuine, heartfelt disagreement on the issue of 6B, where Mr Bossino has acted to vote in a way that his leader suggested is unconstitutional. There will be areas where we cannot agree. But where there are opportunities for agreement, let us work harder to try to achieve that agreement. Let us set down in the *Hansard* of this place and in the decisions and resolutions of this place our opportunities to do so, by seeking conviviality and seeking consensus in a way that puts down a marker for the future, so that we can see that it is possible, even where we disagree, to find a way to work together that delivers for this community an approach that we need to see delivered, especially given the moment in which we find ourselves. This is now not a question of trying, each of us, to present a position which the other cannot support. It is trying to find a position going forward which each of us can support, even in the areas where at first blush there might be disagreement, or indeed not mining away to find the opportunity for petty political disagreement where there is broad political consensus.

For that reason, Mr Speaker, I think moving this amendment can help us – in the New Year, perhaps when each of us have had an opportunity to reflect – to try and keep foremost in our minds those principles that make Parliament strong, that make democracy what it is and that enable us to look always forward in the way that we take the mandate that the people of Gibraltar have given us and turn it into action in a positive way. Not to do so and to simply be dismayed when we do not get our way, (*Laughter*) to seek to simply get a way for the purposes of trying to score cheap political points, is not what people have elected us to do. That is why I genuinely commend to the House the approach of talking to each other before we publish what it is that we intend to bring, of talking to each other in an attempt to reach that understanding, and of doing what we have done in very difficult circumstances – probably on the issue of

2230 deepest disagreement that we will have in the context of the lifetime of this Parliament, which is the separate positions that we have each defended on the issue of abortion, and yet we have been able to come together.

Mr Speaker, we must never allow disagreement to be snatched from the jaws of consensus, as we appear to have allowed each other to fall into the trap of doing in respect of this important issue, namely the issue of the office of the Ombudsman. I therefore move the amendment as set out in the written notice. *(Banging on desks)*

**Mr Speaker:** I now propose the question in the terms of the amendment moved by the Hon. the Chief Minister.

2240 **Hon. Chief Minister:** On the amendment only.

**Hon. K Azopardi:** On the amendment only.

Mr Speaker, the hon. Member is a master at snatching seriousness from the jaws of comedy. It really is quite incredible how he can, with a straight face, propose this under the guise of being uber-reasonable, when I said to him that he is like a Monty Python sketch on the other issue and he transitions into now hijacking this motion of the Hon. Mr Clinton and transforming it. Rather than it being anything to do with the Ombudsman, he wants to delete all the words and now it is a motion about consensus.

Mr Speaker, I do not need a motion to be voted on by this House to call upon me to be how I am. The hon. Member knows, because I have said it during the election campaign, I am not a tribal politician. When I used to sit on that side ... Those people who were in this House at the time know that I am not a tribal politician. I may disagree, but I always try to find the most constructive way forward, and answer questions and be clear and honest. That is what I stand for in politics, and I will never be a populist. There may be a time when I am out of sync with the way that politics is run, but that is what I believe in.

And so the Chief Minister, when I rise to make this contribution on the amendment ... I know he does it with great mirth; we are days away from Christmas and there will be party games, no doubt, played in his house, but this is not one of them. Most of the Members in this House – all of them, I would say – are here because we feel strongly that we want to make a contribution to the politics and the future of this community. We may disagree with each other when we do so, but I have no doubt that every single Member in this House does so from a standpoint of good faith and of the interests of this community. We do not need to play games with each other and this is the second time today that the Chief Minister tries to play games with this House and with the Members opposite. *(Banging on desk)*

2265 **Mr Speaker:** The Hon. Daniel Feetham.

**Hon. D A Feetham:** Mr Speaker, I rise because I think that there is an important point of principle that has been raised in the speech that the Hon. the Chief Minister has given in response to the motion brought by my hon. Friend Mr Clinton.

He has said during the course of his intervention, and in fact he was very keen to emphasise, that my friend's motion on the Ombudsman was 'no longer necessary'. He then said it had been 'overtaken by events'. What he is really saying is that my friend Mr Clinton's motion was rendered otiose, redundant, irrelevant by his later motion.

