



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.09 a.m. – 12.47 p.m.

Gibraltar, Monday, 12th August 2019

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The Gibraltar Parliament

The Parliament met at 11.09 p.m.

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

[ACTING CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

Standing Order 7(1) suspended to proceed with laying of papers

Acting Clerk: Meeting of Parliament, Monday, 12th August 2019.

Order of Proceedings: Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of Regulations on the table.

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

PAPERS TO BE LAID

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Integrated Tariff (Amendment No. 2) Regulations 2019.

Mr Speaker: Ordered to lie.

Standing Order 19 suspended to proceed with Government motions

Acting Clerk: Government motions. The Hon. the Chief Minister.

15 **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 under Standing Order 59 to proceed with the suspension of Standing Order 19 in order to proceed with Government Motions.

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

GOVERNMENT MOTIONS

**Awarding of Gibraltar Medallion of Honour –
Motion carried**

20 **Acting Clerk:** The Hon. the Chief Minister.

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 confers the Gibraltar Medallion of Honour upon the various individuals named hereunder for the respective following achievements, namely:

For services to Culture outside Gibraltar:

Mr Karel Mark Chichon

Having excelled outside Gibraltar in his field of music as a conductor

For public service:

Ms Elisabeth Sheriff

Posthumous — Pro-Gibraltar campaigner in London in the 1960s, who stood for election to the House of Commons against the then Foreign Secretary Michael Stewart to promote Gibraltar's cause

Mrs Karen Prescott

The first Gibraltarian Woman Judge.

Mr Louis Triay QC

Services to Politics, the Law and Sailing.

Indeed, to sport generally.

25 Mr Speaker, it is an honour to have the opportunity as Leader of the House to be able to propose the recognition of great work done by Gibraltarians that raises the profile of Gibraltar outside of this jurisdiction, or indeed that adds to the cultural life of Gibraltar inside and outside of our own community.

30 Speaking to the first of the nominees, Karel Mark Chichon – who is only a year older than I am, and I often had an opportunity to hear him tinkling the ivories in the Bayside School music room in the time that he was also a much more gifted music student than I was – Karel has really taken the name of Gibraltar around the world and put us in the collective consciousness of those in the world of classical music who might not otherwise have had Gibraltar on their radar. I think the talent that this man has is being recognised outside of Gibraltar. I know that we sometimes bring
35 orchestras to Gibraltar and they are conducted by people other than Karel Chichon – that is unfortunate; an orchestra performs with the conductor it has rehearsed with – but otherwise Karel Mark Chichon would be an excellent choice to conduct any orchestra. That has been demonstrated by his work in New York, his work all over Europe and indeed getting Gibraltar's name out there for reasons which are not political. Too often Gibraltar is just in the international
40 headlines for political reasons, and that is a very good thing because we put the political arguments in respect to Gibraltar across internationally, but it is also important that people see and hear about Gibraltar for reasons unrelated to politics.

45 Mrs Elisa Sheriff I think has recently come back into the public consciousness as we have looked back at what was happening in the 1960s, as we have had cause to either celebrate or commemorate respectively different things that happened in those years, both the celebration of the 50th anniversary of the Referendum and we are now embarked on the commemoration of the sacrifices made as a result of the closure of the Frontier. There was a lot of political activity outside of Gibraltar then. The Hon. the Father of the House, Sir Joe Bossano, started really

50 agitating outside of Gibraltar around that time. There were many others and Mrs Elisa Sheriff was one of those who was doing that work in the United Kingdom, in London, at the time. The Deputy Chief Minister, with the archivist, noted the work that she had done. They raised it to public prominence in the course of the last couple of years and it was absolutely appropriate that we should nominate her – posthumously, unfortunately, and I am sorry to say posthumously because Mrs Sheriff died only recently. This House should recognise the contribution that she made.

55 Mrs Karen Ramagge Prescott became the first woman judge of the Supreme Court of Gibraltar and she has been recognised for doing outstanding work in that role without fear or favour. So often, when I read what is happening beyond Gibraltar and indeed beyond the United Kingdom – although we might all have views about what is happening in the United Kingdom, when we look at what is happening beyond the United Kingdom, closer to us in Spain, in other European
60 jurisdictions, indeed in the United States, where judges are appointed politically, you get a sense that the sort of justice that is dispensed in these places has more to do with who you are and what your ideology is rather than what the merit of your case might be. Our judges, and in the United Kingdom the judges of the school that we belong to, would never make a decision about anything other than based on the merits of what is before them. We may or may not agree on their legal
65 interpretations, but they make judgments based on the merits of the cases that are before them, and the Government – indeed the Government in the guise of the Crown – is but one other party in the context of a really established principle of the rule of law. We are very lucky, Mr Speaker, in my view, to have a woman judge in Gibraltar who is Gibraltarian, one of ours, who has demonstrated her ability in this particular field of the practice of the law, which is to sit in
70 judgment – as has Anthony Dudley, the Chief Justice, who has also been recognised by this House for the work that he has done, and indeed now the appointment of two more Gibraltarians to the bench in the Supreme Court of Gibraltar, all of whom, every citizen will know, will judge each citizen horizontally, one against the other, in matters related to civil disputes, or indeed vertically in claims by or against the state exactly in the same way and without fear or favour of one party
75 or another. The value of that in a community is so deep rooted and so important that for me it is one of the key criteria why this community should never pass under the sovereignty or control of any sovereign other than the British sovereign, the Crown, Her Majesty, in right of the Government of Gibraltar. Only in the United Kingdom and in Gibraltar, and indeed in the Overseas Territories generally, do we have those guarantees, and in Gibraltar this woman, Karen Ramagge
80 Prescott, is one of the leaders in delivering that principle of the rule of law and equality before the law, which comes from as long ago as Magna Carta and the Civil War – (*Banging on desks*) (**Hon. N F Costa:** Hear, hear.) led by the Minister for Justice.

Mr Speaker, Louis Triay QC was a Member of this House for many years and I have no doubt that I would have disagreed with much of what he said in this place and agreed with a lot of it too,
85 but he is a man who gave service to politics in a previous generation. He then continued to give service to this community in the law. He is one of the pioneers and establishers of what we now call our financial services centre. He is one of the people who really saw those opportunities in the 1960s and 1970s, when Gibraltar was really emerging into the need to have a local economy beyond the shores of this very jurisdiction, and indeed in his chosen sport of sailing he has
90 continued to excel, even now in advanced age, and his recognition I think must be not just in respect of sailing but for sport generally because of the work that he has done in promoting Gibraltar sports beyond Gibraltar, not just in his own chosen sport of sailing. Louis is one of those people who has friendships across the political divide. Although he may have taken one position or another, he has always been a person who has been friendly to all, well known to all, and I am
95 very pleased that long-overdue recognition will be paid to Louis Triay for the work that he has historically done in relation to politics, he has done and continues to do in respect of the law and he has done and continues to do in respect of sport and, in particular, sailing. So it is a pleasure on behalf of the Government to seek that recognition for Louis Triay QC.

100 Mr Speaker, these are four very deserving recipients of the Medallion of Honour because they have done work which enables Gibraltar to be hugely proud both of the recognition they have inside of Gibraltar and the recognition they have outside of Gibraltar.

105 I should have mentioned, when dealing with Miss Karen Prescott, that the Middle Temple has recognised her work and has made her a Bencher of the Middle Temple, so this is exactly the sort of Gibraltarian that should be held up for particular distinction by the bestowment of the Medallion of Honour by this House.

