



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.03 p.m. – 4.58 p.m.

Gibraltar, Friday, 14th February 2020

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The Gibraltar Parliament

The Parliament met at 4.03 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*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Friday, 14th February 2020.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th, 22nd, 23rd and 24th January 2020.

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

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Tribute to Mr Lucio Randall

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

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Chief Minister (Hon. F R Picardo): Mr Speaker, we had the sad news last week of the passing of a former Member of this House, Mr Lucio Randall, with whom I had the pleasure and honour of serving on the Opposition benches. I think some of the Members here were also Members of this House at that time. He was a Member between 2003 and 2007.

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I think the whole community has felt the passing of Lucio Randall because he was a gentle and kind man, the sort of person for whom the word ‘gentleman’ was designed. I considered him a close friend and colleague, who was afflicted by illness in recent years and I did not see enough of him but nonetheless a close personal friend and a political colleague. I know he was also a neighbour to some others here as well, apart from being a colleague to others on this side of the House.

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Because he was a former Member of this House, I would ask the House to join me in showing respect for Lucio’s memory here, and for his family, by joining in a minute’s silence.

Hon. K Azopardi: Mr Speaker, if the Chief Minister would give way before we do that, I also would like to join him in acknowledging indeed our sadness at the passing of Lucio; and our condolences to the family – I think we have done so already on social media.

30 Lucio was someone who, as the Chief Minister says, was indeed a gentleman. When he entered the political arena, he was someone whom I dealt with in Government when I held the ministerial portfolio for telecommunications. He joined the political arena when I left it in 2003, but in that relay I saw him out and about in that political election.

I think we were all touched by the loss: our condolences to his family and indeed to the GSLP family.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I unfortunately never had the privilege of meeting this great man whom everyone describes as a gentleman, but I have also been hearing in the last week of the great conviction and drive that he had and of his key role within the GSLP and within our political trajectory within the last few decades. Personally, this is something that I find inspirational myself and I thank him for it as a relative newcomer to the political scene.

40 I take this opportunity to pass my condolences and those of my party to his family and wish them strength and faith at this difficult time, but to also take comfort and to celebrate the legacy that Mr Randall leaves, one that is to be proud of, Mr Speaker.

45 Thank you.

Mr Speaker: I too wish to associate myself with the sentiments expressed by all hon. Members.

Members observed a minute's silence.

Departure from European Union – Statement by the Chief Minister

50 **Clerk:** Statement from the Chief Minister.

Chief Minister (Hon. F R Picardo): I have no doubt that all hon. Members will agree that we should start today's session by formally recording, for *Hansard* and therefore for posterity in the documentary archive of this House, that this is the first time that the Parliament meets since our legal departure from membership of the European Union.

55 We are still, of course, in what is being termed the transition period as defined under the withdrawal agreement. Practical arrangements therefore remain, under the withdrawal agreement and the Gibraltar Protocol, as they were before our legal departure from the European Union.

60 Mr Speaker, there will be a need, no doubt, for me to address the House again in coming months on the many aspects of the negotiation of our future relationship with the EU. I shall be seeking to come here and inform hon. Members and the public as often as possible in order to ensure the greatest possible level of transparency in respect of such negotiations as we may embark on. For today, however, I want to do no more than simply record for *Hansard* that the debates in this House from today relate to our position outside legal membership of the European Union.

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Hon. K Azopardi: Mr Speaker, may I just respond on behalf of the Opposition to say that we certainly do agree with the Chief Minister that we should note that this is the first session of Parliament when we are outside the European Union and it is right to record it.

Normally, if there is a degree of consensus between that side and this side I would express it in terms that we would be happy to agree, but I am not going to use the word 'happy' because in the context of our departure from the European Union I believe that is not an emotional sentiment that forms part of our exit.

But I think it is important, as I have said also before, that now that we have passed that gate of exit, while we note that perhaps we did not want to get there, we are now realistic, constructive and positive towards the future. There is no point now in looking back, because that moment has passed. We look forward to engaging in this next process, albeit we note that these sessions of Parliament are now going to be held past the point of our exit. We certainly look forward, to use the Chief Minister's words, to the greatest possible level of transparency in respect of the negotiations as we go forward, and as I have said to him privately and indeed publicly, he will have our assistance if he wants it, our co-operation.

He mentions in his Statement that he looks forward to updating this House in a spirit of openness. We also understand that there may be things that are not for this House and that there is also a need for confidentiality, and that is for a different kind of process, but we will also, from this side of the House, perform our duty to scrutinise the arrangements that emerge both in terms of the updating of this House and in terms of whatever emerges in the context of our constitutional role as the Opposition for Gibraltar.

Hon. Chief Minister: If I may deal with the issues the hon. Gentleman raises, and then no doubt the other issues the hon. Lady will raise.

May I just take, first of all, a formulistic point which I think is important. The hon. Gentleman has risen, he said, to respond. It was a Government Statement, which admits of requests for clarification and question but not response, but I will take the points he has made as being points that seek that clarification.

I will start by agreeing with him that this is not a happy moment; I have been careful not to use that word or anything which might communicate such a sentiment in the Statement I have made this afternoon. But there is an intractable reality, which is that we have left the European Union, and on that we are agreeing not because we think it is a good thing but because it is a fact. It is, as we have said in the past, an unfortunate fact, but we have now crossed the Rubicon, we have lowered the flag – that has been pictured for the international community and we are now at a different stage. But there is no use crying over spilt treaties. That is the reality, and we now have to work to make the best of this new reality. I think that is what the people of Gibraltar have been good at, generation after generation. I have said before that I think that there is an opportunity in this moment also, even if it is not opportunity that we have sought, but that is the reality with which we are dealing.

Mr Speaker, the Deputy Chief Minister will be convening members of the Brexit Select Committee for a briefing of the type that he had been holding so many of before the election, for Thursday of next week, so I hope hon. Members will be available. The Deputy Chief Minister will be in touch with their offices, as has been the case in the past. It is during the course of those briefings that we seek to convey to hon. Members the information that we are unable to convey more openly to the community at this stage – although if such information as is imparted to hon. Members in the context of those confidential briefings becomes information that can be shared more openly and more widely, you will be assured, Mr Speaker, that I will seek your leave to make a further Statement to share that information from here if the House is in session; or it will otherwise be shared publicly, if the House is not in session, with the wider community.

Of course, hon. Members are elected to a role in opposition which requires them to scrutinise arrangements and all of the rest of it. We are delighted to be held accountable. I am, first and foremost, a parliamentarian and that is the role of parliamentarians – depending on

where they are sitting in this House, in some instances to execute and do, and in some instances to ask and check, and that is of course absolutely appropriate.

But the one thing I would say to hon. Members in this House – and it is a little the message I have tried to ensure that the whole of the community appreciates – is that there will be a lot of dissembling and positioning in the media beyond Gibraltar, in some instances for the purposes of positioning others in respect of Gibraltar, and in some instances for the purposes of positioning others not in respect of Gibraltar but in respect of bigger negotiations and bigger tectonic plates that are moving.

Hon. Members should feel free to pick up the phone and communicate to us – or in more modern forms, such as texting us – if they see something that genuinely concerns them. They should not think that the only way of getting to the bottom of an issue is to raise it publicly across the floor of the House. I have seen a lot of things which I know not to be true emerging as fact, only to see later facts demonstrate that they are unsustainable and untrue. There is a lot of politics being played out, not just the politics that we are used to, which is the politics of Spain and Gibraltar; there is a lot of politics *in* Spain and there is a lot of politics between Brussels and London.

Mr Speaker, my view and my position is that Gibraltar is best served where Gibraltar holds its nerve, knows what it wants and goes and gets it, and I have no doubt that we will achieve a good negotiated outcome for this community at the end of this process, unless others are not interested in a genuine negotiation and are going to pursue objectives that no one in this House would want.

Mr Speaker: Hon. Lady.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his Statement recording the regrettable reality of where we find ourselves at this present time.

However, on a point of clarification, I feel duty bound to ask the Chief Minister whether he will genuinely embark, in the next few weeks and months, on a programme that will provide opposition with more of an insight, into the role that his administration is playing in the Brexit conundrum that we are seeing unfold, than we have experienced of late.

At the moment I think it is true to say that I and the Leader of the Opposition, whose parties both represent close to half of the Gibraltarian electorate, are learning what is going on behind the scenes primarily from the Spanish and European press. The Chief Minister has just alluded to the press emergence, but things get very difficult for us when we find that our primary source of development and information is the press itself.

So, on behalf, over here, of at least 20%% of the electorate, I ask Government for this clarification: will Government genuinely commit to sharing with opposition in the coming weeks and months its plans, its red lines and its guidelines, so that opposition, with Government, can truly navigate this crucial moment in our history, which affects us all, in the most unified way, which is what we need at this time?

Hon. Chief Minister: Mr Speaker, the hon. Lady has, I think, put her point as a point of clarification and I am going to ensure that I clarify what I have said and not enter into a debate with her, which I feel almost baited to do but I am going to try and avoid that.

Mr Speaker, of course the Government is genuine in offering the information that we have proffered – and the hon. Lady knows that that is the case because the hon. Lady and other hon. Gentlemen on that side of the House have been the beneficiaries of those briefings of the sort that we are offering during the course of the negotiations that they saw play out in respect of the withdrawal agreement.

I understand that we all have to do politics, but they will know ... and in some instances have said so, that they were very fully briefed about what was going on in respect of the withdrawal agreements. In some instances, if they felt that they saw things at the last minute it is because

things happen in negotiations, in particular in international diplomacy, much as they happen in everyday life, and in any negotiation things sometimes give at the last minute – and they were therefore briefed at the last minute before things emerged publicly.

175 But I want to be very clear in ensuring that the hon. Lady understands that they are not hearing, she is not hearing and the community is not hearing what is going on behind the scenes from press reports. They are hearing waffle, nonsense and piffle from press reports. None of what is going on behind the scenes has been contained in any newspaper in Spain, in the United Kingdom, in Brussels or in Gibraltar. There is speculation upon speculation because we are at
180 that stage, that phoney period in the negotiation, where the United Kingdom is putting together what it wants, the Europeans have more or less finished putting together what they want – and journalists need to write about something and they are speculating about what may or may not happen, they are talking to diplomats and politicians who are whispering in their ears and the others are conjecting things. We are nowhere near the stage where Hon. Members are reading
185 in Spanish newspapers what is happening behind the scenes. They are reading nonsense that is being printed in Spanish newspapers. They are reading also direct interviews that are being carried out with politicians, where those politicians are properly quoted and they have been interviewed and they have given their views.

When hon. Members read that in newspapers they are reading it at the same time as we are,
190 although I do pride myself in being the first to read anything that mentions Gibraltar, if not more. But that is not something where hon. Members have any delay, other than their own assiduousness in pursuit of news, in knowing what is happening.

Please, hon. Members should not for one minute believe and should not convey to this community that there is something happening behind the scenes which is not being
195 communicated to this community in any way and which is coming out in newspapers. That is not happening. I want the hon. Lady to have that assurance because it is important that we do not go away thinking the opposite, and it is important that everyone be disabused of the contrary – although I do accept that printing an 85-page newspaper requires a lot of speculation, especially when the Premier League is on its winter break and La Liga is not at the top of its game and you have got to fill a lot of pages. I understand that, but there is none of that going on.
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These are, to a very great extent, for other governments, the planning stages. The Government of Gibraltar is much more advanced, I dare say, than most others.

In this respect, Mr Speaker, I would remind the hon. Lady of what I said in the course of an interview I gave to *Newswatch* a week and a half ago. No doubt that is news that she does
205 follow assiduously. I said something I would never expect to have said in respect of one particular individual. I said people should listen more to Adolfo Canepa and Joe Bossano than they should to the Spanish newspapers, but I did not expect to say that people should listen more to Peter Caruana than to some other sources of news. The Hon. Leader of the Opposition was with us when we were watching the interviews given by those three former incumbents of
210 the post that I hold and they covet, and I was particularly keen to hear the things that Sir Peter, Sir Joe and Adolfo Canepa, the former Speaker said because they were a very clear indication of how perhaps members of the public should view this.

They should not think and hon. Members in particular should not fall into the trap of thinking that there is somehow a party to this potential negotiation that holds the whip hand, and we
215 should not whip ourselves up into thinking that they do, because that would be the worst possible situation to put this community in, especially given that it is not true.

I hope that is helpful to the hon. Lady and I hope during the course of our continued Brexit briefings she will continue to be as engaged and positive as she was during the course of the withdrawal negotiations, which we all on this side of the House took a lot from, as we did from
220 the contributions by Mr Feetham. But I do of course appreciate that afterwards, when the lights are on and the cameras are rolling, she sometimes wants to put a different sort of spin on it.

Hon. R M Clinton: Mr Speaker, I wonder if the Chief Minister can clarify one point for me in his response to the hon. Lady when he talks about ‘waffle’ and other such news items coming out of various press reports. I would be interested to know his views on the Spanish Foreign Minister’s interview given to the *Financial Times* very recently, I think two days ago, in which they are quoted as saying:

We are living in the 21st century; what we have done with the fiscal treaty is probably much more important than we realise for our sovereignty. You do not want a zone of unfair competition next to your border.

Mr Speaker, in the Chief Minister’s view, is this waffle?

Hon. Chief Minister: Mr Speaker, there are people who are elected to this House who take it seriously and consider that what they should do here is help the community to advance, and there are people who obviously are more interested in trying to perniciously seek to pursue their own agendas. I will make no comment on who falls into what category; no doubt we each have different views as to who falls into what category.

But in the context of what I have said, I am here to be questioned or asked for clarification on my Statement, not in respect of my answers to the supplementary issues or clarifications that have been sought.

I saw an interview with the Spanish Foreign Minister in the *Financial Times*, I saw an interview with the Spanish Foreign Minister in *El País* and I heard an interview with the Spanish Foreign Minister in *Radio Nacional de España*. I thought that in parts what she said is very constructive and positive, and in parts what she said are things that I would not agree with.

I do not think it is sensible for me to go through every word that the Hon. Mrs Gonzalez Laya went through in an interview with Spanish newspapers, and in my view the hon. Member knows that the view of the Government, and indeed of the former Chief Minister, of the Tax Treaty is that it makes absolutely no concessions whatsoever in respect of sovereignty – although he, it appears, and a few others who have never garnered the support of this community in any meaningful measure, take a different view.

Questions for Oral Answer

HOUSING, YOUTH AND SPORT

Q123/2020

Gibraltar Football Association – Memorandum of understanding

Clerk: (vi) Papers to be laid; (vii) Reports of Committees.

(viii) We now move to Answers to Oral Questions. We commence with Question 123. The questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, is the Minister for Sport now in a position to provide this House with a copy of the memorandum of understanding it signed with the Gibraltar Football Association and which was referred to by the Minister in his reply to a previous question?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, prior to the last session of Parliament I had been informed that the document was all ready to be signed, which I misinterpreted as notification that it had been signed, and as such I informed the House that the MoU had been signed when in fact it was still in the final negotiating stages. I am happy to amend the record of *Hansard* to reflect this.

Subsequent to my answer, several minor pending items have been further raised and discussed, leading the GSLA to the signing of the final draft of the MoU as soon as possible.

I must stress at this point that this MoU will be signed between the Gibraltar Sports and Leisure Authority and the GFA, not the Government and the GFA.

260 **Hon. E J Reyes:** Mr Speaker, I thank the Minister for the clarification and I accept that it is almost signed but not quite – the ink has not quite got to the dotted line yet.

265 In the final part of his answer, I always understood that it was going to be signed, obviously, by the GSLA – probably by himself as Chairman or the Chief Executive – but rather than have this item come up, would the Minister be in a position, once it is signed and so on, to simply forward me a copy and therefore, Mr Speaker, we do not have to bother you with this answer? I accept that he is trying to get the best deal possible on behalf of the GSLA as its Chairman, and therefore I would accept it if he simply, as and when it is signed, forwards us a copy and then if I need clarification I can always communicate with him thereafter.

270 **Hon. S E Linares:** Mr Speaker, the answer would be exactly like I did in the last session of Parliament: for my part, I have no objection, but there are two parties to this MoU and therefore if the GFA is happy to share it I am happy to do so as well.

Q124/2020
Europa Sports Park –
Staffing, duties and costs

Clerk: Question 124, the Hon. E J Reyes.

275 **Hon. E J Reyes:** Can the Minister for Sport provide details of staffing levels at the Europa sports facilities, indicating who provides the services, along with a list of duties contracted to be carried out and costs?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, staffing levels at the Europa Sports Park are still to be determined, as are the exact lists of duties and costs.

285 **Hon. E J Reyes:** I understand, Mr Speaker, from that answer, that it is not yet settled – but in the interim period, since the facilities are being used, what is happening right now? Who is providing the staffing service and, generally speaking, what is their range of duties?

290 **Hon. S E Linares:** Mr Speaker, the staffing funds will be determined by the management company, which will run the complex once this has been set up and registered. At this present time, we envisage that the contractor would give us the property, the assets, but the contractor is still partly running ... because of the snagging and all that, like I said last time.

295 **Hon. E J Reyes:** Am I correct, Mr Speaker, then, in assuming that although the facilities have still not been fully handed over, due to snagging and so on, and in the process of setting up the

management company, due to its being operational as a sport facility ...? If someone needs to address something with members of staff up there, who should they approach at this moment? Is it the construction company or is it someone in the meantime, so that if one has a need to enquire about something, or something connected with the facilities, at least one has an indication as to which channel that person should head? Should it be to the CEO at the Sports and Leisure Authority, or is there already a separate body not accountable to the GSLA running the facility?

Hon. S E Linares: Mr Speaker, I would appreciate from the hon. Member if he states who are the ones who are affected or want the information, because at present, as I said, only the pitch is being used by rugby and they are the only ones training on the pitch itself, so there should not be any issues.

We are in the process now of, hopefully, allocating. And once we get the assets and some of the places and positions are in place, then we will allocate to all the other associations. At the moment, it is one of those things that people want to use it, and basically the contractor is still there and it is an interim period. Where people still want to use it, we discourage them from using it because of insurance issues and all that. At the moment it is not supposed to be in use, although cricket ... like I said, rugby are training on the pitch.

Hon. E J Reyes: Mr Speaker, my understanding from that is that, other than these arrangements with cricket, it is still not open for booking. (**Hon. S E Linares:** Rugby.) For rugby, okay. But one keeps on seeing, from different sports associations, their usual venues ... I know darts have been using the venues. Cricket has very recently been putting out announcements that their training facilities – although there may be just simply indoor nets, but it shows that ...

But for all these events, whether they are a formal rugby match, such as an international – we had the first international game of 2020 actually held at Europa ... But families, sports lovers, spectators attend and so on, and sometimes one wants to know where to address to ask for something, be it a concern on a health and safety issue, for example.

Hon. S E Linares: The Clerk of Works of GJBS was in the spot there. He is the one who is, for want of a better word, managing the place.

Q125/2020
Europa Sports Park –
Subsidence on rugby pitch

Clerk: Question 125, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport provide information in respect of what has caused the southern end of the rugby pitch at Europa sports complex to subside, together with details of when this will be repaired, along with expected costs?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the dip at the southern end of the rugby pitch is caused by differential settlement at the end of the concrete basement that protrudes under the dead ball area. This will be rectified during the first week in March 2020 when the specialist contractor is due to return to complete their works.

Please note this repair is making good a defect and will not be a cost to the HMGoG.

340 I would like to, off script, also say to the hon. Member that this has been why the key was not handed to us, like I said in the previous question, and why this type is snagging and why this was realised and now is being put right.

Hon. E J Reyes: I am grateful for that, Mr Speaker.

345 First of all, the good news is that yes, the repairs to the defects will not cost the taxpayer anything; it is part of the settlement.

Just one thing: I noticed the Minister said that it is an area, and I agree with him, where the dead ball area – that is the term used in rugby ... But I am led to believe that – I know it has been many years since I wore whites to play cricket – that was probably part of the cricket pitch and would be near the boundary line and it could make a huge difference to the fielders trying to stop a ball.

350 I wish him the best in the future and if he wants a pedantic person to go round with him to help look at all these little nooks and crannies, we can go and share sports views again and take our magnifying glasses with us to look out for these things.

355 **Hon. S E Linares:** Mr Speaker, in fact, it does not even go to the boundary because it is an oval and it is just the corner, which does not affect the actual cricket. But yes, I understand what the hon. Member is saying, so I invite him to come one day and we will both go there and see it.

360 **Hon. K Azopardi:** Mr Speaker, can the Hon. Minister confirm or perhaps provide information: is the snagging process now complete? And have any other defects been noticed?

Hon. S E Linares: Mr Speaker, in the last Parliament I did highlight one of them as well, which was the flooring outside, which was slippery – so that is another part that is being done again not at the cost of Government.

365 At the moment I would say that there are a few bits and pieces that might need fixing once they go through the whole of the area, like toilets, piping and electricity. This is a snagging period. That is why I envisage ... The key should have been given to us, but if these things have cropped up we would rather not get the key and get a final product which is a final, totally finished product.

Q126/2020

Albert Risso House – Warden facilities

Clerk: Question 126, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 13/2020, can the Minister for Housing provide an estimated date by when residents of Albert Risso House will benefit from the same warden facilities as already exist in other rental homes provided by the Government exclusively for senior citizens?

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

380 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, residents of Albert Risso House will, as from 1st March 2020, benefit from security services during extra hours within their facilities. Representatives of the estate have already been informed.

Hon. E J Reyes: Mr Speaker, I thank the Minister for that extremely good news for those residents.

Without going into the difficulties that one encounters when dealing with committees and so on, the Minister was careful in using words to say that the residents have been informed. Can I safely deduce from there that they have been informed and they have agreed and accepted? Typical human nature – sometimes you give an inch and they still want to have the whole mile, so are we saying ‘subject to minor tweaking of facilities’ because they keep on comparing with other places and the grass always seems to be greener on the other side for many residents?

Hon. S E Linares: Mr Speaker, I had the honour of meeting one of the groups of pensioners yesterday – and it was not the Albert Risso ones – and they were really over the moon again about the way in which we are, I am at least, dealing with it in the sense that we try to go through everything that they ask for. Sometimes what they ask for is not possible and we have to tell them that it is not possible.

In this case, I had the honour of meeting representatives of Albert Risso House today and they are over the moon again because this has been pending for a long time and what is promised should be given. I am glad to say that the committee was really happy, over the moon to know that as from 1st March they will get what they have wanted for a long time. So, I am also happy, Mr Speaker. *(Interjections)*

Q127/2020

**Varyl Begg Estate –
Maintenance of roof guttering**

Clerk: Question 127, the Hon. E J Reyes.

Hon. E J Reyes: Is the Minister for Housing aware that weeds are growing in roof gutters at Varyl Begg Estate, and can the Minister further indicate what remedial works will be undertaken to clear this potential drainage blockage?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, we are aware of this issue and it is being tackled. The matter was brought to the attention of the Chief Minister and the former Minister for Housing when they visited the estate.

The remedial works will include the erection of several access scaffoldings in order to enable the safe removal of the weeds. This is currently ongoing.

Additionally, and as set out by us at the General Election, we will also shortly be commencing a phased full refurbishment of Varyl Begg.

Q128/2020

**Laguna Estate –
Refurbishment works**

Clerk: Question 128, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details in respect of when the refurbishment works at Laguna Estate are expected to be completed?

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

425 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the refurbishment works at Laguna Estate are already practically complete.

Hon. E J Reyes: I appreciate, Mr Speaker, that they are practically completed, but I have asked for updated details of when – an indication of dates. In the past, other Ministers for Housing have indicated a date for when different phases should be completed, or ready for snagging. Can we have some approximate dates?
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Hon. S E Linares: Mr Speaker, ‘practically’ means very near, and I am sure that all that is needed is the cleaning up, so I would say sometime next week when they clean up the whole place. That means cleaning up when the scaffoldings are coming ... there is dust and things like that, which is complete. That is the stage we are at. So I would say next week.
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Hon. E J Reyes: And if the Minister wishes to indicate – or I can pose a question at the next session – for those phases that one can deem to be completed, I know the snagging has really dragged on ... Sometimes it is due to the availability of labour force and doing other phases.
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Does the Minister prefer that I ask him a more specific question next month? Or does he have any other information at hand that he wishes to issue now and not wait, to bring a bit more peace of mind to Laguna Estate residents?

Hon. S E Linares: Is the hon. Member ...? Just specifically Laguna Estate? *(Interjection by Hon. E J Reyes)* Yes, I have no problem with him asking next month, and maybe it is complete.
445

Hon. K Azopardi: Mr Speaker, is the Hon. Minister over the moon that the refurbishment works have been completed now, after nine years?

450 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the whole Government, and indeed all of the Ministers in it, are delighted, over the moon, ecstatic and indeed entirely overjoyed that the work that had been required in these forgotten estates, which was undertaken by successive Ministers for Housing in the Government that I lead, has been completed.

But we, of course, did not entirely follow the advice of hon. Members opposite, which was not to do the refurbishment, to slow down the refurbishment, to have less spending on the refurbishments – because if we did, Mr Speaker, the moon would be very far away, we would never have got over it and we would be as under-joyed as the electorate was underwhelmed by their performance at the last General Election. *(Interjections)*
455

460 **Mr Speaker:** Next question.

Q129/2020

Scaffolding on Government homes – Removal following refurbishment works

Clerk: Question 129, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government inform this House what action it is taking to ensure the prompt removal of scaffolds once refurbishment works are completed – for example, such as at 61 Prince Edward’s Road?
465

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

470 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the responsibility for the prompt removal of scaffolding once refurbishment works are completed is down to the main contractor. However, at times there is a need for further works, inspections and snagging, which may delay the removal of access scaffolding.

475 **Hon. E J Reyes:** Mr Speaker, in a previous answer to questions, such as for example the ones in December, we were told that the works at 61 Prince Edward's Road were complete, and yet only in the last week has the scaffolding finally been removed.

I think what I understand the Minister is saying is that the work to be carried out in removing the scaffolds certainly pertains to the contractor, but the blockage of natural light to the flats there ...

480 And then if we use 61 Prince Edward's Road – which, by the way, has been cleared completely this week, but at the time that I posed the question the scaffolds had been taken down from against the wall and simply placed, taking up three, four or maybe even five parking spaces, on the other side of the road, much to the annoyance of not only the residents of 61 Prince Edward's Road but now to the annoyance of all the residents who have paid for their annual Zone 2 permit and have lost these parking spaces due to the contractor not moving them.

Rumour has it that the contractor leaves them there as free storage, waiting for the next contract to be issued, and therefore he just simply moves it from one place to another.

490 So my question was: whose responsibility is it, meaning within an official and competent authority? It is someone's responsibility to ensure that the public highway is not blocked.

Hon. S E Linares: Mr Speaker, I go back to my original answer, where it is the contractor who is liable and is responsible for taking away the scaffolding. Remember, the hon. Member did not even know that it was 61 Prince Edward's Road. He came here saying it was 63 in one of the questions and he even got the house wrong. Yes, again.

I do not see the political issue of this. And like the Chief Minister said – and he is right – does the hon. Member think that the Technical Services or Infrastructure will have to employ one or two people extra to go and inspect that the contractors actually move all of the things when they should be moved?

500 I think the hon. Member should be happy at the fact that all the scaffolding is now removed. The people have had the refurbishment done, they are happy living where they are, and that is where we are at this moment in time – so crying about the parking is, I think, rather irrelevant.

505 **Hon. E J Reyes:** Mr Speaker, first I would like to clarify that the question I posed in December, which referred to the particular building as number 63, was based on (1) information given by residents of the area who honestly believed they were living at number 63, and (2) my visit to the site.

If one knows that house numbers work from the north towards the south and the further south you go the higher the number is, knowing where number 59 is and knowing that there is a building between what is now referred to as number 61 ... One would safely assume, from at least having GCSE Mathematics level, that after 59 in odd numbers comes 61 and then comes 63. But anyway, I accept being corrected. Although I may have been a member of the cloth, I am certainly not infallible, so I am corrected on that.

515 But the gist of my question, Mr Speaker, is that someone has to be the competent authority to ensure that scaffolding that is no longer required because the works have been completed in sections that have been done is simply not left there much to the annoyance and disturbance of neighbours, and above all for the benefit of those who pay for the Zone 2 parking. (*Banging on desks*)

520 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we are honestly genuinely grateful for the mathematics lesson and we will, of course, consider, at the instigation of hon. Members, the creation or designation of a competent authority for the clearing of scaffolding.

525 **Hon. K Azopardi:** Mr Speaker, the Minister, in his intervention and in his exchange with the hon. Member my colleague, asked – rhetorically, I think, at the time ... He wondered why my hon. colleague was raising these issues, saying that he wonders what the political issues are. Does he not agree that the political issues are financial, there are cost issues, there are issues of beautification, aesthetic issues and issues of access to the highway, potentially? All those issues are matters of public interest and should concern the Government, does he not agree?

530 **Hon. Chief Minister:** Mr Speaker, we do not agree that those issues arise, because we do not agree that there is an issue of access to the highway. The hon. Members opposite have not demonstrated that it is the case here, and they surely cannot be asking about a hypothetical because the rules do not allow them to ask about hypotheticals.

535 We do not agree that it is an issue of beautification, because scaffolding is used in order to beautify and therefore the absence of scaffolding may not enable us to beautify and may do the opposite.

540 We do not think that there is necessarily an issue of cost because, as the hon. Gentleman knows, his colleague started his question about cost by saying ‘the rumour’ is that there is a cost to the public purse when the scaffolding is there, and the hon. Member I think last time, or this time, clarified that there was in fact no cost to the public purse.

So, Mr Speaker, on all of the assumptions that the hon. Gentleman has made he is demonstrably wrong and we do not agree.

545 One thing, however, that is clear and is proved beyond doubt is that hon. Members wish to have the Government here this evening to enjoy themselves in order to rib us about questions relating to scaffolding, when indeed there is a lot more to do. This community will look at us and say, ‘Given where we are, what on earth are they doing spending 15 minutes on scaffolding that has already come down?’ Mr Speaker, it seems to me that scaffolding is not the only edifice at risk of collapse.

550 **Mr Speaker:** Next question. (**Hon. K Azopardi:** Mr Speaker –) Next question. I think we should move on.

Q130/2020

Unlawful occupation of Government rental homes – Investigations

Clerk: Question 130, the Hon. E J Reyes.

555 **Hon. E J Reyes:** Can Government inform this 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.

560 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the answer remains the same as my answer provided during the last session of Parliament.

Hon. E J Reyes: Mr Speaker, in the last session of Parliament, in reply to Question 14, which was a reply further to a question I had posed as Question 162/2019, it said that they were

565 dealing with a particular case. This is why I am asking. If it has not been concluded, what sort of progress has been made, Mr Speaker?

Hon. S E Linares: Mr Speaker, the answer I have got here is that there is currently one case of unlawful occupation, which the Housing Department is still dealing with.

570 **Hon. E J Phillips:** Mr Speaker, I think the answer to the December questions was that there were 24 suspected of unlawful occupation, 16 of which were asked to leave and they left, and the other five remaining were declared as lawful tenants and therefore zero was the balance, if my mathematics is correct. We are learning another lesson today. So I am not too sure where this one is and whether it reflects the position as of December 2019. Clearly it does not.

575

Hon. S E Linares: Mr Speaker, I refer the hon. Member to read the answer to Question 162 before any other comment.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn – not least to allow Ministers to deal with more edifying and important matters – to Wednesday, 19th February at 4 p.m.

580

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 19th February at 4 p.m.

585 I now put the question, which is that this House do now adjourn to Wednesday, 19th February at 4 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Wednesday, 19th February at 4 p.m.

The House adjourned at 4.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.07 p.m. – 7.25 p.m.

Gibraltar, Wednesday, 19th February 2020

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The Gibraltar Parliament

The Parliament met at 4.07 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

DIGITAL AND FINANCIAL SERVICES

Q141/2020

Treasury Accounting System – Effect of disruption on Departments' compliance with budgets

Clerk: Meeting of Parliament, Wednesday, 19th February 2020.

We carry on with answers to Oral Questions. We commence with Question 141. The questioner is the Hon. R M Clinton.

5

Hon. R M Clinton: Mr Speaker, can the Government please advise how accounting officers have been able to monitor compliance with their budgets, given the disruption in the operation of TAS accounting system.

10

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, Cloud Suite Financials (CSF) went live on 5th August 2019, replacing the Treasury Accounting System (TAS). CSF allows all Departments direct access to financial data on a live basis, thereby removing the need to manage reconciled departmental information against information held centrally, which is the case when using TAS.

Departments were able to maintain their manual vote books, and were instructed to do so on 28th November 2019 when HM Government decided to delay the implementation of CSF until 31st March 2020, in order to facilitate the preparation of forecast outturn for 2019-20 and estimates for 2020-21.

Once it was decided to continue using TAS for the preparation of the estimates, the Treasury engaged with receivers of revenue and controlling officers to provide details of receipts and payments made using CSF.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, but can he just clarify whether I heard him correctly in terms that accounting officers were asked to keep manual records of their expenditure? (*Interjection*)

Is there a method, or some sort of mitigation system in place, whereby vote holders will get a report from Treasury showing where they are, or will they have to do some sort of internal book-keeping themselves?

What is it that they are relying on as a backstop, as a contingency measure?

Hon. A J Isola: Mr Speaker, the instruction to continue to use TAS was issued on 28th November when we paused 'go live', and those Departments have continued to use their vote books and have the information manually, as they did have before and during. Many did. For those that did not, there is an exercise ongoing between those Departments and Treasury to reconcile in detail, because obviously all the information is on CSF for the intervening period, which is visible to Treasury.

Hon. R M Clinton: Mr Speaker, I appreciate this is a fairly technical question, but is there a difference between what vote holders would have had in the past under TAS, say for the last financial year as opposed to this financial year, in terms of speed of access to information?

Is there a delay in which vote holders will get the information they will need to see whether they are over or under budget?

Is the Minister satisfied that vote holders have the information they need on a timely basis to be able to monitor against their budgets?

Hon. A J Isola: Mr Speaker, I answer the question by guessing, which is that I am aware that there has been some disruption. So, is it as smooth as we would like it to be? The answer is no.

15 But am I confident that we will get to where we need to get to? Yes.

Q142/2020

Brexit –

Comments by Chairman of GFIA

Clerk: Question 142, the Hon. D J Bossino.

Hon. D J Bossino: Is the Minister for Financial Services aware of the article published in issue 115 of the Gibraltar Olive Press reporting on the views expressed by the Chairman of the Gibraltar Funds and Investment Association (GFIA) in the context of Brexit?

20

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, yes, I can confirm that I am aware of the article published in the Gibraltar Olive Press.

25

Hon. D J Bossino: It gives me the opportunity, Mr Speaker, to raise in this Parliament the article. It is entitled 'Exodus begins'. Whilst it does say some positive things about the Government's actions in this regard, and it says "the Government of Gibraltar is doing an extraordinary job in a difficult situation", (*Banging on desk*) it also highlights certain aspects which are of concern. I would be grateful for the Minister's comments in relation to this, and I would quote the following:

30

Brexit has been difficult on the finance industry in Gibraltar. Some companies, particularly asset management firms, have indeed left Gibraltar and some have restructured, thus minimising their Gibraltar footprint.

I would be grateful for the Minister's comments in relation to this and what plans he has in relation to trying to address these issues as best he can.

35 **Hon. A J Isola:** Mr Speaker, I think the work that the Deputy Chief Minister had done in
securing the extraordinary and unique facility that our financial services firms will have into the
UK is quite incredible when you come and meet people from other countries around the world
who would kill to have that sort of access. It has only been done because at early doors,
immediately after having done the heat map work over the first three months in 2016, we
40 determined that 92% of our financial services business was with the UK, and as a consequence
the target for delivering what was best for Gibraltar was that access to the United Kingdom
government.

Did we know then, as we do now, that there were going to be firms that would lose access to
the European Union? The answer is of course we did and of course we do. Therefore, what has
45 happened between 2016 and today is that those firms that are impacted upon by Brexit and will
lose access to the single market, like they would in the United Kingdom, had to make adequate
alternative arrangements, which of course they have, as they have done indeed in the UK. It
would have been irresponsible in the extreme if they had not. Consequently, those firms that
wished to seek to have access to European Union countries have made alternative
50 arrangements. Some of them are referred to by Mr Lasry in the article, some are not. There are
other sectors too.

So, I think, to answer the question fully, I would agree with what Mr Lasry says, in terms of
the extraordinary job that has been done by the Chief Minister and the Deputy Chief Minister in
securing this passporting in, and I also recognise that, because we are going to lose single market
55 access – it is a consequence of Brexit, which we do not like – firms have had to make the
arrangements they have had to, to ensure that if they want to continue that market access ...
That is what they had to do.

Hon. D J Bossino: Mr Speaker, I am grateful for the response. Does he have any concerns as
60 to the possible dwindling presence of these companies in Gibraltar as a result of Brexit? Whilst
we may have secured that very important access to the UK market – because the single market
access is so important to these companies, and there are various examples which he and I have
discussed before the session, where they are readjusting their operations but nevertheless still
having a presence in Gibraltar – does he have a concern that that may not necessarily be the
65 case in the medium- to long-term future?

Hon. A J Isola: Mr Speaker, the word ‘dwindling’ suggests some sort of crumbling. There is no
dwindling and there is no crumbling, but there have been consequences of Brexit. Of course
there have. Let’s not hide from the reality that it has impacted some of our businesses. We had
70 8% of our financial services market that was accessing the European Union. They cannot, so is
there going to be less than there was before? Absolutely. Are we going to have firms, in January
of next year, accessing the European Union? Today, it looks very unlikely, so will there be a loss
of that business? Yes.

Therefore, what do we have to do? We have to work twice as hard to ensure that we get
75 more business from the UK, our natural market, to more than make up for that 8%. Hence why I
have told my friend, and they will read public statements to the effect, that Gibraltar Finance
will be going to London once a month, every month, targeting law firms, accounting firms, fund
managers, insurance firms, all the different businesses, to think Gibraltar, think business in
terms of what we can do for the UK market. We had the first such week last week, which went
80 extremely well, and we will be doing the next one in March and will be carrying on all year
round, because that is the way that we will ensure that we retain that quantum of business that
we wish to see here in Gibraltar.

Hon. K Azopardi: Mr Speaker, just one for clarification, just so I understand where the hon.
85 Member is coming from. He said that 92% of our financial services work was coming from the
UK, loosely, and then he says 8% is business into the EU. Am I right to assume that he is actually

speaking loosely? Ninety-two and eight is a hundred, but presumably there is financial services business that is being derived from other places in the world, like Switzerland and perhaps the United States and so on. Are these actual figures, or is he speaking loosely?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman seems to not bring into his consideration the information that we put into the public domain at the time, immediately after the Brexit referendum, which my hon. and learned Friend referred to, which was the heat mapping work, and that work was about work done in the European Union. The United Kingdom, in that context, was a member state of the European Union. In the context of the survey that we did, we did not ask people what work they did in Australia or in the United States. That would be unaffected by the referendum or the consequences of the referendum. We asked what work they did in the European Union: where in the European Union is your business, if it is in the European Union? And that 92 versus eight is in that context, therefore entirely about business which originated in the single market, the single market therefore then including the United Kingdom. As he will often have heard me say, we enjoyed rights of access to the United Kingdom as a market because we were a part of the single market, rights that other Overseas Territories and indeed Crown Dependencies did not enjoy because they did not go on to form part of the single market because of the choices they made in 1972 and the subsequent effects thereof.

That is the reason why the number reaches completeness at 100%, because it was all about the whole of the European Union market as it was at that time, and will be until the end of this year because of the application of the transitional arrangements in the transition period.

Hon. E J Phillips: Mr Speaker, can the Minister clarify: insofar as the monthly roadshow to the United Kingdom in order to market our jurisdiction and invite further work and generate further activity for our economy, is the Government intending on inviting the private sector to go along with the Government, in partnership with the Government insofar as those trips to London? And if the Government is so intending, which industries are they particularly targeting? Grateful.

Hon. A J Isola: Mr Speaker, no, we are not. At these sessions, if we were to take the private sector with us, at each firm we go and see there could be 20 or 30 of us. It is impossible to manage. So, what we have done is use the local firms, in the first stretch that we did last week, to arrange these meetings for us with firms in London. So, PwC in Gibraltar with PwC in London, KPMG EY That is the nature of the co-ordination we get from here. If PwC wanted to come with us to see PwC in London we would have no objection, but we are not opening it up to the rest of the sector. We will be organising events which will engage the rest of the sector throughout the year, not just once a year as we have done in the past.