2275 Of course, the rule against anticipation is there, Mr Speaker, in order to prevent that kind of situation. It is there to prevent a situation where a Member files a motion for debate within this House and then there is a subsequent motion that effectively renders it irrelevant, redundant and otiose, which is what the Hon. the Chief Minister is essentially saying.

It raises an important point, because although of course we accept Mr Speaker's ruling that the motions, on reading, there were some differences in the motion, in substance one can see

from his intervention that they were exactly the same, and that impacts, in my respectful submission ... and whilst we accept the ruling of Mr Speaker, I urge the Government not to go down this route, because it is, in my respectful submission, a route that is fundamentally undemocratic.

2285 Here you have an Opposition that... Yes, of course we have an obligation at times, and I would say in the majority of times, if it is possible, to attempt to work with the Government of the day in order to achieve the best outcome for this community, but it is also the role of an Opposition to hold the Government to account – that is why we are here – and to bring before this House, so that there is a proper debate, the issues that are impacting on the community at any given moment in time.

2290 I myself have said that I am going to be presenting a motion on disability benefit in the New Year. If I do that and I find that the Government then presents another motion which renders, somehow, mine irrelevant, redundant and otiose, I think that that does a disservice because what the Hon. the Chief Minister is really doing ... Whether by design or not, the effect of it is that before we present a motion, in order to avoid the situation that we have been faced with today we are going to have to go to the Government of the day and say, 'We are presenting this motion – what do you think about this?' Effectively it leads us to a situation where the Government of the day – and our role is to hold the Government to account – become the ultimate arbiters (*Interjection by Hon. Chief Minister*) of what we can or we cannot present to debate before this House, and that cannot be right.

2300 I just leave this House with this thought: most of us here have been both in government and in opposition. Well, I think most of us have been in government and in opposition. My maths is not my best point, but a lot of us have been in government and opposition, and you know that it is very difficult when you are in opposition because the Government of the day holds all the cards. The Government of the day always has the last word. When we ask questions, our questions have got to be short and sharp – and I am very grateful to Mr Speaker for the indulgence that he has provided Members of this House during the course of this session, which I think has been extremely convivial, where there has been a toing and froing in great spirits; it has allowed us to do our job and the Government to do theirs, but they always have the last word.

2310 In relation to motions, for example, it has always been possible ... I happen to think that it infringes both the spirit and the letter of Standing Orders – the previous Speaker, as indeed other Speakers, have not been with me or with others in relation to that argument – where a Government can just simply say, 'I am deleting from (a) to (z) and I am replacing it with a completely different motion'. That is when we present a motion. The reason why I have always felt that that infringes the spirit or the letter of Standing Orders is because Standing Orders provides that there ought to be five clear days for a motion, so that you give advanced warning to the other side that you are bringing a motion. The Government has the capability of in fact coming to this House, without notice at all, and amending the motion, completely substituting it for a different motion, without notice. If, on top of that, we are going to be faced with a situation where there is going to be a virtually identical motion, certainly in substance, presented by the Government before ours, that, I think, represents a democratic deficit, in my respectful view. I would certainly urge the Government to deploy the device as infrequently as possible; otherwise it is going to be a very slippery road indeed. Ultimately, we want democracy to function; we want democracy to function efficiently and we want democracy to function properly.

2320 I hope, Mr Speaker, that my intervention has not been interpreted as a criticism of your ruling but rather as a caution to the Government – who ultimately, judging from the Hon. the Chief Minister's words and his new motion, obviously want to work with the Opposition, want democracy to function – for the Government not to stifle debate by using this device inappropriately in the future.

**Mr Speaker:** The hon. Lady.

2335 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am really sorry to be here on a Friday night – when I usually do not even like to be working – to have to witness this sad situation, honestly. I find it sad that the Government is denigrating the integrity of a motion that was the brainchild of an Opposition Member and mocking him for wanting to read a speech, a speech that he himself wrote and thought of himself before the Government even exercised its privilege to overtake him and now somehow undermine this motion.

2340 I think it is great that the Government have put this amendment to work together, and I welcome that – my own party name implies the importance that we give to unity and working together – but that should not mean that if Opposition Members choose *not* to consult, that we should lose the right to own our own motions. Where does that leave each and every Member of Parliament in opposition now? Either we consult or we lose our steer on our own motions? 2345 Basically,, does Opposition now not have any tools anymore to own the mechanisms that allow us to present a debate effectively?