110 I will say in relation to this motion, as I will in respect of the next motion, that all those who have the Medallion of Honour deserve it, but not all those who deserve the Medallion of Honour have it, and of course that is why the Government has, since the beginning of our period in office, invited the general public, and indeed organisations, to propose to us who should be the recipients of these medallions – we have said it on a number of occasions; I said it the last time we presented it in this House – and indeed we have received a lot of nominations. Not all of them have made it on to the list, but all of those who are on this list have been nominated to the Government by different entities, organisations or individuals. I should also say that since I have been a member of the Gibraltar Honours Board, which deals with honours – state honours in the United Kingdom – I have made a practice of keeping a list of names that the Honours Board has felt should not be or could not be nominated for a state honour, or indeed where those nominations have not prospered to ensure that those names are then brought to this House, where appropriate, for nomination in this House by the Government for those honours. The list that we are dealing with now and the next list contain names also from the Honours Board that have either prospered in respect of state honours but should also be recognised by way of honour by this community, or have not been recognised by way of state honour but it is right should be recognised by this community. So, the list that is before the House now for the Medallion of Honour and indeed the list that is to come in the next motion have been compiled on that basis, on the basis of nominations received from the general public.

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Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

130

Hon. E J Phillips: Mr Speaker, we echo and support the motion by the Chief Minister. It is clearly right that we register in this House our support for those who have made a huge contribution to our community and it is right that we have honours such as these and they are bestowed on individuals who have made a huge contribution in their particular areas, so we will join with the Chief Minister in welcoming these honours as bestowed by the Parliament.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Mr Speaker, for my part I would like to endorse Government and thank them for selecting these individuals, these worthy recipients, for the Medallion of Honour. It is important for our society to recognise great achievements and mark them in history for the future of our community.

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When talking about Karel Chichon, he is a man with so many musical talents who has inspired and continues to inspire children, adults and newcomers to music, or music lovers, a man who gives Gibraltar a sterling name across the world wherever he goes.

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With regard to Louis Triay, he is a man who has served the legal profession for over six decades – or more, I believe, a man who has served in politics, a man who has been very active in the sporting profession. He is someone who deserves nothing less.

When we talk about the women who have received this honour today, Elisa Sheriff – sad that it has been a posthumous award – is a woman who stands out for her work in the 1960s, when women barely left the house, let alone fought for the cause in politics and let alone fought for the

cause in politics abroad. That must have taken quite a bit of conviction, Mr Speaker. It is sad that it is a posthumous award – but better late than never, as they say.

155 Karen Prescott, another worthy recipient, is a woman judge who will be an inspiration to women in Gibraltar who will be aware that they can now reach great heights as much as their male counterparts.

Mr Speaker, I take this opportunity to remind Parliament and the people of Gibraltar that there is not enough recognition for the women in our society. There are many fewer accolades and memorials for women out there and I think that it is a good move for Government to have chosen two women within these four recipients today and continue to pay tribute to the women who
160 have served and continue to serve in our communities so that they receive no less than their male counterparts in our community.

Thank you.

165 **Mr Speaker:** Does any other hon. Member wish to speak on the motion? The Hon. Edwin Reyes.

Hon. E J Reyes: Mr Speaker, may I, because, for the formal record of the House, for my sins as a school teacher one is always cautious on nomenclatures. Elisa Sheriff – Elisa, as she was commonly known – her true registration name is Elisabeth Sheriff. I know she passed away
170 recently. She always kept using her maiden name, which is Sheriff, but that was always preceded by ‘Ms’, rather than ‘Mrs’. I know she still has a sister around. Her daughter unfortunately also died not long ago, but her grandson is still around. So, if the family do come round for the ceremony and so on, we should get it right. I see in other motions that those are normally referred to – like the Father of the House is ‘Joe’ and in official certificates is Joseph – in the way they were
175 registered to the Registry. Just to get Elisa’s name properly, we call her affectionately Elisa, but if we produce a certificate we should call her Elisabeth. Yes, sorry.

Hon. Chief Minister: I am grateful to the hon. Gentleman for giving way, although I have the ability to reply, but the Government would support either the Government itself putting in
180 ‘Elisabeth’ or, if the hon. Member wants to move the amendment – or, if Mr Speaker on this occasion agrees that we do not need to formally move a written amendment, we can just record ‘Elisabeth’ instead of ‘Elisa’. I have no difficulty with that whatsoever.

185 **Mr Speaker:** I think we can take it that that is agreed to.
The Hon. Gilbert Licudi.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, just one small matter to add in relation to Karel Mark Chichon. The Chief Minister has referred – in fact the motion talks of ‘for services to culture outside Gibraltar’. It is important to recognise that
190 Karel has made an enormous contribution to culture within Gibraltar as well. It is not just outside Gibraltar, but we must recognise the work he has done, as I know the Minister for Culture will also acknowledge.

I remember when my father was the cathedral organist Karel used to go to the cathedral as a young boy and my father would allow him to play the organ and sometimes stand in for him
195 playing the organ in the Cathedral of St Mary the Crowned. He subsequently became very involved in the local music scene, being instrumental – possibly I stand to be corrected – in founding the Gibraltar Philharmonic Society and himself bringing orchestras and singers to Gibraltar, himself conducting some of those orchestras in Gibraltar, starting what has continued to this day, which is a very active Philharmonic Society with many orchestras and singers having been brought to
200 Gibraltar. That was pioneered, in a way, by Karel, so we must not forget the very great work that Karel has done to instil an element of culture from a musical point of view as far as Gibraltar is

concerned, but certainly his work outside Gibraltar really has converted him into one of the big superstars in the music world.

205 **Mr Speaker:** Is there any other person who wishes to contribute to the motion? Yes, the Hon. Steven Linares.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, just to acknowledge what Minister Licudi has said, and also that we are still using Karel. Karel is still active within the
210 Philharmonic Society. In fact, most of the orchestras and most of the singers, tenors and sopranos, who come to Gibraltar come through Karel. Karel is the one who advises, who helps actively the Philharmonic Society. Just to add that to what Minister Licudi has said.

Mr Speaker: Does the hon. mover wish to reply?
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Hon. Chief Minister: Mr Speaker, I am very grateful for the House's unanimous support for the nominations put forward by the Government as a result of the community's response to the Government's call for nominations in this respect. I thank both the Hon. Gilbert Licudi and Steven Linares for their contributions in respect of Karel Chichon's work inside of Gibraltar, I am grateful
220 to Mr Reyes for the reminder of the full name of Ms Sheriff and I thank both the Leader of the Opposition and Ms Hassan Nahon for their supportive remarks.

Ms Hassan Nahon is absolutely right to have spotted that we wanted to balance this motion to ensure that there was gender neutrality, gender balance, in the nominations, something which has not perhaps been the case in the past. Indeed, the easy answer to that is that men were more
225 active in the past than women in politics. But that is not satisfactory, in the view of the Government, because women were active, just in different ways but no less important ways. So, in this particular period of time the House has already recognised the work done by those women who were in the then self-named Housewives' Association. Now we might not agree that that is a way which today would be appropriate to label a group of women acting in concert to support the
230 political work of the community – indeed it is very unlikely that today you would have just a group of women doing it because of the absolutely overdue integration of the work of men and women in politics, but that work has already been recognised at the time of their anniversary. There was a lot going on and it was not just men who were doing that work; there were women equally involved and it is absolutely right that we should recognise that, and as we move forward in
235 analysing both our history and our contemporary life, we must ensure that we bring that gender neutrality, that gender balance, to everything that we do, wherever it is possible to do so. I know in some instances it may not be possible to do so, but we should certainly strive to achieve that. I think in this particular motion we have been able to do so as we give the highest distinction that this community bestows on its citizens.

240 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

**Awarding of Gibraltar Medallion of Distinction –
Motion carried**

Acting Clerk: The Hon. the Chief Minister.