Q143/2020

Blockchain for Europe Summit 2020 and other events – Anticipated benefits of attending

Clerk: Question 143, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Digital and Financial Services advise the House what he intends to achieve by attending events such as the Blockchain for Europe Summit 2020?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

130 **Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, we aim to promote Gibraltar's position as a leading centre for blockchain business by interaction with attendees, media and other relevant representative individuals, and the organisation that arranged the conference. The speakers included private, public and political entities.

135 **Hon. D J Bossino:** Mr Speaker, there is a full report of the hon. Member's visit in the *Gibraltar Chronicle*.

I think this question in some respects arises from the answers that he gave us in response to our supplementaries. Given that, as he rightly points out, most of our business, if not pretty much all of the business, is UK based and the effect that Brexit is having on that, it begs the question: what is the point of going to the centre of Europe in order to try and drum up business there if we do not have single market access? It is that point that I would be grateful if the Hon. Minister could address in his reply.

Hon. A J Isola: Mr Speaker, the development of our thinking in the DLT framework that we introduced in 2017 ... We engage with the European Parliament. We have a lot of friends there in the blockchain space specifically and they have been very useful to us in how our thinking has evolved and where we have got to, and we continue to engage with them. The Co-Chair of the Blockchain Unit for the European Parliament is somebody we know well and whom we bounce ideas off, and we continue that engagement.

150 But the European Parliament, when it does this work in these conferences ... It is not simply EU firms that are there. The whole world is there. There are firms there from the US, from Asia, because everyone is engaging. Sat next to me on the panel was the MD of IBM Blockchain. These are international organisations who engage with the EU. The EU actually is quite far behind in terms of its blockchain thinking. The amount that they quantify blockchain business to be within the European Union is 5% – with 60% in Asia, 20% in the US and 5% in the EU – and the bulk of that is in London, but a lot of the thinking ... Actually, it is very useful to be involved in the process, so the ideas that we have coming next ... we are engaging with the experts in the European Union and some friends we have there to gather more thinking, more intelligence, more information on the direction that we want to go through. So, it is a very useful interaction with all sorts and we have had some very good follow-ups as a result of it.

Hon. D J Bossino: Mr Speaker, can I ask the Minister to confirm ... Can I take it from his reply that the intention is to continue with these meetings, despite the onset of Brexit?

165 And if I may also ask a further supplementary attached to that, because I am sure he will be able to answer the first one quite quickly: would the possible trade deal that the UK is negotiating on behalf of the entire UK family – which includes Gibraltar – with the EU have an impact on the details he has given in his reply?

Hon. A J Isola: Mr Speaker, the meetings, whenever of benefit to Gibraltar, will continue – of course they will – so, if we believe that there is something of positive return for our private sector or our economy, then of course we will.

In respect of the trade deal, anything that we can do to enhance and strengthen the current suite of resources available to Gibraltar firms, the better – so, hopefully, yes.

Q144-46/2020

**Moneyval –
Update**

Clerk: Question 144, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services provide an update following the on-site visit by the Moneyval committee of experts to Gibraltar last year?

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 Questions 145 and 146.

Clerk: Question 145, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Do the initial drafts of the Moneyval report show Gibraltar demonstrating systemic failures as a jurisdiction, or is Government satisfied with the findings of this report?

Clerk: Question 146, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government explain the reason for the delay in publishing the Moneyval report?

Mr Speaker, if I may – I am sure the hon. Gentleman understands that I think that I can speak for the hon. Gentleman on my right as well – I think these questions were published and put through before the report came out, so they might look a little dated now.

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, the timing of the report obviously has got absolutely nothing to do with the Government. The Government received the final report at the same time as everybody else, on the website, so I hope that the hon. Lady has not drawn an inference that we published it after the questions had arrived. It is totally out of our control.

In connection to the update following the visit by the Moneyval committee, as well as whether Government is satisfied with the findings of the report, I refer the hon. Member to Government Press Release 80/2020 dated Wednesday, 12th February 2020.

The Moneyval report was published on Wednesday, 12th February 2020. The timing of publication rested entirely with the Moneyval Secretariat and its own procedures.

Hon. D J Bossino: Mr Speaker, just for the sake of the record, the public will understand that we filed these questions within a certain time period before the meeting of Parliament and then we were clearly overtaken by events, and it so happened that the report was in fact published. So, in many respects some of our questions have become irrelevant, but with Mr Speaker's permission I would be grateful if we could ask some supplementaries in relation to the report.

He mentions having seen the report – the final report I think he talks about – when it was published. Can he advise this House if he received a draft of the report in advance of the publication of the final report? Is that something that the Government gets to see before? In other words, the Government, as I understand it, does not actually see a final report at the same time as the rest of us. Is that something which he can share with the House?

Hon. A J Isola: Mr Speaker, the Government, and indeed the entire working group, receives draft reports at various stages and is actually able to comment on them, which of course we have over a quite lengthy procedure. What happens is that the report is highly confidential and therefore not to go outside of that working group under any circumstances at all. There have been other jurisdictions that have been scorned by an early publication and we took the view that we would comply with their request and maintain it confidential in the manner that they requested, so that is exactly what we did.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may ask a supplementary or two. We knew that Moneyval were conducting their assessment a while back and we had plenty of time to fix our anti-money laundering problems. Would the Government concede that more could have been done to avoid the result that transpired?

Hon. D J Bossino: Mr Speaker, simply on a point of order, and I do not want to spoil my hon. Friend's flow here but it was my question and presumably I get to complete my supplementaries and then it goes on to the hon. Member. I had not quite finished my supplementaries, but I am willing to ...

Hon. Ms M D Hassan Nahon: I thought you had finished.

Hon. D J Bossino: No, that is fine.

Mr Speaker, I have had an opportunity ... not to read the entire report, I must confess. It is 250 pages long and I have not had an opportunity yet to read it. I have read the key findings and it was based on the key findings and the Government's press release that I was able to react on behalf of the Opposition within hours after receiving notice that this document had been published.

Can I ask the Minister: what is, in effect, in the Government's gift that it can do to improve our ratings for when ... I think the next updating report is going to happen in 2021? It seems that, as far as direct state action is concerned, we have passed with flying colours in the sense that it speaks very highly of the legislative framework and work that has been done in relation to that, and for that I think we need to congratulate the Government – and I would say ourselves as a Parliament for having passed with good grades, so to speak. But is there anything else which the Government can do, presumably by provision of resources to GFIU and entities like that, which would improve our ratings; or indeed, I would have thought, by educating and fostering education and training in relation to the various pockets where the experts who looked at us felt that we were lacking and lagging behind in?

Hon. A J Isola: Mr Speaker, I think the question is a good one, in the sense of that there more that Government could do. A part of the effectiveness test is have we made enough arrests. To prove a negative is difficult at the best of times. And if you do not have sufficient, is it because you have not put in sufficient resources, or is it because the people who are doing it are not good enough? So, it is not an easy thing to go through, but what we have done ...

Do not forget, as the press release states, our entry into Moneyval was at our request. This is not a process of catching people out or scolding people; this is a process of ensuring that more and more countries raise their standards to fight terrorist financing and money laundering.

They have a huge amount to say about how well we have done in the limited period of time that we have been working on this, which is two and a half years, to put ourselves in the shape that we have put ourselves in. But of course the evaluation is over a period of four years when for the first two years some of the data that we would have liked to have had we did not have available to us. So, I have absolutely no doubt that, moving forward, we will get better and better and score better and better, but we have to recognise that, as such a small jurisdiction, some of the effective mechanisms that we are asked to meet are difficult because they require

international co-operation, international arrests and international confiscation orders, which are not necessarily easy for small jurisdictions like ours.

We have put in place a remediation programme, which in some instances does include some more resources. We have already been congratulated for the resources we have put in, but we need to go a little bit further in certain limited instances. And in terms of the technical assessment, in which we did very well, there are a couple of minor details that we are working on with the drafters to ensure that we bring those fully up to speed too.

If you read the report you would gather from it that actually we have done very well, but if you look at the scoring on the effectiveness it does not quite paint the same picture, which is unfortunate; but as I said, this is about improving the standards that we have available to us to ensure that we meet the international standards that countries now require and expect, and we will do our part to ensure that we do.

Hon. D J Bossino: Mr Speaker, I have got a specific question, but just simply to make the comment by way of preamble that from the very brief research I have done on their website it seems that the bar is very high and there are other jurisdictions who have done not particularly well out of this, jurisdictions which you would expect would have done a lot better, so I think we need to acknowledge that the bar is very high.

He talks about certain limited circumstances where he says perhaps further resources can be applied and further assistance can be provided by the Government. Can he expand on that at all across the floor of the House, or is it something he would rather not do at this stage?

Hon. A J Isola: Mr Speaker, I would rather not go into the detailed remediation programme across the floor of Parliament, but I am very happy to have a session with the hon. Member, and indeed the hon. Lady, and talk them through the different aspects of what we are doing and why we are doing it.

I think it is appropriate at this stage to say a huge thank you to all the public sector authorities, agencies and Departments that have worked very closely with us. A lot of private sector engagement also had to be done – they were also assessed – and so my thanks to them. I have written to all of them thanking them, but I think it is important now to recognise the work that they have done. We may not have had the result that we wanted, but I think we have done extremely well and will continue to improve with the support of all the different parties involved.

Chief Minister (Hon. F R Picardo): Mr Speaker, before the hon. Lady rises, if I might just, in a rash of conviviality which seems to have broken out, also add the Government's thanks to the hon. Gentleman for the attitude that he took in response to the Government press release and this publication, because we thought on this side of the House that it was responsible and it was measured. We do not often react to each other in that way, but I think it was clear that the Government here had led in submitting Gibraltar to this assessment because it was right that we should understand, warts and all, where we were doing well and where we had to improve, and that we should be open about that when the time came. Indeed, the hon. Gentleman knows we were congratulated for our legislation. Others who might crow at the fact that there was some criticism of us were later criticised for not even having their legislation in place.

This is something that should not be an area of partisan dispute between us and the hon. Gentleman approached his response to our press release and the publication in a way that I thought commendable – and as I would have risen to tell him if I thought it was not, I thought it was right that I should rise and tell him that I did.

Mr Speaker: The hon. Lady.

325 **Hon. Ms M D Hassan Nahon:** Mr Speaker, as I think most of us are still trawling through the 250 pages and trying to extrapolate some clarity over it, one of the things that I seem to see repeatedly is that the report shows many discrepancies between technical competencies and their execution, and it is a question I would put to Government: why are there so many discrepancies?

330 Why are we considering that the report has come out in flying colours, as many Members of Parliament are saying across the floor, when at the same time there are many concerns that come out of this report in general?

335 **Hon. A J Isola:** Mr Speaker, I think the hon. Lady is being a little bit harsh and unfair on the sterling work that has been put into this by so many different people from all our Police, Customs, GFIU and indeed the private sector.

I do not understand what she means by 'discrepancies'. I think that there is no question, and it is recognised in our press release, that there is more work to be done; we accept that. But I do not understand what the hon. Lady means by 'technical discrepancies'. There are issues that we need to do more with – we accept that, we say so in our press release – and the intention and desire of this work is to get better, so I do not believe it is appropriate to criticise where we have room for improvement, because we acknowledge that we do.

345 **Mr Speaker:** Can I ask whether the hon. Lady wishes to ...?

Hon. Ms M D Hassan Nahon: Mr Speaker, I would appreciate, actually, to have some time with the Minister and in due course to propose some questions in a constructive spirit before forming a public opinion on this.

Thank you.

350 **Hon. E J Phillips:** Mr Speaker, just one question insofar as a response to the Hon. Mr Bossino's question relating to resources. I would specifically ask the Minister in relation to what the Government intends on doing to resource the prosecuting authorities in respect of the criticism that we were faced with in Moneyval. Is there any intention to improve that resourcing specifically, given the criticism contained in the report?

360 **Hon. A J Isola:** Mr Speaker, that is part of the remediation that we are discussing with the Police, with the Gibraltar Law Offices and with Customs in terms that we have now identified what each of the Departments believes it requires to do within the time period to remediate, and those are the discussions we will be having with the Chief Minister very shortly to conclude.

365 **Hon. R M Clinton:** Mr Speaker, just a very short supplementary. When we applied to join Moneyval we required the resolution of the Council of Europe. How will this work post Brexit? Forgive me if I do not know the answer to this as I stand. Is Moneyval a standalone organisation, or does it come under the European umbrella – in which case, what happens post Brexit?

370 **Hon. A J Isola:** Mr Speaker, my understanding is that Moneyval has members from across the world, not just the European Union, obviously, and although it is a unit which is managed from the Council of Europe, it also implements FATF standards, which is where the evaluation really comes from. So, it is not solely a European Union institution. There are other ... OECD, FATF ... These are all ... I was going to call them quangos, but that may be rude ... that work together to deliver some of these issues.

HEALTH AND CARE

Q131/2020

Advocacy Council for Health Services Users –
Frequency of meetings

Clerk: We now move back to Question 131 and the questioner is the Hon. E J Phillips.

375 **Hon. E J Phillips:** Mr Speaker, can the Government state how many meetings of the Advocacy Council for Health Services Users have been conducted since it was established, and what was the date of the last meeting?

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

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Minister for Health and Care (Hon. P J Balban): Mr Speaker, the Advocacy Council for Health Services Users has held seven meetings. The last meeting was held on 3rd April 2019.

385 **Hon. E J Phillips:** Mr Speaker, is there a reason why a significant period of time, in my view, has passed since the April date in 2019 where the Council has not met?

I preface that, of course, that this is an important organisation which combines many health organisations in our community and I am just wondering why it has been so long since they have sat down to meet. Is it just diary commitments, or is there something else that we do not know about? I am grateful.

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Hon. P J Balban: Mr Speaker, I need to say that this Council is not a statutory body or committee; this is something which was set up with the previous Minister for Health in an attempt to try to consolidate all the different requests for meetings from the different associations, charities and organisations who requested meetings to try to discuss or contribute as to where we can find improvements in the service. In the meantime, my doors have been open to all those same organisations to see me on a one-to-one basis, which is how it was begun with the previous Minister. As yet, very few of these organisations have actually requested a meeting.

400 It is something that I was not entirely aware of because it was not something which was constituted; it was something which was between the Minister at the time and the different associations. It was chaired by either himself on a few occasions and also by the lead in the Primary Care Centre.

405 My intention is to hold one of these meetings to see exactly the benefits. I have heard that it can be beneficial. It gives them all a platform to be able to discuss their common issues. It does not give them necessarily a good platform for them to discuss their separate issues, because each organisation may have their own things that they want to mention. The intention is that I will be arranging one of these meetings to see the perceived relevance of it and then take a decision from then on.

Q132/2020

Dispensary stores –
Staffing

410 **Clerk:** Question 132, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have enough staff to man the dispensary stores during regular opening hours in the case of staff being off sick?

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

415 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, yes, the dispensary stores are adequately staffed. As with any department, if staff are absent for any reason, then all efforts are made to provide cover by deploying other staff members in order to continue with operational services.

420 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the reason why I asked this question – I have to declare an interest – was because I actually went to the stores on 29th January and there was a poster that said ‘Pharmacy stores closed today due to staff sickness. Sorry for any inconvenience this may cause.’

425 My concern is what is the impact on the patient when there is a member of staff who is sick and the stores close – and I think they only open a couple of days a week anyway. How does this affect the quality of care on the patient and what recourse is there for a patient who would need medication or equipment and finds himself or herself with a closed door?

430 **Hon. P J Balban:** Mr Speaker, sod’s law dictates that the hon. Lady was there on that particular day. Yes, she is absolutely right, there was an issue on that particular day but that issue has not happened, as far as I am aware, in the past or ever since. But there was an issue in that there were people off sick and they needed to close the stores.

435 I will mention that the dispensary stores deal with the general public only for a few items, for example for the giving of stoma bags and leg bags, but generally they supply the wards and the clinics; so, if there is a need for medication or items, they have access to the store should it be required.

440 But the reality is that other than in unforeseen circumstances ... and there has been, as far as I am aware, just one single occasion and that was the one that the hon. Lady mentions. Other than that, nothing has been reported to me that affects the care of patients in any of these situations.

445 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I really do not want to get pedantic, but unfortunately I am always the one who comes up with sod’s law issues, because a few months ago I brought up the issue of and how there were not staff in and I was told that they must have gone on a toilet break, and now it seems to be the only day that they were off.

450 It seems like a recurring issue that I am always bringing up the one-offs, (*Interjection*) and I would put it respectfully to the hon. Gentleman that there seems to be an issue of lack of staff and perhaps the Government should just face it and ensure to plug the holes for the benefit of the patient and the user.

Hon. P J Balban: Mr Speaker, on the contrary, I think there has been a huge increase in the number of staff generally within the GHA.

455 There are times, unfortunately, when we have issues. We cannot for one moment expect that people will not go off sick or that people will not be on toilet breaks. I cannot say it does not happen; I just cannot say ... I would say this, she is really unlucky – or very lucky in that respect because she can bring it to my attention in Parliament.

Q133-34/2020
Cardiac care –
Provision of facilities

Clerk: Question 133, the Hon. Ms M D Hassan Nahon.

460 **Hon. Ms M D Hassan Nahon:** Does the Government have plans to fund and provide a cardiac cath lab at the GHA?

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

465 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 134.

Clerk: Question 134, the Hon. Ms M D Hassan Nahon.

470 **Hon. Ms M D Hassan Nahon:** Does the Government have plans to increase funding to provide a specialist cardiac centre for the GHA?

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

475 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the Government is committed to providing a specialist cardiac centre incorporating a cardiac catheter laboratory, to perform emergency angiograms and cardiac stenting for patients having suffered heart attacks and/or angina. This will be led by our newly appointed interventional cardiologist.

480 **Hon. Ms M D Hassan Nahon:** Mr Speaker, that sounds like great news. Does the Hon. Minister have a planned delivery date for this project?

Hon. P J Balban: Mr Speaker, I would be loath to give a date which I am then held to.

485 We are firmly committed to this. We have employed this interventional cardiologist for this very reason. He is a gentleman who has experience in setting up cath labs in his jurisdiction and we have employed him specifically to do the same for us in Gibraltar.

490 We set a date in our manifesto, on which there will be slippage because we are actually looking at the different equipment and we are doing thorough research, which the interventional cardiologist is leading on, but we hope ... Again, I do not really want to give a date, but it is a firm commitment from this Government.

495 **Hon. K Azopardi:** Mr Speaker, just on that, obviously we welcome any degree of repatriation of services that can be rolled out here locally but if there is going to be an interventional cardiologist, presumably that person might be undertaking things that would hitherto have been done somewhere else – like, for example, St Mary's and so on, angiograms and stents etc. – and presumably that person would require specialist surgical nursing team backup. What is the Government planning in that regard, in terms of ensuring that that interventional cardiologist has the appropriate backup team to provide those services?

500 **Hon. P J Balban:** Mr Speaker, the interventional cardiologist will not be a one-man band. He will be provided with exactly the right expertise to be able to carry out his duties. He is an expert in his field, he is a person who has a lot of experience in setting up these cath labs abroad, and I can assure the hon. Gentleman that this will not be a one-man band. It will be very well researched. He is leading in that research and seeing what is the best equipment to make sure,

and obviously the best staffing requirements we shall require and whether we need to train people to be able to assist him. He can rest assured in that respect.

Hon. K Azopardi: Really, what I was asking the hon Member, and I am grateful for the response, but I appreciate that he is not doing this single handedly and he needs a specialist backup team.

My question really was: in the initial phases, is the specialist backup team coming with him, or is it that you are training local staff up to a certain level before the rollout of these services?

Hon. P J Balban: Mr Speaker, I have not specifically asked that question but the reality is that, as far as I am aware, we will try to train our local team, our local nursing staff, to be able to assist this gentleman. There will be training required. Whether this training can be done locally in Gibraltar or whether they need to be trained elsewhere I would need to find out to give him a specific reply to that question.

Q135/2020
MRI scanning –
Provision of facilities

Clerk: Question 135, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does the Government have plans to fund and provide an MRI machine for the GHA?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the Government at present is exploring all possible options for the provision of MRI services in Gibraltar.

Hon. Ms M D Hassan Nahon: Mr Speaker, when the hon. Gentleman says that they are exploring possibilities, is it something that they want to get done or is it a possible acquisition, because of course I think it makes the difference to patients' effectively time-sensitive crucial issues, the drive to Malaga meaning life or death. I totally acknowledge the good intentions of Government and that we have not had it before, because we simply have not, and we are trying to improve, but obviously, because it is such a life or death thing, I would like to know how much of a priority this is going to be for Government and for the Government budget.

Hon. P J Balban: Mr Speaker, just to correct the hon. Lady, patients requiring an MRI scan actually go to Algeciras and not Malaga.

This is actually a manifesto commitment, where we said that we would bring MRI home to Gibraltar. We are looking at which is the best way, the most effective way, to bring MRI to Gibraltar. Obviously MRI diagnostic equipment is extremely expensive and there are a lot of different types of MRI machines, different brands, so we are exploring all options as to whether it is best suited and where the machine equipment is best placed.

That is why I am saying MRI is coming home but at the moment we are not sure as to where and what form it will take.

Q136-40/2020

Urology services –

**Number of consultants; vacant posts; on-call services;
primary location of referrals outside Gibraltar; cost of referrals to Spain**

545 **Clerk:** Question 136, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many consultants have we had working in Urology within the GHA since last April, 2019?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 137 to 140.

555 **Clerk:** Question 137, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many urology consultant posts exist within the GHA and how many are vacant?

560 **Clerk:** Question 138, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many nights a week is there no local on-call urology consultant cover in the GHA?

565 **Clerk:** Question 139, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Which hospital outside of Gibraltar is the main benefactor of our referrals for urology-related services in the last two years?

570 **Clerk:** Question 140, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How much has the Gibraltar taxpayer spent in the last 12 months on urology referrals/services to Spain?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the GHA has had eight consultants working in urology since April 2019.

580 Two consultant urologist posts exist within the GHA, both of which are currently vacant. However, this service is covered by locum consultants.

There has never been a dedicated on-call urology service at the GHA. All patients requiring urgent treatment after hours are seen by the surgical consultants, who offer on-call services. The consultant urologist forms part of this team and is on call on a one-in-three-week basis.

The main centre for external urology-related services has been Genesiscare.

585 The total cost of urology services in Spain for 2019 was £352,524.17.

Hon. Ms M D Hassan Nahon: Mr Speaker, the reason why I have asked these questions is because I wonder whether the Minister is aware of localised issues. From what I have been told, things like testicular torsion, for example, are often being left to be treated by general consultants, who do not have the speciality and do not feel comfortable trying to resolve such a specialised medical issue, which is of course a urological one. And from what I understand, when

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a general consultant does not want to treat it, for fear of not getting it right, the patient has to be rushed to Spain and the delay in time can very well result in testicular loss. This is just one example of the danger of not having a specialist urologist at hand, which is my understanding.

595 In light of this reality, would the Government agree that we are in need of a round-the-clock urology cover consultant, and would it be minded to have plans to provide this cover?

I have to help you guys – and I don't have an interest! (*Interjections and laughter*)

600 **Hon. P J Balban:** Mr Speaker, I am not an expert in testicular torsion to be able to know whether it is treated by urologists or not, but there is a urologist available. It might not be at that very moment in time. If you appear at A&E with your testicles – (*Laughter*) with testicular torsion, at a certain time, you will have to wait until (*Interjections*) the next day to be seen. It is not that we do not have urologists. We have urologists and at the moment they are being covered by locum urologists. That is how the service is being provided at the moment, but as a
605 temporary measure.

Whether there could have been issues of leave and there was an unfortunate case of testicular torsion that needed to be referred to Spain, that again can happen. I have no evidence of that, but the service is being covered at present.

610 **Hon. Ms M D Hassan Nahon:** Mr Speaker, why have the two posts that exist not been filled in the last however many months?

Hon. P J Balban: Mr Speaker, there are a few reasons why. It is not that they have not been filled; the process is on its way. We have already engaged and agreed to employ a new consultant. When you employ a new consultant urologist, they cannot just jump on a plane and come over to Gibraltar; they need to give a certain amount of time and inform their employer. We have one consultant who will be starting, I think, in May. In the interim period in March there will be more interviews for the second urologist.

615 We had a urologist in Gibraltar who was apparently revered and very well liked. Unfortunately, that person had to leave Gibraltar for family issues. We found ourselves in a situation where we did not want to lose his services and we tried – I tried, personally – to see whether he would be prepared to stay on a bit longer until we could bridge that gap, but unfortunately his specific circumstances meant that he had to leave. In the interim I think we have covered it adequately and the process has continued to ensure that in months to come we
620 will have our full complement of two urologists in the GHA.
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Hon. Ms M D Hassan Nahon: Mr Speaker, there have been eight urologists since April 2019, according to the Minister. Is the Minister aware that this turns out to be a critical issue for both patients and doctors, in the sense that doctors have felt burnt out, many having to take over patients who were not theirs? I understand the continuity of care has been weak because of the turnover, and there is a big impact on the patient, as well as on the doctors who have had to take these cases and are feeling burnt out and uncomfortable with the cases that they have had to take over.

630 Is the Minister aware and concerned by this lack of continuity by this burnout? And is he therefore making sure that this turns out to be a priority, in terms of appointing new urologists who will have comfortable enough conditions that they will stay and not leave as often as we have seen?
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Hon. P J Balban: Mr Speaker, 'burnt out' is a term that the hon. Lady is using. I have not heard anything at all that would seem to suggest that the urologists are burnt out. In fact, the urologist who was so well liked in Gibraltar did not want to leave; he was extremely happy. He left for personal reasons, family reasons.
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There have been other issues with the urologists, and the moment that you have one of the two posts missing, you have a sequential changeover of locums to try to cover those two posts. They have been covered short term because the intention was that we would employ someone substantive, so that is why there has been a changeover. And not only that: when you have one urologist, he is also entitled to annual leave, even perhaps extended sick leave – I am speculating about the sick leave, but definitely annual leave – and then it is important that the GHA has some sort of cover, and this is what has been done and on occasion the cover has come from the hospitals that we work with as part of the GHA.

ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE

Q147/2020

**Miss Gibraltar 2020 pageant–
Engagement of organiser**

Clerk: We now move to Question 147. The questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government inform this House who has been engaged to organise the 2020 Miss Gibraltar pageant and if such contract awarded is as a result of a tender process?

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, Gibraltar Cultural Services, whose immediate precursor was the Cultural Agency, which was contracted by the GSD Government to run cultural services in Gibraltar, will not be tendering for the organisation of the 2020 Miss Gibraltar pageant. GCS will organise the event itself.

Hon. E J Reyes: Mr Speaker, is GCS then subcontracting others to take part in actually producing this show, such as the Minister has said has now become their responsibility?

Hon. Prof. J E Cortes: Mr Speaker, GCS has a large amount of expertise available. Some will be subcontracted to different local entities, but the main organisation and so on will be done by GCS itself.

Clerk: Question 148, the Hon. –

Hon. R M Clinton: Sorry, Mr Speaker. Can I ask the Minister: is the organisation of this pageant included within their normal contractual terms, or will GCS receive additional payment for organising Miss Gibraltar?

Hon. Prof. J E Cortes: No, Mr Speaker, that is included.

Q148/2020

**Electric vehicle charging points –
Consultation with stakeholders**

Clerk: Question 148, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government confirm that it has commenced consultation with stakeholders in respect of electric vehicle charging points and when it is expected to report to the House on the outcome of that consultation?

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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, Government put out a call for expressions of interest, following which a number of suppliers were identified. Potential sites have also been identified and discussions are being held with the suppliers with a view to rolling these out.

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Hon. E J Phillips: Mr Speaker, I am grateful for the answer and I think it answers the question in relation to the expressions of interest, but I believe that the GSLP's manifesto presented to the electorate at the election promised consultation with stakeholders and I was specifically asking about that, rather than the expressions of interest from people who wanted the job per se. I was wondering what steps the Government have taken to go out to the public in relation to electrical charging points.

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Hon. Prof. J E Cortes: Mr Speaker, at the moment, other than being always available to hear comments, and having had discussions recently with environmental NGOs in which only last week I met, as I often do, with ESG, and we discussed that as well as a range of other items, we have also held discussions with some of the suppliers of vehicles so we know what the industry thinks about this.

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So, yes, there have been discussions on this and they will be ongoing as we roll out the programme. Obviously, internal discussions with my friend and colleague and his Ministry for Traffic and Transport will also continue.

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Q149/2020

**Contracted Services Culture–
Breakdown of cost in approved Estimates**

Clerk: Question 149, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what were the 'Contracted Services Culture' in head 44(5)(a) of the approved Estimates which were expected to cost £2.65 million in financial year 2019-20, breaking down the contracts by contractor and cost, if more than one?

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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, these are the services which, as a result of arrangements entered into with its precursor the Cultural Agency created by the party the hon. Member now leads, are provided by Gibraltar Cultural Services.

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715 **Hon. K Azopardi:** So that is one entity with one contractual situation – is that how I have understood the hon. Member? And if so, what are the services provided? Can he just illuminate us?

720 **Hon. Prof. J E Cortes:** Mr Speaker, Gibraltar Cultural Services oversees the organisation and co-ordination of cultural events for Gibraltar. I have a long list of items for example: New Year celebrations and fireworks; Young Artists Art Competition and Exhibition; Drama Festival; logo competition for the Spring Festival; Short Story Competition; Spring Art Competition; Miss Gibraltar pageant; Spring Festival; Four Zarzuelas or up to Four Zarzuelas; Book Crossing Days; Calentita nights; Summer Nights; Gibraltar Fair rides, pavilions and stalls; National Week
725 celebrations; National Week Classical Concert; Eve of National Day Rock Concert; National Day celebrations; International Art Competition and Exhibition; Poetry Competition; Autumn Cultural Programme; other exhibitions; Literary Festival, in conjunction with the Tourist Board; Cultural Events website; World Book Day; Cultural Arts Exchange; Workers' Memorial Day; May Day celebration; Christmas Festival of Lights; Christmas attractions; New Year Classical Concert;
730 Youth Arts Jamboree; Three Kings Cavalcade; art residency; Cultural Development Programme; cultural awards; Magic Festival; and World Music Festival etc.

A Member: And many more to come!

735 **Hon. Prof. J E Cortes:** And many more to come!

Chief Minister (Hon. F R Picardo): All in one breath!

Hon. K Azopardi: I am glad that was a predictable supplementary!

740 **Hon. Prof. J E Cortes:** Yes, it was!

Hon. K Azopardi: Does the Minister also have on his yellow piece of paper when the contract will come to an end?

745 **Hon. Prof. J E Cortes:** No, Mr Speaker, I do not have it on the yellow piece of paper, but I will clearly give him the information. If he writes to me, I will write back and give him that information without any problem.

Q45/2020

Collection and treatment of waste/recycling – Replacement of refuse lorries

Clerk: We go back to Question 45. The Hon. K Azopardi.

750 **Hon. K Azopardi:** Mr Speaker, has the Government considered replacing the refuse lorries with trucks that will make recycling and separate treatment of waste more possible?

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

755 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, this is currently not an option for Gibraltar.

760 **Hon. K Azopardi:** Perhaps the Minister could explain – yes, as he waves his yellow piece of paper with lots of writing on it – why that is not an option for Gibraltar.

Hon. Prof. J E Cortes: Yes, Mr Speaker, there are a number of reasons and there are two main reasons for this. This is the way that we deal with the urban, normally known as ‘household’ waste and recycling. They are done by two different entities and they go to different locations. 765 So, having one vehicle that would do both would not make sense unless we completely restructured the way we do this. It is not impossible to do, but at the moment we do not think it is something that we should be doing at this point in time.

The other reason is that these vehicles tend to be larger. We already have problems in finding vehicles to deal with refuse that will fit through our streets, particularly our narrower streets, 770 and we do not think there is anything in the market in any case that would serve Gibraltar from the point of view of size. Those are the two main reasons, Mr Speaker.

Hon. K Azopardi: Mr Speaker, I am grateful for the answer.

In terms of the second aspect, if I may, the reason I put the question was because in a recent 775 visit to England I saw a refuse lorry – which was about the same size as the refuse lorries here – which had separate side containers for different articles, be it plastic or glass or cardboard and so on, and they seemed to be collecting for treatment holistically in one vehicle, which I thought might be an interesting option for the Government. But I certainly take on board what the hon. Member says in respect of the first aspect.

780 Is this something that the Hon. Minister discards or does he think that, as a foreseeable objective, it might be convenient for Gibraltar?

Hon. Prof. J E Cortes: Mr Speaker, I always like to keep looking at options for improving the service we provide in relation to both recyclable waste and non- ... less-recyclable waste. I do 785 not dare say ‘non-recyclable’ waste.

It is something that could be looked at. It would mean major changes, for example, in the domestic refuse cubicles, because people do not normally segregate there. We encourage people to take their recyclables to the recycling point, but it is certainly something that could be looked at. But it also would mean that we have to restructure, as I said earlier, where we take 790 the different types of waste.

Also, from the point of view of size, it can be deceiving because even the vehicles that we have here I believe have had to have some alterations made in order to allow them to be useful in Gibraltar. If he sees any vehicle which he thinks would work and he wants to share the information, certainly it is something that we would look into.

Q150/2020

Dogs –

Number registered in Gibraltar; provision of dedicated area

795 **Clerk:** We return to Question 150. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many registered dogs were there in Gibraltar in the year ending 2019?

800 **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 151.

Clerk: Question 151, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when does Government intend to establish areas for people to take their dogs?

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

Hon. Prof. J E Cortes: Mr Speaker, there were 4,039 dogs registered in Gibraltar in 2019.

There are areas where people can take their dogs – and, if I may depart from the prepared answer, you can walk down most streets, for example. But there are areas in various parts of Gibraltar, including areas at Europa Point – including some of the new areas that we have recently refurbished – the area of Alameda Gardens east of Grand Parade and, provided they are on a lead, the Upper Rock. Additional areas specifically set out for dogs will include an area at Little Bay and one of the new Queensway parks.

Hon. K Azopardi: Mr Speaker, I am grateful. When he says one of the Queensway parks, does he mean –?

Hon. Prof. J E Cortes: One of the new ones.

Hon. K Azopardi: One of the new ones in the area where the old generating –?

Hon. Prof. J E Cortes: One of the new ones which featured in our manifesto in the area of Romney car park, just off Wellington Front.

Hon. Ms M D Hassan Nahon: Can I ask a supplementary, if I may, Mr Speaker?

Does the hon. Gentleman agree that the dog park that they made with all the little white stones is actually not really fit for purpose because the dogs cannot even walk across them?

Hon. Prof. J E Cortes: Yes, Mr Speaker, that is due for some work in order to improve it. But people are of the wrong impression. People believe that they can only walk their dogs along that narrow path at the top, but dogs are allowed throughout the area, including the wide path which is just above Grand Parade. When dog owners realise that, they are often down there rather than at the top.

Hon. Ms M D Hassan Nahon: Maybe the Hon. Minister would put some signs to that effect, to alert people – or doesn't he want to encourage too many dogs?

Hon. Prof. J E Cortes: No, no problem with encouraging dogs there. I was under the impression that signs had been put up initially. This is a couple of years ago. It may be that they were and they have been removed, or maybe they were not. But certainly I would be very happy to look into that, to reassure dog owners that they can use that area.

Hon. R M Clinton: Mr Speaker, if I may enquire of the Minister: when he refers to the Little Bay site, does he envisage it being set up as a dog park where dogs can be let off the leash, as well as the informal facility that was enjoyed up near Lathbury Barracks?

Hon. Prof. J E Cortes: This is being designed as a dog park proper.

Hon. R M Clinton: And does the Minister have a timeframe in which it might become available?

Hon. Prof. J E Cortes: The works at Little Bay promenade are progressing. I need to be updated. We are hoping that it will be ready before the summer. That is the plan.

EDUCATION, EMPLOYMENT, UTILITIES AND THE PORT

**Q152/2020
Scholarship debts –
Legal proceedings**

Clerk: Question 152, the Hon. E J Reyes.

860 **Hon. E J Reyes:** Further to the answers provided to QW23/2019 and QW11/2020, can Government provide details of any legal proceedings it is currently processing in respect of debtors who are failing to make repayments?

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 no legal proceedings currently taking place in respect of scholarship debts.

870 **Hon. E J Reyes:** Mr Speaker, I note that in the answer provided to QW23, some debtors are quite new accruing the debt within the academic year 2019-20, with no repayment plans in place. One, for example is over the £20,000 mark. There is another student also in the same year with £15,000 and another one from the year before with £15,000. So there are some who owe substantial sums of money, and some unfortunately even go back – although the figure may not be as big as that – to financial or academic year 1989-90.

875 Does it not seem unfair to the Minister that those who have entered into repayment agreements and are faithfully paying according to what they agreed upon should end up meeting their contractual obligation to reimburse the Government money, while others are not being chased up, or at least no legal proceedings are being taken? The system does not seem to be fair or equally applied to all.

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Hon. G H Licudi: Mr Speaker, it is certainly not the case that these people are not being chased up, which is a totally different thing to whether legal proceedings are afoot or not.

885 If the hon. Member has a list which goes back to some historical debts, I am sure the hon. Member will understand there will be some difficulty in recovering the truly historical debts, but in respect of the more recent debts going back 10 or 12 years, from the list that the hon. Member has the vast majority of those have repayment agreements and are actually paying. I have counted roughly, going back 10 to 12 years, about 130 debtors, of whom just over a hundred seem to have agreements and are paying regularly.

890 The hon. Member refers to recent debts from the year 2019-20 and some of the amounts and asks whether it is unfair that they should not pay when others do pay. It is certainly our intention that everybody who is a debtor should pay and should be chased, but there is a process. The process, as the hon. Member will know from his time at the Department of Education, starts at the Department of Education with contact and chasing the individual, seeking a repayment plan and an agreement from that person to pay. If that does not happen,
895 for whatever reason, because the person is not co-operative or cannot be contacted, the matter will eventually be referred to the Central Arrears Unit of the Government, which deals with not just these debts but other debts owed to the Government, and there is a mechanism in place whereby emails or letters will be sent and repayment plans will be sought to be put in place.

Eventually, there will come a time when consideration may have to be given to the possibility of legal proceedings, and I am told that what happens – and what Members will expect to happen – is that pre-action letters will be sent giving people a certain amount of time in order to come up either with the payment or an agreement to pay.

I can reassure the hon. Member that it is certainly our intention that everybody should pay or have an agreement to pay. It is certainly wrong and I agree entirely with the sentiments expressed by the hon. Member that if somebody owes £15,000 or £20,000 and somebody else owes £10,000 or £12,000 and is repaying faithfully, somebody else who owes a similar amount or a greater amount should get away with not paying.

So, every effort will certainly be made, but the ones in particular that the hon. Member refers to are the most recent debts. I do not have specific details on each and every debt, but I can assure the Hon. Member that every effort will be made so that debts are repaid.

Hon. E J Reyes: I am grateful for the reassurance of the Minister that we are chasing this up. He can certainly count on my support for that, not just as an ex-Member of the Department of Education but certainly as a Member of this Parliament and someone who would like to see fairness being introduced.

I can give the Minister some food for thought. In the same way that the Ministry for Housing has to take certain actions in respect of all those who owe rent arrears and so on, that is something for Government to consider in its wider view.

At this particular stage I think I am not going to enter into the minor details of that. I will leave that for a future occasion, if need be. The answer the Minister gave me was quite comprehensive and referred to all those. Rightly so, he does not identify the students and just puts a number. Because of the different figures involved, as an educator one can guess the type of course. Some have small debts and some – medicine, for example – tend to be quite a high cost. I think the Minister is nodding yes. If need be, we can meet one day behind the Speaker's Chair and take that.

I therefore sit down, Mr Speaker. I think one of my colleagues would like to ask a further supplementary.

Hon. E J Phillips: Mr Speaker, just one question, if I may.

In relation to the Minister's answer, hasn't it long been the Government's policy that, insofar as students who are unable to meet those payments because of either mental health or physical health issues that have led to them leaving higher education studies in the United Kingdom or elsewhere, the Government has taken the view that those amounts should be waived in the interests of those particular students, given that they have demonstrated a physical or mental health complaint, but obviously after a rigorous process by the Government to establish that that is in fact the case?