Mr Speaker, following on from my reasoning, I will present my own amendment to the Government amendment, which will read as follows:

*After ‘and to consult widely with other parliamentarians in order to seek to achieve that consensus in debate’ insert ‘but if and when motions are not consulted in advance this will not render them effectively meaningless and undermined’.*

2350 Mr Speaker, I had a few words to say on the substance of the motion, but the mover is not even here, so what has happened today has totally overtaken and I find that extremely sad, so I will not even bother.

Thank you.

2355 **Mr Speaker:** If no other hon. Member wishes to speak, I will call on the mover to reply.

**Hon. Chief Minister:** No, Mr Speaker, I am afraid that we have found ourselves in a difficult situation. I am not going to rise to reply to the contributions that have been made, because first I think I am required to reply to the amendment to the amendment that has been put. So I will limit myself to the amendment to the amendment before speaking to the amendment.

2360 The amendment to the amendment is frankly nonsensical. It does not have any meaning whatsoever and it will not enjoy the support of this side of the House because hon. Members have not understood what it is that we are talking about and how it is that motions appear to work. The Hon. Mr Azopardi, as the Leader of the Opposition, a man who has been in this House before as a Member of the Government and a Member of the Opposition, understands how motions work. His contribution has been different, but the things that Mr Feetham has said and Ms Hassan Nahon has said just make absolutely no sense whatsoever, and the amendment is more nonsensical than even their contributions. So I will restrain myself and not respond to their contributions on my amendment until I reply to that, and I will simply say that this amendment 2365 to the amendment takes us absolutely no further and it flies in the face of how Parliament is designed to work, not just here but also in the United Kingdom.

**Hon. K Azopardi:** Just on the amendment to the amendment, and in particular that last contribution, yes, I have been on that side of the House and I understand how motions work. I 2375 remember being in this House when Sir Peter might have taken the view that he would have deleted every word after ‘This House’, but that was a practice that he followed from Sir Joe. *(Interjection by Sir J J Bossano) (Laughter and interjections)* No, but the point that I was making in my contribution was that in my experience that has happened, and in both cases they have adhered to the subject matter, so when we have been debating something on education and

2380 they have deleted every word after 'This House', it has been on the subject matter. That has  
 been my experience. It may have changed since I was away, but that was my experience and  
 that was why I made the contribution that I did, and why also the amendment to the  
 amendment does not address the substantive point that I was making, that I fear ... Where I do  
 not want to go is to play this game of in effect presenting a motion on Ombudsman of a Health  
 2385 Service and it ends up being a motion on sovereignty or something completely different. That is  
 not what we are trying to do; nor is it, surely, what the Chief Minister is commending to this  
 House.

I entirely understand the point that he makes, that you have a majority and we do not, and  
 that if we wish to maximise the prospects of ensuring a motion is carried, if we engage with you  
 2390 it *might* maximise those prospects. I get that. All I am saying is that when and if we take the view  
 that we should not play a game with each other ... That is the only point that I make.

**Mr Speaker:** Does the hon. Lady I wish to respond as the mover of the amendment to the  
 amendment?

2395 **Hon. Ms M D Hassan Nahon:** No, Mr Speaker, very much the same, and the Chief Minister  
 knows himself I often consult him – I want to find effective and constructive results for this  
 House – but I would not want to feel that on the occasions where we do not the mechanics are  
 taken and swept from underneath us.

2400 That is the only reason why I proposed this amendment to the amendment, because one  
 thing is calling for collaboration and co-operation – and I think that is a great thing and is  
 constructive for all sides of the House – but I do not want that to be the only vehicle that allows  
 for every Member to actually have the possibility to own their motion and to ensure integrity  
 over their own vehicle for debate, which is the way to present it being a motion. Today we have  
 2405 seen that that has been overtaken, and this is why I felt compelled to propose these two lines,  
 Mr Speaker.

**Mr Speaker:** I now put the question in the terms of the amendment to the amendment  
 proposed by the hon. Lady. Those in favour?

2410 **Hon. Chief Minister:** Aye! No, sorry, the amendment to the amendment – no! (*Laughter*)

**Mr Speaker:** Those in favour?

2415 **Hon. Ms M D Hassan Nahon:** Aye – I am on my own again.