245 **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 resolves to bestow the Gibraltar Medallion of Distinction upon the various individuals named hereunder for the respective following achievements, namely:

For Services to Education:

*Mr Robert Albert Beiso (Posthumous Award)
Mrs Maria Teresa Beiso
Mrs Julie Canepa
Mrs Janet Davidson
Mr Stewart Harrison (Cybersecurity work)
Mr Joseph Cortes
Mrs Jyoti Massetti
Mrs Patricia Duarte
Mr Charles Pizarro*

For Services to Promoting Europe and Education:

*Mr Albert Danino
Mr Ivan Navas*

For Promoting Gibraltar Abroad:

*Mr Joseph Carseni (United States of America)
Mr David Liston (United States of America)
Mr Mohamed Lehyan (Morocco)*

For Charitable Work:

*Ms Emily Adamberry (Clubhouse)
Mrs Marielou Guerrero (Gib Sams)
Mr Kishin Alwani (Alwani Charitable Trust)
The Right Reverend Charles Azzopardi (Several Charitable Projects)
Mrs Rosanna Olivares (Multiple Charitable Projects)
Mrs Mercy Posso (Cancer Charities)
Mrs Myra Zayas (Cancer Charities)
Mrs Annie Green (Childline Gibraltar)
Mrs Daphne Alcantara (Work with Alzheimer and Dementia Patients and Families)
Mr Alfred Medina (Ivanhoe Society and Charitable Causes)
Mr Julio Pons (Multiple Associations and Societies)
Mr Joseph Chiara (St John Ambulance)*

For Services to Health:

*Mrs Janet Lane
Mrs Susan Vallejo
Mr Anthony Kevan Sercombe
Dr Adolfo Donald Bacarese-Hamilton*

For Services to our Environment and Quality of Life:

*Dr Keith Bensusan (GONHS)
Mrs Janet Howitt (ESG)*

For Services to Culture:

*Mr Jordan Bautista (Polish National Ballet)
Mr Joseph (Pepe) Roman (Author of the lyrics of 'Llevame donde naci')
Mr Freddie Ryman (Postage Stamp Designer) (Posthumous Award)
Mr John Grech (Catering Services to the City Hall)*

Mr Nathan Payas (Opera and charitable endeavours)
The Gibraltar Re-enactment Society
Mr Tito Vallejo (Promoting the History of Gibraltar)
Mr John Bugeja (Photography)
Mrs Lati Edmonds (Former Commissioner of Girlguiding Gibraltar)
Mrs Valerie Feetham-Makey (Former Commissioner of Girlguiding Gibraltar)
Mr Alfred Reoch (Scouts)

For Services to Tourism:

Mr William Piccone (Bristol Hotel)
Mr Stephen Vella (Kestrel Aviation Management)

For Public Service:

Mr Joseph Caruana (Public Service and Drugs Rehabilitation)
Mr Jack Noble (Chairman Royal Engineers Association Gibraltar Branch)
Ms Hazel Cumbo (CEO Courts Service, presided over the changeover in the Courts)
Mr Hector Cohen (TGWU/ AACR/ Lions/ Diabetic Association/ Cavalcade Committee)
Mr Dennis Reyes (Posthumous Award – former Clerk of the House of Assembly)
Mrs Aida Goldwin (To the Holy Trinity Diocese of Gibraltar in Europe/Local Community)
Mr Gilbert Joseph Podesta (Heritage)
Mr Paul Baglietto (Royal Gibraltar Regiment)
Professor Clive Finlayson (Work on Gorham’s Cave)
Professor Geraldine Finlayson (Work on Gorham’s Cave)
Mr Mario Hook (The Office of the Ombudsman)
Mr Michael Gil (Former Chief Technical Officer and Public Services Commission Chair)
Mr Hector Montado (Chief Technical Officer)
Mr John Collado (Former Managing Director Land Property Services Ltd)
Mr Peter Montegriffo QC (Politics, Law, Financial Services, Gaming, University of Gibraltar and Gibraltar International Bank)
Mr Jose Julio Pisharello (Financial Services, Gaming, University of Gibraltar and Gibraltar International Bank)
Mr Peter Isola (Law, Financial Services, Gaming, University of Gibraltar and Gibraltar International Bank)
Mr Albert Langston (Gibraltar International Bank)
Mr Victor Ochello (Trade Union Movement)
The Hon Haresh Budhrani QC (Speaker and President of the Hindu Community)
Mr Ali Douissi (Moroccan Community Association)
Mr Clive Golt (Broadcast Services, Journalism and International Relations)
Mr James Dalmedo (Services to successive Chief Ministers)
Mrs Christine Clifton-Psaila (Broadcast Journalism)
Mrs Susan Clifton-Tucker (Broadcasting)
Mr Manuel Ruiz (Senior Citizens)
Mr Terence Lopez (Aviation Industry)
Mr Joseph Acris (Aviation Industry)
Ms Alice Mascarenhas (Broadcast and Written Journalism)
Mr Francis Sheriff (Government and Other Work)

For Services to Sport:

Mr Anthony Joaquin (Martial Arts)
Mr Peter Conroy (Martial Arts)
Mr Frank Carreras (Athletics)
Ms Linda Alvarez (Island Games)
Mr Lee Henry Casciaro (Football).

Hon. Chief Minister: Mr Speaker, these names will be bestowed, with the agreement of the House if it is secured, with the Gibraltar Medallion of Distinction.

250 I will be moving an amendment in respect of the first part of the motion to include Mr Kenneth Saez also in the list of those providing services to education. The House should note that apart from Stewart Harrison, who is recognised for the work he does in respect to cyber security, all the others are recognised for their work as head teachers. Mr Kenneth Saez has just retired as a head teacher, so I think that puts us in the position we said the last time we presented this motion, that we wanted to recognise the heads of Gibraltar's schools. Mr Kenneth Saez, I think, is the last one
255 to have retired and that will therefore bring us up to date with retired head teachers. I will give written notice of the inclusion of the name, if necessary.

Mr Speaker: Best to do it now.

260 **Hon. Chief Minister:** I am grateful, Mr Speaker. I formally move that Mr Kenneth Saez be included in the section 'For services to Education' as a retired head teacher who had not been included in this because he has just ...

265 **Mr Speaker:** Those in favour? (**Members: Aye.**) Those against? The amendment is carried.

Hon. Chief Minister: I am very grateful, Mr Speaker.

This is a list of names of people who have done things which are specific to an area, and that is why the Medallion of Distinction has been proposed by those who have nominated to the Government the inclusion of these individuals on this list. It would be impossible for me to pick
270 out any one of them and explain to the House why it is that we feel they should be bestowed the Medallion of Distinction, but I think indeed the House is aware of the work that has been done by these individuals, how that has had a repercussion in the life of this community and that it has been positive, even in some instances where we on this side of the House might not necessarily have agreed with some of the things that might have been done or said by individuals. The name
275 of the founder of the GSD is on this list, but that contribution to public life and indeed to the law and indeed the support that has been given to the Government when we have called upon this particular individual in the establishment of the University and the establishment of the International Bank is second to none and worthy of recognition. And so are all the others, Mr Speaker.

280 Unfortunately, as this community catches up with itself in a process that was commenced by hon. Members when they were on this side and they proposed the creation of these distinctions and recognitions, we are catching up with some who are no longer with us. And so Freddie Ryman, who designed so much of the artwork that Gibraltar has sent around the world on our stamps etc., is no longer with us. It is a posthumous award, unfortunately. His art has been recognised and
285 highly valued internationally and it is right that we should be catching up with those who were not able to receive those distinctions before they existed and we relied only on the United Kingdom system of state honours. That explains why these lists are also lengthy, because there is that process of catching up. We are recognising head teachers who retired some time ago as we try and ensure that we cover all those who provided that service. We are recognising those who
290 have undertaken charitable endeavours in a way that in some instances has already been recognised by state honours in the UK but in some instances has not, but it is right that they should be recognised by this House also.