Hon. G H Licudi: Mr Speaker, it is not the case that those debts are waived. The case is that those amounts simply do not become debts. They are not considered debts. The amounts in the list that I have previously provided to the hon. Member do not include the circumstances which the hon. Member describes, and those are specific categories of reasons.

The contract between the Government and the student, which is backed up by a guarantor usually, will have certain provisions as to repayment in the event that the student does not complete the course. Certainly in the case where there are medical reasons, mental health or physical health problems, provided that that is supported by medical evidence then the view will be taken that if it is medically justified for the student to have withdrawn from the course and not proceeded with the course and not completed the course, then those payments which have been made to the student are not considered amounts which ought to be repaid to the Department of Education. They are therefore not considered to be debts, we do not seek to enter into any kind of agreement and certainly we would not refer those to the Central Arrears

Unit. The ones that I have been discussing with the Hon. Mr Reyes do not fall into that category. That is a totally different area and they do not arise as a debt in the first place.

Q153/2020

**Pupils excluded/suspended from schools –
Numbers, reasons and provision of work**

Clerk: Question number 153, the Hon. E J Reyes.

955 **Hon. E J Reyes:** Can the Minister for Education state how many pupils have been excluded
and/or suspended from schools since the answer provided to QW12/2020, 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?

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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,
15 children, involving eight incidents, have been excluded from school since the answer to
965 QW12/2020. All of these exclusions are for a short term, during which the pupils are allocated
homework so that they can keep up to date with their work – and when I say ‘short term’ we are
talking of days, sometimes two or three days. The maximum exclusion in this category is 10 days,
so we are talking of literally a very short period.

970 **Hon. E J Reyes:** I am grateful for that, Mr Speaker.

I think I understood right – he said the maximum suspension or exclusion has been for
10 days.

Hon. G H Licudi: For these cases.

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Hon. E J Reyes: For these cases. Does the Minister have a general guideline or threshold of
what would be the length of time of exclusion for a student whereby then the education
authorities would have to kick in and provide alternative education?

Ten days is basically two weeks, and although it is not desirable for a pupil to miss school for
980 10 days, the Minister has clarified that they are given certain home books and so on, and I know
most teachers will then take it up afterwards to make sure they understand. But does he have a
general guideline issued to schools saying for anyone excluded over a particular period of time
let’s kick off some other type of educational programme?

985 **Hon. G H Licudi:** Mr Speaker, there is not any particular amount of time which is a definite
amount of time whereby a different protocol kicks in. What happens when these incidents occur
and a head teacher decides to exclude a pupil pursuant to the behaviour policy that the school
has, the matter is then referred to the Director of Education. In fact, there is an obligation to
report the incident or the matter to the Director of Education within three days. The Director
990 will then consider, probably with the assistance of education advisers, the length of time, the
circumstances and what need there is for educational provision, and that will be arranged by the
Department of Education itself rather than the school. As I have indicated, I do not have any
specific length of time when that would kick in, but those would be decided on an individual,
case by case basis by the Director of Education.

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Q154/2020
Dyslexia –
Digital screening in schools

Clerk: Question 154, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education inform this House what digital screeners are currently in place in schools to check if pupils are dyslexic and what improvements are envisaged as a consequence of Government's recently signed pledge with the Gibraltar Dyslexia Support Group?

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, special educational needs co-ordinators in schools assess children who may demonstrate dyslexic tendencies. This is done using an assessment tool known as the dyslexia portfolio. If this assessment identifies any areas of concern, the children are then referred on to the Education Psychology team for further action.

The Department of Education has also acquired a licence to Lucid Rapid. This is a digital screener designed to screen children for dyslexic tendencies before they undergo the more in-depth assessment provided by the dyslexia portfolio. This screener has an assured status issued by the British Dyslexia Association. The team at the Department of Education are now planning for its implementation into our local schools, in line with the commitments made by Her Majesty's Government of Gibraltar when signing the Made by Dyslexia pledge.

Additionally, all teachers and learning support assistants (LSAs) will be embarking on Dyslexia Awareness Training as part of the Made by Dyslexia pledge. This training will be rolled out to schools shortly and we envisage that it will be completed before the end of this academic year.

Hon. E J Reyes: Thank you, Mr Speaker.

I am glad to hear that last part of the answer on the additional training provided to teachers, but the Minister also refers to LSAs undergoing that. Is it not the case sometimes that because it is more of a question of demand led many LSAs, rather than in substantive employment full time, tend to be on short-term or one-year contracts and so on, and would this necessarily not mean that they are excluded from these training programmes as LSAs, because if someone is engaged maybe on short-term programmes they end up doing x number of years at the end of the day and they are not always privy, for example, to in-service days and so on that the schools offer, because they are paid on a day basis?

I just want to make sure that the LSAs on supply contracts are not excluded from this, because not only would they benefit as LSAs but, above all, the pupils are the ones who are going to benefit from their improved qualification.

Hon. G H Licudi: Mr Speaker, it is certainly the case that special needs learning support assistants (SNLSAs) are part of the complement of the Department of Education as much as teachers are part of the complement. Where there are additional needs which are identified, a supply SNLSA is brought in, in the same way as supply teachers are used whenever there are needs. In some cases, whether it is teacher or supply SNLSAs, they are given a contract for a certain period, sometimes up to a year, the whole academic year.

I do envisage that everybody who is engaged in teaching as learning support assistants this year, whether as part of the complement or on supply work, will be part of the training that will be rolled out. It is something that we would want to see for everybody involved in children's education.

I am glad that the hon. Member has mentioned specifically the case of learning support assistants, and I have mentioned specifically that they are going to be part of the rollout of this training. They will be the ones who will be dealing with children mostly on a one-to-one basis and sometimes they may be the first to notice that there is an issue which needs to be referred to teachers and then possibly for further assessment, which is currently done. There are assessments, as I have explained, which are done using the dyslexia portfolio whenever a child demonstrates any kind of dyslexic tendency. So that happens and certainly special needs learning support assistants are very much at the forefront of all of this and are an important cog in this whole wheel.

Q155/2020

**Gibraltar College of Further Education –
Plans for site**

Clerk: Question 155, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what its plans are for the old Bishop Fitzgerald School at South Bastion once the technical college has vacated the site?

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 Government is currently considering all options in respect of the site currently occupied by the Gibraltar College.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister. Can the Minister advise the House whether any consideration has been given to moving St Mary's School to that site rather than moving it to a new site?

Hon. G H Licudi: No, Mr Speaker, the decision that was made in respect of St Mary's is something which I believe I explained to the House previously and we have discussed in this Parliament: St Mary's will be moving to the new site in Town Range itself.

Hon. R M Clinton: Mr Speaker, can the Minister advise whether it is the Government's intention to retain the building as a school? Is it no longer suitable for use as a school? Can the Minister advise that?

Hon. G H Licudi: Government is currently considering all options in respect of that site.

Hon. R M Clinton: Mr Speaker, if it is currently used as an educational facility – and as far as I am aware, unless the Minister can advise otherwise, there is no structural problem with the building – surely it could still be used as a school and therefore St Mary's could be relocated there, but the Minister is telling the House that they have not even considered that option.

Hon. G H Licudi: Mr Speaker, I have not said that we have not considered that option. I have said that we have made a decision in respect of St Mary's. For my part, I do not consider that particular building to be suitable for St Mary's because we are talking of smaller children than those who have previously occupied that building and those who currently occupy that building.

What the use of the building will be and whether it will have an educational function is a matter for the Government to consider and decide on in the future.

Hon. K Azopardi: Mr Speaker, can the Hon. Minister just clarify the last answer? I went to school in that building when I was eight years old. That is about the same age as some of the pupils at St Mary's, surely. So why isn't that building suitable for a school? It has been a school for many years, for decades.

Hon. G H Licudi: Mr Speaker, I imagine that the hon. Member went to that school as Bishop Fitzgerald, and that was an upper primary school, or what we used to call a middle school. St Mary's is a lower primary, having children as young as four or five, including the nurseries.

As I have said, the Government is still considering all options in respect of that particular site, but a decision has been taken in respect of St Mary's and that is that St Mary's will move to the new site in Town Range. Those are the plans that we are working to.

Hon. K Azopardi: But wouldn't it have made logical financial sense to consider the possible relocation of St Mary's to this site, which is barely 150m away from the intended new site, rather than spending taxpayers' money on a new St Mary's School?

Hon. G H Licudi: Mr Speaker, these are matters that we considered before the last election. We set out our plans in the election, we set out where St Mary's was going to be, and we have been elected on that ticket.

Hon. R M Clinton: Mr Speaker, if the Minister could perhaps ... I do not know whether he can answer this question or not, but in his view what is it that is primarily the problem with the old Bishop Fitzgerald site for primary school children? Is it because it is on many levels – in which case, is he then saying that the design for the new St Mary's is only going to be on one level, i.e. on a bungalow level, and not have floors to go up? Is it stairs that are the issue? What is the issue?

Hon. G H Licudi: Mr Speaker, it is a decision that the Government has taken. The Government considers that there are other options in relation to that site which make better financial sense.

Mr Speaker: Next question.

Clerk: Question number –

Hon. K Azopardi: Mr Speaker –

Mr Speaker: You have just one final question.

Hon. K Azopardi: Yes, Mr Speaker.

If I just pull the threat of that, as I understood what he has just said, better options for the site that made more financial sense, meaning he is talking about the Bishop Fitzgerald site, presumably – the Gibraltar College site, what we call the Bishop Fitzgerald site, those of us who went to Bishop Fitzgerald many years ago. Is the Government presently considering plans which are non-educational for that site? And, if so, what are they and what are its contemplated ideas for that site?

Chief Minister (Hon. F R Picardo): Mr Speaker, I refer the hon. Gentleman to the first answer that was given by the Minister, which includes what he has said. We have said that we are considering all options for that site. That means that we are considering options well beyond education, options which, as the hon. Gentleman has just been told, include better financial opportunities for the Government.

1140 But this is not just about the Government; this is about the choice that the people made at the General Election. They were presented with different options, and one of the options they were presented with was a new St Mary's School at Town Range, and as the hon. Gentleman knows, this was the option that the people of Gibraltar chose. They have seen the plans and they have made their choice. The Government is considering different options for what he calls the Bishop Fitzgerald site, which we call the current site of the College of Further Education, with
1145 different proposals for where the College of Further Education will go.

We have been elected, by people who have seen these options and selected them, to give effect to those options which we think are the best, financially viable options for taxpayers and the best options for our children.

1150 **Hon. K Azopardi:** Mr Speaker, with respect, that is not the answer to the question I asked. I asked the question of what are those plans that they are contemplating, not are they contemplating plans.

So, I ask again: what are those plans? With all due respect to the Chief Minister – and he can convert it, as he does often into a 'who won the election' answer – none of the contemplated
1155 plans for the Bishop Fitzgerald site were in anybody's manifesto. So, perhaps he can share with me the answer to the question I asked, which is: what are the plans that are being contemplated for the Bishop Fitzgerald site?

Hon. Chief Minister: Mr Speaker, I do not think that the hon. Gentleman has understood the
1160 answer that I have already given, and indeed that the Minister has given on a number of occasions.

It is not about converting the answer into a 'who won the election' answer. Who won the election is obvious because they are sitting there and we are sitting here. It is about the election, the selection that people made at the election.

1165 The line of questioning was about why St Mary's would not go to what he likes to refer to as the old Bishop Fitzgerald site. If he now wants to take us to what is going to happen to this site, well that takes us back to the first answer: St Mary's is not going to Bishop Fitzgerald because the public at the General Election selected that St Mary's should go where they selected it should go. And as to the old Bishop Fitzgerald site, as he likes to call it, we are considering a
1170 number of different options.

Why am I not telling him which of the many options we are considering? For a simple reason, Mr Speaker: because we are the ones in government considering them. When we are ready to make an announcement about the ones that we have selected or the options we want to pursue, we shall make an announcement. There is only one piece of advice I am going to take
1175 from the Hon. Mr Clinton, which is not to make an announcement until the ink is dry on the paper, which is something he said when I forget which of the FLOPS was in charge – it might even have been Mr Clinton himself.

Hon. K Azopardi: Mr Speaker, of course we know who won the election, but when the
1180 electorate make choices faced with his very long manifesto and our very long manifesto, they take a decision in the round – and fine, they made the decision and we respect that democratic choice, clearly. But surely the hon. Member opposite is not suggesting that when the electorate came to decide the question of who to vote for at the election they were voting on the issue of St Mary's.

1185 What I am putting to the hon. Member is does he not agree that faced with the possible relocation of St Mary's to the site that we call the Bishop Fitzgerald site, to site it as they insist in this proposed new site in Town Range is simply questionable economics? (*Interjection*)

Hon. Chief Minister: Mr Speaker, I do hesitate to go back into history to provide the answer that the hon. Gentleman requires, but I think it is important that I give him the fullest possible answer, and I am sure he will not want to have a shorter and less complete answer.

I hark back to 2011 when the three of us who were party leaders were questioned on radio – I think he for the PDP and I for the then GSLP-Liberals. I was fighting my first election as leader, the one that I went on to win, and he was fighting his second of the three that he has gone on to lose as leader. We all said that our manifestos were commitments that we were entering into, which for us were not wish lists. The other party leader, Sir Peter Caruana, who was leading the party he now leads, said as far as he was concerned a manifesto was a wish list of aspirations that he might put before the people.

I am surprised to see that it is he who has Caruana virus this time round, because he is now saying that we should regard our manifesto as if it were a wish list, and although people have voted for the St Mary's that they see in our manifesto we should simply disregard that and move on to different options that we might consider because *he* thinks that they make better financial sense.

Well, Mr Speaker, the reasons we have already given in meetings of this House since the election reflect that what makes most sense for the taxpayer is to put St Mary's in the building in Town Range. That is a decision in the round about catchment area, about distances etc. and about cost, and when he sees one of the many options that we will decide to proceed on in respect of what he likes to call the old Bishop Fitzgerald School he will see we have made the best financial options for the taxpayer.

They like to say that our financial decisions are questionable. Well, they have been questioning our financial decisions in different guises, often in the same one, for the past nine years and the results of General Elections suggest that the public disagree with them on what the new location for St Mary's should be and on who makes questionable financial decisions.

I do recommend to him that he should find some quick and early inoculation to the infection of the idea that manifestos are just wish lists. We do not consider them to be so, but I will of course remind him in future, if we ever have a reason to depart from a particular manifesto commitment, that he will not be able to tell me, according to his logic, that I am letting people down, because I will tell him that we appear to have long enough manifestos that people may not have voted for that and they may simply have voted in the round.

Hon. K Azopardi: Mr Speaker –

Mr Speaker: Excuse me, hon. Member, this will be the last supplementary, please. Thank you.

Hon. K Azopardi: Mr Speaker, I was not suggesting that manifestos are wish lists. What I was suggesting is that people make a decision in the round. There may have been some people who said, 'I am going to vote in this election only because of the issue of St Mary's – the St Mary's issue is so important to me that the St Mary's issue is the one I am going to vote for.' I am saying that, generally speaking, that probably would not have manifested itself in the thinking of people.

What I am saying to the hon. Member is in his longwinded way he does not really answer the question, that the issue of the decision on St Mary's has been driven by questionable economics and special interests rather than the interests of the people of Gibraltar. *(Banging on desks)*

Hon. Chief Minister: Ah, Mr Speaker, I thought that was what he wanted to say. He is, of course, entirely wrong. He is a fool, who wants to suggest that there are questionable interests simply because he thinks in that way he might be able to garner some support for what is obviously a flagging political career.

I am very sorry that he thinks that he has to question the integrity of people who come to work every day to do their best for this community, in order to try and achieve some advantage. In that respect, the virus that he is getting seems to come to him not from his former leader, then his political opponent; it seems to come from along his benches, where there is one who thinks that the only way that he is able to garner support for himself is by casting aspersions on others. Mr Speaker, he might be wise to look at what the electorate have done in that respect, because one of the people who lost most loyal support in the past General Election has been exactly that person, the person who thinks that the politics of casting aspersions is the constructive politics that this community needs.

I know him well enough to know that he was not like that when he first sat on those benches opposite me some months ago, but I have very little hope for him if in this short period of time he has already become that which he said he was not – in other words, a caster of aspersions, for absolutely no reason whatsoever.

Whether it is for the people who voted specifically for the St Mary's project, whether it is for the people who voted in the round for us, or whether it is for those who chose us for any other reason, we are going to pursue the Programme for Government that we have already persuaded people is by far the best Programme for Government for the next four years. We are going to pursue it honestly and we are going to pursue it diligently.

If he has the ability to prove anything financially questionable has gone on, he should say so. I know he does not, because nothing financially questionable has gone on. We are making the right decisions for this community, for education, for the public finances of this community, and we are doing so entirely properly every time. And every time he has suggested the opposite in the short time that he has been the leader of the GSD, he has ended up with an ostrich egg on his face. I am not surprised.

Hon. D J Bossino: Mr Speaker, just on a point of order, could I invite the Hon. the Chief Minister to withdraw – I think I heard him correctly – the use of the adjective 'fool' made in relation to my learned and hon. Friend? I would invite him, just for the sake of the record. I did not stand at the time, as I wanted him to finish; I could have stood, but I did not. I invite him to withdraw the use of that particular adjective.

Hon. Chief Minister: Mr Speaker, I am afraid that the hon. Gentleman has made an allegation which is a foolish one, and a person who makes an allegation which is a foolish one can only be described as a fool.

The hon. Gentleman will know that I am not taken to using that sort of description, but when somebody says something which is foolish – and it is foolish to simply get up and make that sort of allegation, especially when it is untrue – I am afraid there is only one description that applies; for example, in the same way as somebody who decides not to enter a contest because he fears he might lose might be best described as a chicken.

Clerk: Question number –

Mr Speaker: If I could remind hon. Members that certain words, irrespective of the context, should not be used – it is unparliamentary and I would ask hon. Members to respect this. Thank you.

Q156/2020

Airport –

MoU with Gibraltar Air Terminal Ltd; Principal Auditor's report

1285 **Clerk:** Question 156, the Hon. D J Bossino.

Hon. D J Bossino: Further to the reply to QW28/2020, can the Minister with responsibility for the Airport state when he expects that the memorandum of understanding with Gibraltar Air Terminal Ltd will be concluded and what terms it will be expected to include?

1290 Mr Speaker, just on a point of order, if I may, this is further to an answer which the hon. Gentleman passed on to me by way of written reply because he was not here at the last meeting of the House, but for the sake of the record, and certainly for those people watching or listening, I am not sure how that works. Do I give the hon. Member the opportunity to read out the reply to my question and then we go on to supplementaries, or does it stay on the record as it is?

1295 **Mr Speaker:** The written questions form part of *Hansard*.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, perhaps I can clarify. The question I have, that he is referring to, is W28. W28 is a written question; it is not an oral question which was then handed over in written form. I have the question here and it actually says 'written', unless the hon. Member might disagree, but the one I have got is W28, which is written, unless it is one of the ones that I was not here to answer. If it is, then it became a written question.

1305 **Hon. D J Bossino:** Yes, exactly. Just to assist the hon gentleman and to confirm the position, it was an oral question. I do not think I have ever filed a written question during my previous incarnation two Parliaments ago, or indeed in this one, so it was an oral question which was converted into a written question as a result of the hon. Member's absence at the last meeting.

1310 **Mr Speaker:** That is correct.

Hon. G H Licudi: Yes, Mr Speaker, it is just that I saw 'written' on the Order Paper and I assumed that this was presented as a written question, but in any event, as Mr Speaker has indicated, it is part of the record as much as one of the oral questions.

1315 Mr Speaker, I will answer together with Question 157/2020.

Clerk: Question 157, the Hon. D J Bossino.

1320 **Hon. D J Bossino:** Further to the reply to QW28/2020, can the Minister with responsibility for the Airport state precisely how the recommendations of the Principal Auditor, as set out in 3.13.1 and 3.13.3 to 3.13.6, have been taken into account and are being implemented?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1325 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the recommendations of the Principal Auditor, as set out in paragraphs 3.13.1 and 3.13.3 to 3.13.6, have been taken into account and implemented as follows – and this also includes 3.13.2, which is the previous question.

1330 Paragraph 3.13.1 of the Principal Auditor's report is an introductory paragraph to the section on civil aviation and it has no recommendation as such.

Paragraph 3.13.2: the Government's position in connection with the memorandum of understanding with Gibraltar Air Terminal Ltd (GATL) remains the same as stated in answer to QW28/2020. The matter is still at discussion stage.

1335 Paragraph 3.13.3: the recommendations have been implemented, as now the statements issued by the ground handler are reconciled monthly against copies of the Ground Handling Agreement charge notes. This recommendation has been given effect as from 1st April 2018.

1340 Paragraph 3.13.4 relates to the level of detail of the reconciliation statements prepared by the contractor and the fact that these did not provide the necessary detail to allow an effective monthly check against revenue received as well as arrears of revenue. The ground handler now provides a statement which is broken down into the different headings that GATL requires. Additionally, this is reconciled monthly.

1345 Paragraph 3.13.5 relates to invoicing and, more specifically, to Gibair's arrears of revenue and the fact that they did not provide GATL with an aged debtor analysis so that the Government was informed of outstanding revenue and could therefore include the amounts due in Government's arrears of revenue figures. This has been remedied, as all of Gibair's arrears of revenue are now incorporated into GATL's arrears of revenue figures and submissions.

1350 Paragraph 3.13.6 relates to the monitoring of controls over the receipt of aviation revenue in that measures should be implemented in order to ensure that revenue received was complete and accurate. The recommendation that all Ground Handling Agreement charge notes issued by the ground handler are now cross-referenced with the GATL receipts issued at the information desk has, in fact, been implemented.

1355 **Hon. D J Bossino:** Mr Speaker, it may not be an answer that the hon. Member will have readily available to him, but in relation to those paragraphs he is absolutely right that 3.13.1 is an introductory paragraph that does not contain any recommendations.

1360 I would hasten to add that some of the recommendations seem to have been addressed if one reads the body of the Auditor's report, but I felt it was important to raise this issue publicly because I thought it was quite alarming, given that it affected a lot of the revenue streams of the Government, that it be important that the public understand that these issues have been addressed.

But the question is this: can he state when these recommendations were given effect to and were implemented?

1365 **Hon. G H Licudi:** Mr Speaker, just to clarify, this does not affect the Government's revenue streams. This is an accounting process. It is just clarity that was required and has nothing to do with the actual money, as I understand the section on civil aviation, in terms of reconciliation and the clarity and the detail that had to be provided by the ground handler to GATL and GATL, in turn, to Government. So, it did not affect actual revenue stream but it affected reconciliation and being able to have the necessary detail to be able to carry out that reconciliation.

1370 In terms of the specific supplementary as to when they have been given effect, the information I have in relation to paragraph 3.13.3 is that this was done and was given not retrospective effect but was given effect as from April 2018. In other words, the reconciliation that was required and was recommended was done backwards until 1st April 2018.

1375 I am afraid I do not have the specific dates for each of the other paragraphs, but I am happy to obtain that information for the hon. Member if he needs it. The only specific date I have is in relation to that particular paragraph, which is 3.

1380 **Hon. D J Bossino:** Mr Speaker, in relation to the first question in relation to this issue – this is the memorandum of understanding, which he says is still in the process of being discussed and the terms thereof – can he give an indication of when he expects that the agreements will be ready and able to be signed on the dotted line? And can he also confirm whether the terms of

that agreement will include the specific recommendation contained in 3.13.2 of the Auditor's report?

1385 **Hon. G H Licudi:** Mr Speaker, the recommendation is that there should be a memorandum of understanding between GATL ... outlining Airport terminal fees and concessions revenue stream recipients. I am told that that is a matter that the Chief Secretary is handling directly with GATL and there are ongoing discussions as to the putting together of a memorandum of understanding dealing with this issue. I do not have specific information about the state of those
1390 discussions, except that the discussions are ongoing following from the original question, which is the answer that I gave the hon. Member originally, and the position continues to be that this is in the hands of the Chief Secretary.

Q158/2020

**Port accommodation for crew –
Provision of low-cost hotel rooms**

Clerk: Question 158, the Hon. D J Bossino.

1395 **Hon. D J Bossino:** Further to the reply to QW27/2020, can the Minister for the Port provide further details regarding the one proposal it is considering in connection with the provision of low-cost hotel rooms for crew?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1400 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the Government is not in a position to provide further details at this juncture. As with all discussions in relation to proposals made to Government, an announcement is made once the discussions are concluded.

1405 **Hon. D J Bossino:** Can he give any indication as to whether the Government's intention is to use the current building stock in negotiations with owners who operate current hotels? Or is it the intention to build a purpose-built hotel in relation to this?

1410 **Hon. G H Licudi:** Neither, Mr Speaker.

Hon. D J Bossino: Mr Speaker, that is a negative. The hon. Member is very confident that the two propositions that I have put to him are not being considered. On that basis, can he provide me with some information as to what it is that he is looking at positively?

1415 **Hon. G H Licudi:** No, Mr Speaker, it is not that what he has said is not being considered. The proposal that we are dealing with does not involve the issues that the hon. Member has stated, but it is not my intention to give a running commentary as to where we are on this.

1420 The Government has received a specific proposal which the Government is not just considering but has engaged with the party giving the proposal. It is a commercial proposal and until those discussions are concluded, as we have often and repeatedly stated, no further details can be given.

Q159/2020

**University of Gibraltar –
Annual contribution from public funds**

Clerk: Question 159, the Hon. K Azopardi.

1425 **Hon. K Azopardi:** Mr Speaker, does the Government expect to continue to make an annual contribution of £1.5 million to the Gibraltar University, or are there expectations this might go up, or be reduced?

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, Government's contribution to the University for the financial year 2020-21 is being considered in the context of the preparation of Government's overall budget for the next financial year. The amount of the contribution will be announced at this year's Budget.

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Hon. K Azopardi: Mr Speaker, is the Minister in touch with the University in relation to the contribution issues and the degree of finance assistance that they require? And are there plans that the University should be more self-funding so that it would have an impact on this contribution?

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Hon. G H Licudi: Mr Speaker, not only are there plans that the University should be more self-funding; it is in fact a statutory obligation. It is in the University of Gibraltar Act. It is a specific provision of the Act that the University should move towards that. Having said that, the University has been ongoing for several years, it is a relatively new University, it is one that has the full support of the Government and the Government will continue to provide the funding that is required for the University to succeed and prosper, as we have always intended.

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As regards the question of am I in touch with the University, of course I am in touch with the University on a constant basis. Just by way of information – and the hon. Member has been a member of Government, so he knows how these things work – in terms of budgets and bids, each area of responsibility for which a Minister is responsible puts in a bid, which is then collated and passed on to the Financial Secretary and Chief Minister's Office and then considered in the round in the context of the overall bids that are made to the Government from the different Departments, and then a final decision is taken. We are at that stage.

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Hon. K Azopardi: I appreciate the funding and budgetary process, I appreciate that, but in the discussions ... As the Hon. Minister acknowledges, the University has an obligation to at some point get to a self-funding state, and while there may be an annual budgetary process, the University itself may not work that way in itself, in the sense that the University will, as an institution, I assume, have some kind of three- or five-year projection of where it wants to go in the context of that. Has it shared with the Minister some kind of timescale ambition of when it will get to a stage where it will be self-funding, or where the contribution might reduce? Really, that is what I am asking.

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Hon. G H Licudi: Mr Speaker, the University clearly has a strategic plan, a five-year plan, but that is different from the preparation of a bid on a yearly basis where you look at the budget for that particular year and what the University will need for that particular year. If the University makes a bid which the Government has to consider in the context of this year's Budget and what it will provide the University this year, the fact that the University may have plans for four or five years with a view to reaching a particular level will not necessarily assist in the assessment of what the University needs this year.

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The specific question is about the contribution that the Government makes in respect of the University, and the specific amount that is referred to is one that was contributed to last year. The amount that will be contributed to, and I can definitely say there will be a contribution from public funds to the University this year, but the specific amount is what is currently under consideration.

Hon. K Azopardi: Perhaps the hon. Member has misunderstood my question, but I was not asking about the contribution for this forthcoming financial year. My question is: does the Government expect to continue to make an annual contribution? It is more generic really. That is why I am asking and probing in relation to the possible objectives that the University might have on a three- or five-year basis, and trying to understand if the Minister is in a place today to be able to share the expectations that there might be of the timescale of getting to a point where the University might be more self-funding, if not self-funding completely.

Hon. G H Licudi: Mr Speaker, the hope, of course, is that the University will succeed and there will be more students, there will be more fees paid to the University and Government contribution from public funds will reduce. That is not just an aspiration, or even a hope; it is, as I have already indicated, an obligation on the University to move in that direction.

I have also indicated that the University is a relatively new institution, and certainly for the next year or two, or perhaps three, I see that a public contribution will be required to the University. Government is committed to continue to fund the University because it is an institution that we are proud of and is serving a magnificent purpose.

Mr Speaker: May I just remind hon. Members in relation to Standing Orders and its rules governing right to ask questions – I refer specifically to Standing Order 17(1)(iv):

a question shall not contain any argument, inference, imputation, epithet, or ironical expression;

I direct this to all hon. Members so that they are aware of Standing Orders.

Thank you.

Q160/2020
Equality legislation –
Teaching in schools

Clerk: Question 160, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What steps is the Minister for Education taking to ensure all schools teach every part of the Equality Act so that children leave with a proper understanding of the importance of equality and respecting difference?

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 Government does not understand which legislation the hon. Member is referring to. The Act which the hon. Member cites is not part of Gibraltar law.

Having said that, I can inform hon. Members that the first pillar of the Department of Education's overarching vision focuses on educational equality. Every learner should have the opportunity to realise their potential through education, and no individual should get left

behind. Equal access to learning as well as ensuring the establishment and promotion of a fair and equitable environment play key parts of this pillar of the vision.

We recognise that young people need to understand equality and know their rights, to understand how they should be treated and how they should treat others. Teaching these topics creates a safe place for students to explore, discuss, challenge and form their own opinions and values. The knowledge and respect of rights that students gain from this, combined with understanding, respect and tolerance for difference, can empower them to tackle prejudice, improve relationships and make the most of their lives. In our evermore diverse and challenging society, it becomes more important to instil young people with these positive and open-minded attitudes.

Teachers use inclusive language and are aware of potential bias within the learning environment. The acceptance of every person from every background is naturally important. Teachers strive to teach children to be open minded. By being aware of signs of discrimination, teachers can work to create a learning environment that ensures a classroom of equality.

In order to establish these aims, all schools have mission statements and policies that establish and promote an ethos which emphasises the importance of equality and of respecting difference.

All schools have a detailed PSHE curriculum and are currently using the programmes of study from the UK's PSHE Association to update and renew the content and approach. The PSHE Association is at the forefront of research and development for personal and social education. Equality and respect are promoted throughout the programmes of study.

PSHE themes include, at primary level: how behaviour affects others; being polite and respectful; caring for others' needs; what makes us unique; recognising hurtful behaviour; playing and working co-operatively; sharing opinions; what makes a family — looking at diversity; recognising respectful behaviour; the importance of self-respect; rights, freedoms and responsibilities; positive friendships; respecting differences and similarities; responding respectfully to a wide range of people; recognising prejudice and discrimination; compassion towards others; workplace stereotypes; recognising individuality and different qualities; relationships, civil partnerships and marriage; expressing opinions and respecting others' points of view; valuing diversity; challenging discrimination and stereotypes.

At secondary level: diversity, prejudice and bullying; race, religion and gender; self-worth; equality of opportunities in careers and life choices; discrimination in all forms; gender identity and sexual orientation; healthy relationships; teamwork; mental health and ill health stigma; communities, belonging and challenging extremism; different families and parental responsibilities; personal values and communication; conflict resolution; and relationship changes.

This learning is reinforced in other areas of the curriculum through the choice of resources, displays, assemblies and awareness-raising days.

More recently, teachers have taken opportunities to update their knowledge and skills in this area. Over 40 teachers, for example, attended Mermaid Gender Awareness Training in November. Training has been attended by all teachers to raise awareness and reduce the stigma around mental health. Head teachers and teachers have also attended seminars and training: managing diversity and inclusion; on the Disability Act; disability, language and etiquette; and numerous autism training sessions.

The Ministry of Equality also works with schools to deliver issues around equality and respect. These include gender stereotypes, International Men's Day, respect and healthy relationships, and elimination of violence against women.

Mr Speaker, just as an aside and as an example of what goes on in school, there was a press release issued last week, headed 'Governor's Meadow Lower Primary celebrates International Day of Women and Girls in Science'. This is a project where pupils at Governor's Meadow researched, studied and celebrated the significant work carried out by various female scientists

in the past and present and is just a recent example of the way equality and diversity are promoted in our schools. (*Banging on desks*)

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Hon. Ms M D Hassan Nahon: Mr Speaker, for clarity's sake, the Equality Act that I was referring to was actually the Equal Opportunities Act, I believe of 2006, but I was specifically referring to matters relating to LGBTQ+ issues, which have been addressed in PSHE but I understand they have not been fully addressed and that it will be a requirement in the UK law from 2020.

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Students have brought this up with me as something that needs addressing more substantively, and also with regard to bullying in that area. There are currently safe spaces provided by volunteer teachers in both Bayside and Westside who take time off from their lunch, from what I understand, to reassure on the gender variant issues in the school, but no formal training or support is being provided.

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So, I appreciate the intention that the Minister has expressed, but my question is: will there be formal frameworks in order for teachers to receive equality and diversity training to address these equality issues in a formal way, which is not being done at the moment within the curriculum, also to ensure a safer, equal environment? It is not happening at the moment and this is why I am asking the question if and when it will be.

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Hon. G H Licudi: Mr Speaker, it is quite extraordinary that the hon. Member should say this is not happening. Has she not heard the answer that I have given? I have specifically referred to 40 teachers attending the Mermaid gender awareness training, also to secondary education including lessons on diversity, prejudice, gender identity and sexual orientation.

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The hon. Member says that what she meant in her question was LGBT+. Well, she did not say that in the question. She referred to 'the Equality Act', which I assumed meant how do we deal with equality and respect in our curriculum, and that is what I addressed in the long list.

To say that this is not happening is not correct. If the hon. Member is saying it is not happening enough, that is something that we might have to look at, but certainly the hon. Member will know that the Ministry of Equality makes great strides and does work in co-operation with the Ministry for Education. We also work with Youth as well in relation to these matters, and this is entirely promoted and taught with a view to children expressing their own views and having discussions, and promoting awareness and respect for equality. That is the ethos behind every single school in Gibraltar.

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Hon. Ms M D Hassan Nahon: Mr Speaker, LGBTQ issues come within the remit of what I have been asking, which is about children leaving with a proper understanding of the importance of equality and respecting difference. Mermaid training is supposed to support gender dysphoria, not sexuality, and there is a big difference there.

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I would urge the Minister to ask many of the teachers who entertain these safe spaces if they feel like they have had the adequate training, and perhaps understand what exactly they need, because at the end of the day what we want to do is make sure that we equip them with the right skills in order to do that.

1605

Guidelines is another question and I would ask the Minister if he would be willing to set them and ensure they exist in the school, because there are no clear guidelines for supporting trans and gender diverse children also, and young people in our schools.

These are things that are missing, Mr Speaker. I am not making it up. I am bringing to the table questions in good faith in order for the Minister to be aware and perhaps set such guidelines and such training in a way that will reflect on the students, who are also calling out for it so that they can have a better understanding.

1610

Hon. G H Licudi: Mr Speaker, I have no doubt that the hon. Members is raising these matters in good faith and I have not questioned that at all.

1615 It seems that she is suggesting that teachers are coming to her with those concerns. If teachers believe that there is something missing or that more should be done in a particular area, those concerns should be raised not with the Opposition but with head teachers and with the Department of Education. None of this has certainly come to me, but if the hon. Member says that we should be looking at how we should further promote this area, well this is something that is constantly looked at, in particular in discussions with the Ministry of Equality, who are very well versed in this area.

1620 The hon. Member will know the strides that this Government has made, throughout the eight years that we have been in office, to promote gender awareness, to promote equality and to promote lack of prejudice in relation to sexuality. I do not believe that any Government has done more than we have done in this area, so our record is unquestionable in this area – and yes, we will continue to improve, we will continue to strive to make this more part of the agenda, but it is already very much a part of the agenda in schools.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can ask one more question of the Minister, and I am grateful for his answer. Will the training go as far as to train parents of children in the schools in order for them to help children with their own issues and to teach their own children to behave and express themselves in a way which then spills out on to the rest of the students in order to create a better synergy and understanding among all the students? I believe that parents should be enfranchised in this training and I am asking the Minister if it is something that he would consider.

Hon. G H Licudi: Mr Speaker, generally in the Department of Education we are not in the habit of training parents on these matters. We train the children, and certainly training is provided to the teachers so that the teachers can impart this to the children.

1640 I understand what the hon. Member is talking about is greater awareness of these issues and how to deal with these issues at a community level rather than just in relation to the schools.

A lot of this education, a lot of this training, starts in schools. Once children become aware of these issues, they themselves will take those issues home and they will impart that lack of prejudice, that lack of bias and that respect for equality wherever they are in their social environment, including at home.

1645 It happens on environmental matters, where a great number of strides are made in relation to environmental awareness and lack of use of plastics, and we have the children then educating their parents and educating the wider community. That is part of what we are doing in schools. So yes, it does spill out to the wider community.

1650 We do not give particular sessions to parents to come along to the schools, but certainly to children to then impart on their parents and on their peers, and the wider community, these values which are certainly at the heart of all of us, and which – I am sure I speak for all of us in this Parliament – we want to make sure that we continue to promote.

1655 **Hon. S E Linares:** Mr Speaker, if I can be of any assistance to the hon. Lady, just to say that the Youth Service does a lot of work with the LGBTQ+ people because they also have asked me, through the voice of young people, if they could have spaces in the youth clubs. I was just quite surprised, in a way, to see that they were asking a Minister for space for people with gender issues or whatever. I said to them they are free to have any space, and I looked at the Youth Service and they said it is brilliant, excellent, the fact that they can now go to the youth clubs – they have their own space, they have their own time, they are discussing with parents and grown-ups about these issues. There is a lot of discussion within the Youth Service about LGBTQ+.

1660 So yes, it is happening and it is co-ordinated together with the Education Department and together with the Ministry of Equality, so there is a lot going on. People need to understand that it is happening but it takes time and it takes society to get it into their heads about the issues

that they do encounter. I think it is important that young people are coming out and they are getting the space that they need.

Mr Speaker: Next question.

1670

Q161/2020
School leaving age –
Plans to raise

Clerk: Question 161, the Hon. Ms M D Hassan Nahon.

1675 **Hon. Ms M D Hassan Nahon:** The compulsory school age in the UK changed from 15 to 16 in 1972. Thereafter, rules on work-based learning, part-time learning mixed with voluntary or part-time work, or full-time education apply until a child reaches the age of 18. Are there plans for the Government of Gibraltar to legislate to bring up the compulsory school age in line with the UK compulsory school age?

1680 **Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1685 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, in addition to the work on key stage alignment and the many other very positive changes the hon. Lady will agree we have already introduced, I can confirm that there are also plans to raise the school leaving age from 15 to 16.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. Can he give us an indication of by when, more or less, they think it might be implemented?

1690 **Hon. G H Licudi:** Mr Speaker, I would expect by the start of the next academic year.

1695 **Hon. E J Reyes:** May I, Mr Speaker? The hon. Lady, in her question, adds that in the UK the school leaving age has been set at 16 from 1972 onwards, but she adds in her sentence, 'Thereafter, rules on work-based learning ...' and so on. Does the Minister have in mind perhaps considering an introduction of that specification, or is Gibraltar going to be simply, as hereto, that a child reaches the age where you are legally in school and with parental consent he simply walks out of the school building and is left to his own devices thereafter?

1700 **Hon. G H Licudi:** Mr Speaker, it is obviously our intention that our children should be as well-equipped as possible when they leave the school environment, at whatever age that may be, whether it is 15, 16 or 18.