**Mr Speaker:** Those against? (**Several Members:** No.) Defeated.

We now revert to the amendment to the original motion, and it is the mover of that  
 amendment.

2420 **Hon. Chief Minister:** Mr Speaker, the Hon. Mr Azopardi started his intervention on my  
 amendment once again seeking to suggest that there was comedic value to what we were doing.  
 I am sure that this is a theme that will develop, and I am sure that we will develop jointly about  
 each other in the less convivial moments that this Parliament's life will continue for, but I do  
 2425 think, frankly, that it is unfair. It is unfair because I have been very careful with what I have said  
 in the context of the amendment that I have proposed. I have not sought to be tribal; I have  
 sought to be neutral. I have sought to be neutral in the context of what I had already said about  
 the way that the motion was being pursued.

In this place we win and we lose votes, depending on where we sit. In some instances, if  
 2430 matters are not on Government whip, so to speak, we may lose votes even if we are on this side,  
 or we may win votes even if we are on that side. When we lose a vote, or when we lose an

argument, we do not walk away from it and we certainly should never walk away from this place.

2435 Today what I have done is to try and, at the first session, lay down a marker which is positive, not negative. It is not comedic in any Monty Python sense. It is actually designed to try and set out for hon. Members how it is that we can work together.

2440 It is not often – indeed in the time that I have been in this House since 2003, the moment that he left, I have not seen an invitation from a Leader of the House to try and allow Members the opportunity to succeed in votes that they might present. That may or may not be something that they are willing to pursue. I think the hon. Gentleman has completely understood my position, and indeed he and I have already demonstrated how we are able to work in that way. But he is absolutely right that this motion is not intended to change his attitude, because he and I have shown that our relationship and our attitude enables us to do very difficult things together and to leave disagreement outside and to bring agreement – in other words, to snatch  
2445 agreement from the jaws of disagreement and not do the opposite, which is to seek disagreement where there is agreement. That is an important dividing line. There is nothing Monty Python-esque about understanding that, and I am going to have to, unfortunately, develop this during the course of my intervention in response because it is fundamental. What we have done at the beginning of today's session is what everybody must want us to do: to seek  
2450 that agreement from the jaws of disagreement. That is what we are here for. To disagree, we can issue press releases against each other setting out the different positions we might take in respect to a particular issue. Here we are to debate, to parley – that is what Parliament is about – not to seek to find disagreement where there actually could be agreement.

2455 When Mrs Thatcher became Prime Minister, he will recall the famous words she uttered: that she was there to seek accord and not discord. It would take us more than three or four volumes to determine whether in 12 years she actually found more discord than she found accord, but that must be one of the leading principles of whichever ideology we represent, to try and find that agreement. There is nothing Monty Python-esque about trying to do that, although I do recognise that the hon. Gentleman is trying to use that device, and I am interested to see how  
2460 he develops it going forward. I have some devices in mind which I will be developing in respect of his leadership. But I am not for one moment suggesting that he is a populist. I was expressly saying that his example and my example and the hon. Lady's example on abortion is the position that we should be following.

2465 So, Mr Speaker, frankly this is not something that can be described as playing games with this House. It is the opposite. It is being able to demonstrate that this House is about more than just politics; it is about seeking community consensus, and that unfortunately was not the case in an attempt to bring the motion that the Hon. Mr Clinton was bringing.

2470 Turning to the position that Mr Feetham put, I said it was no longer necessary for us to consider the substance of this motion not because the rule of anticipation had been incorrectly applied ... And if I can just footnote here for a moment, Mr Speaker – your rulings are your rulings; they are not open to appeal and we must not tangentially seek to appeal them or to speak against them. Very often, those who find that you rule against them seek, by the device of the point of order, to try in effect to appeal them. I hope I have never fallen into that mistake in the context of any ruling that a former Speaker may have made against me and I certainly will  
2475 endeavour not to fall into that trap should you ever find that you need to call me to account, as may be the case going forward. But we have to be careful that when that device is used the points do not go unanswered.