295 This community needs to catch up with itself. It needs to think back to those who provided service, and I once again call on people to continue the work that the community at large has done in proposing to the Government these names, so that those who have these recognitions definitely deserve it but not all those who deserve it have it. The Government does not pretend to know everyone who deserves the recognition and so we must receive from the community as a whole the nominations for recognition by those who are doing the fantastic work that is going

300 on in the background in our community. Sometimes, pausing to recognise the work that is done
is as much a part of building a nation as the work that these individuals have done is a part of
building the Gibraltarian nation that we enjoy today.

Mr Speaker, there is a name on this list that may not be recognised by many and it is the name
Stephen Vella of Kestrel Aviation Ltd. Stephen Vella may be known to some who were at school
with him, but it recently came to the Government's attention that he is the foremost designer of
305 private aircraft in the world. Private Airbus A380s, private 747s and 757s, the kitting out of these
things in California is done by a company called Kestrel Aviation. The owner of Kestrel Aviation is
a Gibraltarian who moved to the United States after his degree in engineering was funded by
Gibraltar in the 1970s and 1980s. He is a very proud Gibraltarian and Gibraltar is very proud of
him. When international superstars and royalty sit in their private jets, that sumptuous
310 environment has been created by a Gibraltarian, so not only are we known as a hospitable people,
we know how to create hospitable environments even in the sky! Mr Speaker, I thought I should
just highlight that name, which may not be known to many.

Mr William Piccone is a posthumous award to somebody who contributed greatly to the
Gibraltar tourist sector and passed away some years ago in a tragic accident on a racetrack.

315 Others of the names I do not think need any particular introduction by the Government,
although I will say that after a very successful Island Games I think we are all very happy to
recognise the leadership of the Island Games in Miss Linda Alvarez, something that led in great
measure to the success of the Games.

Mr Speaker, it is often the case that the Government and GOHNS and the Government and the
320 ESG agree. Indeed, in most instances the Government and the ESG agree on many things – in the
Development and Planning Commission, in the planning of things before they get to the
Development and Planning Commission etc. There are some instances where the Government
and GOHNS and the Government or the ESG may disagree, but that is not a good reason not to
recognise the excellent work that is done by GOHNS and by the ESG as a whole. They are led now
325 by Keith Bensusan and Janet Howitt respectively and it is right that we should recognise that
excellent work that is done by those two particular NGOs by holding out their leadership for
distinction. Having spoken to Mrs Janet Howitt, and I know my colleague spoke to Keith Bensusan,
they wanted to ensure that that recognition is extended to the whole of their organisations. Given
that we have got one of the former leaders of GOHNS here as the Minister for the Environment, I
330 am sure the whole House will want to agree that the recognition of the work that is done by those
two organisations is in effect what is being recognised by this House.

Mr Speaker, those who have contributed to the life of young Gibraltarians in guiding and in
scouting are recognised also as the community again catches up with those who have not yet been
recognised. I am sure there will be more names brought to the Government's attention in respect
335 of guiding and scouting – there are two names here.

Finally, Mr Speaker, before I sit down I would highlight only one other name, the man who I
had the honour to drive home two weeks ago: James Dalmedo, who has been chauffeur to all
Chief Ministers of Gibraltar, is also recognised for having put up with all of us, with all of our
foibles, with all of our late nights and for having gone above and beyond the call of duty in the
340 discharge of his functions as chauffeur to Chief Ministers and, at least in my case, also being able
to bring a smile to my lips whenever I got in the car having left this place with a frown.

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

345 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the
Chief Minister.

The Hon. the Leader of the Opposition.

Hon. E J Phillips: Mr Speaker, we will echo the sentiments expressed by the Chief Minister in
relation to this very long list of deserving candidates for the Gibraltar Medallion of Distinction. I

350 do know that others on this side of the House would wish to make some observations on the individuals listed in this and I will sit down and let them do their bit.

Mr Speaker: The Hon. Marlene Hassan Nahon.

355 **Hon. Ms M D Hassan Nahon:** Mr Speaker, once again I thank Government for bringing to Parliament the recognition of these worthy recipients. I think it is a good thing for this House to bring forward this recognition and acknowledgement of people's service to our community. It is a great thing for the betterment of our society. This is our heritage and therefore it is our duty to immortalise these contributors.

360 Some in this list I know more, some I know less, and I want to take this opportunity to thank those I have worked with and who have inspired me, touched me and led me to take on the many things that they stand for and the causes that they have been fighting for.

It would be wrong to single out anyone from this long list, but I do echo the Chief Minister's words on James Dalmedo, Jimmy, who I have to say I grew up around, this very hardworking man who has carried out his duties diligently over decades to all – bar one, I believe – Chief Ministers in our history and who definitely deserves this accolade.

365 So I take this opportunity to pay my congratulations to all the recipients.
Thank you, Mr Speaker.

370 **Mr Speaker:** Does any other hon. Member wish to speak on the motion? The Hon. Daniel Feetham.

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

I echo the sentiments of everybody who has spoken in relation to this motion. It is, of course, 375 difficult to single any particular person out because everybody listed in this motion is meritorious, but of course as the hon. Lady has said, there are individuals here who have either touched us in one way or another or perhaps ... Certainly I feel that I should just say a few words in relation to some of them.

380 Before I start, I want to declare an interest, and that is that one of the recipients is my sister, Mrs Valerie Feetham-Makey. I feel tremendously proud and I want to echo that sense of pride that my entire family feels at the bestowing of the Medallion of Distinction on my sister Valerie. Congratulations to her, to her husband Mark and to her children.

I think that to start off with I would like to congratulate the Government for awarding this to 385 Dr Keith Bensusan of GOHNS and Mrs Janet Howitt. I think the environment is the single most important issue affecting humanity today. I have said it in during the course of motions that the Government and indeed we have brought to this House and I think it is particularly important that people who are at the forefront of protection of the environment are recognised by us in this community.

390 I also want to congratulate Tere Beiso, who was the headmistress at St Paul's. Her husband, who is also recognised posthumously, Robert Beiso, was the headmaster at St Joseph's and I want to extend my congratulations to both Tere and also their children, Francesca and Bianca. I know that Robert, who was my father's cousin – that is why I focus on him; I knew him very well – would be extremely proud at the bestowing of this honour certainly on his wife and of course himself.

395 Johnny Bugeja and Alice Mascarenhas, both of the *Chronicle* – Alice also GBC Radio – are national treasures and I congratulate them both.

400 Also I would like to mention, because he was Speaker for two terms, Haresh Budhrani. I think not only is it deserved but I think that it perhaps ought to have been done ... I make no criticism of anybody in relation to that statement, but perhaps it ought to have been done at an earlier juncture – for somebody who has been Speaker for two terms to have been recognised in this way by this Parliament.

I also want to mention Mrs Hazel Cumbo. Mrs Hazel Cumbo was HEO in my Department, my HEO when I was the Minister for Justice, and she left there to take on the position of CEO of the Gibraltar Court Service. I know her well. She was extremely hardworking when she worked for me in my Ministry, very helpful, and if we succeeded during my time as Minister for Justice in getting
405 legislation and dealing with the things that we did during that time it was in large part due to the hard work of Hazel Cumbo and I congratulate her too.

Mr Speaker, also Christine Clifton-Psaila and Susan Clifton-Tucker, both who were members of GBC certainly in the time I was a Member of this House and during my political career, and I know that there are other Members who have been interviewed by Christine Clifton-Psaila who know
410 that she was a tremendously tough but I believe fair and honest interviewer and it was always a pleasure to be interviewed by her.

Finally, Mr Speaker, two names. Victor Ochello is somebody I worked very closely with when I was a Government Minister. We worked very well together – less well together, it has to be said, when we lost the election and I was in opposition, but those are things that happen. Trade
415 unionists have got to work with the government of the day. We have had our good times and our bad times, our disagreements and agreements, but I congratulate him. It is extremely well deserved for his many years in service to the trade union movement.