1705 The hon. Member will know the effort ... and I have mentioned briefly in my answer the various changes that we have made this year and the ongoing changes, the positive changes that we have introduced to education in the last few years. One of the areas that we have introduced, which my colleague introduced last year when he was Minister for Education, was the vocational pathway in school. That is not exactly the same as what happens in the UK, but it is a way of supporting children who reach a school age where they might be thinking of their options for the future and might be not as academically inclined as others may be.

1710 This is a pathway which starts in conjunction with a normal academic route in the schools and can then lead, once they finish that – which they would finish at the age of 16, at the same time that they would finish their GCSE options if they have chosen this vocational pathway, which would include NVQ levels 1 and 2 – they can then proceed, if necessary, to carry on with NVQ level 3 in the same vocational pathway that they have chosen.

1715 We have already announced, and it is in fact in our manifesto, our plans for expansion of the areas that we will introduce as part of these vocational pathways, and we now have the facilities in the schools in order to be able to do this, particularly with the new facilities at the comprehensive. So, this year, additional pathways will be rolled out and we are in discussions with unions and with stakeholders, with the Chamber of Commerce, and we are going to have a meeting of all relevant stakeholders to see how everyone – both from the point of view of the Education Department, the unions, who look at worker issues, and the business organisations – can all support in a way which keeps children active and following a pathway which will lead to a productive life.

1720 So we are moving in that direction and we are having discussions with all the relevant people, but we have already implemented some of this in the schools and there is more to come this year.

1725

BUSINESS, TOURISM AND TRANSPORT

Q162/2020

**Parking tickets –
Numbers issued and paid**

Clerk: Question 162, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, I suspect that this question is going to be slightly redundant, given that GBC beat me to it so far as this question is concerned, or thereabouts, but I will ask it in any event because it leads on to other interesting questions.

1730

How many parking tickets have been issued over the last 12 months and how many have been paid?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

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Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, over the last 12 months there have been 18,882 fixed penalty notices issued and 11,924 paid.

Hon. E J Phillips: Given the answer to the question, does the Minister have any information on his note that has been prepared in relation to the answer to this question, as to whether they are in relation to locally registered vehicles or those across the way in Spain?

Hon. V Daryanani: These are figures on the total amount of parking tickets. I do not have information as to whether they are local or Spanish, but I am sure we can find out if you wish to ask me next time, or I can write to you.

Q163-64/2020

**Derelict vehicles –
Number of notices issued; vehicles issued with multiple notices**

1740 **Clerk:** Question 163, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many tickets have been issued on the basis that the vehicle is derelict?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

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Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 164.

Clerk: Question 164, the Hon. E J Phillips.

1750

Hon. E J Phillips: Mr Speaker, can the Government state of those tickets issued on the basis that the vehicle is derelict how many have been issued with derelict issued parking tickets previously?

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Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Hon. V Daryanani: Mr Speaker, in both these questions the hon. Member has failed to provide a time frame for his request. I am happy to try and furnish him with the figures at the next meeting, if he is more specific. I would also ask that he confirm the tickets he is referring to, although we have assumed he meant parking tickets for the purposes of the answer provided.

1760

Hon. E J Phillips: I am not assuming anything. I am assuming that a ticket that has been issued for a derelict vehicle ... There is only one type of ticket that can actually be reasonably issued by the relevant authority for the purposes of parking.

1765

The basis of my question was in relation to a number of vehicles that have been brought to my attention whereby multiple tickets have been issued against the vehicle in order for the occupant himself to retain a spot within the parking bay. These individuals, it is known, extend the time of their MoT certificates, or at least the MoT investigations that need to be conducted on these types of vehicles, and just constantly replace them, in other words maintaining a spot within the parking bay, which I am sure the Hon. Minister is familiar with, a practice we should all discourage actively in this House.

1770

That was the nature of the type of question I was getting at. I am quite happy to ask a further question about that and give the hon. Gentleman a timeframe, but surely the Minister would have some useful information that would identify those offenders who have had derelict notices issued on a multiple basis or on a singular basis.

1775

Hon. V Daryanani: Mr Speaker, I must say that I am not really aware of so many cases of this happening. I am not really aware of exactly how often this happens, but I have heard of certain cases. I have also seen this on social media, but I will tell you one thing: when I go back, tomorrow, to the office I am going to find out if anybody has complained about this or brought this forward to the Ministry.

1780

Hon. E J Phillips: It arises directly, of course, by the strategic plan implemented by the Government insofar as freeing up parking spaces so people can actually park their cars. If there are people in our community who do not respect that and use mechanisms within the law to curve around it so that they can continue to use these parking spaces constantly and not allow other members of our community to enjoy these parking spaces, that should be something that we should all condemn, so that people can use parking spaces freely without knowing that they are being obstructed consistently.

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Hon. V Daryanani: Yes, Mr Speaker, I will be launching a project very soon that will help with the moving of these derelict vehicles, so that, as you rightly say, these are for parking for our people and not for people who just want to take advantage of the situation.

Q165/2020

**Derelict vehicles –
Number removed in last 12 months**

Clerk: Question 165, the Hon. E J Phillips.

1795

Hon. E J Phillips: Mr Speaker, can the Government state how many derelict vehicles have been removed in the last 12 months?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

1800

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, 149 vehicles have been removed from the road in the last 12 months.

Hon. E J Phillips: Mr Speaker, this is clearly evidence of a problem that we have in our community in relation to derelict vehicles and the use and misuse of parking spaces within our community.

1805

Insofar as the derelict vehicles are concerned, what is the process that follows? I appreciate it is not on the Order Paper, but does the Minister know what we actually do and what the relevant authorities do with these derelict vehicles once they have removed them from those spaces?

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Hon. V. Daryanani: Mr Speaker, that is one thing I have not found out yet, but I will.

Q166/2020

**Emissions tests –
Number of vehicles tested in last 12 months**

Clerk: Question 166, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state how many vehicles have been subjected to emissions tests in the last 12 months?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

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Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, 11,545 vehicles were subjected to emissions tests in the last 12 months as part of the roadworthiness tests.

Q167/2020

**Creation of cycle lanes/corridors –
Government position**

Clerk: Question 167, the Hon. E J Phillips.

1825

Hon. E J Phillips: Mr Speaker, can the Government confirm its position on the creation of segregated cycle lanes/cycle corridors?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

1830 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, as per the Government's manifesto commitments, we are continuing our work to create segregated cycling lanes where physically possible. Segregated cycling lanes need to be truly meaningful and safe, planned carefully so as to connect areas of importance to cyclists, which would create cycling corridors. Gibraltar currently lacks ample space to hurriedly and impulsively implement these.

1835 Implementing short distances of lanes may be of little use and may often be more dangerous than not having these lanes at all. The Government is therefore working to develop a credible and comprehensive plan that will secure the safety of cyclists, reduce pollution and improve quality of life as a key plank of our Green Gibraltar strategy and our desire to create a truly child-friendly city in Gibraltar.

1840 **Hon. E J Phillips:** I am grateful to the Minister for his response and I agree, in fact, that short-distance lanes are clearly dangerous to members of the community. I would also agree that you have to create something that is truly meaningful insofar as your transport policy is concerned.

1845 Having said all of that, and the conclusions that he has drawn in respect of that response, would he now agree with me that the demarcation in areas where there have been short-distance lanes for cycles has been unsuccessful in our community; and given the fact that, as he alludes, they may well be dangerous to our community, that they would revoke that policy in relation to the current cycle lanes that have been introduced in Gibraltar?

1850 **Hon. V Daryanani:** Mr Speaker, I do not think that the cycle lanes have been unsuccessful. If I am not mistaken, there is only one cycle lane, so it is not that there are many cycle lanes that have been unsuccessful. There has only been – Sorry? (*Interjection Hon. P J Balban*) It is not demarcated, so it is not a ... I am told by my hon. Friend and colleague, my predecessor as Minister for Transport, that ... I thought there was only one demarcated cycle lane, which is the one to Main Street, but he tells me there is another one on the runway.

1855 I think the one on the runway is frequently used and is extremely successful. The one on Main Street is different because it is only in certain hours and I think, because it is on a pedestrianised street, perhaps it is something that has not been successful. It was a pilot project and pilot projects are there for that, at the end of the day, to see how successful ... I think it is a start.

1860 Insofar as what is coming, I am looking at three new areas for cycle lanes, but these are three long areas and, as I said, they have to be carefully devised. Gibraltar is small. We are not a major city where we have huge thoroughfares, so we need to be very careful in how we plan this, but the Government is committed to cycle lanes, it is in our manifesto and we will definitely deliver on this because I am keen on doing so. Like I said, I am looking at three specific areas and you will hear about them in the near future.

Hon. E J Phillips: I am grateful for that response.

1870 I am not trying to make a political point out of it. What I am suggesting, given the natural conclusions that the Hon. Minister has made in relation to these points, that the pilot example that he has given insofar as Main Street is concerned ... Although we may differ in opinions as to the success of that pilot project, it is clear by a number of observations that we have received in our community – not just via social media, of course, but it is clearly, in my respectful view, dangerous, and therefore will the Government commit to withdrawing that pilot project to enable it to really focus, as he has now announced, on three specific areas which will improve the ability of our community and those visiting our community to cycle in Gibraltar in an appropriate way?

1875 I commend him insofar as the initiative that he will bring to introduce three cycle lanes, but insofar as that pilot project, as far as I know it is still in operation. If it is still in operation, I would

1880 ask him whether the Government will abandon it at this stage and focus on better transport policies in relation to cycling.

Hon. V Daryanani: Mr Speaker, the Government will commit itself to looking into that, but we have no specific commitment to abandoning it at this moment in time.

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Minister for Health and Care (Hon. P J Balban): Mr Speaker, may I? Just as a matter of information, Main Street is not a cycle lane. It started off being a cycle lane, but after that it became a shared use space. The problem with having a bicycle lane per se is that it gives a cyclist the idea of 'This is my space, and anyone who crosses my space I will tell them off.'

1890

The fact is that that is a pedestrianised area and the pedestrian always comes first, so the idea was ... This is why the lane markings are disappearing. That is because it has become a shared space only during certain hours of the day, which means after seven o'clock at night and before 9.30 in the morning, at which times delivery vehicles are passing through there anyway and obviously while deliveries are happening cyclists can go in a certain direction and keep up with the flow of traffic. But it is only on predetermined times. If people are cycling the wrong way at other times of the day, whether you have an allowance for cyclists or not, that is what happens regardless – it happened before and it will always happen unless policing is in place.

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Main Street is not a cycle lane; it is an area that cyclists can use, always respecting that pedestrians come first, in the given direction and only during certain hours of the day.

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Hon. E J Phillips: Given what the current Minister for Transport has said in relation to short distances – and Main Street is a relatively short distance, in my view – as this was a pilot project and as I am sure both Ministers during their respective times have received information from the general public as to the efficacy of this particular lane, given that the markings are poorly worn away over time as well and given Main Street is a thoroughfare, effectively, for the public to move up and down, would it not make sense for that now to be scrapped at this stage insofar as public health and safety is concerned, with a view to taking a more holistic approach as to how we use bicycles in our community? I would encourage him to assist me in the answer to this question because I think it is an important one.

1905

I agree with him in terms of cycling generally in Gibraltar; I think we need to improve the quality of it. But what I would say is that that pilot study itself has not been a success and we should now look at ways ... I am not criticising him, because it is fine, he tried it and it did not work, and that is great, but insofar as the public health and safety of our community we should now look at ways of abandoning that and moving to a more consistent and sustainable cycling policy.

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Hon. V Daryanani: Mr Speaker, first of all, I do not agree that it has not been a success. That is your view and you are entitled to it, but I do not think it has been tested. I think people are still using that cycle lane – so, if people are using it, it means it is a success. Whether it is as successful as we would have wanted it to be, we do not know yet. Maybe when we actually have other cycle lanes we might take stock of the situation and decide whether we want to keep it or not, but at this moment in time we have no plans of abandoning it.

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Hon. E J Phillips: Mr Speaker, is it therefore the Government's view, taking all of that into consideration, that the current arrangement so far as cycling in Main Street is safe for the public?

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Hon. V Daryanani: Mr Speaker, it is as safe as everything else is safe. It is not unsafe. It is as safe as it is to drive or anything else. We are not going to start getting technical here.

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Hon. P J Balban: Mr Speaker, if I may, just to correct the hon. Gentleman, he said 'short bicycle lanes'. If Main Street had been a cycle lane per se, that is not a short lane. When we look at short lanes, what is meant is very short stretches where there is a cycle lane placed, whereby every time a cyclist needs to come back on to the main road he has to look back for oncoming vehicles. Those cycling lanes are perceived as dangerous. What you want is extended lanes, and if you look at Main Street it extends all the way up Main Street and down Irish Town. For the size of Gibraltar, there is probably close to a kilometre of cycle lane, which far exceeds what we have at the Airport. If you look at the Airport, what happens is once you get to the end of the Airport you have to come back on to the main road. So that is what you have to judge, whether small stretches are ... But that is something that the new Minister would have to look at and he will need to see for himself after researching and then come to his own conclusions in that respect.

Hon. E J Reyes: Thank you, Mr Speaker.

I wanted to thank the former Minister for Transport for his clarification that in the shared space – I think he was referring to Main Street and Irish Town – the priority should lie with the pedestrians. Can I encourage the Government to ask its press office to remind cyclists and pedestrians alike that the priority does lie with pedestrians?

If the Government wants to gather evidence on the success or not, I and many members of my family can personally testify that we have been victims to ill use by cyclists of both Main Street and Irish Town during unauthorised hours, and if it is during authorised hours they certainly think that they are the king of the road and the pedestrians do not have priority. I say that for the Government's benefit.

Q168-69/2020

E-scooters –

Results of review; complaints

Clerk: Question 168, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that they have completed their review of the use of e-scooters and state the conclusions reached?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 169.

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

Hon. E J Phillips: Mr Speaker, can the Government state how many complaints have been received by the relevant authorities insofar as the use of e-scooters is concerned?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, in answer to Question 168, Government have now reviewed the feedback received throughout the consultation exercise, and based on our assessment of that feedback is aiming to publish legal instruments shortly to control and regulate personal light electric transporters (PLEVs).

In answer to Question 169, with respect to complaints, the Ministry have not, to my knowledge, received any direct complaints with particular regard to the use of e-scooters.

People sometimes are more forthcoming on social media than they are in the process of filing direct complaints.

1980 **Hon. E J Phillips:** To clarify, he said that the Government had not received complaints. I did ask for the relevant authorities – so that would have been the enforcement, Police, Customs, Borders, any relevant authority that would receive them, rather than particularly the Government – but I assume the answer to the question is zero, no official complaints have been received.

1985 **Hon. V Daryanani:** Yes, Mr Speaker, my Ministry has not received any sort of specific complaints that have then been brought to my attention.

1990 **Hon. E J Phillips:** Just one further question: when does the Government propose to promote regulations in relation to the regulation of e-scooters?

Hon. V Daryanani: Mr Speaker, it is something that is there. It will come to me in the next couple of weeks and hopefully I will be able to bring the Bill to Parliament by June at the very latest. *(Interjection by Hon. E J Phillips)* I am giving you a commitment.

1995 **Hon. E J Phillips:** With respect, Mr Speaker – you are publishing regulations rather than bringing primary legislation to this House?

2000 **Hon. V Daryanani:** Like I say, it has been prepared and a final draft will be sent to me in the next week or so, so I will be able to give you more information then.

Hon. E J Phillips: No, Mr Speaker, what I was getting at was will the Government be legislating by way of regulation, or will the Minister be bringing a Bill to the House for the regulation of e-scooters?

2005 **Hon. V Daryanani:** I will be bringing a Bill to the House.

Q170-71/2020

Number of vehicles registered in Gibraltar – Four-wheel vehicles and motorcycles; hybrid or electric vehicles

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

2010 **Hon. E J Phillips:** Can the Government state how many four-wheeled vehicles and motorcycles were registered in Gibraltar as of Friday, 7th February 2020?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2015 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Question 171.

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

2020 **Hon. E J Phillips:** Mr Speaker, can the Government state, of all the registered vehicles how many are hybrid or electricity run?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, in answer to Question 170, the total number of registered vehicles in Gibraltar as at Friday, 7th February 2020 for four-wheel active vehicles and motorcycles is 43,929.

Of these vehicles, in answer to Question 171, the total number of registered hybrid or electric is 497.

Hon. E J Phillips: Mr Speaker, does the Hon. Minister have a breakdown between the number of four-wheel vehicles and motorcycles? It is just that the Minister has given me the total amount, but does he have the breakdown on his script?

Hon. V Daryanani: No, Mr Speaker, the hon. Member asked for how many four-wheel vehicles and motorcycles are registered; he did not ask for a breakdown.

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

Hon. E J Phillips: Just one supplementary question. Given the commitment of the Government in the last Parliament to be ambitious – and I think it is the correct one – to promote the use of hybrid- and electric-run vehicles, is the Government disappointed by the numbers of registered vehicles that are hybrid- and electricity-run at the moment? It would appear that we may well be long off that target, which is an ambitious target but one which I agree with.

What is the Government going to be doing about improving communication with the general public as to the purchasing of these types of vehicles going forward? We do not really have that much time left. I think it is 2035 the Hon. Chief Minister said in relation to hybrid, and 2040, if I am not mistaken, in relation to full-electric vehicles. The Minister will obviously be aware that the United Kingdom has also brought back their scheduling of this to match ours – I believe that is correct.

Hon. V Daryanani: Mr Speaker, the Government is committed to promoting the use of hybrid or electric vehicles.

I think that at the moment we are at an early stage of the development of this product and as time goes by I think people will realise, when there are new products on the market, that going electric is the right way. It is a question of time, and perhaps a little bit of patience, before people start realising that driving an electric vehicle is much better than driving a petrol or a diesel one. So I think it is early days, and as time goes by and the product is developed I think we will see more electric vehicles on the road.

The Government will keep on promoting that and I am looking at perhaps some kind of promotion drive in getting people acquainted to the idea.

Q172/2020

Sustainable Traffic, Transport and Parking Plan – Implementation of recommendations

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

Hon. E J Phillips: Mr Speaker, since the publication of the Sustainable Traffic, Transport and Parking Plan, what has the Government done to introduce the recommendations made therein?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, our Government has been diligent in the implementation of the recommendations of the Sustainable Traffic, Transport and Parking Plan (STTPP).

As far back as 2017 we were pleased to announce one of the first initiatives following the launch of the Sustainable Traffic, Transport and Parking Plan: the highly anticipated speed cameras. The speed cameras followed previous speed management measures by way of introduction of solar-powered electronic speed display signs.

In April 2017 the final night bus route N8 was launched, completing the Gibraltar Bus Tracker web app platform. This was, as the hon. Member will appreciate, the first ever service offering bus users real-time bus information.

Then, in May, a traffic light controlled crossing by Ocean Views was implemented along with a number of speed calming measures in the area.

Also in May, and following consultation with the RGP, legislative changes were introduced to the Traffic Act 2005 to include new traffic offences.

The Redibike Bicycle Hire Sharing Scheme was also introduced in May as a means of offering alternative sustainable modes of transport to commuters.

The same month, the first pilot residential parking zone, zone 1, was launched, a first of its kind, following the extensive and thorough research that took into account the valuable stakeholder feedback received during the preparation of the STTPP – unlike the North District residential parking zones that were launched by the hon. Member's Government, which did not properly take into account the proper needs of residents of these areas.

To finish the month of May 2017, the completion of improvements to Governor's Street was announced as part of the STTPP's vision statement to promote sustainable modes of travel, such as walking, by enhancing pedestrian routes, which to some extent minimise adverse effects on our environment.

Another recommendation was the implementation of pay and display areas to provide short-term parking and vehicular turnaround at locations known to be heavily frequented.

The new hours for commercial vehicle access into Main Street and neighbouring pedestrianised areas was another measure introduced under the umbrella of the STTPP. This initiative was done in conjunction with the introduction of commercial loading and unloading hubs to enable 24/7 access.

To enhance the public bus route service and in keeping with the recommendations of the STTPP, request bus stops were also introduced. This initiative moved away from the previous practice whereby buses stopped at all bus stops irrespective of whether there were passengers wishing to alight, thus often resulting in unnecessary delays.

Again, and as part of the continued workings and implementation of recommendations in the plan, a speed limit review of Europa Road was announced with changes to speed limits carried out.

Some more traffic and pedestrian improvements were announced in September 2017 by way of two new zebra crossings at different locations, Europa Road and Rosia Road – more promotion of sustainable modes of travel such as walking, by enhancing and providing safer passage for pedestrians.

Pedestrian signage improvements were further implemented during November 2017 with signage improvements along the area of Waterport Road, improvements to continue to promote and encourage walking.

As part of the continued monitoring phases of the STTPP, short-stay parking bays were implemented in zone 1 at the start of 2018.

In continuing with the rollout of residential parking schemes, January 2018 saw another STTPP scheme with the implementation of zone 2, a residential parking zone that, as the hon.

Member will appreciate, entailed thorough consideration and challenges due to the limited on-street parking spaces available by contrast to the number of unique addresses in the area.

2120 The first official electric vehicle charging points were introduced at Midtown car park in keeping with the STTPP, an HM Government of Gibraltar initiative that was also consistent with the Department of the Environment's Thinking Green environmental awareness campaign, an example of Ministries working in unison towards a common goal.

2125 At the start of the summer season, Residential Parking Scheme Zone 3 was rolled out, yet another step in the parking zoning of residential districts in Gibraltar, providing residents of that area with an improved chance of parking whilst still supporting the needs of visitors and commercial activity in the area. In parallel with the launching of this zone, the Government was also listening to feedback from stakeholders and announced changes to zones 1 and 2 to continue to improve the system and increase the effectiveness and success of the scheme.

2130 Following the successful launch of the first phase of the speed cameras, Her Majesty's Government of Gibraltar was pleased to announce the second phase of this project in June of 2018. This included the introduction of two further fixed speed camera sites along Queensway and Waterport Wharf Road.

2135 With the new school year in 2018 came the eagerly anticipated new school bus service. This bus departed from the south to the schools, exclusively for the use of school children in the hope that it would result in fewer car trips, leading to less congestion and contributing to reducing the carbon emissions.

2140 Two thousand and eighteen came to an end with the revision of the Gibraltar Blue Badge Scheme to include a number of initiatives to enhance the system for users. This came as a result of the perceived abuse and inconsiderate use of the bays. The pilot scheme would also see the introduction of new restricted disabled parking bays throughout Gibraltar to allow improved parking opportunities for users.

2145 We started 2019 with a series of improvements to pedestrian safety and options in the area of Market Place, Corral Road and Glacis Road. These included a new crossing under Smith Dorrien Bridge, more motorcycle parking and the relocation of a loading bay to a more suitable and safer location.

2150 Later in the month, attention turned to bus stop enhancements, when the launch of new bus stop flagpole signage began in phases. These signs are designed to be more user friendly and add to a new branding that was taking shape at the Gibraltar Bus Company, following on from the new logo representing public transport in Gibraltar. Other improvements also included a new bus network map which is easier to read for visitors and locals alike.

2155 Further recommendations focused on major resurfacing works of Queensway and the promotion of cycling in Gibraltar, an excellent and healthy activity as a mode of transport, and enhancements such as more bicycle racks in key areas like Europort, Harbour Views, Little Bay, Cornwall's Parade and the new comprehensive schools at Waterport.

2160 Indeed, even in the last two months that have passed this year we have taken additional action in the introduction of a new school bus service, route S2, which was announced in Press Release 1/2020. This service has been widely welcomed and well received, like much of the rest of the implementation of the groundbreaking STTPP.

2160 Mr Speaker, I should add that a lot of what I have said, if not all of it, is publicly available information – information one would expect the hon. Member to be acquainted with in his capacity as shadow Minister.

2165 **Hon. E J Phillips:** Mr Speaker, as much as I would like to rise to the bait in relation to the North District parking schemes and effectively the insult that he laid at our feet in the last sentence of his very full answer to the question, of course what we will be doing now is analysing everything he has said and coming back with further questions in relation to the Government's transport policy.

2170 But what I would ask him to confirm is that his policy is a living document, i.e. it can change given representations made, and he has alluded to that in relation to the South District parking schemes. He has also conceded, I think, in some small measure that the cycle lane issue that we have had this afternoon ... I do not want to bring that up again, but this is a living document, the STTPP, in that he will receive constructive comment from the Opposition and indeed members of the public as to how it works in practice. I would ask him to clarify that it is such a document rather than a fixed piece of work that the Government commissioned.

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Hon. V Daryanani: I am sorry, Mr Speaker, I do not get the hon. Member's question.

Hon. E J Phillips: I thought it was plainly clear, but anyway I will repeat it for the benefit of the Minister himself. I am asking him whether he considers this to be a living document, or rather a fixed document insofar as the Government's policy in relation to transport is concerned. I hope that is easier for him to understand.

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Hon. V Daryanani: It is a living document; we are working with it all the time. As you can see, we have done a lot over the last three years and we will continue improving on a lot of the stuff that is in that document.

2185

Q173/2020
Travel trade roadshows –
Cost and participant details

Clerk: Question 173, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide details of the travel roadshows announced by his Department recently to London, Manchester and Bristol, to include the cost to the Government and entities which participated?

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Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, as outlined in Press Release 69/2020, the Gibraltar Tourist Board (GTB) hosted three travel trade roadshows in the UK on 4th, 5th and 6th February in the London area, Manchester and Bristol.

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These events are aimed at the travel trade in the UK. Agents were invited to engage with representatives of the tourism industry from Gibraltar and UK operators featuring the Rock, along with British Airways and easyJet.

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There was a series of business-to-business opportunities and destination presentations, where UK travel agents were updated on all that Gibraltar has to offer our visitors. The Chief Executive of the GTB delivered destination presentations at all three venues.

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Co-exhibiting with the GTB were Kirker Holidays, Blands Travel, M H Bland, Sunborn Gibraltar, Dive Charters, British Airways, easyJet, Fred Holidays and Enable Holidays. There was no cost for these exhibitors except for their own travel and accommodation costs to attend these events.

I, as Minister for Tourism, attended the first of the roadshows in the London area.

A hundred and eight travel agents in total attend the roadshows. These are people who directly sell holidays to consumers in their outlets on a daily basis.

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The information requested by the hon. gentleman in respect of costs is provided in the schedule I now hand over. There should be no doubt, looking at the costs involved, that the value for money being achieved by these events is excellent and shows that the Government is listening to the industry and delivering.

If I were to divide the total cost of the events per agent, bearing in mind that the costs also cover the expenses of the GTB, hospitality and exhibition charges for the co-exhibitors, the Government has spent just over £190 per agent in these events. Imagine if just a fraction of these sold one holiday to Gibraltar the next day, how this would multiply into the economy and the value we have delivered.

Answer to Question 173

FLIGHTS	£1,464.00
SUBSISTENCE	£196.00
EVENT COSTS	£16,740.00
MISC EXPENSES	£59.00
HOTEL ACCOMMODATION	£1,913.00
TRAVEL EXPENSES	£476.00

Hon. D J Bossino: Given that the Minister is so bold and excited about this project, can he advise whether he intends to do more of these? And does he have a structure and a plan in place going forward in the medium to long term?

Hon. V Daryanani: I am bold and excited about every project that I undertake. (*Banging on desk*) (**A Member:** Hear, hear.)

Mr Speaker, of course I have a plan on how we are going to carry out ... First of all, I think it is excellent value for money. If you see the total amount that was spent, which is just under £21,000 for three roadshows, it is approximately £7,000 each.

I was present at the London show, and the amount of interest that Gibraltar has is quite amazing. The agents who are there are keen supporters of Gibraltar and very keen supporters of Gibraltar's tourism industry, so I think the idea of having these roadshows is, in my view, an excellent one and one that the Government will continue to pursue.

Hon. D J Bossino: Mr Speaker, he does not need to be concerned about my question about costs. In fact, on the face of it, it does not look like that much, to be honest, given that we are talking about three roadshows, in effect, so I am not targeting him in relation to that point and he can rest assured and be calm about that. It is really that he has expressed a desire to continue with these roadshows, but does he have, at this stage, a proper ... let's not call it 'proper', a *specific* structure in place? In other words, what I am getting at is: is he planning to go to other cities maybe next year or at the end of this year? And which cities? If he does not have that information, I would be grateful if he could provide us with that information. Or is it the same cities because he has seen that they have been a success? It is that type of structure that I am quizzing him about.

Hon. V Daryanani: The Government will be holding a roadshow in Edinburgh on 3rd March. Of course, that is in conjunction with the launch of the new air route. That is what we have planned at the moment.

The way the Tourist Board works is that they tend to have annual roadshows in London, Bristol and Manchester, obviously because of the direct links that we have with these three cities, and the reason why we are having this first ever roadshow in Edinburgh is because easyJet is launching the new route.

Hon. D J Bossino: Just one final question. Presumably this has been taken from his press release which he referred to in his initial reply, but it is reported in the *Gibraltar Chronicle* as well and I am quoting from that particular news outlet. He is quoted, I think, as saying:

Our new UK-wide campaign entitled 'Time to be Enlightened' developed by our media buyers and their design team ...

2255 **Can he provide details of who these media buyers and design team are?**

Hon. V Daryanani: Mr Speaker, a lot of this work is done through our London office, so I will have to find out who the exact company that was involved in this is.

2260 **Hon. D J Bossino:** And, Mr Speaker, is the cost in relation to that specific item set out here? Presumably the answer is no, but I just would like the hon. Member to confirm that position.

Hon. V Daryanani: That is correct – it is not included in that, Mr Speaker.

Q174-75/2020

Business Improvement District Scheme – Government participation and financial contribution

Clerk: Question 174, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Small Businesses provide further details regarding the Government's participation in the Business Improvement District Scheme (BID) task force, to include the agencies involved?

2270 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 175.

2275 **Clerk:** Question 175, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Small Businesses state what the expected financial contribution of the Government to the BID scheme will be?

2280 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2285 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, in answer to Question 174, as the hon. Member may be aware, a press release was published on 30th January 2020 setting out that work continues on the Main Street Business Improvement District. At present, my Ministry continues in discussions with the GFSB and the Mosaic Partnership, and is working on preparing the necessary legislative framework.

2290 In answer to Question 175, as the hon. Member will appreciate, the Government is committed to supporting the bid proposal on a pound-for-pound basis, a commitment, as I am sure he will be aware. The expected final contribution will be ascertained once the size of the district is determined and the levies payable have been calculated. Once again Mr Speaker, the Mosaic Partnership is currently actively working with the task group on the BID proposal.

Hon. D J Bossino: Mr Speaker, some specific questions arise from that. I will be as brief as I possibly can.

2295 The press release – again, I do not have it in front of me, but I do have it as a *Chronicle* press report, which presumably has gleaned information from the press release that the hon. Gentleman or his Department issued. It says 18 local businesses and Government agencies will form part of the BID task group. Can he be more specific as to which Government agencies these are?

2300 **Hon. V Daryanani:** Mr Speaker, this task group is not formed by the Government, or is not formed by me. This is a task group that is formed by the company carrying out this project, the Mosaic Partnership, and the GFSB. They have asked the Government for assistance in matters to do with legislation, and my Ministry are present in trying to assist them in trying to sort themselves out.

Hon. D J Bossino: Mr Speaker, maybe if I can assist the hon. Gentleman – is he then saying the participation from the Government side is limited to his Department? Is that correct?

2310 **Hon. V Daryanani:** Well, at the moment, what the BID needs to do, first of all, is the legislation. I actually had a meeting with them today and one of the first things that I wanted to know from them was how we could move with the legislation, because until the legislation is in place there is not much that can be done. They also need to vote this in, because if the traders do not want it, that is where the matter ends. So it is a bit of a catch-22 situation.

2315 We, as the Government, were happy to proceed with putting the legislation in place in the way that they wanted to, but their own members might vote this down; so, until they decide what they want to do, we cannot really proceed. What I am doing is trying to assist them in moving this forward because I am keen on seeing improvements on Main Street. That is my participation and the participation of the Government.

2320 **Hon. D J Bossino:** Mr Speaker, it may be a minor point, but I just want to understand, on the Government side, what their level of participation is. The press report – I am assuming gleaned from, as I said earlier, the Government's own press release, but I do not have it in front of me – talks about involvement from Government agencies in the pool. What I am asking the hon. Member is to elucidate upon that.

2325 I see that the Hon. the Minister for the Environment wants to butt in and participate in answering the questions, so maybe he can elucidate and provide that answer in a clear and succinct way.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I have no intention of butting in, merely to assist, in the sense that one of the activities of the BID – if, as my hon. Friend says, it is voted in and it is successful – will be the holding of events in the BID, and I am responsible for cultural events and therefore we are involved in supporting in that way. It is not butting in at all; it is assisting in providing information.

2330 **Hon. D J Bossino:** Mr Speaker, I meant butting in in the reply, not necessarily in the process.

2335 The hon. Member talks about the legislation – can he be a bit more specific in relation to that? What is it that is specifically being considered? He referred to a meeting which I think he said he has had today with the various stakeholders and I would be interested to learn what it is that the Government, presumably by the Mosaic Group, is being asked to do on that account.

Hon. V Daryanani: Mr Speaker, the main part of the legislation is how the moneys will be collected, because at the end of the day we are going to be paying half of that and the rest of the traders will be paying their share, so we have to ascertain how those moneys will be collected. That is one of the most important things that we have to look at. The idea at this stage is for it to be collected as part of the rates, so that is one of the things that is being considered.

Like I say, we are open to suggestions, as in from the Mosaic Partnership and the GFSB. This is not our idea or plan or anything; it is something that they have wanted to do. They have come to us and Government is willing to support it, in the same way that Government is supportive of anything else that might be brought to us.

Hon. D J Bossino: Mr Speaker, I sense that the hon. Member is slightly tetchy and defensive about this. I am just trying to elicit some information – No, Mr Speaker, I have not finished. Let me ask the supplementary.

He talks about the main point which is being considered and he talks about the suggestions which are being put to him, quite rightly, by the Mosaic Group. If he does not have the information in front of him, that is fine and I can ask him next month or he can provide it to me on another occasion. All I am asking him is whether he can advise the House, by way of reply to my question, what areas of legislation they are looking at. He talks about the main point: dealing with the collection of moneys. Are they looking, if I can assist him, to some reform of the Fair Trading Act, for example, or the licensing legislation and matters like that?

It is a very simple question and he does not need to be defensive about the answers. I just want an answer.

Hon. V Daryanani: Mr Speaker, I think the Member opposite does not know what he is talking about. The only thing he knows about Main Street is when he walks down it. That is all I can think of, because he has not got a clue about Main Street.

And I am not being tetchy. *(Laughter and interjection)* I will tell the hon. Member –

Chief Minister (Hon. F R Picardo): They have the same effect on us as they have on the electorate!

Hon. V Daryanani: That's right.

Mr Speaker, the Fair Trading Act is something that is totally separate. It has nothing to do with this legislation on the BID. Being a lawyer, he should know that that is a separate Act. It has nothing to do with this new legislation. This is going to be a new legislation; it is not something that we are putting together with the Fair Trading Act. The Fair Trading Act has nothing to do with Main Street on its own, so really you are not assisting me in any way. *(Laughter and banging on desks)*

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, to ensure that none of us get any more tetchy than it appears some think that we are and others have suggested that they are, I would propose that we come back tomorrow, tetchy or otherwise, at 3 p.m. to continue with questions.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 20th February at 3 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 20th February at 3 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

2385 The House will now adjourn to Thursday, 20th February at 3 p.m.

The House adjourned at 7.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 5.16 p.m.

Gibraltar, Thursday, 20th February 2020

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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*]

Questions for Oral Answer

CHIEF MINISTER

Q196/2020

**Civil Service sick leave –
Mental health related absence**

Clerk: Meeting of Parliament, Thursday, 20th February 2020.

We continue with answers to oral questions. We commence at Question 196 and the questioner is the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, further to Questions 100 and 101/2020, can the Chief Minister confirm the sick leave rates for the Civil Service from 1st November 2019 to 1st February 2020 and indicate the number of absent days arising from reporting (1) anxiety, (2) depression, (3) work-related stress, and (4) any other mental health condition?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, as already stated in answer to supplementary questions to Questions 100 and 101/2020, the information is being compiled. It is expected that we will be publishing the information on a quarterly basis on the statistics section of the Government website.

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Hon. E J Phillips: I am grateful to the Chief Minister, and in no way was that question intended to refocus the Chief Minister's mind on what he may wish to bring before this House. It was just to try to shorten the time gap, to make it easier for civil servants to compile that information, to be as useful as possible to this House and to the question I am asking. I do appreciate very much the efforts that are being made to produce this material on a quarterly basis.

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Is the Chief Minister, given he has the detail at his fingertips, prepared to answer this question in relation to the breakdown in relation to those specific conditions that I have mentioned in this question? It would be helpful, rather than have a general response to the quarterly information, to have 'this is the answer' to that type of question on inquiry. Would it be broken down into further issues concerning physical and mental health? I am grateful.

30 **Hon. Chief Minister:** Mr Speaker, I think that the hon. Gentleman has asked his question twice about the same issues, and therefore what I said we would compile would be the information in respect of these conditions and that we would publish it.

The hon. Gentleman in his question asks me once again to go back and obtain this information, and what I thought I had made clear during the course of my earlier answer last month was that it was difficult to go back because that was an exercise of having to recompile across Departments. I do appreciate it is a shorter period that he is asking us to go back, but still it is an exercise. What I thought made sense, because the hon. Gentleman has alighted upon a request for information that is not nonsensical and I think there is a value to having this information ... We are compiling it now as we go, and therefore we will have the information at our fingertips once it is compiled on this basis.

If other sorts of breakdowns are available – in other words, if instead of just giving anxiety, depression, work-related stress and any other mental health condition it is also appreciable that there is a possibility of recording other conditions that give rise to absence in any meaningful way, for example work-related injury, then it will be compiled in that way also. But I am awaiting information from the Office of the Chief Secretary and indeed he will likely be consulting with the Statistics Office on how best to compile this information apart from on the basis of the breakdown that the hon. Gentleman has requested.

I can imagine that there may be a difficulty. For example, I have seen a lot of certificates, and he will have seen them as well in the course of his practice: ‘anxiety and depression’ – is that tab 1 or tab 2? We may end up with more employees than we have medical certificates recorded if we are not careful to show that there is also a head of ‘anxiety *and* depression’, and therefore I think how this all plays out is something we will have more information on at the end of the first quarter.

I would invite the hon. Gentleman to ask us after the end of the first quarter, in the first meeting after April, so that we can then have a better view of how this information is being compiled, maintained and published.

Q197/2020
Non-medical consultants –
Engagements since General Election

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

60 **Hon. E J Phillips:** Further to Q20/2020, can the Government state the name(s) of the non-medical consultant(s) it or the GHA have engaged since the last General Election?

Clerk: Answer, the Hon. the Chief Minister.

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, other than as already provided for on the Government website, the answer is set out in the schedule that I am now handing over. The names on the schedule had not yet been added to the website and that is why they are on the schedule.

Answer to Q197/2020

Mr J Montovio — Accountancy services to IRO the Digital Transformation project;
Brian Syms Consultancy Ltd — Services required ICW the Sewer rehabilitation programme;
Wood Environment & Infrastructure Solutions — Services required ICW General Surface Water Model;
Golder Associates - Professional services in connection with Little Bay Cliff stabilisation works

Q198/2020
Runway tunnel –
Expected completion date

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

70 **Hon. E J Phillips:** Mr Speaker, can the Government update this House on the completion date for the runway tunnel project?

Clerk: Answer, the Hon. the Chief Minister.

75 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is not possible to provide a definitive date for the completion of the tunnel. Progress on the runway tunnel project has, however, been steady, with the civil works being well advanced and nearing completion. The next stage involves mechanical and electrical installations and is expected to commence within the next few months, once the design packages are completed.

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Hon. E J Phillips: I just ask this question just for information: is there a period within the next 24 months that the Chief Minister can enlighten to, insofar as any potential possibility of a completion date? I very much appreciate what he is saying insofar as the technical aspects of this project, but it is obviously one that causes a number of question marks all over the place. Members and constituents of our community are very keen for this project to take place, and so are all of us in this House, no doubt for all sorts of reasons, but if the Chief Minister can be helpful in providing a period of time that it may need to take – and I am sure the contractors will be on board and the contractors will be able to provide that information too.