2480 Mr Feetham, not in a point of order but now in the context of replying to my amendment, was suggesting that my actions had demonstrated why the rule of anticipation was there. He is wrong for this reason: my motion dealt with congratulations and the own motion ability of the Ombudsman; Mr Clinton's motion dealt with congratulations, own motion ability and review in other respects. My position is that on own motion the Government was prepared to have a consensus motion if we had been consulted before publication of the Opposition motion, but we

were not prepared to do the other aspect of the substance of what the Opposition motion sought to do – for the reasons I explained. In other words, the Opposition motion sought to do what the Opposition manifesto had sought to do in a wider, more restrictive way of the Government. And so, for that reason, there were two very key differences of substance and we are not prepared to go down the route of supporting the motion as presented by the Opposition. That is why it was not necessary to continue with it, because it was not going to enjoy Government support. It was going to be, in the words of the great Manolo Mascarenhas, *palabras al viento*. (Interjection)

In that context, Mr Speaker, there is nothing undemocratic about the Government putting its own motion. Indeed, it is the very essence of democracy. And we are still within touching distance of the election result. Hon. Members, I am sure, can still feel the heat of the result – the warmth on this side; the heat on that side – that which the former editor of the *Gibraltar Chronicle* used to describe, in the years when he and I were the young fillies of the political parties in Gibraltar, as the ‘cold steel’ of election night.

Still feeling the cold steel of election night, hon. Members will know that the maximum exercise of democracy is the general election. It has given us 10 votes here and them six, and in that context their paragraph on the Ombudsman was not accepted by the majority. Indeed to do the maths, the way that the hon. Gentleman likes to do it, their paragraph on the Ombudsman was rejected by 75% of the electorate, because the hon. Lady did not have it in her manifesto and neither did we. It is not just 21 and 25 that can be added; it is actually 54 and 21 that can also be added to demonstrate the level of rejection –

**Hon. Ms M D Hassan Nahon and Hon. D A Feetham:** The grand alliance.

**Hon. Chief Minister:** – that there was for the position that they have today tried, through their motion, to get the Parliament to approve. So it is not undemocratic; it is indeed wholly democratic that this attempt to now pass by motion that which did not pass by general election should not pass.

Then Mr Feetham did one of the things he tends to do a lot, and I think is why he finds himself where he finds himself today: where we can, we should work together. (A Member: FLOP.) As a FLOP – a former leader of the party opposite, Mr Speaker – he knows that he has consistently sought to find a way for us *not* to work together where we might be able to, by seeking always to steal a political march from an otherwise potential consensus. That is what Mr Clinton has fallen into the trap of. That is exactly what I do not accuse Mr Azopardi of falling into the trap of, exactly what he described himself as being in a non-tribal sense. So I am afraid Mr Feetham has chosen the wrong issue on which to try and give that example.

He seems, however, to understand that you do need the Government’s support in order to pass an item through the Parliament. But you do not need the Government’s support to present it. I am not suggesting that you need the Government’s support if you want to present a motion, and this is where the hon. Lady has got it wrong. Of course you can present your own motions, you can own your motions and you can speak to your motions, but we can own ours too and we also own our votes, and we owe our votes to our voters – and we are not going to come here to give support to motions that we do not support and to give support to motions that set out the position of their manifesto and not ours. So I am afraid that they have got it completely wrong.

It is also wrong to say that the Government holds all the cards. That is a very defeatist way to look at the important role that hon. Members are now elected to discharge in holding the Government to account and in bringing their own motions and in bringing their own Private Member’s Bills. It is if they want them to prosper that I advise them to call us. They can bring their motions and they can speak to them, and we can support them or vote against them – of course, because we all own our parliamentary action – but what they do not own is the right to have us accept their parliamentary action and not react with the parliamentary devices that are available to us. That is to defeat democracy. It is an attempt to stymie a Government that has

won a third successive majority. We will not have it, Mr Speaker. We will not have it, and the reason we will not have it is not to play a parliamentary game, but because we need to be the defenders of the ability of the executive to act, whether it is our executive or their executive.

Mr Speaker, the Hon. Mr Azopardi has referred to the fact that these things might have been done in the past but always on the same subject. Well, first of all I do not accept that; and second, I do not accept that this is not the same subject, because we were talking during the course of the first motion about how motions can pass and conviviality and consensus. It has been a practice in this House to amend motions in this way, and of course we have to continue to have the right to do so.