And finally, Mr Speaker, to my great friend Clive Golt, who was one of the best interviewers, one of the best holders of debates here in Gibraltar when he was at GBC. A fantastic journalist, editor of *The New People* for many years. Indeed, to end my contribution in relation to Clive I want
420 to apologise to him publicly for all those difficult moments that I made him go through when I was leader of the Labour Party and I used to contribute to *The New People* – to the not so much delight of Members opposite, in particular the Father of the House. I remember one particular time when I think between myself and others within the Labour Party we had contributed about half of *The*
425 *New People*; the other half was pro GSLP. One half pro Labour, the other half pro GSLP. He was hauled before the GSLP executive. He came back to me, we had a drink, drowning our sorrows – well, he was drowning his sorrows – and he said to me, '*Hasta Violeta Monteverde me ha dado la gran paliza esta noche*'.

Mr Speaker, on that note, I congratulate everybody for the very deserved awards that the
430 Government has handed down.

Mr Speaker: Does any other hon. Member wish to speak on the motion? The Hon. John Cortes.

Minister for the Environment, Sustainability and Climate Change (Hon. Dr J E Cortes): Mr
435 Speaker, I hesitated, but have to take a cue after the Hon. Daniel Feetham for something which will be very obvious to all of you.

As the, I think, third oldest Member of the House and having had a number of different careers, it will not surprise Members that I have encountered – as they say, '*por encima*' I have personally had contact at different times of my life and my career with at least 77 of the people here listed.
440 So I am not going to talk about all of them, but just to reiterate my good wishes and my delight at people in Health, where I have worked; in the judiciary, where for some years, you may recall, Mr Speaker, I was President of the Magistrates Association; with youth workers in the Scouts, charities, culture, media and in the public service.

I will not go through all of them but I will mention those perhaps who are in the areas of my
445 current political responsibilities. Clearly the Hon. the Chief Minister has already sung the praises of Keith Bensusan and Janet Howitt, with whom I myself have also had differences but who work so hard. We work together for the benefit of the environment and, as the Hon. Mr Feetham has said, it is such an important – I think the most important – aspect of our lives at the moment and for many years. The hard work that members of NGOs do behind the scenes is difficult to
450 understand unless you have been there, as I have been. The delicate balance between campaigning but also wanting Gibraltar to progress and balancing one thing with the other is not

easy to do and I think these organisations, as indeed others, do them extremely well and we need to be proud of them in Gibraltar.

455 Clearly in Education, what can I say about the work of teachers, and the work of head teachers who are running organisations which are actually bigger than a lot of other organisations? People do not realise the complexity of the work of the head teachers. I have, of course, to mention two in particular. I take the cue out of the Hon. Mr Feetham, who mentioned his sister Valerie for her excellent work in the Guides. I of course have to mention and congratulate my brother Joe for all his work through many years as a head teacher and also as President of the Gibraltar Teachers
460 Association. I am very pleased for him, of course, and for the family.

But I have to mention one other person who was a mentor and who was almost a guardian for me in my first incarnation in the Health Service back in the 1980s and 1990s. That is Don Bacarese-Hamilton. His contribution to health in Gibraltar was extraordinary and he is rightfully awarded this because he may have been forgotten by many but those of us who worked in Health in
465 decades past owe him a great debt of gratitude, as we have the Health Service that we have today largely due to the work that Don did during his time as Director of Medical and Health Services.

I think that is all I have to say. I could mention a lot of others but I just wanted to highlight those, Mr Speaker.

470 **Mr Speaker:** The Hon. Gilbert Licudi.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, just one small addition to what the Chief Minister has already said. He mentioned Mr Albert Langston in the context of the work that he does for the Gibraltar International Bank and I would just like
475 to add that Mr Langston is also the current Chairman of the Board of Governors of the University of Gibraltar, a position which he discharges entirely on a voluntary basis, which I appointed recently. He is doing a magnificent job for the University itself and I thought it was right that we should also recognise Mr Langston for his work for the University as well as for the Gibraltar International Bank.

480 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I would obviously like to echo the words of my hon. colleagues and the hon. Lady.

485 It has just been brought to my attention, Mr Speaker, and it may be just a question of checking, that Mr William Piccone was described as having passed away. I am told that he is alive and kicking. Can we just correct the record for that, sir?

490 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Shall I, Mr Speaker, go completely [inaudible] in the list for charitable work I think very fittingly we are about to approve the bestowing of the award to Monsignor Charles Azzopardi. I will give you a bit of what to some could be useless information but for others might be interesting when it comes to quiz times or whatever. Within the hierarchy of the ordained
495 orders of the Catholic Church, the title of Monsignor is given at two levels. One of them is those that are named honorary chaplains to His Holiness the Pope, and those carry the nomenclature of 'The Very Reverend', but there is a slightly higher tier, or a more prestigious one, which is those that become Prelates of Honour to His Holiness the Pope and those carrying the nomenclature of 'The Right Reverend', and Charles Azzopardi fittingly comes under the category of 'The Right
500 Reverend'. It could be something useful, especially to future students who carry out research works on prominent Gibraltarians; they might be interested to know that. So I would like to see Father Charles, as he is affectionately known to many of us, having the correct title of 'Right Reverend'.

505 The other one I ask the Chief Minister if perhaps he can check later in his office: we rightly
nominate the Hon. Joseph Caruana because he has been a past Member of this House, especially
when we were known as the House of Assembly. There is also Peter Montegriffo and I do not
know whether he should carry the same title as Joseph Caruana, with the 'Hon.' in front of his
name, because they were elected Members. And I do not know if that rule would then equally
510 apply to Hareesh Budhrani, who although not elected at a general election was unanimously
appointed by this House on two occasions, like my colleague Daniel Feetham has just said. The
correct wording might be 'The Hon.' It does not have to be sorted out now – I think if this House
just approves that.

515 And I am not 100% certain, Mr Speaker, but I think that Dr Geraldine Finlayson did receive an
associate professorship recently, so she might be entitled to be known as Prof. Geraldine Finlayson
rather than just simply 'Dr', like we refer to Dr Garcia and so on. It is just that if we mention it now
then it allows the officials to get things right eventually.

Mr Speaker: If there are no other speakers, I will call on the mover to reply. The Hon. the Chief
520 Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the unanimity that has broken out across
the House in supporting these bestowments of the Gibraltar Medallion of Distinction by
nomination of the community.

525 I confirm that I too have been told that I have confused my Piccones, and so the name on the
motion stands. The description should not be relied upon.

The Hon. Mr Feetham has done the process of going into the list, which I wanted to avoid but
I think it is worth doing and it is important that I should deal with the parts that he has dealt with
and also with some parts which have my particular personal affection.

530 Mrs Julie Canepa – your wife, Mr Speaker; you do not have to declare an interest –

Mr Speaker: I don't have a vote! (*Laughter*)

535 **Hon. Chief Minister:** You don't have a vote – and you had better know how you would have
cast it, otherwise you will be in trouble with Mrs Canepa, as I first came to know her as one of the
teachers at St Bernard's with Mrs Davidson, who was then the headmistress.

Joe Cortes, John's brother, has been my election agent – so you have him to blame for me
being here, so I did not know whether he should enjoy all your support – and is a strong support
at difficult political times.

540 Albert Danino, as I have said on a number of occasions, is the person who induced me to charge
for my skills in argument and then to continue to go down that road and into politics. And Mr Ivan
Navas taught me the little French that I have. The reason for saying that, as the hon. Member has
led us to, is to say that these are names that have touched many of us in different ways, and so
there are names on this list that might have been our teachers, that might have been scout
545 leaders, that in the case of the hon. Lady, as for my children also, were the friendly face of the guy
who drives dad to work – or in my case drives him back from work because I do try, in order to
keep the hon. Member, the ESG, GOHNS and my dieticians happy, to walk to work. That is what a
nation and a community is about and these are the webs that touch us all in different ways and in
different measures. As the hon. Lady has said, this is also the heritage of our community, in the
cases where it is not posthumous, alive and around us and worthy of recognition.