90 **Hon. Chief Minister:** Well, Mr Speaker, I do not necessarily agree that everyone in this House is looking forward to the runway tunnel opening. There are some who are concerned about the consequences of the runway tunnel opening. Certainly the Government believes that this is a project that we now need. We need to see it reach conclusion so that the tunnel is open and this will help traffic flow in Gibraltar; that is why we have pursued it.

95 I can tell the hon. Gentlemen that I have said, during the course of my New Year's address in the second week of January, that I expect the runway to be open during the course of this calendar year. I also remind the House that I said that in an earlier New Year's address and I said it this year with the confidence that I had been given that it was very likely that this project would be completed.

100 Hon. Members will no doubt realise that this is not a delay of any making of the Government in any way. The Government has been in litigation, since we were elected, with this particular contractor. We are pursuing, through the Government's advisers and professional consultants, that the work done on the tunnel is done to the required standard. That has required that the Government require that work be redone, and although there may be a period within which work should be done and you can therefore calculate when a project should be finished, if work done in that foreseeable timeframe is then not of the standard and quality required, the issue is do you accept it just because you want to hurry up, or do you take the advice of the professional advisers that the taxpayer is not getting the return for the amounts being paid and therefore it has to be redone, and therefore what was expected to take six weeks will take 12?

110 Mr Speaker, for that reason, although I remain confident that what I said at the beginning of the year, some six weeks ago, will still be something that we can expect to see materialise – namely that during the course of the calendar year the tunnel will be open – it is not possible to say with any more certainty that we will see the project come to fruition in that period if we are to pursue what I am sure we all agree is the right approach, which is that the taxpayer should have a project completed to the standard and quality that the professional advisers of the

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Government consider meets the standard and quality that British standards in our law require for a particular project as technically challenging and important as this one.

Q199/2020

Leanse Place –

Landlord and beneficial owner of premises rented by Government

Clerk: Question 199, the Hon. R M Clinton.

120 **Hon. R M Clinton:** Mr Speaker, can the Government advise who the landlord is for premises rented by it at Lease Place, and who are the beneficial owners of the landlord if it is a corporate vehicle?

Clerk: Answer, the Hon. the Chief Minister.

125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the landlord for the premises rented by us at Lease Place is Ryhall Ltd. The Government understands that the ultimate beneficial owners of the company are the Peralta family, the Hassan family, the Levy family and the Provasoli family.

130 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Would he have the names of the individual members of the families he mentioned as being the beneficial owners?

Hon. Chief Minister: I really do not see why I should, Mr Speaker.

135 **Hon. R M Clinton:** Mr Speaker, I have asked about the beneficial owners and those beneficial owners have to be, I imagine, named as people, or rather as groupings. Therefore, I think my question is entirely reasonable of the Chief Minister – unless, Mr Speaker, you rule it inadmissible. I think the simple question ‘Who is the beneficial owner?’ is pretty clear, and again I ask the Chief Minister: can he please supply the names?

Hon. Chief Minister: He is wrong, Mr Speaker, about beneficial ownership. Beneficial ownership can be held through trusts for classes of people, which do not have to be identified as individuals.

145 Mr Speaker, if we are going to be asked who are the beneficial owners, who are the Peralta family and who are the Hassan family, is the hon. Gentleman going to require me to give him a family tree? It is not information for which the Government is responsible.

I take the view that a Government cannot deal with a corporate entity that is not a publicly listed entity without knowing who is behind it, because the Government could inadvertently fall into the trap of assisting in the laundering of funds. If you are dealing with a company that is owned ultimately by somebody who is not fit and proper and/or who is not in legitimate business, then it would be wrong for the Government to be doing that. Therefore, the Government knows who it is dealing with, but whether we know that a great grandchild or grandchild, a daughter or a son, or any other has a particular share or not share in the ultimate beneficial ownership is really something quite difficult to require a Government to come to this House to give.

155 We know who we are dealing with and we know that these are the entities that hold the interests of those families. The interests of these families are held in absolute the proper structures, which do not give you names of individuals, and therefore the hon. Gentleman is wrong about the premise of his question, that ultimate beneficial ownership is held in names of

individuals that governments know. We know the class of individuals we are dealing with and the families they represent. It is an answer that I have given him. I have been very forthright in giving him the answer when he has asked me, but I am not a maintainer of family trees, Mr Speaker.

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Hon. R M Clinton: Mr Speaker, just to be absolutely clear for the record, can the Chief Minister therefore confirm that he does not have the names of the ultimate beneficial owners of this landlord?

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Hon. Chief Minister: Mr Speaker, I can confirm that the hon. Gentleman seems to misunderstand the concept of ultimate beneficial ownership.

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Hon. K Azopardi: Mr Speaker, can I ask, the Chief Minister says, quite rightly, that when the Government does business it needs to know who it is doing business with – and he is satisfied as to the people who are behind the structure, presumably. That being the case, I think my hon. colleague is just simply asking ‘Who are those people?’

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Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman has been told, and I have said, the Peralta family, the Hassan family the Levy family and the Provasoli family.

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If the hon. Gentleman knows who I am talking about, these are families that are well known to him and well known to me. He knows, because he was a Minister, as was Mr Feetham, that successive Governments have held leases in that building through entities that have contractual arrangements with the Government, or the Government has shareholdings – for example, AquaGib – and he would therefore, presumably, having welcomed the attitude I have taken to ownership and the dealing, have known who his Government was in a contractual relationship with in that building. That has not changed.

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The issue is that there may be other children and children of children, and if I am being asked to say *exactly* who the beneficial owners are, that is to expect me to know the distribution there may have been *inter vivos* of beneficial ownership in those families. If I give an answer that is not absolutely precise, then I will be misleading the House. It is not possible for the Government to give an answer which is absolutely precise as to beneficial ownership because hon. Gentlemen will know that beneficial ownership moves without the register having to be updated, and so therefore I may give an answer which may change in a moment – indeed in the moment I am giving the answer – because individuals may say, ‘By the way, the quarter share that I have in this 25% of the business I am no longer going to divide 10% for you and 10% for your sister; it is now going to be 15% for you and 5% for your sister.’ So, beneficial ownership changes in that way, and indeed people may be excluded from beneficial ownership or may be added to beneficial ownership, but he knows who he is dealing with because these are the families of these individuals. They are well known in Gibraltar. They own two particular immovable hereditaments that the hon. Gentleman will be fully aware of, both of which are the subject of scrutiny in this House, although one of them in particular has been in the employ of Governments as an area where we have taken leases through three different administrations, one of which included him and his hon. and learned colleague across the way without the ultimate beneficial ownership of those buildings changing as to families, although the breakup of ultimate beneficial ownership and split between those families may have been different at every time.

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Hon. K Azopardi: Mr Speaker, first of all, certainly in the portfolios that I held when I was opposite, on those benches, I certainly cannot recall ever having to deal with tenants of Leanse Place, so I am not in a position to say that I ever held any dealings with these tenants or indeed the structures behind them.

I certainly understand the Chief Minister's explanation, but I sense a degree of defensiveness in the answer and I do not understand why. He says he knows who he is dealing with, and we have simply asked who it is that he is dealing with.

215 It can be one of two things, if I can put it to the Hon. Chief Minister: it can either be because he loosely knows that he is dealing with those families but cannot specifically tell us who the beneficial owners are ultimately; or he does know who the ultimate beneficial owners are and somehow is reluctant to give it. I understood his first answer to be more reluctant than his second. His second seems to be saying, if I can paraphrase it, 'I loosely know who the people are
220 in the families but I cannot specifically tell you what specific shares they are holding.' That is how I understand his answer to be. Is it that my understanding is correct?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman seeks to impute to me an emotion that I do not feel, and I am surprised that he thinks it necessary to do so. I am not feeling particularly
225 defensive, because I do not think there is anything to be defensive about. For us to have continued arrangements which were already in place when we were elected in 2011 should give rise to absolutely no need to feel defensive. To have added to those arrangements in respect of other arms of Government should give absolutely no reason for defensiveness. What he might sense is exasperation at having to have the same debate, House after House, because frankly
230 there is a lot, much better, to be getting on with, not just in this light but in the context of the things that the community requires us to be doing. But look, one is here to answer their questions.

When dealing with ultimate beneficial ownership, there is no register at the moment. There will be a register in the future. The hon. Gentleman knows that the Fifth Anti-Money Laundering
235 Directive requires that there should be a register of ultimate beneficial owners but it does not require, because the Fifth Anti-Money Laundering Directive does not require it, that trusts should be reflected.

With these families that the hon. Gentleman should be aware of – and I am surprised that he was so siloed in respect of his responsibilities when he was elected that he did not know any of
240 what else was happening with his Government, that he did not know or ask or seek to enquire about the fact that AquaGib held a lease at Leanse Place ... Wasn't he aware of that? Didn't he at least pay for his utilities in the old days with chequebooks before we could do it all by direct debit? And didn't he know that the Government owns a one-third share in AquaGib? Has he forgotten that? Or that the Government has a contractual relationship with Land Property
245 Services Ltd and that they are tenants of this same building, and that there are arrangements in respect of the costs of the business?

Mr Speaker, defensiveness is as nothing in the context of the emotion that I feel at the moment, but I do feel, of course, that continued frustration at not being asked to address some of the key issues that confront this community and instead being asked to descend to intimate
250 particulars as to the family structures that people may have established to own their properties.

Mr Speaker, despite that, if they wanted the information, I have told them the Government feels it must know who it is dealing with and the Government does know who it is dealing with. It is dealing with the Peralta family, the Hassan family, the Levy family and the Provasoli family. We do not know with any level of precision – because it is not possible to know with any level of
255 accuracy, because beneficial ownership can change at any time – who the exact beneficial owners in those families are, but what I know of these families, with all of whom I have had longstanding personal relationships ... I can tell him who the controlling mind of the Peralta family has been, I can tell him who the controlling mind of the Hassan family has been, I can tell him who the controlling mind of the Levy family interest is, of course, and of the Provasoli
260 family, but that does not mean that that is the ultimate beneficial owner, because they have set up structures to establish their family holdings for their families in different ways, which are private. And I cannot give him that level of family tree detail. Neither do I think the Government is answerable for how a family has set up its beneficial ownership of a structure.

265 But, Mr Speaker, I am in your hands if you wish me to explore further the family trees of these established and important trading families in Gibraltar.

Hon. K Azopardi: Mr Speaker, if that last answer does not redefine and take to new levels the meaning of the word 'defensiveness', I do not know what does.

270 The hon. Member has said he thinks that Government should know who it is dealing with and that in fact he does know. I would have thought that it would be an intrinsic part of that exercise simply to ask the people you are dealing with who the ultimate beneficial owners are. I do not think that is an unreasonable request. And is it right for then the Government to answer questions put by Opposition Members on the basis of who it is dealing with – that it says it knows who they are? Well, I think it is entirely reasonable.

275 It is not that the Government is answerable as to how families are structuring their business; they can structure their business however they want. The point is that if the Government enters into contracts in this House, that House or another House, with whoever it is, it should know who it is dealing with – point one, which the Chief Minister accepts – and not only should it know who it is dealing with, it should then make that information public if it is asked in this House. It is not an unreasonable request.

The Chief Minister can jibe all day as to what I knew when I was on that side of the House, but as Minister responsible for Health or for the Environment did I ask every single colleague Minister what individual dealings they were handling for the Government? I obviously had some visibility, but did I have visibility of every single contract? No.

285 That is not the point. Let's not sidestep the issue. What we are asking about is today and it is a perfectly reasonable question that my hon. colleague has put, which I re-put to the Chief Minister. If he knows who the ultimate beneficial owners are, then we are asking him who those people are. If he does not know, because he knows loosely what the families are but he cannot tell us the ultimate beneficial owners because the Government has not asked, that is the other answer.

Hon. Chief Minister: Well, Mr Speaker, I suppose that given that hon. Members have got themselves up the creek, they are going to continue to seek to paddle their way out of it. So I am going to try and be explicit in the way that even they should be able to understand.

295 The Government that I lead has taken the view that if we deal with a corporate entity we are not satisfied simply, if there is on the register not an individual, to have a relationship with a corporate entity owned by a corporate entity; we want to know who is really behind it. We know who is really behind the entities that are the owners of the floors at Leanse Place – which is what this property is – and who we are dealing with. We have known not just in relation to Ryhall Ltd, but also in relation to the leases that AquaGib have acquired, where the Government owns one third of the interest, and the leases that have been acquired by LPS, who are the Government's property agents. Those relationships go back for some time.

The point I am making to the hon. Gentleman is not to jibe, it is just to remind him, but he is so defensive that he takes every reminder as a jibe.

305 What has not changed are the families who own the building that give rise to the leases. Those families are the families I have referred him to. The ultimate beneficial ownership down to individuals is not something the Government requires to know to know who we are dealing with beneficially. We know that we are dealing with those families. We do not know the shareholding between those families and we do not know whether anybody has been excluded in the context of those families or included in the context of those families. For that reason, short of standing here and reading him out the family trees of each of those families, it is not possible to give him information, and in any event the Government is not answerable for how the beneficial ownership is distributed at any time in those family interests, and indeed it could change at any time because at the moment that ultimate beneficial ownership is not registrable.

315 I hope I have explained it slowly enough that the hon. Gentleman has understood, and that even in his attempts to make mischief he will not be able to pretend that they have avoided explaining who we are dealing with.

If he would actually quite like me to go through the family trees of those families, or at least those that I am aware of, I am quite happy at the next meeting of the House – despite having
320 many other, better things to do – to ask one of the established family tree providers in Gibraltar, in conjunction with these families, to provide me with the data so I can read the names out here, if that, Mr Speaker, as we say colloquially, floats his boat.

Hon. R M Clinton: One last question, Mr Speaker.

325 I think on behalf of my colleague we will take you up on that offer, so please do.

Mr Speaker, one simple question which I am sure the Chief Minister is in a position to answer. He refers to the Peralta family, the Hassan family, the Levy family and the Provasoli family as being the beneficial owners. Can he confirm to this House that these are the same families given in answer to Question 85 as being the beneficial owners of Gibcorp Ltd, which
330 held the lease on the previous Hassan offices which the Government Law Officers have recently moved into? Can the Chief Minister confirm that we are indeed talking about the same families?

Hon. Chief Minister: Well, Mr Speaker, yes, of course I can. I can confirm that these are the same families, but I cannot confirm on my feet that the families that own the interest in all the
335 other hereditaments in Gibraltar where the Government may hold leases, which do not appear to hold any interest for hon. Gentlemen on the opposite benches ... They seem to have – well, *he* seems to have, Mr Speaker – an unhealthy obsession with these four families, which does not afflict his requirement for information in respect of any other families that might have business dealings with the Government. But that is a matter entirely for him, I suppose.

Q200/2020

NatWest House – Lease arrangement with Gibcorp Ltd

340 **Clerk:** Question 200, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has entered or is contemplating entering into a lease agreement with Gibcorp Ltd for the fourth and fifth floors of NatWest House?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is not presently considering any lease or other arrangements in respect of the fourth or fifth floors of NatWest House, but
350 does not discard doing so in the future, and the same is true of other buildings in and around Gibraltar.

Q201/2020
NatWest House –
Ministerial conflict of interest

Clerk: Question 201, the Hon. R M Clinton.

355 **Hon. R M Clinton:** Mr Speaker, can the Government advise if the Chief Secretary was made aware of the obvious conflict of interest by Mr Picardo and Mr Licudi as Ministers, and Mr Mena in his capacity as Financial Secretary, in the Government taking a new lease of offices in NatWest House and thus releasing them and all other individual partners of Hassans from personal liability for rental payments on the unexpired portion of the Hassans' lease of the sixth floor?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir, the Chief Secretary was so advised, although, as I have already informed the House, none of Mr Licudi, Mr Mena or myself – or indeed, Mr Feetham, as far as I know – have had anything to do with the idea, negotiation or agreement of the lease at NatWest House for the Office of the Director of Public Prosecutions.

365 Despite that, and although the idea, negotiation and agreement did not in any way arise from any conflict of interest, the Chief Secretary was made aware that it was not impossible that some foolish and utterly twisted mind might seek to pervert the honest and objective reality of utter propriety for potentially self-serving political mischief.

370 The Chief Secretary was therefore fully aware of the issue when he assessed the arrangements and signed the lease.

Hon. R M Clinton: Mr Speaker, what directions did the Chief Secretary give in respect of such a pernicious transaction?

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Hon. Chief Minister: Mr Speaker, the word 'pernicious' suggests that something has been done which is improper, and if the hon. Gentleman is going to make that allegation I would ask him to do so by motion and to particularise why he says there is such a pernicious relevant motive.

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Hon. R M Clinton: Overjoyed.

Mr Speaker: Is the hon. Member prepared to put forward his views in writing as to why he has suggested that what has now taken place is pernicious? (*Interjection*)

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Hon. R M Clinton: I will consider the matter, Mr Speaker.

Clerk: Question 202 –

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Hon. K Azopardi: Can the Chief Minister help us with why his name was on the lease, when the lease is dated 2016?

Hon. Chief Minister: Mr Speaker, because the hon. Gentleman knows – and as declared in my Register of Member's Interests – that I hold interest in respect of the firm of which I am on sabbatical, and therefore when the firm enters into obligations it requires all of its partners, even those who are on sabbatical, to enter into those obligations. It was not just my name that was on the lease; the name of the founder of the GSD was on the lease, the name of Mr Licudi and Mr Feetham were on the lease. Signing leases has never been considered to be pernicious.

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Hon. K Azopardi: Mr Speaker, I was just trying to clarify that because this is a lease, as I understand it, was a 2016 lease. It has been then taken over and had a sort of term. The term did not expire – in fact was not due to expire until sometime next year, it was my understanding of the lease that has been brought to my attention. I certainly was not aware, because I have not
405 been checking his declaration of interest ... let me put it that way.

But the Chief Minister did indicate, I think, the last time a similar question was on the Order Paper ... and I note that today he said quite pointedly, I think, that none of them, meaning himself, Mr Licudi or Mr Mena – I think I took the note accurately – had anything to do with the idea, negotiation or agreement. In fact, I think last time there was some supplementary that I
410 put on this issue, the Chief Minister explained that the idea did not come from him, but that the idea came from the Attorney General one day, who met him and said, 'Wouldn't it be a good idea?' and there was some kind of exchange by which the Attorney General then thereafter went off to negotiate the terms with the DPP on the building.

My question is this, though: given that the Chief Minister did advise the Chief Secretary and therefore thought that it might be that someone might form a view of that situation, when the Attorney General came to him with the idea, rather than say to him, 'Well, okay, go off with the DPP and negotiate a deal,' why didn't the Chief Minister rather say, 'Well, you know what, Michael, actually we should not be interested in negotiating something like that because the name of the Financial Secretary, my name and another Minister's are on the lease and it just
415 simply won't look good.' Why wasn't that the reaction of the Chief Minister?

Hon. Chief Minister: Mr Speaker, whether something stands the test of electricity, whether something is in substance right or wrong, whether there is a conflict of interest or not, is not about perception; it is about substance and indeed looking objectively at what happened in this
425 case and not simply taking the characterisations that the hon. Member opposite might like to put on it. Standing aside from something that involves you and allowing others to consider whether it should happen or not is what is required when there is a conflict of interest, and in particular in a situation where the decision is not led or indeed initiated by the person who may be said to have a conflict of interest.

Mr Speaker, it is not as if I did not imagine that these exchanges would arise. There is nothing that has been done here in secret. Everything has been done in the open. We are talking about things which are entirely registrable. In other words, notice is given to the world of these arrangements.

The view of the Director of Public Prosecutions and the Attorney General was that there was
435 nowhere else within walking distance of the courts which they considered apt for the needs that they had. And so the conflict that they have is that they tell us on the one hand that they want us to find offices for civil servants which are fit and proper for them to do their work, and then, when those offices are found, they try and drill down to some reason they may find to suggest that something does not look right.

Mr Speaker, conflicts of interest arise in every community in the world. They would, of course, in particular arise in the context of a community of our size. It is not that where there is a conflict of interest there cannot be dealing; it is that where there is a conflict of interest, it is important, or indeed a potential conflict of interest, it is important to highlight that and ensure it is dealt with properly.

I am satisfied that this was dealt with entirely properly because I immediately alerted the Chief Secretary to this possibility through the Attorney General, distanced myself and the Financial Secretary from the negotiations and the possibility that it may happen, indicated that I thought that there might be a debate of this sort later in the House and ensured that all decisions were made at arm's length.

Therefore, hon. Gentlemen can cry from the rooftops about what they would *like* people to think about the transaction, but the reality and substance of the transaction – and as counsel
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they will know that it is substance that matters – was absolutely and entirely proper and I am delighted to have it subject to the scrutiny of this community.

455 Mr Speaker, frankly, I think that the deal that was done was one that was in the interests of the Director of Public Prosecutions because he sought it and pursued it, one which he had the support of the Attorney General on and on which those who it is alleged have the conflict of interest had absolutely no influence whatsoever, thereby denuding the potential conflict of any negative effect.

460 **Hon. K Azopardi:** Mr Speaker, doesn't the Chief Minister agree that it is not just substance; it is substance and perception because the conflict of interest issue is not just an issue of substance? Of course the substance is important, and in substance there may not be a conflict of interest; but it is also perception, and perception matters, especially in a small community where it may not look right.

465 Mr Speaker, I am staring at the Draft Ministerial Code which hon. Members opposite produced, which emphasises the point that it is not just about substance, that it is about substance or perception:

Ministers must ensure that no conflict arises or could reasonably be perceived to arise. Ministers must scrupulously avoid any danger of an actual or perceived conflict of interest between their ministerial position and their private financial interests.

Actual substance perceived because perception matters.

Where it is decided that a Minister can retain an interest, the Minister's Department must put processes in place to prohibit access to certain papers and ensure that the Minister is not involved in certain decisions and discussions relating to that interest.

Discussions too. (**Hon. Chief Minister:** Exactly.)

470 And so perception matters, so I repeat the question, because there was a lease dated 26th ... 2016, that expired in, midway in -2021. The fact that the Attorney General's Chambers was moving to that building made the tenants of that building surrender their lease early and therefore get out of a liability of 18 months' rent. There is an obvious interest there. We can make a distinction between substance and perception, and I am saying to the hon. Member:
475 would it not, on reflection, have been the right thing to do to avoid this whole debate and rather say to the Attorney General, 'You have raised this issue, it has come from you and not from me, but I have to tell you that there will be a perceived conflict of interest and it is not in the interests of anyone for this to go further'?

480 **Hon. Chief Minister:** Well, Mr Speaker, he knows the answer to his question. Of course I do not agree with him, because I told the Attorney General the opposite of what he says. I told the Attorney General that despite the fact that I knew that it was likely that there would be such a debate in the future, if it was the right thing to do he should pursue it without my involvement and without the involvement of Mr Mena. Mr Licudi I do not think had any awareness
485 whatsoever.

And so what he has not understood is that it is exactly for that reason that I made clear that we would not be involved in the negotiation or discussion of the lease, because there would otherwise have been a perceived conflict of interest; but because we were not, it is only in the context of attempting to twist and pervert reality that a perception may so arise.

490 Is it that the hon. Gentleman is saying that it is fine for other partners of Hassans to have the benefit of being released from the 18 month obligation, but not for others? Mr Speaker, as long as you are not in executive control of the decision making, you are not in control of the driving seat of the negotiation, there can be no conflict of interest which arises actually or in substance after that point. In other words, once you take yourself out of the executive decision making and

495 you alert those who will be involved in the executive decision making of what your potential interests would be, that is it.

Of course you can spin it, which is what the hon. Gentleman is doing. He is just trying to spin it to try to cast an aspersion. But you could spin many things. You could spin somebody being a consultant or on a sabbatical from a law firm 15 years ago, on issues relating to the island at Queensway Quay that then materialised in a way that others have said was not entirely proper and did not stand the test of electricity. You could spin conceding liability on a claim on a right to light which appears to have been done in a way that is not at arm's length because of interests and relationships between people, even if it were done in exactly the right way, because perception can be spun, which is what the hon. Gentleman is trying to do.

505 The hon. Gentleman is just trying to suggest that we have done something to get for ourselves a benefit, when in fact, despite the fact that we knew that it would cause us political grief, because those who were suggesting it should be done thought it was proper, we put ourselves apart from it and allowed the political grief to happen because it was the right thing to do for the community and for those who it was the view of the DPP and the Attorney General would be better housed in that place than any other.

Mr Speaker, we can keep going round the houses on this as much as he likes. I know he wants to continue to go round the houses, I know that he wants to find a reason to ask me another question because he wants to keep talking about this – because talking about this is what he thinks is going to garner him some element of support that he cannot otherwise garner for himself. That is fine. To an extent I understand that that is politics the way that they do it, but it does not change the fact that we were very careful to ensure that there could not even be the perception of that conflict by setting ourselves apart the moment that we were told about it. That is the proper way to deal with things, it is the way that we have dealt with it and I am frankly not surprised that they are trying to spin it in another way.

520 **Hon. K Azopardi:** Mr Speaker, I am not twisting the perception of reality. Nothing that I have said, I believe, is a twist or unreality.

I have asked him questions about a lease which in fact is dated 2016 on which he is on. I have asked him questions because that lease was due to expire midway in 2021. That is also a fact. It is also a fact that by the Attorney General's Chambers getting into that property, it made the tenants of that property give it up early, therefore saving 18 months' rent – and he is on that document, therefore there is a perceived and actual conflict of interest.

530 He has talked about what processes he put in place, but I ask him ... He is the Finance Minister as well. When it came to the crunch and the negotiations of the DPP and Attorney General were at an end, someone had to sanction the deal – because the Attorney General is not the Finance Minister and the DPP is not the Finance Minister, someone had to sanction the deal, and he is compromised. The Financial Secretary is compromised because his name is on the deed as well. Who then takes the decision at arm's length to make sure that there is no perceived conflict of interest? That is the point, Mr Speaker. So, who in fact did take the final decision?

Hon. Chief Minister: I see, Mr Speaker: in an attempt to say that he is not doing what I suggested he was doing, which was to repeat things just for the sake of spinning them, he has got up, said he is not doing it, and gone on to repeat everything just for the sake of repeating it.

540 So, let us just be clear about this. I have absolutely no compunction in the hon. Gentleman repeating what he has said as many times as he likes, because I believe that the transaction that he is trying to impugn is one which is absolutely and perfectly proper and that it was dealt with absolutely and perfectly properly, not just in keeping with the existing rules but in keeping with the rules as we would have them be, which are the ones that we apply to ourselves in respect of conflicts of interest.

He says, 'Who made the final decision, therefore? If you set yourself apart and the Financial Secretary set himself apart, and you are the Finance Minister, who made the final decision?' Well, Mr Speaker, we delegated that power to make that final decision – as I have already explained to him, but I shall spell out once again – to three people, the probity of which is very much in question, given the things that he has said obviously: to the Attorney General, to the Director of Public Prosecutions and to the Chief Secretary.

He will recall from the time that he was a Minister that agreements are entered into not by politicians but by members of the administration, principally the Chief Secretary. If I were to say in respect of any other transaction – forget this one – that I have made the decision, then that might vitiate the signature on the document by the Chief Secretary because the Chief Secretary is the person who signs, is the person who has to make the final decision, because if the person who signs and binds has not made the decision, you impugn the decision in that way.

So, Mr Speaker, he has his answer. They have had this answer for some time. They are not interested in the answer that the Attorney General, who, as he will know, in law is considered to be the fountain of justice, the Director of Public Prosecutions, who, as he will know, is the person who has been delegated to the Attorney General as a person to make decisions about prosecutions, and the Chief Secretary are the people who made that decision. How can they not have known? I have given him the answer before as to the Attorney General and the Director of Public Prosecutions and the Chief Secretary as the person who signed the document.

He can pretend as much as he likes. What is going on is obvious: he is trying to cast aspersions. His sidekick was not able to do it as effectively as he thinks he can. He has got up to try and spell it out. Every time I sit down, he is going to get up again to spell it out again in the hope that it is going to somehow cast more mud that will in some way deprive me of personal support in this community and somehow drive that support to him. We can play this game as long as he likes; and, if he likes, we can play it going all the way back to when he was a Minister and the things that happened at Queensway Quay and the Island – it is up to him – or other things that happened when he was a Minister.

Mr Speaker: Can I ask you just to make this the final supplementary, please? Thank you.

Hon. K Azopardi: Certainly.

The hon. Member, if he does not want to prolong the issue, should not go round the houses himself. He not only goes round the houses; he will need a map to get out of the maze he gets into sometimes.

Mr Speaker, I certainly cannot recall that he has spelt out who took the financial decision. I know that he has said before who negotiated once he had that meeting with the Attorney General and he sent him off. I know he has said that before, but I cannot recall that he has expressed in detail this delegation to this triumvirate of officials – whom we are not casting aspersions about, by the way; we are simply trying to understand how they dealt with the actual and perceived conflict of interest which clearly arose in this case.

Can I ask the Chief Minister: given that they put in place this delegation, was this delegation orally communicated, or was there a delegation in writing explaining the purpose of it?

Hon. Chief Minister: Mr Speaker, it is remarkable that the minute somebody puts it to hon. Members on the other side that they are casting aspersions, despite the fact that they may have spent the past 20 minutes casting aspersions they immediately recoil from that. If they want to cast aspersions, they should have the gumption to cast aspersions and say that they are casting aspersions, because that is what they are doing.

Again it is a little the distinction between form and substance, because if they get up and they say, in effect, this is all – this is what they are saying – a transaction born from conflict and designed to relieve the liabilities of those who were signatories to the 2016 lease, they should

get up and say it. They know they cannot because that is not what happened, but they try to seek to create the suggestion that that is what was happening.

600 I am reminded of the debates that there were had in this House, Mr Speaker, which did great damage to the reputation of people in 1995. When the perception of corruption was raised and people did not have the gumption to talk about corruption they talked about the perception of corruption, and in that way they ruined the reputations of many people. If hon. Members want to cast aspersions, they should have the gumption to tell us that we have acted improperly and then defend why they say that we have acted improperly.

605 We have acted entirely properly in the interests of the civil servants who required to be moved from where they were and in the interests of the taxpayer. We have divorced ourselves from decision making. We have ensured that we have delegated the negotiation and conclusion of these matters to others. We have done that orally, not in writing. I cannot confirm to him whether there may have been an email on this or whether there was just a conversation. If there
610 was a conversation, I cannot confirm to him whether there was or there was not a note, but it was all done entirely properly. But I wonder whether other Governments can say that they did things entirely properly in the past. I wonder whether, if we look into files in the past, we might not find all sorts of things which I am not even going to venture to mention at this stage.

615 Actually, it would be better for them to simply withdraw any suggestion of impropriety if that is what they are intending to do, not to cast any further aspersions, advertently or inadvertently, and not dig this community into a hole of mudslinging when we least need to do that. We need to be looking out to the challenges that we face and accept that people go to work, in particular in this Government – as, I am sure, in others, from his point of view – to do their best for the community every day and not to look out for their pocket or to look out for their liabilities in a
620 lease that might have been entered into in respect of other responsibilities that one may hold. But if they want to see the world in a different way, it does not do anything other than belittle them.

Q202/2020

**James Stocks & Co –
Fees paid or payable from Government**

Mr Speaker: Question 202, the Hon. R M Clinton.

625 **Hon. R M Clinton:** Mr Speaker, can the Government provide details of fees paid or payable to James Stocks & Co in respect of the Eruca transaction?

Clerk: Answer, the Hon. the Chief Minister.

630 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 203.

Clerk: Question 203, the Hon. R M Clinton.

635 **Hon. R M Clinton:** Mr Speaker, further to Question 106/2020, can the Government identify the financial advisers who are receiving fees of £2,500 per calendar month, and what services are they providing to whom?

Clerk: Answer, the Hon. the Chief Minister.

640 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Eruca transaction involved a number of entities not owned, controlled or managed by Government and as such the Government is not

able to provide details of the transaction as a whole in respect of James Stocks & Co, or any other entity.

645 I can tell him that an annual retainer fee to act as a financial adviser for GIC Ltd is payable to James Stocks and is £2,500 per month.

650 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Can he advise, given that the Eruca transaction is closed, what further services James Stocks & Co is providing that require this monthly retainer?

Hon. Chief Minister: Mr Speaker, if I am interpreting the note I have been given correctly, as a process service agent.

655 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister again for his answer. My recollection of the functions of a process service agent may be a bit dusty, but is the Chief Minister able to confirm that the process service agent merely acts as a post box in respect of any legal agreements in respect of any potential disputes under the various agreements, and they are served on James Stocks & Co – presumably they have an address in London – and for that they are charging £2,500 a month, which, to be honest, I think seems a bit excessive?

660 **Hon. Chief Minister:** I do not know whether it is excessive or not, because I do not know what process service agents charge in London, but I told him in the course of the first answer that it was also as financial advisers, and then I have added as process service agent.

665 **Hon. R M Clinton:** Mr Speaker, my very last supplementary on this. He says as financial advisers, but as I said earlier, the transaction, as far as I am aware, is closed – unless what the Chief Minister is saying is there could be more transactions in the future on the structure, in which case they are being retained. Does the Chief Minister have any knowledge of this, or is it that this is information that is privy to the companies within the structure?

670 **Hon. Chief Minister:** No, Mr Speaker, it does not mean any of that. It means that they provide some advisory service and they provide process agent services. That does not mean that there can be other transactions in respect of the structure, although we have already alerted the whole of the community that there can be further transactions of the sort to fund future affordable housing.

675 I do not know what it is that they do as financial advisers to GIC and as process service agent, Mr Speaker. We can try and conjecture as much as we like about that, but without looking at the documents themselves and seeing what their duties are we would not be able to reach a final conclusion.

Q204/2020

GIC Ltd –

Repurchase of affordable housing interest

680 **Clerk:** Question 204, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how it is envisaged that GIC Ltd will make a profit on the repurchase of Government affordable housing interests if these were bought for £88.5 million from GRP at book value?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the interest purchased by GIC Ltd grows every year at 7%. This will create a profit for GIC Ltd rising at that rate per annum.

690 **Hon. R M Clinton:** Sorry, Mr Speaker, can the Chief Minister explain what he means by the housing interest? Is that the rate at which homeowners have to buy their interest, in that it is increasing at 7% per annum according to the original purchase agreement – is that correct? – at which point, in future, GIC would be making a profit compared to the book value it bought it at? Is that what the Chief Minister is saying, that there is a contractual agreement with the home
695 purchasers that the 50% that the Government owns goes up by 7% each year indefinitely?

Hon. Chief Minister: Mr Speaker, I have not said the words ‘housing interest’. The hon. Gentleman said ‘housing interest’; I said ‘interest’.

700 There are no home purchasers here. The home purchasers are people who buy these properties as their homes, not those who invest in the equity at 50/50.

But yes, the agreement is that the growth rate is 7% per annum, and there is a reason for that. Since affordable housing was introduced in this community in the late 1980s, the leases provide for growth at 7% per annum, reaching market value at the time that the individual may wish to buy the residual 50% interest, or such other interest as he may not have bought at the
705 time of original purchase. But subsequently the Land Management Committee of successive administrations has simply applied a 7% uplift to the price to reach the sale price, rather than have an assessment of market value. The reason for that is just because you could have many competing interests in determining what market value might be at any particular time, and so this is the way it has been done since the first equity purchases – in 1990, I think. And when
710 purchasers then came back to Government to purchase their interests, even after the period that was prescribed for in lease as the 7% growth – I think it was 7% growth for seven years that was provided for in the leases – that continue to be applied by successive Governments going forward.

Q205-06/2002

Government-owned companies – Allocation of contribution to recurrent expenditure

715 **Clerk:** Question 205, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide a schedule with an analysis showing how the £25 million contribution to the recurrent expenditure of Government-owned companies has been allocated by company name for each of the following financial years ended 31st March, being 2015, 2016, 2017, 2018 and 2019?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 206.

725 **Clerk:** Question 206, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide a schedule with an analysis showing how the £30 million contribution to the recurrent expenditure of Government-owned companies is anticipated to be allocated by company name for the financial year ended
730 31st March 2020?

Clerk: Answer, the Hon. the Chief Minister.

735 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir, the contribution has been as follows:
for the year ended March 2015, £25 million to Gibraltar Investment (Holdings) Ltd; for the year
ended March 2016, £25 million to Gibraltar Investment (Holdings) Ltd; for the year ended March
2017, £25 million to Gibraltar Investment (Holdings) Ltd; for the year ended March 2018, £25
million to Gibraltar Investment (Holdings) Ltd; for the year ended March 2019, £25 million to
Gibraltar Investment (Holdings) Ltd.

740 Mr Speaker, the Government is not able to provide a schedule of the allocation of the
£30 million contribution to the recurrent expenditure of Government-owned companies for the
financial year ended 31st March 2020, simply because the financial year ended 31st March 2020
has simply not yet ended, as 31st March 2020 has simply not yet passed.

Q207/2020
Insolvency Fund –
Law re redundancy payments to directors of insolvent companies

Clerk: Question 207, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, does the Government intend to review the law relating to
the liability of the state to make redundancy payments to directors of insolvent companies out
of the Insolvency Fund?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am very pleased to see the hon. Gentleman
back among us; I know he has not been well this week.

755 There is no liability of the state to make redundancy payments to directors of insolvent
companies out of the Insolvency Fund and there is therefore nothing to review in this respect.

760 **Hon. D A Feetham:** Mr Speaker, I had somebody look at this before I asked it and I looked at
it myself, and the interpretation was that a director can be an employee of a company, and
therefore, as an employee – *qua* employee – of a company, they can then make a claim on the
Insolvency Fund.

765 I know that this happened in relation to I think it was Haymills some time ago when that
company went into insolvent liquidation, and I recall that there were questions actually that
were raised by the Hon. the Father of the House in relation to this at the time. So, unless this has
been reformed and I am not aware of it, the law continues to be what it has been, but no doubt
the hon. Gentleman will put me right in relation to that.

770 **Hon. Chief Minister:** Well, Mr Speaker, as to what he says that the Hon. the Father of the
House may have said, he knows that, with the very greatest affection, I do not take anything that
he says at face value and would have to check what it was that was actually said at the time, but
the advice that I have, which has been set out very clearly and I am happy to share with him,
relates to regulation 2 of the Gibraltar Development Corporation (Employer's Insolvency)
Regulations 1991, which reads as follows. I am not able to tell him if this was amended at any
particular time; this is the regulation as it stands. Regulation 2 defines 'worker' as being:

an individual engaged by an employer under a contract to which the Employment Regulations, 1994 apply
whether that contract is –

(a) written or oral;

- (b) expressed or implied; and the
 - (c) articles of apprenticeship or any other training scheme are included, and that contract, whether written or oral, including the Articles of Apprenticeship was;
 - (d) entered into –
 - (i) in Gibraltar for employment either wholly or in part in Gibraltar or elsewhere in the European Union; or
 - (ii) outside Gibraltar for employment in Gibraltar:
- Provided that these Regulations shall not apply–
- (a) where the employer is a company, to an individual who is a director of that company;

775 Mr Speaker, for that reason, I think it is pretty clear that there is no application of the sort the hon. Gentleman believes there is.

Q208-11/2020

Brexit –

Tax treaty; MoUs; common travel area with Schengen Area

Clerk: Question 208, the Hon. K Azopardi.

780 **Hon. K Azopardi:** Mr Speaker, when will legislation in respect of the tax treaty with Spain be introduced to Parliament?

Clerk: Answer, the Hon. the Chief Minister.

785 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 209 to 211.

Clerk: Question 209, the Hon. K Azopardi.

790 **Hon. K Azopardi:** Mr Speaker, how can the Chief Minister reconcile what he says about his tax treaty with Spain with what the Spanish government says it does and the actual effects it has?

Clerk: Question 210, the Hon. K Azopardi.

795 **Hon. K Azopardi:** Mr Speaker, has the Chief Minister seen the press release by the Spanish Foreign Affairs Ministry on the meeting held in Madrid on 23rd January 2020 in respect of the MoUs signed affecting Gibraltar?

Clerk: Question 211, the Hon. K Azopardi.

800 **Hon. K Azopardi:** Mr Speaker, does the Government think we should seek future arrangements by which Gibraltar would form part of a common travel area with the Schengen zone, and has this been formally or informally tabled in inter-governmental discussions or with the UK?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Bill to give effect to the tax treaties which we may enter into with any particular nation has been published today in the Gibraltar Gazette.