The Hon. Ms Hassan Nahon gave us an introduction which was, as usual, laced with her view that we should all be better with each other. It is a view that the Government subscribes to of its own motion, but it is also true that she says that even her name talks about us working together – until we disagree with her, because I have not seen more passion displayed in fighting a corner in a tribal manner than when we might have the temerity to take a view which is different to hers.

On the issue of clause 6B she has been tough on us. She will say, ‘I am elected to hold you to account and be tough on you’ – of course you are, but then do not pretend that you are just here to work together with us. We are not here just to work together with each other, but what I am saying is where we are able to work together we must make the effort to do so. That does not mean that we will not be supportive of action which we support in reasons which are clear from our policy, but what we will not do, Mr Speaker – and she needs to understand that this is not about owning motions, it is about owning *our* decisions and answering to *our* voters – is brought here to support a motion that gives effect to their manifesto.

In the context of the pity that she expresses, I must say that today will be a day that will go down in this Parliament’s history because it is to treat this Parliament and the principle of democracy and of parleying with utter disrespect to walk away from its argument and from its decision making, in particular on a motion that you may have put yourself. So perhaps less pity might be expressed in respect to the actions of a particular Member, and one might remember that that same Member is the Member who makes allegations against others in print and then does not stand up against them, and that today we are here to debate.

We are about to end our deliberations. We have done excellent work and we are going to end on a discordant and sour note because somebody has walked away from owning his own failure. That is the reality, Mr Speaker, and I therefore commend the amendment to the House. *(Banging on desks)*

**Mr Speaker:** I now put the question in the terms of the amendment proposed by the Hon. the Chief Minister. Those in favour? **(Members: Aye.)** Those against? Carried.

This amendment now becomes the motion before the House and any hon. Member who has not spoken to the original motion may do so now.

I now put the question in the terms of the amended motion proposed by –

**Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, on a point of order, should you not call upon the mover to reply?

**Mr Speaker:** Yes, I should have called the mover of the original motion to reply, but he is not present, he has absented himself, so we now move to my putting the question in terms of the amended motion as proposed by the Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I call a division.

*Voting resulted as follows:*

**FOR**

Hon. P J Balban  
Hon. Sir J J Bossano  
Hon. Prof. J E Cortes  
Hon. V Daryanani  
Hon. Dr J J Garcia  
Hon. Ms M D Hassan Nahon  
Hon. A J Isola  
Hon. G H Licudi  
Hon. F R Picardo  
Hon. Miss S J Sacramento

**AGAINST**

Hon. K Azopardi  
Hon. D J Bossino  
Hon. D A Feetham  
Hon. E J Reyes

**ABSENT**

Hon. S E Linares  
Hon. R M Clinton  
Hon. E J Phillips

**Mr Speaker:** The count of the division is that there are 10 persons in favour of the amendment, there are 4 against and there are 3 absent, so the amended motion is carried.

**Adjournment and season's greetings**

2590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, thank you very much.

Seeking to set aside that discordant note now, and to thank all hon. Members for the things that we have been able to agree during the course of this afternoon, I rise to adjourn the House *sine die*. In doing so, I want to welcome the fact that this has been the first working session of the House since the General Election and I look forward to the work that we will do in the coming 45 months.

2595 I advise the House that we may have to return earlier to work than we might expect, because of the publication of the Withdrawal Agreement Bill, although I note that the Speaker and the Clerk will be representing Gibraltar at the CPA meeting of Speakers and Clerks in Canada, which you will no doubt do with the support of all Members and in doing so you will do Gibraltar rightly proud – although I do fear for the cold that you will suffer.

2600 I would wish the hon. Lady a happy Hanukkah and all Members of her community – and apologise to her for sitting late on the Friday, which as she knows we seek to avoid – and to offer all other Members the best wishes of the Government for a very Happy Christmas, and to wish every member of this community, no doubt on behalf of all Members of this House, a healthy and happy Christmas feast and a healthy, happy and prosperous 2019. **(A Member: Twenty.)**  
2605 **Twenty! (Laughter)**

**Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*.

2610 I now put the question, which is that this House do now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Passed.  
The House will now adjourn *sine die*.

*The House adjourned sine die at 7.46 p.m.*