550 Mr Speaker, I, like the Hon. Mr Feetham, am very happy that Christine Clifton-Psaila has retired.
I remember her with affection and I am delighted that she is not going to be there at 1.30 to ask
me the difficult questions, although I will always be pleased that she asked the hon. Gentleman at
the time what he would do about the blocks when he then told us that he would be happy to
remove the blocks with spikes from BGTW (**Several Members:** Hear, hear.) if that helped to sow

555 peace with Spain, (*Interjection*) or words to that effect. That is how much of a good interviewer she was and that is why I think we are both pleased that we can honour her in her retirement.

And Clive Golt, who I think enjoys the affection of just about every Member of this House, the Father of the House and me in particular. The Deputy Chief Minister and I met as a result of a Clive Golt programme, so he is responsible for a lot! I think people will recognise that in the annals of
560 Gibraltar's broadcast history the leading Gibraltarian interviewer of politicians and organiser of political debates, and not just of Gibraltarian politicians but also the man who was ready to run across the Frontier and put his camera in front of Fernando Moran etc. in the broadcast sphere was Clive Golt.

I thought the hon. Gentleman was going to do something which is long overdue, which was to
565 apologise on behalf of the party that he once led for the way that Clive Golt was treated by them as a party. Instead, he has done something (*Interjection*) for which he was responsible. He has talked about the period of the Labour Party for which he was responsible rather than the period before that, which the GSD was responsible for. But I certainly will say to Clive Golt from this place that the way that he was treated after 1996 was not befitting a mature democracy and it would
570 not have happened in another democracy. He and I know what Clive went through. He was not responsible for the things that I am complaining about, but he and I know what Clive went through and Joe knows what Clive went through and it was a particularly difficult time unbecoming the contribution that this man has made for Gibraltar.

But it is also true that we have also laughed a lot with Clive Golt. We have enjoyed working
575 together and then working against each other in the context of the publication that the hon. Gentleman referred to. I remember fantastic satirical works which went into that particular publication – 'Planet of the Tapes' always sticks in my head, Mr Speaker – and it is right that we should be recognising that.

Mr Speaker, I think that the hon. Gentleman Mr Reyes is right to point us in the direction of
580 fixing the nomenclature that we are using, and so I would invite that the House should allow us to amend by way of typographical slip the references to the 'Right Reverend' before Charles Azzopardi, the inclusion of the professorship of Mrs Finlayson, if that is appropriate – and that can be checked – and the use of the term 'Hon.' in the context of all individuals who have been Members of this House; the hon. Gentleman referred to Mr Montegriffo and Mr Budhrani – if that
585 is appropriate, and in keeping with the Rules of the House. I do recall that when hon. Members were the Government they changed the rule as to how that nomenclature is used after one has left the House. It is the case, or it was the case and they change it – I cannot remember which – that you had to write in and say 'Although I am retired, may I please continue to use the term "Hon.?"' I cannot remember whether they changed it so that you automatically used it if you had
590 been here eight years or something like that, and I do not know which of those would apply to these individuals because in some instances, as the hon. Gentleman knows, you have to count months because elections are called before the four years are up etc. – which is not likely to be the case during the course of the lifetime of this Parliament, I might say to all those who seem to have gone election crazy in the past 48 hours. All I said was that a dissolution was coming shortly,
595 and the hon. Gentleman knows what the word 'shortly' means in the context of this Government! (*Laughter and interjection*) Yes! So, in terms of 'Hon.' etc., I leave that, if I can, to the Clerk to check what the proper nomenclature is and to apply the slip rule to it, if that is appropriate.

Mr Speaker, I am very happy that these names are moving unanimously to be bestowed, on
600 behalf of the whole House, the Gibraltar Medallions of Distinction. They are richly deserved.

Mr Speaker: I now put the question in the terms of the motion moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

Standing Order 19 suspended to proceed with Government Motion

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

605

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

I hereby give notice under Standing Order 59 to proceed with the suspension of Standing Order 19 in order to proceed with a Government Motion.

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

GOVERNMENT MOTION

**Social Security (Open Long-Term Benefits Scheme) Act 1997 –
Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2019 –
Motion carried**

610 **Acting Clerk:** The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

That this House approve by Resolution, pursuant to Section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2019.

615 This Order seeks to amend the Social Security Act, which I have mentioned, by increasing the rates of old age pensions and survivor's benefit by 2.1% with effect from 1st August 2019, which represents the annual increase for that year. It is in line with one of the Budget measures made this year during the Chief Minister's address and it is required by the Act to be increased by Order but, prior to that Order being published, for there to be a motion approving the making of that
620 Order, and that is what this motion does.

Mr Speaker, I commend the motion to the House.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Minister for Tourism, Employment, Commercial Aviation and the Port.

625 The Hon. Roy Clinton.

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

630 On this side of the House obviously there is no issue of our support for the motion. I would just ask the Minister to clarify: he said 2.1% – it is just that when you do the calculation, £231.95, I do not quite get the same number. Is there a rounding that I am not aware of or does not appear here?

Mr Speaker: Does anybody else wish to contribute to the motion?
I ask the mover to reply.

635

Hon. G H Licudi: Mr Speaker, the hon. Member is right. Applying 2.1% to that figure gives £236.82, but my understanding is that it is rounded up to the nearest five pence.

640 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. Those in favour? (**Members:** Aye) Those against? Carried.

BILLS

FIRST AND SECOND READING

Transfrontier Television (Council of Europe) Bill 2019 – First Reading approved

Acting Clerk: Bills – First and Second Reading.

645 A Bill for an Act to give effect in Gibraltar to the Council of Europe European Convention on Transfrontier Television made in Strasbourg on 5th May 1989 and its amending Protocol adopted on the 9th September 1998 in Strasbourg for the purposes of facilitating the transfrontier transmission and retransmission of television programme services.

The Hon. the Deputy Chief Minister.

650 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that a Bill for an Act to give effect in Gibraltar to the Council of Europe European Convention on Transfrontier Television made in Strasbourg on 5th May 1989 and its amending Protocol adopted on the 9th September 1998 in Strasbourg for the purposes of facilitating the transfrontier transmission and retransmission of television programme services be read a first time.

655 **Mr Speaker:** I now put the question, which is that a Bill for an Act to give effect in Gibraltar to the Council of Europe European Convention on Transfrontier Television made in Strasbourg on 5th May 1989 and its amending Protocol adopted on the 9th September 1998 in Strasbourg for the purposes of facilitating the transfrontier transmission and retransmission of television programme services be read a first time.

660 Those in favour?

665 **Hon. E J Phillips:** Just before we vote on this issue, have you, Mr Speaker, received a certification from the Chief Minister in relation to urgency? I believe it should be taken on 14th September.

Chief Minister (Hon. F R Picardo): There should have been a certification, Mr Speaker. I do not know whether it is in the lobby – I am happy to check.

670 **Mr Speaker:** You do not have a copy at all?

Hon. E J Phillips: I have not seen it.

Mr Speaker: You have not seen it? (*Interjection*)

675 **Hon. Chief Minister:** The hon. Gentleman, Mr Speaker, is asking whether I have signed the certification of urgency. I am sure I have. If I have not, I am happy to sign it.

Mr Speaker: Yes, I received it on Friday morning.

**Transfrontier Television (Council of Europe) Bill 2019 –
Second Reading approved**

680 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that the Bill now be read a second time.