I am only answerable in this House for what the Government of Gibraltar says or does. I am surprised the Hon. Leader of the Opposition thinks that the Chief Minister of Gibraltar should be answerable here for what the Spanish government says or does, or their interpretation of things.

I have seen, of course, the press release of the Spanish Foreign Affairs Ministry on the meeting in Madrid on 23rd January 2020 in respect of the MoUs. I do not know if the hon. Member has seen the press release from Her Majesty's Government of Gibraltar of the same date. I have no doubt he will regard our Government's statement as a more reliable source of information.

As I have said publicly, the Government is examining various options for the establishment of a regime that will ensure frontier fluidity at the end of the transitional period set out in the withdrawal agreement. As I have also said publicly, such options include the establishment of a travel area with the Schengen Area.

Hon. K Azopardi: Mr Speaker, those four rolled-up questions spanned quite a lot, so I have a number of supplementaries, if I may, and I will take it in stages.

Yes, a few minutes before arriving at the House we noted that the legislation had just been published, so we will take our points in respect of that legislation in due course.

I am not suggesting to the hon. Member, in respect of the tax treaty, that I think he is answerable for what the Spanish government says; I am not suggesting that at all. He is, of course, answerable for what he says and does, and that is really what we are probing today.

It seems to us quite markedly different, and poignant indeed, that the Spanish Foreign Secretary recently – who has made some comments that I think Members opposite and indeed the Deputy Chief Minister has said are constructive, but Members opposite have also made the distinction that they do not agree with some things that she has said – the Foreign Secretary of Spain made it clear in an article in the *Financial Times*, which was then reported locally, that she thought that the tax treaty was important for sovereignty.

Does the Chief Minister agree with the Spanish Foreign Secretary that that is the effect of the tax treaty?

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman from having clarified what it is that he is asking me about. He is now saying he is not asking me to interpret or to become answerable for what it is that the Spanish government has said; he is asking me only to reflect on the things that we have said and the interplay between that and what it is that the Spanish government has said. Okay, well, that I do appreciate, but which of the things that the Spanish government has said is it that he is trying to get me to address? Is it the things that he might agree with us are constructive? Or is it their perception of why they have done a particular arrangement? If that is the case, he might want to juxtapose the position of one Minister with the position of another, one Foreign Minister with the position of a former Foreign Minister.

I do not know whether he has seen the exchanges that the current Spanish Foreign Minister has had today with the former Spanish Foreign Minister, Sr Margallo, about the statements that she made, because Sr Margallo has taken issue with what Sra Gonzalez Laya has said, telling her that she must not give up sovereignty in the way that they are saying that she has. So, although he might like me to comment only and dryly on what Sra Gonzalez Laya said in the *Financial Times* and the interpretation that some have given to it, I would ask him to look at the very negative perception that has been put in Spain on what Sra Gonzalez Laya has said by her second immediate predecessor Sr Margallo.

We are very clear: the tax treaty has not ceded one iota of sovereignty. I say 'we' because I am the leader of Government business as Chief Minister, but the Hon. the former Chief Minister, Joe Bossano, long known as the hawk of hawks on the issue of sovereignty, has said the same thing, and my immediate predecessor, who won four elections on the trot for the GSD, has said that from a legal point of view he has seen no reason to believe there is a concession of sovereignty and that, from a political view, if he had perceived the slightest concession of

sovereignty he would have spoken up immediately. So, I would comment on what my predecessors have said and suggest that they are in keeping with and of the same view that I have taken, that my Government has taken and that my Cabinet has taken.

865 But if we were going to do the exercise of seeking to reconcile what is said by a Spanish Minister with what is said by a Gibraltar Minister, can he reconcile what the Spanish Foreign Minister at the time said about the Cordoba arrangements and about the trilateral process with what his former leader said about the Cordoba arrangements and the trilateral arrangements? In the same room, people seemed to be speaking the same language. The minute they went outside and spoke to different newspapers, they seemed to have been in different rooms
870 speaking different language. Perhaps that is the nature of diplomacy, but as far as I am concerned, everything that we have said in Gibraltar about the tax treaty, on which I am backed by the former Chief Minister and by the former, former Chief Minister, both of whom have expressed their views about sovereignty ...

I think it is very clear that there is absolutely no question of the international tax treaty
875 between Gibraltar and Spain being anything that could be characterised as a session on sovereignty, but you could say that these days, for some, it is more important to reach arrangements that are practical than to simply pursue ephemeral concepts, and if that is what Sra Gonzalez Laya was saying then I would add that to the list of what I consider to be positive and constructive. If she was saying something else, then I might not consider that to be part of
880 what I consider to be positive and constructive, but as what matters here is the substance of the treaty – which, as he knows, we take a completely different view on to him, and it is not just us, it is the former, successful, leader of his current party that takes the same view as us and at a political level he has now clarified at the legal level; and the former leader of my party, the founder of the GSLP, the hawk of hawks, Sir Joe Bossano takes that view – do you know what,
885 Mr Speaker, I am entirely comfortable in the view that I have taken.

Hon. K Azopardi: Well, I am sure that we will probe that in greater detail another day.

Mr Speaker, I think the hon. Member talks about Cordoba, but at Cordoba of course there was probably less scope for disagreement because there was a joint communique between the
890 Foreign Secretary of Spain and the Chief Minister then, because indeed it was a trilateral process – but anyway, that is an important distinction.

Can I ask, on the question on the press release by the Spanish Foreign Ministry on 23rd January – and yes, I indeed did see his, but if he has seen the press release of the Spanish Foreign Ministry, he will have been struck like I was struck, presumably, by the tone of
895 bilateralism that press release had, with which I expect he does not agree. Can I ask him whether he was similarly struck by that? And can he assure the House that in proceeding to engage with the governments of Spain and indeed the United Kingdom as we go forward, he will be careful to ensure that the arrangements are preserved so that we have a separate and distinct role in those negotiations?

900

Hon. Chief Minister: Mr Speaker, I am surprised that he prays in aid of the Cordoba agreements. I was, of course, going to mention them, as I did in my earlier intervention, because it was clear that they were relevant in the context of this debate, but the Cordoba arrangements were not agreements, as we found the moment that a different government was elected in
905 Spain. What had been sold here as agreements turned out to be political statements, we were told, which did not bear signatures and which were therefore not enforceable. And so he is wrong to say that those were in any way comparable to the arrangements today, because the arrangements today are agreements.

There are two agreements, Mr Speaker, and it is important that he bear this in mind both
910 when he goes back to read the very disparaging things that he said about the trilateral process and the Cordoba agreements when he was not in the party that he is in now and he was leading another party that he failed to lead to success, and when he analyses these agreements.

He is absolutely right, the Spanish statement – it is just a statement – reads in the way that the Spanish would draft it, to allege a bilateralism that is not there. Why is there no bilateralism there of the sort that they allege? For a simple reason: these are not agreements between the United Kingdom and Spain that can be characterised bilaterally in the way the Spanish have attempted to do.

The withdrawal agreement is indeed a bilateral agreement, a bilateral agreement between the United Kingdom and the European Union; and the United Kingdom, for the purposes of that withdrawal agreement, includes Gibraltar as part of the withdrawing member state United Kingdom. On that, Mr Speaker, the legal position is clear. It is also true, and he will be aware, that there is a concordat, signed after I agreed it with the former Prime Minister, Theresa May, at Downing Street, between me and the then Deputy Prime Minister, the Chancellor of the Duchy of Lancaster, Mr – Sir, now – David Lidington, which sets out how the responsibilities under the MoUs use are to be attributed given the constitutional rights and obligations of the different parties, namely the United Kingdom and Gibraltar.

And so, Mr Speaker, he can have the assurance he seeks from me that Gibraltar will always insist that anybody who properly characterises what is happening, understands it in keeping with the United Kingdom law and Gibraltar law, the withdrawal agreement and the agreements entered into between the United Kingdom and Gibraltar, and therefore cannot characterise anything that is going on as being bilateral between the United Kingdom and Spain.

Hon. K Azopardi: Mr Speaker, the Chief Minister talks about the withdrawal agreement. Of course the withdrawal agreement was bilateral in one sense, at least initially: bilateral between the Union and the UK. The protocol annexed to the withdrawal agreement is part and parcel of an agreement which is bilateral between the European Union and the UK.

The Chief Minister makes reference to the Cordoba agreements not being agreements and so on, but in some way seeking to suggest what precisely – that we should take comfort in the fact that they were not agreements? I think a lot of Members in this House, probably all of us, share the view that other political agreements that were not legal agreements that were not legally enforceable – the Lisbon Agreement, the Brussels Agreement – had, presumably, the same status but were objectionable to the people of Gibraltar. They were still objectionable and the Chief Minister knows that.

So yes, I get the distinction between political and legally enforceable, but there are agreements, that can still be of a different status, that are objectionable, and indeed I suggest to the hon. Member that he needs to be careful where in the same way that he says ‘Caution,’ to Members of the House and people out there generally, ‘do not assume that there is bilateralism just because people say that it is bilateral or give the tone of bilateralism,’ hon. Members should not assume there is trilateralism just because someone may mention that it is trilateral. I have come across press articles in Spain where they refer to ‘*tres partes*’ even though they are talks under the Lisbon Agreement, which plainly was not trilateral in nature.

So, what I am seeking to urge the hon. Member is that he be mindful of substance and form and that he protects Gibraltar in the negotiations in relation to all the facets. I have no doubt that he goes into those negotiations with good faith seeking to protect Gibraltar. When we were on the other side, when I was a Minister on the other side, it took us a long time to sit down with Spain at talks, and the reason for that was because structure and form were so important to us when we were on the other side of this House, and I ask him to be mindful and to seek to give assurances on that issue.

Hon. Chief Minister: Mr Speaker, I give those assurances; of course I give those assurances. Indeed, if the hon. Gentleman has followed the debate, he will know that even in the context of the presentation to the Spanish media of the decision of the Spanish Cabinet three weeks ago – the tax treaty was going to the Cortes for approval – the spokesperson Minister of the Spanish government said clearly ‘the arrangements with Gibraltar’, because that is what they are. In her

interview with Radio Nacional de España on Brexit day, on 31st January, the new Spanish Foreign Minister said, 'We are going to sit down at the negotiating table with the authorities in Gibraltar.' So, I think it is very clear that everybody understands that Gibraltar is not going to accept anything which is in any way going to affect our ability to have a separate voice and to have a veto over anything that applies to Gibraltar being agreed – that, and, if my mind is slipping, any of the other ingredients of the trilateral forum.

But I must correct him when he says that when he was in government they did not sit down with the Spaniards to talk and that it took them some time. Unless they were talking to the Spaniards before joint sovereignty and they have not told us, the trilateral forum did not happen until he was leading, or about to lead, another party and had left the executive of the GSD. I do not know of a period, between 1996 and 2003 when he was in government, of them talking to the Spanish in the context of formal talks – but if he does know, I am sure the House would be delighted to have that historical fact set out.

Mr Speaker, everyone can be confident that the Government that I lead is not going to compromise one iota when it comes either to Gibraltar being able to represent itself and being recognised to represent itself, or on the substance of the issues of sovereignty or anything else which is either commercially important or important in respect of jurisdiction or control. Everybody has that assurance. People understand that the Government that I lead is not up for any discussion that might compromise any of those issues, let alone the substance of any agreement compromising any of those issues.

Hon. K Azopardi: Mr Speaker, I certainly was not suggesting we were talking to Spain at any time before joint sovereignty or when I was a Minister. What I said was that it took us a long time. It did. It took us – us in the GSD – a long time (*Interjection*) to sit down with Spain in talks. And I was still a member of the executive (*Interjection*) because the trilaterals commenced in 2004. The trilateral process of the Cordoba Agreement may have culminated in 2006 – that was another matter.

The hon. Member can be as rude as he wants about the fact that I left the party and then came back – because he left the party of the Member who sits on his right, even though he is not here today, and joined the party of the Member who sits on his left, the 'hawk of hawks', because it was convenient, politically expedient, for him to do so because he did not have the guts to go and run with another political party. I have told him that before. Every time he is rude, I can be rude back. We can play this game all day long.

Mr Speaker, on the last question, which is the issue on the Schengen zone, the common travel area, we note what he says and are grateful for his explanations. In some quarters it was considered to be somewhat of a surprise. I am only just staring at the headline of a popular Gibraltar daily that called it 'Picardo's Schengen bombshell' and bemoaned the fact that people in Gibraltar seem to find out about these things after the Spanish or foreign press.

Will the Chief Minister give assurances that even though he does not give us the detail of it, he will keep the people of Gibraltar a bit better informed than the foreign press?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not stop to surprise me and other Members of this House. He now considers rude a reminder of the facts of history. I do not consider it rude for him to say that I moved from the Liberal Party – of which I was a member with him, and with the hon. Gentleman sitting to his right – to the GSLP. I do not consider it rude at all. The characterisation that I did it because I do not have guts might be considered by some with thinner skin as being rude, but I obviously did it because I am a much shrewder politician than him and I got to the chair that he wants sooner than he has been able to (*Interjections and laughter*) and at the first shot, Mr Speaker. (*Interjections*) At least I did not have to compromise my principles when I did that, because by then the leader of the party to my left had done an agreement with the leader of the party to my right some years before and they were already defending a joint manifesto. So, I do not see why I should be, for one moment, concerned about

that, for defending a joint manifesto, which means you are defending the same principles, which means you do not have to compromise your principles to make the move.

But of course I understand that this hurts him, Mr Speaker, because having moved four times from political stable – from the National Party to the GSD, from the GSD to the PDP and from the PDP back to the GSD – he has a thinner skin than most when it comes to these issues, and of course in that context, when those parties were fighting elections against each other, you have got to have a strange definition of ‘principle’ to try and suggest that it is others who are bending. But never mind. I do not regard it as rude at all. He must not for one moment think that, Mr Speaker. I regard it as quite entertaining to see him twist in the wind. He will not have a problem with me if what he wants to have is a debate about the history of our respective political leanings. I have always leant in one direction. He has leant left, he has leant right, he has left, he has leant right. He reminds me of the hon. Gentleman whom I have always regarded as a stalwart soldier of Gibraltar politics, because I see Mr Feetham sometimes marching politically left, right, left, right – we just do not know which side he is on at any particular time.

But despite that, I am surprised that he is trying to gain some kudos for having been involved in the trilateral etc. Well, Mr Speaker, the things that he said about the trilateral process and the Cordoba agreements which I have had cause to read recently can best be regarded as rude about the people he now shares a bench with and the way that they defended those arrangements. Indeed, there is a very entertaining exchange in one of the local dailies between the former member of the GSLP, then member of the Labour Party and leader of the Labour Party, then member of the GSD, who was deemed by some not to be of GSD stock and therefore led to some leaving the GSD, having left previously the National Party to form the PDP, which was progressive, to come back to the Christian Democratic ... GSD, which is very entertaining indeed. One was defending the Airport agreement, saying it was fantastic, and the other one was saying it was the greatest treachery since treachery was invented. So, history, as he knows, is always going to treat us better than him because it is going to be written by the Deputy Chief Minister, who is the only historian in this House. (*Interjection Hon. Ms M D Hassan Nahon*) But when it comes ... I thought you were a journalist.

Hon. Ms M D Hassan Nahon: I am an art historian.

Hon. Chief Minister: Oh, I see, okay. Well, as one tries to paint the picture of what is happening in Gibraltar as artistically as possible, I hope the hon. Lady will also treat us well.

Mr Speaker, the hon. Gentleman, in relying on another newspaper to say that somehow people have been surprised by what he characterised, or he said the newspaper characterised as ‘the Schengen bombshell’, he would be failing to bring his own forensic skills to the analysis of the Schengen debate. If he is relying on that publication for that particular article, he would be forgetting to analyse the statements we have made repeatedly on this subject, starting with the visit to Gibraltar by Danny Alexander when Mr Alexander, as a member of the Liberal-Conservative Government in the United Kingdom – I think he was Exchequer Secretary to the Treasury – came to Gibraltar. I had cause to say then that Gibraltar should consider the possibility of accessing Schengen and indeed consider our position in the common customs union, and that was supported, as he will have heard me say before – but he appears to have forgotten, preferring the publication he is referring to – that Celia Malmström, who was then responsible for immigration in the European Union, had supported the fact that Gibraltar should explore this possibility and that subsequently the Minister for Europe, then David Lidington, now Sir David Lidington, had also supported the possibility of the exploration of Gibraltar’s inclusion in Schengen. That is some five or six years ago. So much for the bombshell, Mr Speaker.

So, the hon. Gentleman will allow me to say that I think he needs to brush up a little on his history, and that when he does and he brings the facts to this House I will not regard any of what he says as rude, as long as he does not refer to my entrails.

Q212/2020

Public contracts –

Non-contractual controls re fairness and abuses

Clerk: Question 212, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, what non-contractual controls are in place to supervise, monitor, assess the performance of and ensure that public contracts are fairly priced and that the risk of abuses is minimised and dealt with when identified?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government introduced a purchasing and procurement policy on 28th March last year. This is a Government-wide policy which lays out policies, procedures and an ethical code when dealing with suppliers, to be adopted by Government organisations when sourcing goods, services and/or works.

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In this respect, the digital transformation programme introduces sourcing, ordering and payment platforms which also affect procurement. These platforms, together with robust reporting tools and audit trails, simplify and provide a greater level of supervision and monitoring of Government spending on procurement. The rollout of these platforms is currently under way.

Any spend below Government's tender threshold must be in accordance with the purchasing and procurement policy. Below tender threshold sourcing is limited to suppliers who have achieved the status of preferred supplier on Government's supplier network portal and determined using a price-only criteria.

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The purchasing and procurement Policy, and in particular the new procedure for below tender sourcing, is increasing competition and transparency of Government spend and allowing the market to price itself.

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Hon. K Azopardi: Mr Speaker, does the purchasing and procurement policy also impact on subcontracts entered into by public contractors?

Hon. Chief Minister: Mr Speaker, I do not think that there are any public contractors other than the ones that I have referred to.

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Hon. K Azopardi: What I mean – the hon. Member has perhaps not understood my question – is these controls as policy are non-contractual controls on the pricing of public contracts. Once there is a contract in place, if there is any degree of subcontracting does it impact on ...? Are there rules that also affect that, the pass on.

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Hon. Chief Minister: Mr Speaker, this system ensures that the price that we obtain is checked against every other price on the market and in that way must be affecting the pricing of subcontracts because the Government is getting the best price for the taxpayer.

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Are there controls through into the pricing through to the subcontractor? I do not think there ever have been and I think it would be very difficult to reliably have any such mechanism in place.

Hon. K Azopardi: Mr Speaker, is this purchasing procurement policy contained in some kind of document or rules that the Members opposite could give us a copy of, firstly?

1115

And secondly, who precisely has the duty to supervise this policy? He may have said it in his principal answer, but he was giving quite a lot of information.

1120 **Hon. Chief Minister:** Mr Speaker, these matters are run by the Government's Procurement department, but they are run electronically now, and this is the point – that they are run on the basis of having to have the information inputted into the portal, and therefore what comes out of the portal is assessed as being – and that is why I have said the price-only basis – the best price for 500 HB pencils, for example.

1125 **Hon. K Azopardi:** And in respect of my question as to whether there is a written document, does he know that?

Hon. Chief Minister: Mr Speaker, I do not know that. I do not want to assume anything. I believe that there will be something that can be extracted in writing, but I do not know that it has been circulated as a memorandum.

1130 **Hon. K Azopardi:** Can I ask the hon. Member perhaps to inquire whether there is such a document; and, if so, perhaps he could give us notice of it. If he wants us to ask the question specifically again, we can, just to remind him perhaps.

1135 **Hon. Chief Minister:** Mr Speaker, I am happy for the hon. Gentleman to either write to me or to ask the question again.

This is the successor in title, so to speak, of the policy that we have shared with the House before, which sets out the criteria for procurement and how it had to be done, but because it is now been done electronically it is done through this portal. That is why I am telling him I do not know whether this has been circulated as a document, as it used to be before, which is what he has asked me about.

If he asks me next time or if he writes to me, I will extract the substance of it and either read it to the House or let him have a copy of it.

1145 **Hon. K Azopardi:** And just finally, if I understand it correctly, the pricing is done on filling in this form and through the electronic portal on a sort of self-referral basis, I suppose – I am not sure how best to short-circuit the description of it. But what happens next? There may be an adjudication of a contract, but in terms of actual performance, does the Government Procurement Unit then go out on the ground and have discussions with contractors as necessary?

1150 **Hon. Chief Minister:** Mr Speaker, the way the system works – which I think I have explained – is if you want to be on the portal you have to be licensed with your trade licence as you go into the portal and you need to maintain that up to date, otherwise the portal rejects you; you need to be up to date with your tax and social insurance contributions, and if you do not the portal rejects you and rejects your contribution; you have to be registered with the Department of Employment in Gibraltar, and if your registration lapses the portal rejects you. This is all done now ... I hesitate to call it AI, but it is done electronically. If your registrations fail, you are not able to provide the quotes – you are unable to go into the platform to provide your quotes. And then the quotes are assessed on the basis of the price to market – in other words, which is the cheapest of what we are being offered – to ensure that people are not able to favour one or another on the basis of knowing who might be making a particular offer and then making the best choice.

1160 I hope that explains the way the system works and why I think the question he has asked does not go to the way that this system ensures that we are getting the best value for the taxpayer in respect of the procurement that we are doing.

Hon. K Azopardi: Mr Speaker, I am grateful for that, but those mechanics ... As I understand it, what he has indicated is there are a number of hurdles at which, to put it loosely, computer

1170 can say no and reject you from your application. But if you are then adjudicated the contract for
baked beans to the Government, for example, what I was really asking is who then assures not
just that the price of the baked beans is the best possible but that actually the backed beans are
of good quality? I am talking about quality assurance. Does the Procurement Unit then,
subsequently, after adjudication, is there any kind of monitoring of quality and performance in
that way?

1175 **Hon. Chief Minister:** Well, Mr Speaker, the Procurement Unit will be the place where those
who enjoy the benefit of the procurement would go to complain if the quality were not what
they were expecting. We do not expect those in Procurement to try the beans, but those who
have the beans would come to Procurement to tell them that they are not of the required
1180 quality. I do not know whether that helps them to understand the price of eggs.

Hon. K Azopardi: Well, baked beans in this case. From that, I take it that the hon. Member is
saying to this House ... Am I right that in fact there is no quality assurance mechanism other than
informal reporting to those who adjudicated the price of the putrid baked beans?

1185 **Hon. Chief Minister:** Quite the opposite, Mr Speaker. I do not know whether he has
understood what I have explained, because it would be quite something to have somebody who
is not an expert in the thing procured be the filter of quality.

1190 If the person at Procurement is asked to procure a thing like, for example, food to be used in
our hospitals or elderly residential services and he is required to taste it, then he or she might be
the wrong filter, whilst the best filter ... The most appropriate way to ensure that we are getting
the quality is to have direct contact through to those who take the benefit of the procurement,
so that they do not do anything informally, they actually consume, and if the consumption of the
commodity which has been procured is not to the standard required, it can be stopped
1195 immediately by formally advising Procurement to stop the procurement of that commodity from
that entity, person or company because it is not up to the required standard. I would have
thought that is the best possible filter – in other words, giving those of our citizens or civil
servants who have to use the thing procured the ability to determine that what is being
procured for them has or does not have the quality that is required. Otherwise, Mr Speaker, we
1200 would be putting in place a system that would not be producing what the citizens or the civil
servants who have to use the things that are procured would have any feedback on, and I would
regard that as not being satisfactory.

Q213-17/2020

Abortion law referendum –

Consultation with Opposition re rules and subsidiary legislation

1205 **Clerk:** Question 213, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when will the Opposition be consulted on the draft neutral
information document to be sent by the Referendum Administrator to persons eligible to vote in
the forthcoming referendum on 19th March 2020?

1210 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 214 to 217.

Clerk: Question 214, the Hon. K Azopardi.

1215 **Hon. K Azopardi:** Mr Speaker, when will the motion proposing the draft neutral information document to be sent by the Referendum Administrator to persons eligible to vote in the forthcoming referendum on 19th March 2020 be presented?

Clerk: Question 215, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, why were the Opposition not consulted on the draft of the Crimes (Amendment) Act Referendum Regulations 2020 introduced on 7th February 2020 for the purposes of the forthcoming abortion law referendum on 19th March 2020?

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Clerk: Question 216, the Hon. K Azopardi.

Hon. K Azopardi: Are any other rules or subsidiary legislation envisaged for introduction under the Referendum Act or any other Act for the purposes of the forthcoming abortion law referendum on 19th March 2020?

1230

Clerk: Question 217, the Hon. K Azopardi.

Hon. K Azopardi: Will the Opposition be consulted on any other rules or subsidiary legislation that may need to be introduced under the Referendum Act for the purposes of the forthcoming abortion law referendum on 19th March 2020?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Member opposite has already been sent a draft of the document by the Referendum Administrator for his comments, I understand.

1240

Additionally, he will note that the motion proposing the approval of the said neutral information document is on the Order Paper for consideration at this meeting of Parliament.

Given the time constraints, it was not possible to consult hon. Members on rules for the referendum and neither did the rules go beyond what was debated during the discussion of the earlier motion on this subject in this House.

1245

It is not envisaged that any other legislation will be necessary, and thus there will be no need to consult any further.

As far as I am concerned, Mr Speaker, the important thing now is for people to register to vote, if they have not done so already, to go out to vote on the day and to vote yes to protect the rights of women.

1250

Hon. K Azopardi: Mr Speaker, yes, we have been consulted on the draft neutral information document, and I wonder whether the tabling of our question prompted that, on the Saturday indeed, after the Friday I received the neutral draft information document in draft. But be that as it may, yes, we have received the document and indeed we note that the motion will be taken in this session of Parliament.

1255

We note also what the Chief Minister says about consultation on the rules. It was our understanding, I have to say, that there would be some consultation on the rules. The motion had been presented by consensus. There had been a degree of conviviality – to use the Chief Minister's word that he has used from time to time in the better moments in this House – at that time. I certainly will not be drawn when we are discussing these questions – or indeed hopefully when we are adopting a more neutral and fair tone, which is I think the purpose of the neutral information document – as to how people should vote. We will no doubt express our views on this side of the House in due course, but it was our understanding that there would be consultation.

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Does the hon. Member agree with me that it would have been better for there to have been a bit of consultation on those rules and that indeed, as a matter of practice, when there are rules that are contemplated in respect of elections or referenda, there should be such consultation of Members opposite? Indeed, there was consultation before the last election when there were rules that were contemplated for the introduction of proxy voting, for example. So, does the hon. Member agree that, as a matter of principle, really we should avoid, that there should be rules introduced by regulation in respect of referenda and indeed elections?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is absolutely right that it was his question that prompted that he should be sent the information document on a Saturday. I had, of course, in mind that the House should have the neutral information document in order to be able to debate the motion, but given that he asked on the Friday and I knew the House was meeting this week I saw no reason why I should not ask that he should have it that day so that he had the benefit of the weekend to consult it, rather than during the course of the week, as I would have been happy to spend time consulting with him on the issue of the rules.

But the rules unfortunately took time to draft, I was unable to look at them before and we were running out of the time set out in the legislation to publish them – and they did only the things that we had debated during the course of the first, convivial, motion on the subject. The things that should be in rules, that we had agreed should be in rules, were put in rules, and they are indeed a carbon copy almost of the rules that he reminds us there was consultation on before the General Election on those issues.

So, Mr Speaker, yes, I wish we had had more time to consult with him on these dry legal issues; but no, I do not think that anything has turned on it.

Mr Speaker, the hon. Gentleman refers to the better times in this House being convivial. Well, I do not think there have been any bad times in this House since he has been elected. If he wants to see what a bad time in this House looks like, he needs to go back to the day when some of us were called unfit to govern and transcripts of Facebook videos were referred to as grubby publications, etc. – none of that on my own rather lighter watch than the sorts of things that he might have seen before in this House. Indeed, Mr Speaker, I have not heard the *Imperial March* for ages, even on the hon. Member's phone. (*Interjection*)

Mr Speaker, as to neutrality, the Government, of course, during the course of the debate on the motion that I brought to determine the neutral information document, will seek to ensure that the House is satisfied that the neutral information document is neutral. But in my position as Chief Minister I have expressed repeatedly and I will continue to express, and I will express it during the course of these debates, or not, as may be appropriate, because the debate does not have to be neutral – it is the conclusion that we reach as information that we send to all voters that has to be neutral.

Q218-20/2020

GJBS subcontractors –

Monitoring of contracts; termination of workers' contracts

Clerk: Question 218, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does the Government have any say on which subcontractors are engaged by GJBS and on the monitoring of such subcontracts?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 219 and 220.

Clerk: Question 219, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Why is GJBS, a Government-owned company, terminating the employment contracts for workers in subcontracting firms?

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Clerk: Question 220, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government confirm how many workers have lost their jobs as a result of GJBS terminating contracts with subcontractors?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, GJBS has acted commercially, at arm's length and independently since its inception and has not had any political involvement since its commencement of operations, at least whilst we have been in office.

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The Government is not able to provide any information on workers who have lost their jobs with subcontractors, or been told that they have lost their jobs with subcontractors as a result of GJBS work streams coming to an end, with any degree of accuracy.

The hon. Lady should, however, note that no one has alleged that GJBS have terminated any contracts with subcontractors. What has been referred to is that contracts have come to an end, not that they have been terminated – in other words, there has been no termination of a contract that is on foot.

1330

Hon. K Azopardi: Can I just ask, on the question that I put ...? The Hon. Member, I think, when he used the phrase that there has not been any political involvement, must have been addressing the question that I put. I was not suggesting there was political involvement; all I am saying is ... What I was asking about is: is there some kind of rules to which that perhaps have been put in place? GJBS is a wholly owned Government company. Does it have to adhere to certain rules in the adjudication of subcontracts by it? That is really what I was probing. And if so, what are the rules that it adheres to? Or is it free to the operatives of GJBS to subcontract without reference to Governmental control – I was not talking about political control – some kind of procurement office kind of influence? That is really what I was asking.

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Hon. Chief Minister: I see, Mr Speaker. What led me to think he was asking about political interference was the words 'does the Government have any say on?' but if what he is asking is actually now more clearly set out, given his supplementary, then I can tell him that we ensure that all Government entities, even if they are independent, are subject to the same Government rules, and so therefore the rules on procurement that would apply to us apply to them. They have to follow in the context of these sorts of services: the three quotes system; those they contract with have to be approved Government contractors registered with the ETB, registered with PAYE and Social Insurance and up to date in respect of all of those, etc.

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Hon. K Azopardi: And then, just pulling that thread, therefore also subject to review and supervision by the same people? Is that right?

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Hon. Chief Minister: No, Mr Speaker, the supervision is done by the management team of GJBS.

Hon. K Azopardi: So, in terms of adjudication of the subcontracts, they have got to comply with the same rules as the Government has for itself, but in terms of the supervision – the tail end, as it were – that is left to them? There is no value-for-money supervision by the Government itself?

1360

Hon. Chief Minister: That is not what I have said, Mr Speaker. This is something he needs to, I think, better understand. If GJBS or indeed another contracting entity contracts with the Government to build something for the Government and they want to subcontract, then our rules say, 'You must subcontract only those whom the Government would be prepared to contract with and you must do so in the way the Government would contract with them to ensure value for money. That is to say you must obtain three quotes and you must show, unless it is under a particular threshold,' as the hon. Gentleman has just been told ... if it is above that threshold, it has got to be the best of those three quotes.' And then what there is, in terms of a control, is a control on the price being charged to the Government by GJBS or by any other entity, and that control is exercised by the Chief Technical Officer and those who work with the Chief Technical Officer who have supervision of all those contracts for the Government, almost on a QS basis and the QSs that may be there also for either GJBS or any other company that we have contracted with. They will have to QS their subcontractors also in order to bring in the contract to the price agreed with the Government.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Chief Minister for his answers. I appreciate the substance of what he has said and that perhaps my wording should have been more about non re-engagement rather than termination. If he will allow me to go with that, I could still ask him: given that that GJBS is a Government-owned company, even though there has been no re-engagement for these subcontracted firms, what type of responsibility anyway would the Government take, considering we are going to have redundancies or job losses? I know that the Government is often very proud of the low rate of unemployment in Gibraltar, so obviously this is going to cause a surge in unemployment. How does the Government deal with that?

Also, what does it actually imply on the whole, in general, that a Government-owned company is not re-engaging subcontractors? What does it mean? Does it mean that construction is shrinking, there is no need?

Also, there is a lot of talk that ... I have had subcontractors coming to me, telling me that there has been a delay in getting paid, in payments. Is the company in financial difficulty, which may be leading to such a lack of re-engagement?

Can the Chief Minister give us some light on all these factors which appear to be shrinking in terms of the company?

Hon. Chief Minister: Mr Speaker, I want to be careful in the way that I answer the hon. Lady. There is no financial issue afflicting the ability of GJBS to pay.

There are always issues between companies when it comes to payments, in particular at the end of construction contracts. If this is now my third term as Chief Minister ... I do not say that just for the sake of gloating, as the hon. Gentleman will suggest I am, but simply because I have lived through this process now on a number of occasions.

I have answered a very similar question from members of the Spanish media recently, who have thought that Brexit somehow is affecting the number of people who are contracted in our market as cross-frontier workers. There is no such effect, Mr Speaker.

What is happening, much as we saw in 2011 and we saw in 2015 and we are now seeing again, is that you come to the end of an electoral cycle; you therefore come to the end of those of us who do not have Caruana virus thinking that we have an obligation to deliver what we have said in our manifestos we are going to deliver. When we have done that, or got as close to that as possible before a General Election, the contracts are completed. There is a new manifesto. Those of us who do not regard it as a wish list then have to start the process of delivering against that manifesto. That manifesto is, when you win the election, if you have done it properly ... In some instances in 2011 we found Government plans were in the GSD manifesto, so you could have gone from the John Mackintosh Hall to the Chief Technical Officer the next morning and said carry on. For us it is different. The plans in our manifesto are the plans of the

1415 political party. They become the plans of the Government the morning that we are sworn in. Those plans then have to be given to the civil servants and say, 'This is the mandate of the people.' You have a hiatus in that process, where projects are finishing or finished, the subcontractors tend to go on to do other work, and then, when the Government companies are ready to develop the new projects, there is a re-engagement or new contracts which lead to the uptake again.

1420 We saw it in 2011-12, then we saw it in 2015-16, and now we are simply seeing it again. It is the up and down of the construction industry. So, as the new Government projects start to take off, you will see many companies in Gibraltar – GJBS is one, because the Government owns the shares in it, that tends to have a lot of the Government work – starting these projects and you will start to see people engage once again as subcontractors, and in some instances those subcontractors will have more work and will engage other workers.

1425 This is a pendulum that we have seen moving in the context of completion of Government contracts and restarts of Government projects on a Parliament to Parliament basis now, I think, for generations in Gibraltar, so there is absolutely no need to have those concerns.

1430 The hon. Lady will know – she has had the information from the Hon. Minister for Housing – that we are now almost complete on the sales of Hassan Centenary Terraces. I told the House that we had commenced the work down at the East Side reclamation in respect of Hassan Centenary Terraces. That, the House knows, was adjudicated to Casais, so they have started work. There is the adjudication of two other housing projects, Bob Peliza Mews and Chatham Mews, to come as well, which will give rise to more people having to be employed. There are schools to be built. There is a magnificent manifesto to deliver before the next General Election and so there should be absolutely no difficulty whatsoever.

1435 But because you come to the end of a contract, there is an adjustment then for payments in respect of things which may be disputed or not disputed, and there is also something called a 'retention'. At the end of any construction period the principal contractor will suffer something from the contracting party – usually, in the context of these Government projects, the Government – which is known as a retention, and the principal contractor will also inflict that retention against its subcontractors. That retention is to ensure quality of work etc. It is usually about 10% at the end of a contract and it is not paid for a period of 12 to 24 months, depending on the contractual arrangements that have been done. I do not know whether that is the issue that has been perhaps misinterpreted by some to be some issue with the financial health of GJBS.

1440 I can tell something to the hon. Lady which might be helpful, if she likes, and everyone can hear it. I have said it before and other Chief Ministers have said it before that the Government of Gibraltar will always stand behind a Government of Gibraltar company, so there is no question, even if a Government of Gibraltar company did not have money, that the Government of Gibraltar would allow it to fall, because it would affect the credibility and credit worthiness of the Government of Gibraltar. So that is not in any way an issue, full stop.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q193-95/2020

Government borrowing –

Barclays Bank Plc and Royal Bank of Scotland International Ltd

Clerk: We now return to Question 193. The questioner is the Hon. R M Clinton.

1455

Hon. R M Clinton: Mr Speaker, can the Government advise the individual level of gross borrowing from Barclays Bank Plc and Royal Bank of Scotland International Ltd (trading as NatWest International) respectively as at 31st October 2019?

1460 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer the question together with Questions 194 and 195.

1465

Clerk: Question 194, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it intends to refinance the £50 million Barclays facility that matures on 29th June 2020 by causing the Savings Bank to purchase new Government debentures?

1470

Clerk: Question 195, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government explain why Royal Bank of Scotland International Ltd made it a condition precedent that all existing borrowing had to be repaid (as per schedule, 1 clause 3.1) in respect of the entering into force of the £75 million credit facility dated 10th October 2019?

1475

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

1480

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, the gross borrowing as at 31st October 2019 was £50 million from Barclays Bank and £75 million from NatWest International.

1485 It is intended to refinance the £50 million facility in June 2020. A decision on the source of refinance will be taken nearer the date.

The answer to the question on the decisions taken by the Royal Bank of Scotland International Ltd is no.

1490 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his Answer.

Given that the maturing Barclays facility of £100 million was not renewed with Barclays and they have £50 million coming up, and that NatWest made it a condition precedent that existing borrowing either as an existing £50 million facility be repaid before lending £75 million, would the Minister agree with me that NatWest's total appetite for Gibraltar is £75 million and Barclays is unlikely to renew their £50 million? Would the Minister agree with me, with that analysis?

1495

Hon. Sir J J Bossano: Well, my understanding is, in fact, that the terms on which Barclays Bank was willing to renew the £50 million were not acceptable to the Government because we could get better terms than the ones they were offering. So it is not the case that they had no appetite; their appetite came at a price that we were not prepared to pay. That is my understanding of the situation as far as Barclays is concerned.

1500

As far as NatWest, it was the view in the Treasury that it was preferable to have one loan agreement with £75 million than allow the existing one to continue and make a new one for £25 million.

1505

Hon. R M Clinton: I am grateful to the Minister for his Answer.

1510 If he could just answer one last question in relation to Question 194 – and I can guess the answer, but if he could confirm to the House that from his point of view he would have no problem with the Savings Bank taking on the £50 million Government debt if Barclays were not willing to renew or there was no other source to renew it or to replace it.

Hon. Sir J J Bossano: I think I have said before, Mr Speaker, that if it was my decision it would be done by the Savings Bank.

Adjournment

1515 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to tomorrow at 3.30 p.m.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Friday, 21st February at 3.30 p.m.

1520 I now put the question, which is that this House do now adjourn to Friday, 21st February at 3.30. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Friday, 21st February at 3.30 p.m.

The House adjourned at 5.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.27 p.m. – 6.19 p.m.

Gibraltar, Friday, 21st February 2020

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The Gibraltar Parliament

The Parliament met at 3.27 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*]

Question for Oral Answer

DEPUTY CHIEF MINISTER

Q176/2020

**Spanish aircraft incursions –
Further details**

Clerk: Friday, 21st February, Meeting of Parliament.

We continue with Answers to Oral Questions. We go to Question 176 and the questioner is the Hon. D J Bossino.

5

Hon. D J Bossino: Can the Minister for Aviation provide further details regarding the aircraft incursions perpetrated by Spanish aircraft in January?

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

10

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I assume the hon. Member refers to the incursions of 28th January. Two incursions occurred in Gibraltar airspace on 28th January. The first was by a Guardia Civil helicopter resulting in the inbound BA flight having to be put in a holding pattern. The second was by a fixed-wing Spanish military aircraft which delayed the departure of the return BA flight, which had to be held on the ground after it had started taxiing.

15

On neither occasion did the Spanish aircraft contact Gibraltar Air Traffic Control. As the intentions of the Spanish aircraft were unclear, Gibraltar Air Traffic Control took precautionary action. As a result of these appropriate and timely actions undertaken by Gibraltar Air Traffic Control personnel, there were no flight safety implications during either incursion.