Mr Speaker, this Bill has come about in the context of our planned departure from the European Union in October. It has been certified as urgent and it is as part of the Government's Brexit contingency planning.

685 The Bill is framed to enable the extension to Gibraltar of the Council of Europe Convention on Transfrontier Television made in Strasbourg on 5th May 1989 and its amending protocol. This Convention has been identified by the United Kingdom as necessary for us and for them to mitigate the effects of a no-deal Brexit in this area.

690 Mr Speaker, the international legal framework that the EU provides across certain areas will be replaced, where possible, by that provided through international conventions. The Convention of Transfrontier Television therefore provides a legal framework for the free circulation of transfrontier television programmes throughout Europe. It does so through minimum common rules in fields such as programming, advertising, sponsorship and the protection of certain individual rights.

695 Gibraltar, as a transmitting party, would have the task of ensuring that television programme services transmitted are compliant with the requirements as set out in the Bill and in turn with the provisions under the Convention and its amending Protocol. In return, freedom of reception of programme services is guaranteed as well as a retransmission of programme services that comply with the minimum rules of the Convention.

700 The Government Law Officers have been working closely with the Gibraltar Regulatory Authority and the UK Department for Media and Culture in this matter. The expert advice to the Government is that Gibraltar needed to pass this legislation before exit day if the United Kingdom's ratification of the Convention and the Protocol is to be extended to Gibraltar by 31st October.

705 Mr Speaker, the Bill comprises nine Parts. Part 1 contains the application of the Bill.

Part 2 establishes a competent authority for the purposes of the Act. The Gibraltar Regulatory Authority will be the competent authority in Gibraltar and their powers, duties and functions are set out in this Part. This includes the power of the GRA to request information for the purposes of performing the functions assigned to them under the Act, penalty provisions for any person who makes false or misleading statements, and general restrictions on disclosure of information. It empowers the GRA to issue directions and notices.

710 Part 3 contains the jurisdictional provisions. It sets out, amongst other measures, the criteria for broadcasters who are under Gibraltar's jurisdiction and also those who are deemed to be under the jurisdiction of Gibraltar as the transmitting state.

715 Part 4 deals with broadcasting standards. Clause 14 ensures that, in relation to all programme services, no broadcaster under Gibraltar's jurisdiction shall prejudice the dignity of human beings or the fundamental rights of persons as guaranteed by our Constitution. It is also a requirement that news is broadcasted fairly, presents facts and events and encourages the free formation of opinions. This clause sets out that broadcasters should be compliant with certain provisions of the Broadcasting Act 2012. This includes those provisions that prohibit broadcasts and programmes that would incite hatred and seriously impair the physical, mental or moral development of minors.

720 Clause 15 sets out the duty of the Gibraltar Regulatory Authority to provide upon request and where appropriate information on broadcasters.

725 Clauses 16 to 20 deal with a broadcaster's requirements in relation to advertising and teleshopping. This includes their requirements as to the duration, permitted interruptions during programmes, the form and presentation of advertising and teleshopping and the advertising of particular products.

730 Clause 21 deals with the rules of advertising and teleshopping that are specifically and with some frequency directed to audiences in a single state party other than Gibraltar.

Clause 22 provides that certain provisions in the Broadcasting Act 2012 that deal with sponsored television programmes also apply for the purposes of the Convention.

Clause 23 deals with the rules in relation to programme services devoted to self-promotion and teleshopping.

735 Clause 24 sets out how broadcasters should distribute European works.

Part 5 sets out the provisions relating to exclusive rights to major events and short news reports. Clause 25 applies certain provisions of the Broadcasting Act 2012 to this Act. This deals with exclusive rights to major events. There is a requirement that the Minister with responsibility for broadcasting draw up a list of designated events that he considers to be of major importance.
740 The Minister is empowered to prescribe how the events of that list shall be made available to broadcasters. This clause also sets out the duties and the manner in which the Minister with responsibility for broadcasting should comply with the guidelines of the standing committee established under Article 20 of the Convention.

Clause 26 deals with short news reports and establishes that a broadcaster and a state party to this Convention shall have access on a fair and non-discriminatory basis to short news reports or events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under the jurisdiction of Gibraltar. This clause also empowers the Gibraltar Regulatory Authority to issue guidelines relating to access conditions.
745

Part 6 deals with the right of reply. Clause 27 provides that the provisions under section 39 of the Broadcasting Act 2012 on the right of reply shall also apply to broadcasters under this Act. This House should note that the obligations of broadcasters under Gibraltar jurisdiction under the Convention are parallel to those under the existing Audio-Visual Media Services Directive.
750

Part 7 deals with the regulation of broadcasts in Gibraltar and guarantees a person's right of freedom of expression and information, also guaranteed under our Constitution.

755 Part 8 deals with the exchange of information and assistance provisions under the Convention and with media pluralism. State parties under the Convention may make a request to the Gibraltar Regulatory Authority to provide information about broadcasters in Gibraltar, as set out in clause 9(1) of this Act. If this information is available, the Gibraltar Regulatory Authority has a duty to provide it.

760 This Part also deals with other co-operation measures requested by a competent authority of a CTT state to the Gibraltar Regulatory Authority. This includes information on measures taken in the implementation of the Convention or information on any difficulties that may have arisen from the application of the Convention.

765 Part 9 is the final part within the Act. It contains miscellaneous provisions such as empowering the Gibraltar Regulatory Authority to issue codes of practice. It also sets out the power available to the Minister to make regulations under the Act. This Part covers the relationship between this Act and the Broadcasting Act 2012 and other legislation in Gibraltar and also provides consequential amendments to the Broadcasting Act 2012.

770 Mr Speaker, in 80 days' time we are leaving the European Union. This is not what Gibraltar voted for in 2016. It is also not the preferred direction of travel of this Government or indeed of this House. Our preferred option is for the United Kingdom and Gibraltar to remain in the European Union. We need to prepare nonetheless. The Bill before the House is part of those preparations. It provides a framework to give effect in Gibraltar to the Council of Europe Convention on Transfrontier Television, and if passed by this House it will come into operation on exit day or on the day the Convention is extended to Gibraltar.
775

I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? Yes, the Hon. the Leader of the Opposition.

780

Hon. E J Phillips: Mr Speaker, we are grateful to the Deputy Chief Minister for his statement on the Bill. We will, of course, support this Bill in its entirety.

Mr Speaker: Does any other hon. Member wish to speak on this Bill? No.

785 I will now put the question, which is that a Bill for an Act to give effect in Gibraltar to the Council of Europe European Convention on Transfrontier Television made in Strasbourg on 5th May 1989 and its amending Protocol adopted on 9th September 1998 in Strasbourg for the purposes of facilitating the transfrontier transmission and retransmission of television programme services be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

790

Acting Clerk: The Transfrontier Television Council of Europe Act 2019.

**Transfrontier Television (Council of Europe) Bill 2019 –
Committee Stage and Third Reading to be taken at this sitting**

Deputy Chief Minister (Hon. Dr J J Garcia): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

795 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Environmental Protection (Trees) (Amendment) Bill 2019 –
First Reading approved**

Acting Clerk: A Bill for an Act to amend the Environmental Protection (Trees) Act 2014 making it a requirement to seek the written consent of the Development and Planning Commission before topping a tree that is not subject to a Tree Preservation Order, send a copy of the application for consent to the Minister and to also make it an offence to wilfully damage or destroy a tree that is not subject to such an Order.

800

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Environmental Protection (Trees) Act 2014 making it a requirement to seek the written consent of the Development and Planning Commission before topping a tree that is not subject to a Tree Preservation Order, send a copy of the application for consent to the Minister and to also make it an offence to wilfully damage or destroy a tree that is not subject to such an Order be read a first time.