20

Aircraft incursions are dealt with by the Ministry of Defence, because they have the radar which records the activity.

As with incursions in British Gibraltar Territorial Waters, the Foreign and Commonwealth Office protests all incursions by Spanish state aircraft to the Spanish authorities.

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Hon. D J Bossino: Mr Speaker, since I filed the question I think there have been further incursions certainly reported by GBC. One, I think, was another aircraft which was seen flying in the southern part of Gibraltar, and also there was an incursion in British Gibraltar Territorial Waters. Can the hon. Member provide further details in relation to those, if he does have them?

30 **Hon. Deputy Chief Minister:** Mr Speaker, I am afraid I do not have details. I am aware that they happened, but I do not have the details of the incursions the hon. Member refers to. I would be happy to provide the details to him at a future date.

35 **Hon. D J Bossino:** Mr Speaker, as quite properly it is an issue of defence that issues are processed – and indeed it was reported in the press that that had happened – is there anything that the Gibraltar Government locally can do in relation this? And can the hon. Member provide any details, in relation to that, as to the actions his Government is taking in relation to these unacceptable incursions?

40 **Hon. Deputy Chief Minister:** Mr Speaker, as the hon. Member knows, this is a responsibility of the United Kingdom under the Constitution of Gibraltar, and whereas the Government has maritime assets which are often deployed at sea, we have no air assets or any other way of countering that.

45 What we do is raise the matter with the United Kingdom straight away and get the UK to make a relevant protest to Spain. We also let others know of these incursions and this activity when we need to do so.

Hon. D J Bossino: Mr Speaker, the hon. Member may not be able to expand on that last remark in his answer, but when he refers to ‘others’, can he explain who those others may be?

50 **Hon. Deputy Chief Minister:** Mr Speaker, I would be happy to tell the hon. Member in the anteroom and to brief him privately on that. I have no problem in letting him have the information, but on a private basis.

Questions for Written Answer

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

55 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the reason we are moving to answers to Written Questions is because the Minister with responsibility for Justice and Equality is representing Gibraltar at a Commonwealth Parliamentary Association event in the Falkland Islands, and so hon. Members will have the choice of having the questions they have put to her orally at the next session or in writing, if they wish to have those answers ahead of the next session, in keeping with the Rules.

60 I therefore now have the honour to table Written Questions W51/2020 to W60/2020.

Mr Speaker: Ordered to lie.

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 19 suspended to proceed with Government motions

Clerk: We now move to Government motions. The Hon. the Chief Minister.

65 **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 beg to move, 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

Abortion referendum neutral information document – Motion carried

Clerk: The Hon. the Chief Minister.

70 **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 approves the neutral information document for the Referendum to be held on the 19th March 2020 on the amendment to the Crimes Act which has been circulated to all Hon. Members.

75 Mr Speaker, the House was able – in the latter part of last year, I recall – to work together in producing the question and the paradigm on which this referendum will be held. Although there may be divergent views in the House as to whether there should be a referendum or not, or indeed what the result of the referendum should be and how different Members may exercise their rights as citizens to vote in answer to the question that is being put, we were able to work to ensure that the mechanics of the referendum were agreed between us and, most importantly, the question was agreed between us.

80 Mr Speaker, we also agreed that there should be an opportunity for everyone who is going to have the right and eligibility to vote in that referendum to be informed neutrally of what the issues in the referendum are, and that this should be done in a way that would then facilitate the argument for those who are going to be proposing that voters should back one side or the other so that the raw material, the amendment that is the subject of the commencement that is being put to people in the referendum, should be something that everyone should be able to have a look at for themselves and that the campaigns should know everyone in the community who is eligible to vote has access to. To do that, this was the neutral information document that we proposed that the Referendum Administrator should ensure every household in Gibraltar receives.

85

Mr Speaker, working with the Government's Law Officers, the Referendum Administrator has proposed a text for the neutral information document which was shown to me and which has subsequently also been shown to hon. Members, in particular I think the Leader of the Opposition. Given that we both are going to be proposing different answers should be given in respect of the question posed, I think there could be no better arbitrage of neutrality than that somebody who is likely to be proposing that No should be supported and somebody who is – vociferously, some say – advocating that Yes should be supported should be the ones who have the ability to input on whether the document is neutral, and indeed the whole House should have the ability to, during the course of this motion, propose such amendments as they might think appropriate to the document.

So, the document is now before the House. I am satisfied that it is neutral in presenting the issue in the referendum, the question in the referendum, the existing law and the amendment to that law, and I understand – having had an opportunity to review it, I have seen some changes the hon. Gentleman has proposed – that it may be possible for the House to unanimously support that this document, subject to the debate today, should be the one that is sent as the neutral information document to every household in Gibraltar to be accessible to every eligible voter in Gibraltar. I should say, Mr Speaker, it is probably useful that copies of this document might be made available in the ... I do not know whether we call them polling stations or voting stations for a referendum, so that if anybody were to want to have regard again, just before they vote, to the raw material, they should have a couple of copies available there for reference.

So, Mr Speaker, I commend to the House that we should approve the neutral information document which has been circulated to Members and which has had the benefit of the input of the Referendum Administrator, the Government's Law Officers, a representative of the Government and a representative of the Opposition – which happened to be advocating different votes in the referendum – and therefore that this is a neutral information document. I commend, therefore, the motion to the House.

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. K Azopardi: Mr Speaker, we will be supporting this motion.

I should say before I start that the fact that I have these heavy tomes in front of me is not because I am going to start referring to any difficult treatises of law but rather because I am just trying to get my notes closer to my eyes at this age of mine. Yes, I know that the lectern that we have behind us is rather more chunky than the slender version that has been designed for the office of the Chief Minister, which of course is the prerogative of the Leader of the House. I was only joking. I am fine with the books.

Mr Speaker, we will be supporting it. It is important to note the design of the neutral information document in the context of the package of measures that we have designed by consensus, if I can put it that way. I think it is important to understand where this comes from and the degree of consensus that has been possible, and it is important for me to say so because of a point that I want to make during the course of my intervention.

We see it very much that the neutral information document is part indeed of a sequence of steps. First of all, we had the consensus motion back in December. Despite the fact that we take markedly different views on the issue itself, the substantive issue, we were able to agree a motion which designed the process and mechanics for this referendum. Indeed, we were also able to agree the question itself, the drafting of the question. There was a pre-meeting before the motion was presented by the Chief Minister, where we were consulted on those issues and we were able to do that. It is also part and parcel of the package which forms the rules of the referendum. Albeit I made the point yesterday that we were not consulted on those, the rules themselves are indeed designed to ensure a degree of neutrality and fairness – indeed, that is

140 the whole purpose of the rules, overseen by the Referendum Administrator. There has been now a designation of bodies, an entity that will say yes and an entity that advocates for no, and there are restrictions on other people to campaign, and indeed in the rules there are broadcasting restrictions to ensure equality of treatment.

145 All of those are important principles around which this document should be seen. The document itself is not one to be seen in isolation. It is in the context of that attempt to deliver neutrality, fairness, equality and fair presentation.

The document itself we have gone through. We have suggested some changes which have been taken on board. The document was first discussed, or at least the concept of the document was first discussed, the Chief Minister will remember, when we had the private meeting on the possibility of a consensus motion, the idea that there should be some kind of information of an official nature which should go out to each household to guide the voter, if nothing else, because we are conscious that campaigners on both sides may present the argument in the best way that they think is in their interest but not necessarily perhaps with strict adherence to perhaps what the current law or the future law does.

150 So there was a need for this document. This document is as short as it could be. It summarises the current law, it summarises the future law, it summarises the effects of voting yes or no and then it annexes the current law and indeed the law that is being proposed. We are happy, in the summary of the legal positions, that it does adequately, fairly and neutrally present the issue, and for that reason we will be supporting the motion to approve the draft that we have seen and indeed signified our approval to the Referendum Administrator on.

160 The document has been the subject indeed of some public comments, not just on the motion itself, because we indicated to people as far back as December that there would be such a neutral information document, because it was contained in the motion that was passed by this House in December; it was also discussed recently on television. There was the designation of campaign bodies for both sides recently and there was an interview with the Referendum Administrator in the context of that.

165 There were then some remarks by the Chief Minister also about the neutral information documents. I imagine that he was asked by GBC for some comments during the visit of a neighbouring mayor. It seems to be all part and parcel sometimes ... I understand that the press, when they catch a Minister or a Member of the Opposition on one issue, they then also ask for a soundbite on something else. I took it that that was the case.

170 I will make the point to the Hon. the Chief Minister that I did think, I have to say, that some of his remarks ... or at least the tail-end remark was inappropriate. I say so in the best spirit possible, but I want to explain why because there were then subsequent comments that seemed to ... Well, there was a dingdong between the Chief Minister and one of the campaigning bodies, and I have to say that I think that perhaps the Chief Minister has not understood the point that was being made.

175 My reaction, I have to say, when I first saw the interview, because the interviews that were played by GBC ... There was a straight-bat interview by the Referendum Administrator – straight bat, as you would expect it to be, because he was being asked about process and he explained that indeed he had designated the campaign bodies that day, one for yes and one for no, and that is what he explained. Immediately after that and in the context of that, there was then a short interview with the Chief Minister where he was explaining the importance of neutrality and fairness in the referendum, and indeed respect, and I have to say that I agreed with everything that he said except for the last words. And when I say I agreed with everything except the last words it is not because I may disagree with him on the substance of the position; what I was disagreeing with him on is that he should express a view at that moment.

185 I want to make it very clear to the hon. Member that I have no issue with the hon. Member expressing his view on the substance of this issue at any time. He is free to do so, as indeed we are. I make the point to him, on the motion of 20th December, that I did not think it was appropriate for politicians to campaign. I made the distinction between campaigning and

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expressing a view. He said at the time he did not agree with me, and that is fine. I also understand that, and he can take a different view as to whether there should be a distinction between campaigning and expressing a view.

195 My point and why I think his comments on the Monday interview were inappropriate is because it was just after the Referendum Administrator with his straight-bat interview on designation of campaign bodies. It was just after, and in the context of him explaining to people the importance of respect, neutrality and fairness. I just remind the hon. Member, if I may, because I made a note of exactly what he said and this is why I want him to understand the point that I am making. He said:

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It is important the information should be put out there neutrally, and so campaigns can comment on their particular views on that information. I will be bringing a motion to Parliament to approve the neutral information document to be sent to every household in Gibraltar by the Referendum Administrator so that the campaigns can bring their own views to bear.

He was talking about the importance of respect, neutrality and fairness. So, when he then, immediately, in the same breath, went on to say that he was advocating that people should vote yes for a particular reason, that is what I thought was inappropriate, because what he was giving an interview on was the importance of respect, neutrality and fairness, just after the Referendum Administrator had designated two bodies in the context of each body being responsible for the campaigning on the issue. So he should have kept it at that and not commented any further. He is then free separately to comment as long as he wants on the issue.

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I know he reacted quite badly to a letter that was received by the Referendum Administrator from the Pro-Life Movement, but that is why I say I think he misunderstood where they were coming from, because what they said in their letter was that they thought that at that moment, when the Chief Minister 'proceeded' – I am reading from the letter – 'to express his partisan and disputed opinion,' – in their view disputed – the way that the broadcast was put out there – and again I am reading from their letter – breached 'basic concepts of fairness and impartiality'. So, what they were addressing there was not the issue of whether the Chief Minister can, as a matter of principle, express his view yes or no. That is not what they were saying. What they were saying was at that moment – and I have to say, as a viewer sitting at home I had exactly the same reaction.

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Not only that, Mr Speaker, I have to say that, again as someone who was reading the reaction in the press, I was rather then taken aback by the Chief Minister's press release on Government of Gibraltar letterhead on this. There are different views in the Government. I know that by majority they support one particular view, but at least one Minister does not. Even so, I was quite surprised at a press release which not only hit out at GPLM but rather complained that they were suggesting that his right to freedom of expression was somehow being constrained, and worse still, singled out two individuals repeatedly in the press release by name, implying that they were seeking to restrict the Chief Minister's rights and in no uncertain terms giving those two individuals a public dressing down.

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When there was a live complaint to the Referendum Administrator ... Mr Speaker, the Chief Minister needs to understand, and I am sure he does because the Chief Minister is not a fool. He called me a fool the other day, but he is not a fool. He understands what he is saying and he understands what he is doing, and in doing this he understands perfectly well what he is doing. He needs to use the office of the Chief Minister in a responsible and measured way. He is not engaging with the Spanish state; he is engaging in a public dingdong with the entity that has been officially designated as the No campaign by the Referendum Administrator. He is also doing so in response to a complaint that has been received by the Referendum Administrator. He is putting the Referendum Administrator in an invidious position. What is the Referendum Administrator, who is a civil servant, supposed to do now, when he has seen a rather extreme response from the Chief Minister? He knows that he puts the Referendum Administrator himself in a difficult position.

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And not only that: when he exercises his office as Chief Minister he needs to do so in a measured way. In my opinion, there was no call whatsoever for him to engage in such a combative way with two individuals who have only done things in their history to care for people. One of them is a former headmaster and the other person has a track record in caring for people, and what they are trying to do is put across their view. They were certainly not seeking to constrain the right of the Chief Minister to express his opinion. I certainly did not think so, and I do not think that anybody else thought that either. I have to say that the reaction I have had to the Chief Minister's press release in respect of this matter has been certainly one of surprise at the fact that the Chief Minister thought it was necessary for him to engage in that way with the GPLM.

So, Mr Speaker, as I say, we thought that reaction in the context of a neutral information document should have been kept in the spirit of what we were trying to achieve, which is to keep it neutral and fair, and in that context, therefore, I am not going to express my view on whether I am going to support a yes or a no vote in this referendum today. I am certainly not going to do it today; I am going to fall short of that because I believe that what we are keeping to is the context of the importance of neutrality of the information and of the respect that needs to be given to both sides.

Whether you advocate a yes vote or a no vote I think it is important to lower the tempo. There have been plenty of social media reactions that have been not measured and perhaps of high emotion. I think it is important to tone it down and that is why I raise the issue I raise, because I certainly think from the position that I hold here it is appropriate and right that I should say that I saw those comments with a degree of surprise at the excessive nature of them.

Mr Speaker, in terms of the motion and the document itself, I make clear that we are content and satisfied that it is neutral and that it will fulfil the role that it is supposed to fulfil, and for those reasons we will support the motion.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, regarding the neutral document, I consider it an appropriate document, technical and objective, and just what the people will be needing as a guide for the upcoming referendum, so I will be supporting this motion.

With regard to what the Leader of the Opposition has just said, I have been following the events that have transpired over the last few days on this issue and I have to say that I fully support the Chief Minister on what actually happened. I think that whether we agree or not on what he said or did not say, it is a matter of style. Maybe I would have taken that opportunity to campaign; maybe I would not have. Maybe the Leader of the Opposition in the Chief Minister's position would have done so, or not. But it is all a matter of style. We have to celebrate the fact that we have a free media and people should be entitled and allowed to express their views.

The main issue here is whether or not we believe and trust, which I personally do, that the national broadcaster and our newspapers will give equal coverage to either side – but actually trying to clamp down on any official or on any elected Member expressing their views at a moment like this, when we are fully in campaign mode, is trying to stifle freedom of speech, which obviously I am very much against and I think is a slippery slope at this point.

I do not believe anybody should be told what to say or how they say it. The Chief Minister and our respective parties will be judged upon that at the next election, on the matter of style and substance of our output, and I think the Chief Minister was perfectly entitled to say whatever he wanted, so I will be supporting this motion on the neutral document.

Thank you.

Mr Speaker: Does any other hon. Member wish to speak on the motion?
I will call the mover of the motion to reply.

290 **Hon. Chief Minister:** Mr Speaker, thank you.

The motion before the House today is only about the neutral information document, so it is really quite something to be told, in the context of the motion just on the neutral information document, that in the context of the interview just on the neutral information document I should not have said anything other than referring to matters which are neutral, respectful, fair and do not go into campaign mode, and to see the Leader of the Opposition try – and I say ‘try’ because I do not think he has achieved it – to use this as a moment to seek to reprimand the Leader of the House, the senior elected political representative of the people of Gibraltar, for having expressed a political view. Indeed, Mr Speaker, it is frankly remarkable that he should try and do that.

300 The hon. Gentleman refers to there have been a ‘dingdong’. Well, Mr Speaker, I do not think there has been a dingdong, and he, I think, fails to appreciate what it was that the Gibraltar Pro-Life Movement were doing in the complaint that they made if he calls it just a dingdong. I know that he has quoted a little part of their complaint, but is it that he has not read the bits that complain about *where* the Chief Minister expressed the view and about where the broadcaster asked the question and when they broadcast it?

305 Mr Speaker, as far as I am concerned, not as a person who will take a view in the referendum but as the senior elected political representative of the people of Gibraltar, I will not accept that anybody in this community should be told where and when they cannot say things other than in Rules that have been approved by this House. In other words, there is nothing in the Rules approved by this House in respect of this referendum or otherwise that tells the Chief Minister of Gibraltar what he can and cannot say anywhere, and it is indeed a slippery slope – I am not going to give way – to suggest that that is the case, a very slippery slope. Indeed, Mr Speaker, if we did have such rules, they would be curtailing the very freedoms that we all stand for. No, they are not there, Mr Speaker. The hon. Gentleman is going to pretend to say (*Interjection*) that the Rules and the referendum somehow curtail – I am not going to give away.

Hon. K Azopardi: A point of order.

320 **Hon. Chief Minister:** No, there cannot be a point of order on something that I have just decided not to give way on, Mr Speaker.

Mr Speaker: It is the right of the Chief Minister, if he wishes to give way, to do so, but I cannot press the Chief Minister to give way.

325 **Hon. K Azopardi:** No, my point of order, Mr Speaker, is that he is asserting there are no rules, and I have a right to clarify that, surely, if he has asserted it and it is incorrect.

Hon. Chief Minister: Mr Speaker –

330 **Mr Speaker:** The Chief Minister may care to comment on what you are saying.

Hon. Chief Minister: Thank you.

335 If there were rules that prevented me from saying what I said, why didn’t he make that as the first point when he got up in respect of this motion, to say that I had replied, that I was acting properly and in exercising my freedom of speech in breach of Rules that we had passed in this House? Because he knows that is not the case, although it is convenient for him to try and get up now and pretend that there are.

340 Mr Speaker, it is absolutely clear – (*Interjection*) Of course I am not going to give way, because the House has already been entertained by the hon. Gentleman, in this alleged attempt to reasonably just put his support for the neutral information document and call for the Chief Minister to consider how he deals with things, in his attempt to pretend to be a vanilla and

silken voice in this when indeed what he is doing is promoting those who would seek to prevent those of us who want to support one side in the referendum from freely expressing our views in that respect. The Government that I lead will not have it. Even if we might be of different views in respect of aspects of this, we certainly will not be put in a position where any of us, whatever our views, will not be free to express those views.

Mr Speaker, there have been other referenda in the history of Gibraltar and indeed we have observed referenda in Gibraltar and elsewhere in recent memory. In all of those instances the political elected leaders of those communities, including ours, have expressed views in respect of those referenda and they have done so in the same location and sometimes with greater verve and gusto in respect of the options that they represented and defended than I did last week or earlier this week. Nobody ever complained about that. That is what gives away that the hon. Gentleman is simply seeking, by the back door, to try to defend those he supports in this referendum.

He says that the people I responded to are only known for wishing to be kind to people and to look after people. Well, Mr Speaker, there might be different views about that. Or is it that he does not realise that? Doesn't he realise that those of us who take a contrary view to the view that he appears to be taking in this referendum believe that Gibraltarian women's lives are being put at risk by those who are vociferously making an argument not to change the law; that Gibraltarian women are being pushed out of their country to carry out medical procedures that are going to continue to be carried out whether people vote yes in the referendum or no; and that therefore, even though they might come at this from the best and most genuine position, there may be those of us who from the best and most genuine position do not believe that their position is one that seeks to protect and to care in the way that others of us believe that we must protect and we must care for our women folk?

Mr Speaker, therefore I do not agree with him that it was not right for me to respond in what one might call my usual vehement tone. I think politics is a serious business: if you do not believe something passionately, do not pretend to come to this House to defend it. I am not vanilla and silken; I am what I am, I stand for what I stand for, and much like probably the most successful of the FLOPs I have seen recently, the Hon. Mr Feetham, I stand for what I believe and I argue about what I believe. You might say I am (*Interjection*) inelegant. One person's inelegant is another person's representative and the person that they feel most represented by. I do not pretend to put on a silken cloak to not say what I intend to say, which is to promote a side that I am pretending not to promote because I am pretending to be neutral. That is not me. Maybe that is him, Mr Speaker. I stand for what I believe and I have made very clear in this House, in interviews on the local broadcaster and elsewhere, what I will be voting in this referendum and why, and when I am attacked for saying so I vehemently, passionately and vigorously take the view that I respond in the way that I have responded. It is the only way in which I need to respond. One man's freedom fighter is another man's terrorist, and one man's good politician is another man's bad politician. This is a democracy: people choose him, people choose me, they choose her – and more people chose me, so that is why I get to do interviews in front of the cassette that says 'Working for You'. That is why I get asked my views and that is why I give them.

Honestly, Mr Speaker, I really do not think that there is much to be said about this, but he has wanted to say much about it because he wants to be the hero of the Gibraltar Pro-Life Movement – and he will allow me to say that I believe that he is cynical in the extreme in doing so. Why do I believe that? For all the reasons that I told him during the course of the leader's debate back in October, 24 hours before the glorious third successive electoral win of the parties that I lead.

He was saying during the course of that debate that he believed that this law was about abortion on demand and that women should instead make complaints to the Police about rape or incest which might then lead to abortion. As I reminded him then – although none of them have ever been able to come up with a law that they say they can produce – if this law which we

are proposing should be commenced is an abortion on demand law, which it is not, at least it is an abortion on demand law in the Gibraltar Health Authority, whilst his proposed law, the one that he cannot draft, the one that nobody has been able to come up with, is an abortion on demand law in a police station that risks a woman having to go into a cell, that disregards the mental health that he says he cares about.

Again, he brings motions on these issues etc., or at least writes to me on them, although he sends those draft motions to the press before I even have a chance of reading his emails; therein his genuine attempt to agree something ... He says he cares about mental health. In fact, what he should say to this House is that he cares about the mental health of men, because when it comes to the mental health of women who might be suffering as a result of an unwanted pregnancy his argument is 'Unless it is rape or incest and you go to the Police and they deal with it somehow, mental health does not matter to me because it is abortion on demand.'

That is what we are dealing with. That is the level of political hypocrisy that one is required to flesh out to show that the vanilla is actually much more spicy and that the silken is much more cotton, that there is side to the hon. Gentleman's attempt to paint himself as the voice of reason, that when he is calling for respect and neutrality what he is doing is advancing the cause of that which he defends – which is frankly indefensible, in my view, as he knows.

He says that it was difficult for him to understand why it was that I replied on the letterhead of the Government of Gibraltar. Well, I would have thought even he could work out that the complaint was not about Fabian Picardo, it was about the Chief Minister of Gibraltar, and if he cares to read again the complaint he will see it is a complaint about the Chief Minister, and the letterhead of the Chief Minister of Gibraltar is the letterhead of the Government of Gibraltar.

Mr Speaker, frankly I do not think there is absolutely anything in what he has said which has any substance or merit. There was nothing extreme in the response that we gave. I did not pick out any individuals. I responded to individuals who had signed a letter complaining about the actions of the leader of Government business in Gibraltar by pointing out what they were doing and the potential slippery slope on which they embark Gibraltar in respect of freedom of speech.

Frankly, therefore, I think that there is every reason to expect that this campaign will be respectful and it will be fair; but it will not be neutral, because the campaign has begun. The designation of the two bodies and the signing of the Order are about the beginning of the campaign, and there we have to have the gumption to defend what we believe, otherwise we do not deserve to be elected political representatives of our people if we are just going to make points on the easy subjects. The hon. Gentleman gave it away when he said, 'You are not replying to Spain.' The Chief Minister of Gibraltar is not here just to reply to Spain or to the United Kingdom, or to take the happy causes. We are here to deal with *all* of the issues, and he should expect to see that I will not be neutral in this process.

He said that he has had reactions to what I said. I have too. Mr Speaker, to a fault I have had congratulations for having put the response to those complaining about the start of this referendum campaign in as forthright a way as I thought it was necessary that I should. Those responses have come from quarters I would not have expected, including those who do not agree with me as to how people should vote on 19th March. In other words, there are those who defend voting no in the referendum who felt it was inappropriate for there to be a complaint about one of the individuals who wants to support the opposite being on television and being broadcast.

The hon. Gentleman no doubt is surrounded by people who want to tell him how well he has done. Now that he has been re-elected as leader and has a straight run, he will have a lot of that, but he needs to discern who is genuine in the process of doing so.

I take great comfort from the fact that people who do not defend my partisan line and who do not defend my line in this referendum also felt it was appropriate that I should respond in that way. Talking about balance and impartiality in the context of the referendum is to attack the broadcaster for failing to provide balance and impartiality, and there is indeed a very

slippery slope where people try and affect freedom of speech and try and affect a journalist's right to report and edit in the way that he sees fit. We have not seen this in Gibraltar for the past two years since Mr Clinton wrote to the *Chronicle* to tell them that their use of an apostrophe was in the wrong place in relation to the word 'mortgage', the quotation mark – an attempt to curtail even a journalist's right to punctuation! (*Laughter*)

Mr Speaker, these things are funny, but there is an underlying critical reality. There are those of us who accept criticism within the bounds of what is fair and proper and the laws of defamation and libel, and there are those who seek always to curtail those who do not have the same opinion and to stop us from expressing that view. For all those who defend saying what one feels, saying what one believes, whether it is on my side in this referendum or otherwise, I stand to defend them. They, I think, know that now, on both sides of this debate in the referendum, but I still believe that all sides have to date been respectful, I believe they have been fair and I think that this can continue to be the case on the basis of the parties that have been designated in this campaign.

I call, in the wider community, those who are involving themselves in the debate, as they should, on social media in particular, to show the same respect and to show the same approach in fairness, not to mention individuals by name, not to call them out for their experiences, not to put up photographs of political leaders with their pregnant wives to try and embarrass or somehow turn the debate into the personal, and to really let's have a discussion about the key issues – but let's make it robust. Calling for respect does not call for weakness; it calls for debate on the substance of issues – hard debate, robust debate, not weak debate but respectful debate.

And so, Mr Speaker, I am heartened that the hon. Lady and I see eye to eye on these issues, although we might disagree on many others, and she has analysed it also from the point of view of the attempts to curtail the freedom of the media – in this case the local broadcaster – at the same time as there has been an attempt to curtail freedom of speech.

I call the hon. Gentleman opposite out for pretending to be doing one thing when we all know what it was that he was trying to do. But I do, of course, nonetheless thank him for the thing that he was called upon to talk about, which was the motion and the neutral information document and his approach to that, which was all that we were here to talk about this afternoon and he decided to take it elsewhere. But at least we know that we are likely to be able to count on the unanimous vote of the House in support of this motion and the distribution of the neutral information document.

I should just add, Mr Speaker, before I sit down, that I have known the Referendum Administrator now for many years. He is more robust than most and if he felt that he had to pick me up on any issue, he would. He often does during general elections, regardless of what he might think the outcome may be, and he knows that whilst this party is represented on this side of the House nobody is ever going to complain if he ever complains about us.

Thank you very much. I commend the motion to the House. (*Banging on desks*)

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? Carried.

**Bestowment of Gibraltar Medallion of Honour on Elio Cruz –
Motion carried**

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 acknowledges the huge contribution made by Elio Cruz to the cultural, artistic, literary and musical heritage of Gibraltar and therefore and hereby posthumously bestows on him the Gibraltar Medallion of Honour.

Mr Speaker, I start, believing – as I started the earlier motion – that this is likely to be a motion that is going to enjoy support across the floor of the House, but I will believe that we can do that unanimous supporting of this motion once I have heard the speeches, because you never know these days; on the most neutral motion one might end up finding that there are differences of opinion.

But in the case of Elio Cruz, Mr Speaker, I doubt that there will be anybody in this House who will want to raise a word against him receiving the Gibraltar Medallion of Honour, for a simple reason: Elio Cruz has been in the background of most of our lives. To some extent we might not even be aware that he has been there. We all know, of course, of *La Lola se va pa Londres*, which is his key piece. He was also an artist in the sense of painting, and I learnt that at the recent excellent exhibition of his life's work which has been organised by Gibraltar Cultural Services and by Alice Mascarenhas, where I saw a body of work which I was not aware of in respect of this man, but also in his music. I had not been aware that when we hear *La Virgencita de Europa* the lyric that we are hearing is a lyric from Elio Cruz. I know that that is a song which is not *Llevame donde Naci*, which is neutral at a religious level, it is a religious song, but I know it is a song that is known to all those who live in Gibraltar, whatever their religion. It has been part of what one might call, in the name of the old Radio Gibraltar programme, part of the soundtrack of our lives. Elio Cruz has been there in the background so often.

When Mr Anthony Lima was Mayor of Gibraltar he wanted to bestow on Elio the Mayor's Award. I recall that Elio was unable to come to Gibraltar to receive the award and he was presented with the award in the United Kingdom because he was then elderly and he found it difficult to fly. Indeed, once the Government was made aware, through the work of Gibraltar Cultural Services and Alice Mascarenhas, of the whole body of work that Elio Cruz represented, we considered it was appropriate that he should indeed receive the Gibraltar Medallion of Honour.

Unfortunately, Mr Speaker, and I say this in a genuinely heartfelt manner, this award will be posthumous because Mr Cruz has recently passed away. That is not a reason that his family and his memory should not have the Gibraltar Medallion of Honour in his history and in his body of work as a final exclamation mark to record the pleasure that he has brought many generations of Gibraltarians and the pride that all future generations of Gibraltarians can take in the body of work that he leaves behind, and I therefore commend the motion to the House. (*Banging on desks*)

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

Hon. E J Reyes: Thank you, Mr Speaker.

I wish to reassure the Chief Minister, first of all, that he will have the unanimous support of the Official Opposition on this side of the House in respect of this motion; indeed, it is only right and fitting that Elio Cruz should be honoured with at least a Gibraltar Medallion of Honour.

If I may, Mr Speaker, as a contribution and something I want to be recorded, I was struck by and wholeheartedly agreed with the summary of the obituary written in respect of Elio Cruz when he died in June last year, whereby the journalist summed it up nicely by saying:

He was encyclopaedic on the arts, music and culture in general. His mind was always constructing and working on his next project, his next play, or working out how the set had been changed so fast in the latest production he had just seen.

Yes, Mr Speaker, those are lovely words by which to be remembered.

535 In his summary, the Chief Minister gave us a brief rundown on Mr Cruz. I am very happy to also want to record that Elio Cruz was a schoolteacher by profession and there are schoolteachers on both sides of his House, so we certainly know what his fundamental thing was; and, above all, there are many Gibraltarians who are graduates of St Mary's College, where Elio Cruz studied, so I am sure they also feel equally proud of him.

540 In only the last couple of days we have seen the adverts that the 2020 edition of the Gibraltar Drama Festival will take place in March and it is indeed the Gibraltar Drama Festival where Elio Cruz started to gain his first standing ovations, if one can call it that. He was the writer of winners of original plays. He was also obviously the author of a winning play himself. He was also the author of plays whereby actors ended up getting best actor award, best actress award, best original play and all those awards that come with it. So certainly there is a whole list of cultural performing arts achievements out there.

545 In respect of the fine arts, he seems to have been equally as able a person. He won several prizes as a painter, having started in the Calpe Institute Artists Group and he seemed just to have moved on from success to success. Like all painters, unfortunately, perhaps we only realised the better part of his original works after his lifetime.

550 Mr Speaker, it is interesting to note that Elio Cruz is someone who, despite having lived away from Gibraltar for many years, never ceased to be a Gibraltarian at heart. Indeed, before the days of digital and email transfers of correspondence, he used to have a monthly supply of local newspapers sent to him, and that kept him very much abreast. That, and his own personal experience, is what led him to write that very successful play *La Lola se va pa Londres*, and that came after that. He certainly knew how to bring alive that typical Gibraltarian woman that those of us who perhaps are old enough to remember patio life knew, that on every patio there was someone very much like Lola. And although it has been produced, I believe, three times now, it is something for the future. Certainly we always look forward to events that bring our community together, and it is one of those events that will do so.

560 I had the privilege of seeing what I think was the second performance – I was a bit too young to see the first one – of *La Lola*, and after the play I had the opportunity to meet, personally, Elio. He was a contemporary very close in age to my late father. One thing that struck me about Elio within just a few minutes was he was a very knowledgeable man. He could talk about anything, but like people of that generation he was above all able to talk first-hand about being a young boy evacuated to London and later to Northern Ireland, and the hardships they went through – and yet they were doing it with a smile. Anyone studying the history and the growth of the Gibraltarian – and Dr Garcia, I think, will agree with me completely – has got to empathise with the character, and Elio Cruz was certainly someone who could portray a true Gibraltarian.

570 No matter where you are in the world, no matter if you moved in the late 1950s to London, he never lost his Gibraltarian touch. In fact, he never even lost his Gibraltarian accent from his manner of speaking. He was someone we all very much looked forward to meeting whenever he came to Gibraltar. He was an only child but did come regularly when health permitted him to visit his parents. Unfortunately, as the Chief Minister said, eventually with time he chose not to come back to Gibraltar. But I want to add that Elio was, beyond a shadow of a doubt, a very proud Gibraltarian. Like I said, he never lost touch with the community he grew up with. And above all, he always remained a Gibraltarian at heart.

580 Today he forms part of our social and cultural history. He lived with us for a moment of time but his driving force *La Lola* is very much a part of us with the same dreams, aspirations and hope for a better world, with that strong sense of identity and belonging. This was Elio personally, through and through. He was everything *La Lola* was and he is everything that an aspiring Gibraltarian should aim for, so we are extremely pleased to support the Chief Minister in this motion. (*Banging on desks*)

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

Hon. Ms M D Hassan Nahon: Mr Speaker, Elio Cruz was a Gibraltarian playwright who will go down in history for, over the years, in the literature that he has produced, having immortalised the Llanito culture and spirit. That is something that unites our people from all backgrounds, religion, age, denominations and political persuasion.

It is true what the Chief Minister said, that many of us had not known too much about this great man, which only reinforces his humility and his integrity, and that he did things with no expectations or airs and graces. Clearly, despite the lack of fanfare over this man, he managed to enrich our bank of culture and arts in the community, so I take this opportunity to posthumously thank this talented man for his services to culture and the arts and I congratulate his family for this very deserved honour.

Needless to say, I shall be supporting the motion. Thank you.

Mr Speaker: The Hon. John Cortes.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I rise as the current Minister for Culture to support the motion and I think as I do so I reflect the views of all those many hundreds of Gibraltarians who are active in the arts – the performing arts and the fine arts – and all aspects of culture in Gibraltar.

As a very young child I remember well attending rehearsals of some of his plays, some of which my brother used to take part in, in the old days of Group 56 and St Joseph's Drama Group; and I too knew Elio later in life, mainly from his dramatic performances and from his plays.

I am glad to say that my predecessor and my friend and colleague Steven Linares, when Minister for Culture, visited Elio – I am sure he may want to add something himself – with members and representatives of the Gibraltar Cultural Services and saw the richness of his work and was committed to bringing the exhibition that the Chief Minister opened just a few weeks ago which really revealed the wholeness of Elio Cruz's contribution to what being Gibraltarian is.

I think there might be something more, though, and it may be that we have not seen anything ... One of the things that I did not know is that he was also a keen photographer. Sadly, there were only two or three photographs that were found and formed part of that exhibition. I like to think that, somewhere, someone will in the future find Elio Cruz's photographs and that he still has something to contribute to Gibraltar in the future.

Mr Speaker, what can I say? I think that I reflect the views of all the community in the arts in Gibraltar in supporting this motion. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the Chief Minister's motion? Otherwise, I will ask the Chief Minister to reply.

Hon. Chief Minister: Mr Speaker, I want to thank the whole House for their support of this motion.

I was struck by something that the Hon. Mr Reyes said. I think that *La Lola* has not disappeared just because patio culture has disappeared. I would put it no higher than this: I know many Lolas even today, although there may be fewer patios.

Indeed, what Gibraltarian has not reminded themselves of the title of that play as we have sat on the plane to London, whether we are off for a trip with the family or to negotiate the most important concordats with the Foreign Office? Every time someone goes to London, don't you have that thing in the back of your mind: *La Lola se va pa Londres*? And that is only the pinnacle of this man's work, the most known of this man's work. This was a Mor and Santos immortalising in the local patois 40 years ago, 50 years ago, 60 years ago, so this is highly deserved and I am grateful that this motion will pass unanimously.

Mr Speaker, I should have said also that apart from Gibraltar Cultural Services and Mrs Alice Mascarenhas, Mr Cecil Gomez I think contributed a lot of material for the fantastic exhibition. Mr Gomez in particular has been a collaborator of Elio Cruz for many years.

640 Mr Speaker, I suppose – and if we have different opinions about how people should vote in
this referendum, I suppose we have many different opinions about what I am going to say next –
wherever Elio Cruz is now, *if* he is now, he must be smiling watching 17 Gibraltarians presided
over by another having a discussion about the merits and demerits of him receiving such a
medal. What a fantastic patois we might make in the way that we exchange each other ... What
645 a fantastic plateau for him to write now, wherever he is – if he is – perhaps an even funnier play
than the ones he has left us with already. (*Banging on desks*)

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? Carried.

**Bestowment of Freedom of the City of Gibraltar
on Hon. Adolfo Canepa CMG OBE GMH –
Motion carried**

Clerk: The Hon. the Chief Minister.

650

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:

*NOTES the impeccable track record of public service of the Hon. Adolfo Canepa CMG OBE
GMH;*

*TAKES NOTE of his long service to Gibraltar from the moment he was first elected to the
House of Assembly in 1972;*

*RECALLS that he served as Chief Minister from 1987 until 1988, and as a Government Minister
from 1972 until 1987;*

RECALLS that he served as Leader of the Opposition from 1988 until 1992;

RECALLS that he was Speaker of the Gibraltar Parliament from 2012 until 2019;

FURTHER RECALLS his role as Mayor of Gibraltar from 1976 to 1978 and from 2014 until 2017;

*ACKNOWLEDGES that the Hon. Adolfo Canepa CMG OBE GMH continued to serve Gibraltar in
roles which were often voluntary and unpaid between 1988 and 2012;*

*CONSIDERS that this trajectory of public service is deserving of the highest honour that can be
bestowed by this House in the name of the people of Gibraltar;*

*AND HEREBY therefore bestows the Freedom of the City of Gibraltar on the Hon. Adolfo
Canepa CMG OBE GMH.*

655 Mr Speaker, I think everyone in this House knows the person who is the subject of this
motion and I think we all know him well. There are few in this community who do not know
Adolfo Canepa. Indeed, he is one of those people who is better known to most as Adolfo than he
is as Mr Canepa, and I think that also demonstrates the sort of character he is that engendered
that level of proximity and approachability.

660 I am struck by the fact that Adolfo was first elected to this House in 1972, a very good vintage
it was too. I think that in 1972 the House elected three of the people who went on to serve this
community the most in all our history – indeed four. It elected Joe Bossano, who is still here. It
elected Adolfo Canepa, who was until recently still here after an interruption. And it elected also
Joshua Hassan and Peter Isola, both of whom had already a long trajectory of service and then
went on to continue a long trajectory of service. What a vintage it was. I suppose people look at
us, Mr Speaker, and hope that none of us give as much of that vintage and that we make way a

665 little sooner for others, but certainly in Adolfo Canepa here was a man who went on to serve from 1972 onwards.

I am struck, whenever I speak to Adolfo, by the amount of things that he was able to do in those days courting bipartisan support. Few people will know that pensions and unemployment benefit were creatures of that time in this House and legislation brought to this House at that time. Few people will imagine that today we might be able to do that which Adolfo I think relates in his autobiography and he has often related to me, which was to take a proposal that had been put by Joe Bossano in respect of benefits and turn it into something that the AACR then produced Bills on, and was supported. That relates also to issues in respect of the Employment Tribunal and unfair dismissal etc., that level of bipartisan work.