810

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Environmental Protection (Trees) Act 2014 making it a requirement to seek the written consent of the Development and Planning Commission before topping a tree that is not subject to a Tree Preservation Order, send a copy of the application for consent to the Minister and to also make it an offence to wilfully damage or destroy a tree that is not subject to such an Order be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Acting Clerk: The Environmental Protection (Trees) (Amendment) Act 2019.

**Environmental Protection (Trees) (Amendment) Bill 2019 –
Second Reading approved**

820 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This is a small amendment but I think an important one, which covers a gap in our tree protection legislation in that certain actions on trees – such as topping, for example, which is cutting of the leading shoot, which can destroy the tree’s ability to recover, depending on the species – did not apply to trees that did not have a specific Tree Preservation Order. It also requires
825 the applicant to submit a copy of the application to the Minister with responsibility for Environment. This is current practice but not required. This will allow the appropriate experts to assess the tree and to authorise the works, if such are necessary.

It is a simple one but I think is in keeping with the current mood and move in Gibraltar for the enhancement of trees and green areas and I think will go a long way to ensuring that we keep
830 trees looking the way they should.

Mr Speaker, I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Trevor Hammond.

835

Hon. T N Hammond: Mr Speaker, the Opposition will most certainly be supporting this Bill. Every measure we take is important with respect to the preservation of trees. All too often we do see trees damaged, all too often we see trees removed; sometimes that is done legally through the appropriate channels. Not everybody always agrees with those removals and I do welcome,
840 and we all welcome, anything that will obviously enhance the protection of trees, particularly those in the urban environment because we have so few of them relatively speaking. But obviously trees in non-urban environments are equally important and all legislation of this nature has to be very welcome.

845 **Mr Speaker:** The Hon. Dr John Cortes –

Hon. D A Feetham: Mr Speaker.

Mr Speaker: Sorry, my apologies, the Hon. Daniel Feetham.

850

Hon. D A Feetham: Can I just ask the Hon. Minister by way of clarification and explanation, to answer this. Of course the Opposition is supporting, and anything that we can do in order to protect trees we will, certainly from this side; the Government will find us supportive. But does this cover, for example, somebody who may plant oranges, olive trees, lemon trees, and prunes
855 those orange trees and lemon trees? We would not want those to be ... Also, pruning of certain trees in order to open them up so that you allow more light to go into the tree, all that kind of thing? What we also do not want is a situation where people have to then start writing to the DPC for that type of pruning, which would be, in my respectful view, over the top.

860 **Mr Speaker:** The Hon. Dr John Cortes.

Hon. Dr J E Cortes: Mr Speaker, this has been given a lot of thought. This is why it specifically says 'topping' – which is cutting the main branch, which will cripple the tree, so to speak – but it does not prohibit pruning, crown raising and so on, which can be carried out except if there is a specific Tree Preservation Order, in which case it would have to go through the process. I can
865 reassure the hon. Member that that is not a problem.

I would like to add, in summing up, Mr Speaker, that there is a letter to you dated 9th July in which there is an amendment to clause 3(3) which inserts 'by the applicant', and that I will raise again at Committee Stage.

870 Nothing further to add, but I reassure the hon. Member that that is well covered.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Environmental Protection (Trees) Act 2014 making it a requirement to seek the written consent of the Development and Planning Commission before topping a tree that is not subject to a Tree Preservation Order, send a copy of the application for consent to the Minister and to also make it
875 an offence to wilfully damage or destroy a tree that is not subject to such an Order be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Acting Clerk: The Environmental Protection (Trees) (Amendment) Act 2019.

**Environmental Protection (Trees) (Amendment) Bill 2019 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr
880 Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of this Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

885 **Acting Clerk:** Committee Stage and Third Reading.

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 Bills clause by clause, namely the Transfrontier Television Council of Europe Bill 2019 and the Environmental Protection (Trees)
890 (Amendment) Bill 2019.

In Committee of the Whole Parliament

**Transfrontier Television (Council of Europe) Bill 2019 –
Clauses considered and approved**

Acting Clerk: A Bill for an Act to give effect in Gibraltar to the Council of Europe European Convention on Transfrontier Television made in Strasbourg on 5th May 1989 and its amending

895 Protocol adopted on 9th September 1998 in Strasbourg for the purposes of facilitating the transfrontier transmission and retransmission of television programme services.

Part 1. Clauses 1 to 3.

Mr Speaker: Stand part of the Bill.

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Acting Clerk: Part 2. Clauses 4 to 12.

Mr Speaker: Stand part of the Bill.

905

Acting Clerk: Part 3. Clause 13.

Mr Speaker: Stands part of the Bill.

Acting Clerk: Part 4. Clauses 14 to 24.

910

Mr Speaker: Stand part of the Bill.

Acting Clerk: Part 5. Clauses 25 to 26.

915

Mr Speaker: Stand part of the Bill.

Acting Clerk: Part 6. Clause 27.

Mr Speaker: Stands part of the Bill.

920

Acting Clerk: Part 7. Clause 28.

Mr Speaker: Stands part of the Bill.

925

Acting Clerk: Part 8. Clauses 29 and 30.

Mr Speaker: Stand part of the Bill.

Acting Clerk: Part 9. Clauses 31 to 34

930

Mr Speaker: Stand part of the Bill.

Acting Clerk: The long title.

935

Mr Speaker: Stands part of the Bill.

**Environmental Protection (Trees) (Amendment) Bill 2019 –
Clauses considered and approved with amendment**

Acting Clerk: A Bill for an Act to amend the Environmental Protection (Trees) Act 2014 making it a requirement to seek the written consent of the Development and Planning Commission before topping a tree that is not subject to a Tree Preservation Order, send a copy of the application for consent to the Minister and to also make it an offence to wilfully damage or destroy a tree that is not subject to such an Order.

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Clauses 1 and 2.

Mr Speaker: Stand part of the Bill.

945 **Acting Clerk:** Clause 3.

Mr Speaker: The Hon. Minister mentioned during the Second Reading of the Bill that a very minor amendment has been circulated to clause 3(3). Is the amendment agreed to? (**Members:** Aye.) So, clause 3 as amended stands part of the Bill.

950 **Acting Clerk:** The long title.

Mr Speaker: Stands part of the Bill.

**Environmental Protection (Trees) (Amendment) Bill 2019 –
Transfrontier Television (Council of Europe) Bill 2019 –
Third Reading approved: Bills passed**

955 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Environmental Protection (Trees) (Amendment) Bill 2019 and the Transfrontier Television (Council of Europe) Bill 2019 have been considered in Committee and agreed to with a minor amendment to one of them, and I now move that they be read a third time and passed.

960 **Mr Speaker:** I now put the question, which is that the Environmental Protection (Trees) (Amendment) Bill 2019 and the Transfrontier Television (Council of Europe) Bill 2019 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

FIRST AND SECOND READING

**Income Tax (Amendment) Bill 2018 –
First Reading approved**

Acting Clerk: A Bill for an Act to amend the Income Tax Act 2010.

965 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, that might be a convenient moment for me to move also that the House should adjourn and to wish all hon. Members an enjoyable what is left of the summer, with the warning that it may be necessary for the House to come back before the adjourn date, which I am going to propose should be Tuesday, 3rd September at 11 a.m.

970 The warning is this, Mr Speaker: the Standing Orders enable the House to return at short notice if it is necessary, and given the quite varied political picture that we see each morning developing in the United Kingdom it is not impossible that the House may need to come back before 3rd

September. The Government will seek not to come back again in August unless it is absolutely necessary, but it may be necessary to come back before 3rd September.

975 Other than that, I move that the House should now adjourn to Tuesday, 3rd September at 11 a.m.

Mr Speaker: The House will now adjourn to Tuesday, 3rd September at 11 in the morning, the 80th anniversary of the declaration of the Second World War.

The House adjourned at 12.47 a.m.