675 When you look at history and you think of what was happening in those days, of course what sticks in your mind is Bossano versus Hassan, etc. That is the sort of broad-brush history of those moments, but there was a lot going on underneath in the background and Adolfo Canepa was one of the architects and engineers, not to say the midwives, of exactly that sort of positive bipartisan action which leaves us all with a much better community today with those pension provisions that we have, with those social security provisions that we have and with those employment laws that we have. Of course they may have been amended a thousand times since then, but there would have been nothing to amend if that work had not been done in the first place.

685 When Adolfo came to this legislature he came to it from the relative comfort of teaching. Mr Reyes has just reminded us that there are other teachers in this House today. And we have worked with teachers in the context of our post-colonial struggle considerably since the war, Mr Speaker. Dennis Matthews is another person who was a teacher also. But if that was a part of the work with the unions and self-determination, here was a man who chose to come into this House and to leave perhaps a more comfortable existence as a teacher because he felt it was right and proper that he should.

690 Mr Speaker, as we all know, Adolfo found himself holding the post of Chief Minister for a short period between 1987 and 1988. That was a period of great political flux in our community: the time of the Airport Agreement and the issues around that; the end of the argument about the Brussels process in the 1984-88 period, although the Brussels Agreement was to come back as an issue after 1991. This was a time of great political argument and it would have been very difficult indeed for anybody to have led the AACR to victory at that time given what was happening politically, but it shows you that the gumption of the man was there. He was prepared to lead the party even though there might have been little chance that the opinion polls at the time were wrong and that they might win. After that period, he went into a period of service as Leader of the Opposition.

700 He understood that perhaps his partisan political time was passed. He then took on other roles in our community which are not least significant because they were not elected. He was called upon by Joe Bossano, as Chief Minister, to start the work of implementing European Union directives, an issue that had not been brought to anybody's attention before. Sometimes when the debate is had about how many directives were overdue in 1996, little regard is paid to the fact that the existence of directives and the need to transpose them into Gibraltar law had not been brought to the attention of the Gibraltar Government until sometime in the mid-1990s. With Adolfo out of the House, Joe Bossano, his political adversary and close personal friend, thought he had the integrity to do a job for the Government that he had opposed and brought him into Government service. What better demonstration that it was the right choice that despite the change of administration in 1996, he continued to serve Sir Peter Caruana and the GSD in that role throughout their 16 years in government with different levels of involvement.

710 Mr Speaker, when I picked up the phone in 2012 to ask Adolfo Canepa to become Speaker of this House he was, as usual, ready to serve, but he told me something that I think all of us who have dealt with Adolfo know is common in his approach to anything that he does in life, and I am sure that he will have no difficulty with my disclosing that. He said to me, 'I very much want to

do it, let me talk to Julie,' because he understood, as most of us understand, that going into public life – and taking the Chair that you have taken drags you into public life, even if it does not drag you into public argument – is something that requires the support of the whole family. With Julie's support he took the Chair of the Speaker of this House and he has served us with absolute distinction, as all of our Speakers have. He did not always rule in the way that I would have liked, and that is, I suppose, what makes him such a great Speaker. He did not always rule in the way that Members opposite would have liked, no doubt. That is probably what makes him such a great Speaker. Looking at a Speaker and assessing his distinction is not about deciding how many goals you scored or how many goals the others scored, but about the fact that he was a neutral observer of the proceedings and a magnificent referee of the Rules, and he discharged that role until the last election.

During that period when he was Speaker, I also had to call upon him to be Mayor, and again when I picked up the phone with the Deputy Chief Minister to ask Adolfo whether he would once again take on the role of Mayor he did not hesitate to tell me that he would, but he will not mind me disclosing publicly that he said, 'Let me talk to Julie.' In the post of Mayor in particular, the spouse or partner of the holder of that office is called upon to be present and involved in ceremonial functions, so of course that was absolutely right.

And so, Mr Speaker, in the recognition that we are giving Adolfo Canepa with the Freedom of the City of Gibraltar in this House, I generally believe it is going to be one which we will bestow unanimously and with common joy across the floor of the House.

We are also recognising the contribution to public life in Gibraltar of his family and in particular of his spouse Julie, who was supportive of him when he made the difficult choice to leave teaching to go into politics, supportive of him in his role as Minister, supportive of him in his role as Leader of the Opposition, as Speaker and as Mayor on those two occasions. Adolfo often refers to Julie not as his better half but as his better two thirds, and I think he would agree with me that he is just underestimating her a little when he does that! She has our thanks and recognition also in the context of this motion, as do, of course, all of his family.

Mr Speaker, the people of Gibraltar do not have much to give, but when we give it we give it with love and I am sure that we will unanimously want to bestow this Freedom on Adolfo with joy and to demonstrate how much we appreciate the work he has given in his lifetime to Gibraltar.

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.

The Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, we will absolutely and wholeheartedly support this motion.

If I can summarise before I go on to perhaps talk in a bit more detail, I think there are several pillars on which I certainly will regard him: a man who has held all the high offices of state in this community – Chief Minister, Leader of the Opposition and Speaker; secondly, a politician of substance, seriousness and dignity, qualities which are to be admired – not a populist, not someone of populist superficiality, which sometimes you see in the modern era of politics, so often. He was a man who was almost the polar opposite of populist superficiality. He was someone who was serious, dignified and indeed who was always one of substance; a man and a family who suffered deep personal tragedy and carried it with great dignity, and still continued to serve despite those personal tragic blows; and a man who served not just for a few years but for the better part of 50 years, like the title of his book *Serving my Gibraltar*, for half a century.

Mr Speaker, people who may have shorter historical memories may perhaps remember that there was some friction from time to time in the last Parliament, on occasion, when Adolfo was Speaker, but I have to say that that would be to really judge the issue on a very narrow basis and in no way do the Members on this side of the House make that kind of judgement. Irrespective

of what may have been thought on individual issues at the time, it certainly does not overshadow a stellar career of service, which is what Adolfo has contributed to this community and for which we must be deeply thankful. Indeed, this honour is richly deserved, as it was when Her Majesty conferred upon him the honour of not just the OBE but the CMG, the higher honour, more recently.

When I make these remarks – and now I step back into perhaps making some personal observations – I am delighted to be supporting this honour to give Adolfo the Freedom of the City, and I do so from the perspective that certainly ... Well, I was too young for ... I only voted in one election in which Adolfo was on the ballot paper. I regret to say that I did not vote for him in that election, and indeed I say quite clearly that in that election ... Well, the election was in 1988 but I can safely say that I was brought up in a household where my parents and my grandparents never voted for the AACR, so when I make my judgement of his career I do so from that perspective. I come from a family who were not AACR voters and yet I absolutely endorse the comments of the Chief Minister on his great contribution to this society, to our community and indeed the contribution of the AACR that I recognise, of which he was a part of for so many years.

Adolfo was of course – is, of course – much older than I am, so my judgement of Adolfo is to a very large extent historical and from afar, although I did have dealings with him from time to time and if I may just permit myself some personal indulgences and reflections on him, the first time I encountered Adolfo was as a young, nerdy 17-year-old, when I came here with some friends of mine and I sat in the public gallery. The AACR was in, I believe, its last term, or the second to last term it would have been, around about 1983-84 I think it was. I was actually really struck with his impressive performances in questions and answers, batting away the Opposition Members' questions. I thought him then the only impressive AACR Minister, save of course for the Chief Minister of the time. I did think he was quite a performer in this House.

In the same year, during one of those sessions that we had at school where we were all collected into groups and we were all sent off to see Ministers in the old days, I was in a group of five or six students who were sent to see Adolfo in his office, which was then, I think, located where Joshua Hassan House is now. I remember sitting there and we were after his explanation of Government and so on, and he spoke on topics. He then invited questions and I rather impertinently asked him a difficult question on the commercialisation of the dockyard, because that was the topic of the day. My father worked in the dockyard and I thought it was an appropriate question. I am not sure he thought that was a good question to ask him, but he was very nice about it and gave me a very full answer as to the policy that the AACR stood under.

Much later – around 20 years later, I have to say, or 20-30 years later, actually – I had the pleasure of dealing with Adolfo at the constitutional talks with the UK. Of course I served in government when, as the Chief Minister has said, he was part and parcel of what was then the Legislation Support Unit (LSU) and the Advisory Services there.

But I dealt with him a bit more when we had the constitutional talks in London and I had the pleasure, on one occasion I remember, of sitting next to him on the plane to London when we were on the way to constitutional talks, and as it happens of course, with everyone who has served this community for so long and at such a high level, his knowledge, experience and ability to direct and command the discussion on historical political issues was really fascinating. He rather gracefully described me in his book as knowledgeable on the constitution during those talks. It may have surprised him – and I am sure he does not remember – that I was that upstart who asked him that question on the commercialisation of the dockyard. If he had remembered that, maybe it would not perhaps have been such a graceful reflection.

I will of course remember Adolfo, as a politician, as someone who was forthright, serious, thoughtful and clear always, and all major attributes that someone should have in politics. He was, as the Chief Minister has said, a Minister for 16 years. I have said before – I said it during the ceremonial opening of Parliament when we reflected on some comments on Adolfo as Speaker – that they were probably really tough years to be a Minister. No period of being in

government is easy, as the Members opposite know especially because they are in government now, which is not an easy time to be in government; we were in government during joint sovereignty. But Adolfo's period in government, when he was in government at a time with the border closure, with all the pressures that brought to bear, must have been a really hard time to be a Minister providing for the future survival of this community. That was a real test of what you had to have to make this community go forward.

He was a man, I think it is safe to say, and he will not mind me saying, of the moderate progressive centre left at a time when he got involved in politics when the social security, education and health benefits we take for granted were unimaginable. I think that is fair to say. He very graciously used to describe himself, when he did to me a couple of times about his time as Chief Minister... that he would be remembered as a footnote in history. I thought that was not just graceful but it masked in fact, the real achievement that we should remark on, and observe that he is not a footnote, in this community. He has served this community for 50 years with stellar service, and indeed the achievement of someone who gets to be Chief Minister of this community, when only a handful of people have been privileged to serve in that role, should never be, in my view, respectfully, described as a footnote. And indeed his time, albeit short, was the crowning achievement of his ministerial career.

He was clearly someone who was intellectually brilliant and hardworking. He observes in his book that in those days there were only a couple of scholarships that were given to people, so to achieve going to the UK without being privately paid by your parents was a real task, and the fact that he did so was a mark of him as an individual and someone of ability.

He was, of course, a teacher by profession and he brought that to bear, my colleagues say, when he was the Speaker of this House. I did not directly have experience of that, but I am sure that that was so.

He observes in his book that he found it difficult to adjust to being Leader of the Opposition after being in government – and I know that feeling – but after retiring from frontline politics he continued his public service in Gibraltar in several roles, as the Chief Minister has indicated, advisory, mayoral, and then Speaker crowning his long career.

This is a richly deserved honour and it is proudly supported by us all. (*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, as you will well know from your time as Clerk in this House and now Speaker, the majority of motions that are presented to this House are usually contentious and do not enjoy unanimity across the floor. I am therefore extremely pleased to assume that, in this case, this motion will be enjoying the full support of this House and for very obvious and deserved reasons.

To me Mr Canepa holds a very special place in my heart and in my childhood memories, of course, having been a firm co-pilot to my late father when he worked hand in hand with him throughout his political life. My appreciation for the work and achievements of Mr Adolfo Canepa will therefore come as no surprise to this House. With a political journey spanning almost five decades, this great man served as Deputy Chief Minister in my father's Government, later going on to succeed him as Chief Minister on my father's exit from political life.

Mr Speaker, when we think about our own lives and the time given to public service in this very House, most of us expect to be around for a decade, or two at most, and apart from the Father of the House, Mr Joe Bossano, sitting across the floor – a contemporary himself of Mr Canepa, who also has an impressive record of years in public service – few of us will match an entire lifetime dedicated to political life. For that, today we owe Mr Canepa a huge collective debt of gratitude because it is people like Mr Canepa who have been there, through thick and thin, when the chips were up and when the chips were down, to navigate our community through difficult times and to see us through to the other side.

In fact, when we review his political journey, Mr Canepa's contribution to our democratic history is nothing short of outstanding. Mr Canepa, serving as a Government Minister in the days of the closed Frontier, led the revolution of the Social Insurance Scheme by increasing old-age pensions and making the scheme universal. Prior to his taking over the Labour and Social Security portfolio, only industrial workers and low-paid white collar workers were eligible to contribute to the scheme until Mr Canepa made it universal by including those in the private sector. Including everybody in the scheme was indeed a revolution and, coupled with this, he ensured to increase pensions astronomically from £2.10 a week to £6 a week.

Mr Canepa will also be remembered for tying annual increases in pensions to average earnings, directives that we take for granted today but that were pioneered by this good man with true socialist values, just like introducing legislation to protect workers against unfair dismissal, legal pathways that protect workers to this day and were brought about under Mr Adolfo Canepa.

He then went on to bear the brunt of the closure of the dockyard, attending meetings with my late father and the late Baroness Thatcher in London to secure the future of the dockyard, achieving a very beneficial package of aid for our people.

Mr Canepa has dedicated his life to public service from his teaching days right up until a few months ago when he was Speaker of this House, where we have seen him diligently apply the Rules of this House, often through passionate altercations with this most distinguished predecessor of yours, Mr Speaker, altercations and heightening of tensions which I think – I am sure – we will all fondly remember him for.

He has served as Government Minister, Deputy Chief Minister, Leader of the Opposition, Mayor and Speaker, but most importantly he has served as a man of our people for almost five decades. I will therefore proudly and emphatically be voting in favour of this motion to award Mr Canepa this most distinguished honour and I congratulate him and his family for this most wonderful honour and take this opportunity to thank him for his years of dignified service.

Mr Speaker, I also take this opportunity and echo the sentiments of the Chief Minister about his wife Julie and thank her for being his rock and his motivation in delivering his great work to us with the determination and elegance with which he has done so over the decades. This lady has been a clear key factor in Mr Canepa's success and service to our community and she must not go underestimated here today. As the old saying goes, behind every great man is a great woman.

Thank you. *(Banging on desks)*

Mr Speaker: May I also remind hon. Members that he acted as Governor on a number of occasions?

Does any other hon. Member wish to ...? Prof. John Cortes.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, clearly in support of the motion, if I may add some personal observations.

There is the exception that proves the rule and the Hon. Chief Minister said earlier, rightly, that Adolfo is known as Adolfo, rather than Mr Canepa. There are at least two exceptions in this room because both the Hon. Mr Reyes and I were taught by him in Form 2A in the Gibraltar Grammar School, and for us he always has to be Mr Canepa as well as Adolfo.

Mr Speaker, when one recollects one's school career, you remember most of your teachers. Usually, one or two stand out. When I recollect my school career, my teacher was Mr Canepa. He was a firm teacher, he was a caring and understanding teacher and he had the respect and, most important, despite his firmness, the affection of everyone he taught. In fact, as a teenager – a young teenager, I must have been – when I heard that he was standing for election I remember having a conversation with my late father and saying, 'What happens now? Does he have to leave teaching?' I was so upset that he was going to have to stop teaching, but education's loss was Gibraltar's gain.

I also had the honour to work as a civil servant for some years when he was MEDT, as we used to call it – Minister for Economic Development and Trade – and he was also Chair of the Development and Planning Commission. I think I am correct in saying that he was probably one of the first, if not the first full-time Minister in the Government of Gibraltar at a time when this just was not done – so, once again, a pioneer in that.

But above all, Mr Speaker, I have just to comment that Mr Canepa – Adolfo – taught me a lot, a lot more than mathematics and a lot more than Arsenal Football Club, of which he remains a firm supporter. He taught me values, and not just me but many Gibraltarians, and apart from all the contributions in the political world I think his contribution in education and in teaching a lot of then young people, now not so young people, value and even in themselves merit the honour that this House is going to bestow. *(Banging on desks)*

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker.

Yes, together with my colleague Dr Cortes I certainly remember. I could not have put it better myself. He was a strict man but fair, and he did command that respect, I think, even among his colleagues in the teaching profession.

I remember he certainly made my day in I think it must have been 1971. He was one, like myself, of a minority: the supporters of the Gunners. But because Arsenal managed to achieve the double that year ... As deputy head teacher, as he was at the time, he used to stand at the top of the steps in the lower playground and inspect all the boys as we walked up, and we were told off – either you had the wrong colour shirt or tie, but the favourite was sending us all for haircuts, because the fashion in those days was to have much longer hair than now. He actually stopped me there, shook my hand and said, ‘Congratulations, we did it,’ and he made my day, much to the astonishment of my 30 other classmates: how dare this man show affection to people? He was always careful not to single any pupil out, either to reprimand them or to praise them. He was always equal there.

He was indeed a kind man and everything, but he was a sports lover as well. I remember during his early years as a full-time Minister, and in fact during his first term as Mayor, he would often turn up at weekends in the days of the closed Frontier to the Victoria stadium or to the Europa sports ground and sit there casually on a Saturday or Sunday and watch endless hours of cricket. He always had nice words, but very accurate, to comment on you: your bat was not straight enough; you need to practise this, that and the other. As Mayor, he made us in Gibraltar different because the visiting teams would be introduced to him, saying, ‘This is Mr Canepa, the Mayor of Gibraltar.’ They really thought we had brought out the red carpet for their team.

I have one memory as well, having had the shock of my life. I had applied for a rather senior teaching job. It was a full PSC board meeting, and as my name was called and I walked into the interview room, who was there to chair the whole PSC but Mr Canepa himself. My thoughts rushed back to 30 years earlier and I said, ‘That’s it, I do not stand a chance in hell of getting this post,’ but it proves Mr Canepa’s fairness and judgement because he actually gave me the post. So, for that, Mr Canepa, and for your continued unending support ... Like myself, the good and the bad days, we are always behind Arsenal. Thank you for your service to Gibraltar. *(Applause)*

Mr Speaker: The Hon. Sir Joe Bossano.

Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Mr Speaker, I can say that I shared the privilege and the opportunity of being a friend of Adolfo from before politics and from school days. That is to say we are the same age and we were in the same school and we recently have finished up in the same place.

Of course, at the beginning of my involvement in politics everybody used to belong to the AACR. You were either AACR or an independent, and in Devil's Gap Steps we were all AACR. It was indistinguishable from being in the AACR and being in the union because the AACR, in something that is perhaps unique, because ... In most countries, it is the trade union movement that first starts campaigning at an industrial level and then finds that it has to enter the political level to get beyond what they can do within a framework which can only be changed politically. But in Gibraltar's case it was in the reverse direction – the AACR actually created the trade union movement, instead of the trade union movement leading to the creation of a political arm. So the trade union movement here was the arm of the party rather than as was the case in the UK, that the unions eventually decided they had to enter the political arena in their own right instead of lobbying.

The AACR was the left wing of Gibraltar – not just left of centre, it was the left. I think it was a period of time when the main issue, one that has not yet terminated as far as we are concerned, and I think now perhaps even as far as they are concerned since the Hon. Leader of the Opposition shared the view with us when we were speaking from the top of the Casemates car park ... for many years ... It is a battle that has not yet been won and not yet finished, but certainly it is a battle that the AACR led, which was the battle for decolonisation, for self-determination, for the recognition of the Gibraltarians.

Many of the things that made being in politics difficult was precisely the colonial layer and Adolfo was as much a campaigner against colonialism as I was, even though we were on different sides in this House, and we were on different sides in the House initially precisely because of our views on decolonisation. The issue with the position that was being taken by the AACR on the future relationship was going down this route, which was unanimous at one time, with Peter Isola and Sir Joshua both going with the same view to the United Nations on free association or close association with the United Kingdom, and the position then was that the flaw in free association was precisely the ability of the United Kingdom to cut the union, to cut the link.

Free association carried a risk in a situation where, even at that early stage in the 1970s, it was obvious to those of us who were involved that we were being pushed in a direction that we did not want to be, and being in government in the 1970s with a closed Frontier ... Even in 1970, even early in 1972 and 1973, people in London were already planning what was going to happen after 1975, or 1976 or 1977, whenever it was that the dictator next door died, because it was going to happen within a matter of years and they were preparing for what was going to be, from the perspective of the Foreign Office, a different scenario. The defence and the protection of Gibraltar which we had always taken for granted was being put at risk the moment that people saw a need to give comfort to the newly born democracy in Spain in order to ensure that it did not fall back into the hands of a military dictatorship, and that meant that, for the first time, after Franco's death in 1975 Gibraltarians were seen as having to have the defence and protection of their interests put on balance with the need to provide warmth and support to the people on the other side. It was a very difficult time to be in government; I was not in government, I was in opposition.

Of course, on domestic matters the relationship with Adolfo was a very close one. He had been in the trade union movement. He was a school teacher. He came into politics at a time when it was very difficult for working people to come into politics because there was this untaxed allowance which was a sort of pocket money for part-time politicians and the law said that ... As it originally was in the 1970s, practically nobody, other than those in the private sector, stood for election because the public sector included the Ministry of Defence, the DoE, the Government of Gibraltar, the City Council, so you were only able to go into politics in Gibraltar really if you had the ability to be self-employed or you were in the private sector, or you had to give up your livelihood and go in the hope that you got into government and got £750 a year allowance, or stayed in a Opposition and got £350 – not that it made that much of a difference! Of course, in the private sector, as I discovered when I came back, if you were

branded as a Bolshevik you did not stand much of a chance of being offered employment. With a wife and three children, and one on the way, really the only hope available in Gibraltar was the union.

1030 But Adolfo, in our first exchanges in this House, introduced a piece of legislation, which the
hon. Lady has referred to, which is the protection against unfair dismissal, which is the law we
have today, which was being introduced in the United Kingdom by a Tory government as a sop
to the unions because they were introducing negative things for the union and they were
offering something to sugar the bitter pill of the trade union regulations. I remember that was a
1035 speech that Adolfo made. Adolfo said, 'In the United Kingdom it is a right-wing government' –
the AACR in those days was very close to the Labour Party – 'and it is a right-wing government
that has introduced the protection for workers against unfair dismissal as a sugar on the pill of
introducing controls on trade union rights, and we are introducing the sugar without the pill.'
This is how he described the law because in fact the law gave the protection to workers, and our
1040 law was the first law in Europe to protect, because it had been done only in the UK. For many
years, and even to this day, there are places in Europe that do not have laws on unfair dismissal.
In the United Kingdom the period of time has been cut back to six months sometimes under the
early years of Labour and then put back to two years under conservative governments. We have
always had the 52 weeks of the original legislation of 1972. It was introduced in the United
1045 Kingdom in 1972; we introduced it here shortly after, in 1973.

There have been two important pieces of legislation where Adolfo sat on this side and I sat
on that one but we were very close in what we wanted to achieve. In the case of unfair
dismissal, there were a number of things that I proposed to improve the legislation and Adolfo
was quite happy to delay the Committee Stage to sit down with me and discuss how what I
1050 wanted would work. And this was right at the start; we had only been here for a few months. So,
the personal relationship, the personal warmth, the affection we have for each other never got
interfered with by any differences that we might have had politically because we were on
different sides in the House.

There were many occasions in the years of the AACR when the AACR was being pushed, I
1055 think, in an area that they would rather not have been in relation to the Brussels Agreement and
the Lisbon Agreement. There was clearly a background of the difficulties of Gibraltar with a
closed Frontier and the possibility of MoD cuts, and the United Kingdom Foreign Office saying
we have got to move in the direction of getting closer to Spain and talking to Spain.

Many decisions in those years were being taken when the people in government who were
1060 taking them and defending them were not 100% convinced that we should be going in that
direction. Not only do I know that from my personal relationships, but in fact the stuff that gets
published after 30 years in the United Kingdom shows that the people who sat in the Foreign
Office knew that the Gibraltarians were going to be difficult in moving to where the UK thought
we should be moving because Franco was no longer there.

1065 It has always been a problem making people understand, in London, that of course although
no Gibraltarian in his right mind would vote to be put under a dictatorship, apparently 44 of
them wanted to be under a dictatorship in the first referendum, so it is not impossible, but what
is incredible is that 44 people should actually vote to join a government that gave them no rights
at all; people just really voted in the opposite direction.

1070 But they did not understand that if there is a democracy in Spain, it does not alter the fact
that we are a different people with our own identity and our own right. That is the one thing
that is most important about the work we do politically and the most important thing about the
work that Adolfo has done in his life and I have done in mine when we have fought for the things
in which we believed, and that is that this is all about our survival as a people, what we have
1075 talked about recently in the previous motion of granting the Freedom of the City on somebody
who has captured and encapsulated the identity of our people. That is what we are. We are a
people in our own right. We fight with each other, like any family, because we have different
views about what is best for the family, but we can never put the family at risk. The reality of it is

that we serve Gibraltar best when we know that if there are things that are too important for us to have the luxury of falling out with each other and putting what is important at risk, we all are mature enough to realise that we need to make sure the risk is removed; and then, when the risk is removed, we will go and fight each other again.

It is important that we continue to do that because it has been easier to do when somebody like me has been on that side or on this side, dealing with somebody where the fact that we did not belong to the same political party and we had taken different routes was a minor difference in our view – our views on what we should be doing to protect labour, on what we believed on social security, on what we believed on protecting the economy of Gibraltar, and what we believed about defending the rights of our people. The marginal differences were the result, I think, more of reacting to the United Kingdom on where the United Kingdom was pushing us with Brussels and Lisbon and Strasbourg than in anything that was internal. In the internally we were always able to do things in a compromise way because we were not that far apart ever before.

I believe we are doing something that we need to do to thank Adolfo for everything that he has put into getting us where we are today, and I believe that Adolfo would want me to say that we hope that those who come after us will be as committed to our homeland and love our country as much as I know he does and he knows I do. *(Banging on desks)*

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, Adolfo Canepa was a key figure in Gibraltar politics when I first grew an interest in it as a precocious teenager in the late 1980s.

He was appointed Chief Minister following Sir Joshua's resignation in the midst of the politically controversial signing of the Airport Agreement in 1997, but the Canepa administration was to be a short-lived one. As he says, it was just over 100 days from when he was appointed Chief Minister on 11th December 1987 to when he called the election for 24th March 1988, which was won by the GSLP's landslide victory of the Father of the House.

Mr Canepa, as the motion spells out, has held many political positions in Gibraltar, those of Chief Minister, Leader of the Opposition, Speaker and Mayor. For this he should be justly proud, and we are quite properly recognising it in the passing of this motion.

It has not, however – and it has been alluded to by various Members today – been a bed of roses. As anyone will know from either talking to him, as I do very often, or reading his memoirs – which I have here, entitled *Serving my Gibraltar* – in many respects participating in public life represented a huge personal and real sacrifice to him and his family. Again as has been alluded to earlier, he had to give up his job as a teacher, for which he clearly had a passion and he loved, in order to fully enter the fray and become Minister at a reduced salary. I wish to read some of the excerpts from his book, where he talks about this. He says:

Having been told over the phone that Bob Peliza had unexpectedly called an early election, and sensing what the purpose of the meeting was, Julie told me before I left that she supported me fully and that I should seize the opportunity to stand for election since I might later regret not having done so. I therefore agreed when asked by Sir Joshua to stand for the 1972 General Election.

Julie's support was vital. For me, it meant that she would have to continue to teach as the main breadwinner of our family, which then included our three young children. As deputy head of the Grammar School, I had been earning over £1,750 per annum. Even if elected into government, I would only earn £700 per annum as a Minister, less than a labourer, who was earning £13.50 per week at the time. It was a considerable sacrifice in financial terms, apart from the fact that I may never be able to return to teaching again.

Public life and in particular holding ministerial office in the 1970s, as again has been alluded to by the Leader of the Opposition, was far from easy. Not only was Gibraltar operating under a closed Frontier situation, it was also subjected to much industrial strife when the unions were, dare I say, at the height of their militancy. I refer to one particular episode, which the Hon. Mr Isola will be interested to hear, where we saw and experienced in this House the outpouring

of that militancy. If the House will bear with me, this is a book which I highly recommend. I must say I found it very interesting when I read it, now six years ago. It goes:

On 27th September 1974, Sir Joshua, with the support of his Ministers, outrightly rejected the concept of parity, which was also at the time anathema to the MoD, as stated by Roy Hattersley on behalf of the Labour government then in office in London. Soon the local unions commenced a period of intense industrial action ...

– as the Hon. Mr Bossano will recall –

and on 17th December 1974, which happened to be my 34th birthday, a very hostile crowd gathered outside the House of Assembly before the commencement of a meeting. Government Ministers were abused and jostled as we entered the building and the Police had to protect us. The Members of the Opposition had no problems, for they supported parity. Ironically, later that day when all Members were effectively imprisoned in the House by the crowd and stones were thrown, one of those stones broke through a window and nearly hit one of the Members of the Opposition, Mr Peter Isola.

1125 – which I did not know until I read it in the book, so yes, very tough times indeed. One of Adolfo's comments which he has made to me and has stayed with me and has stuck in my mind is when he told me some years ago – I think at the time when Sir Peter Caruana was the Chief Minister – in one of the many conversations I have had with him, that, and he said, 'Gibraltar es ahora facil de gobernar' – 'Gibraltar is easy to govern now', and of course he is making reference
1130 to how difficult it was during that decade of the 1970s.

Then, as political fate has it, despite many years of loyal service as an AACR Minister and Deputy Chief Minister of successive AACR victories in the polls – 1972, 1976, 1980 and 1984 – he only had about a hundred days in the top job. Some say that he should have been given more time in office to bed in and bring his own character into play and perhaps even his own legacy.
1135 An earlier transfer of power may have allowed him to put up a better fight at the election that he was duty-bound to call in early 1988, and we will never know what would have happened had he been given that opportunity slightly earlier.

Mr Speaker, this is the final excerpt I would like to read from the book, which encapsulates the point I have just made:

I couldn't help recalling what J E Triay had told me in front of the Supreme Court shortly after I became Chief Minister:

1140 – and this is J E Triay quoted –

'You have been left holding the candle.' J E Triay and I had buried the acrimony of the 1980 General Election in the past.

And then he goes on and says when he remarked to his father – this is Adolfo's father – what J E Triay had told him, apparently Adolfo's father told Adolfo:

'He is wrong. The candle that you are holding has no wick left.'

I think it really encapsulates what Adolfo went through during that very difficult period in his life.

Mr Speaker, I would like to end simply by saying that all of this, his activity in politics, came at a significant cost to himself, his beloved wife Julie and his then young family, so that in some
1145 measure – and I am sure Adolfo himself would agree – this accolade that we are bestowing on him today goes not only to him but I think also to Julie and his children Hayley, John and Michael.

Of course we will support this on this side of the House. (*Banging on desks*)

1150

Mr Speaker: Does any other hon. Member wish to speak?

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, much of what I am going to say has obviously been said by many hon. Members, but I feel nonetheless it is important to do so and repeat it for the record.

I want to welcome and support the motion tabled by my hon. Friend the Chief Minister, and I do so as someone who has known or heard of Adolfo Canepa almost since I was born. Adolfo is a stalwart of Gibraltar politics. I have no doubt as to the merit of this award and it is something which is extremely well deserved. As the text of the motion spells out, the Freedom of the City is the highest honour that this House can bestow in the name of the people of Gibraltar.

As we have heard, Adolfo has enjoyed a long and exemplary record of public service. He stood for election first in 1972 under the banner of the AACR, won the election and served as Minister for Labour and Social Security, and he was then part of the winning team in four successive general elections: the Big Lie election of 1972, the Hattersely election of 1976, in 1980, and the dockyard general election of 1984. He will be remembered too for his time as Minister for Economic Development and Trade and also as loyal deputy and trusted aide to the then Chief Minister, Sir Joshua Hassan.

Mr Speaker, there are only two Gibraltarians who have served as Chief Minister, Leader of the Opposition and Speaker of this House. Sir Bob Peliza, as has been said, is one of them, and Adolfo Canepa is the other. That fact of history I think says it all.

I also want to touch briefly on his book, *Serving my Gibraltar*. It is, to me, an honest and fascinating account of his life, which covers both the political and the personal. I too had the opportunity of reading it from cover to cover and I certainly enjoyed and thoroughly recommend it as well, because it is through those pages that we learn who Adolfo Canepa is and, in a sense, what Adolfo Canepa is all about. He gave up teaching, as we have heard, for example. He made a very real financial sacrifice when he opted for public service – not easy in those days with a young family. We learned from the book also about the high points, and sadly too about the sad points, the low points that touched his life, the personal and the political.

Mr Speaker, it is obviously to be expected that that contribution was recognised by Her Majesty the Queen with the CMG and the OBE and by this House with the Gibraltar Medallion of Honour because the name Adolfo Canepa is synonymous with honesty and with integrity. He will go down in history as someone who made an important contribution to the shaping of the Gibraltarian identity, to the shaping of who we are today.

A word of tribute to Adolfo's wife Julie: I had the pleasure of being seated next to her recently in a dinner hosted by the Mayor in the City Hall. I was enthralled by the anecdotes she recounted, with some passion, about their early life. I know she has been a pillar of strength by his side throughout.

So, Mr Speaker, I would like to congratulate Adolfo and Julie, their children and all the family, and I am delighted to support this motion. (*Banging on desks*)

Mr Speaker: I now call on the –

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

I start by associating myself entirely with the various contributions that Members of the House have made. They have outlined Adolfo's achievements, expressed them far better than I could ever hope to have done. I just want to add a few words.

I was, of course, Leader of the Opposition for four years when Adolfo was Speaker of the House. I probably had more run-ins with Adolfo than I did with the Hon. the Chief Minister. Chief Minister's Question Time was often 10 paces at dawn, but not with the Hon. the Chief Minister – with the Speaker. As I felt the third supplementary navigate my vocal chords I could see, from the corner of my eye, Adolfo Canepa inching towards that microphone in order to utter the dreaded words 'No, no, no,' followed by the more dreaded words, 'you are debating.'

But what people do not see is the humanity of the man, the encouragement that he personally gave me, the support that he gave me behind the Speaker's Chair, always

1205 understanding, because he was a political animal – because he had sat in that chair as Leader of
the Opposition – that being Leader of the Opposition in Gibraltar is a vital role but it is in fact a
very lonely, difficult role to discharge. He was somebody who – he would not do so if he did not
genuinely believe it – when he felt there was a contribution that I had made, or some other
1210 Member of the bench had made, that was good, he would privately say to me, ‘That was a good
speech, that was a good contribution.’ I always appreciated that because it showed a different
face to the man, and you always appreciate that type of encouragement, particularly from that
type of man, who was a man of immense experience, immense years in politics, and for him to
say you have done well and for him to be privately supportive meant the absolute world to me
at that moment in time.

1215 He was also somebody who – and again I speak very privately about this, from a personal
perspective – also encouraged me to stand at the last election. When I was unsure about
whether I wished to stand or I did not want to stand, he would often have conversations with
me and he was one of the people who encouraged me. He said, ‘You must stand – you continue
to make a contribution to Gibraltar politics and I think it would benefit Gibraltar you standing.’
1220 Again, that is very much something that I appreciate and that will stay with me for the rest of my
life.

Of course, on occasions like this everybody is talking about achievements and about your
record and talking up what you are and what you have done, but when you actually strip away
those words, when you strip away what everybody has said about Adolfo Canepa – rightly,
1225 because he deserves it – he is one of those few individuals who can actually take a step back,
who can sit down and can say, ‘That’s my record and you judge me by my record.’ Not a lot of
people can actually say that, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Albert Isola.

1230

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, very briefly, I have
known Adolfo for a very long time, for different reasons to most of the Members. He was a great
opponent of my father’s, politically, but also a great friend and I think that is reflected in many of
the contributions from hon. Members on both sides of the House today.

1235 For me, there are three words that really tell me what an individual Adolfo is. Substance: he
was always a man who dived into the detail and worked hard, everything he knew was by work
and by commitment and he was a hugely committed individual who put his full effort into
everything that he did, so as a consequence he always had substance. Integrity: he was always a
man of complete honesty and fairness, so I always regard him as a man of total integrity. Above
1240 all else, he was a gentleman to anybody and everybody he came across.

For me to be able to be here today, on a day when we are recognising his achievements and
his contribution to public service, is a privilege and I am delighted to be able to support the
motion by my hon. Friend the Chief Minister. *(Banging on desks)*

1245 **Mr Speaker:** The Hon. Roy Clinton.

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

I was, of course, far too young to have attended the grammar school and had the benefit of
Mr Canepa’s education, but judging from the results it must have been exceptional. Of course, in
1250 1972 I was but five years old and so I was unable to witness the accession to this House by what
can only be called ‘old school’ politicians’. Certainly Mr Canepa has set the bar high: high in
terms of his service to Gibraltar, as he has set out in his excellent book, and high in the sense
that he is always a man of principle. Whether or not I agreed with him as Speaker, he always
held his point of view in a very reasonable manner, I would say.

1255 Mr Speaker, I do feel honoured to actually have been able in this Chamber to have worked
with Mr Canepa, because it is not always often that you get the opportunity to work with people

who will in due course no doubt become pillars of the establishment of Gibraltar and will have their own mythology and legend that will follow them, as indeed no doubt the Father of the House will have in due course.

1260 I first came across Adolfo, funnily enough ... and he probably does not remember it, but certainly I was subjected to the same Liberal Studies classes as the Hon. Leader of the Opposition had in school. I think it was 1985 or 1986, and fresh from a talk, in fact by the Father of the House, in Bayside, where he was espousing his secret economic plan, which ... He never told me what it was, but he said it would not be a secret if he told me. I think it is still the case
1265 today. But fresh from Joe Bossano's talk I, again with the same kind of grouping, was sent to Adolfo Canepa. He must have drawn the short straw for the Government, since he seems to have got all the sixth-formers. I do recall not asking him about the dockyard but asking him, funnily enough, about the points system. I berated him as to why such a system existed and he said, 'Well, it's a matter of quality.' I said, 'Well, how can the Government decide who is a good
1270 or bad student?' I put it to him that it boiled down to money – in, I guess, a precedent of things to come: my obsession with money. But he obviously held his ground and I went off and pursued my own career. He has probably forgotten the incident.

Certainly, Mr Speaker, an award such as this has most certainly been hard earned and is most certainly well deserved and has my wholehearted support.

1275 Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. the Chief Minister.

1280 **Hon. Chief Minister:** Mr Speaker, what a pleasure to hear the House join in support for this important motion to bestow our highest honour on Adolfo Canepa.

I was struck by some of the things that the Hon. the Father of the House said, and Adolfo Canepa is like Joe Bossano: one of those politicians who says, when he is not in power, when it comes to one of the Gibraltar issues, one of the key issues ... They say, as Joe Bossano said, and as he has described the politics of Adolfo Canepa, 'Before they get to him, the Chief Minister of
1285 Gibraltar, they have to get through me.' I will always remember, at the time of joint sovereignty, Joe Bossano getting up and saying that about the ability of the United Kingdom government to get at the then Chief Minister and the then Government, and he is right to associate those sorts of sentiments with the type of politician that Adolfo Canepa is and the way that he attended to the issues that he was dealing with when he became Chief Minister and the politics of the AACR
1290 when he became its leader.

You were absolutely right to remind us also, of course, Mr Speaker, that Adolfo Canepa has been one of the few Gibraltarians who has acted also as Governor. And so, to add simply to the recital of titles that he has held, the positions he has held in this community, not only has he been Leader of the Opposition, Chief Minister, Mayor and Speaker, he has also been Acting
1295 Governor in a short period, in the short interregnum. I think the Hon. Mr Bossino has talked about politics not being a bed of roses. Anybody who has held all of those posts knows that if you want a bed of roses you become a florist, not a politician. Adolfo Canepa has, through the sacrifices he has successively made, demonstrated that he was ready for politics, aka not the bed of roses.

1300 I was also struck, and wished that the admission had been made in cross-examination, by the Hon. the Leader of the Opposition having told us that in 1988 he did not vote for the AACR. From my historical recollection, the only other parties standing at that election were the GSLP and the Independent Democratic Party. If it had been a cross-examination, Mr Speaker, the next question would have been: which of the other two did you support? He is gesticulating towards
1305 the Father of the House, from which I will take it that the witness is admitting to having voted GSLP. If that is the case, Mr Speaker, I have to bring to bear ... I know this should not be about us, but the hon. Members opposite so often make it about themselves that I am going to fall into the trap of now bringing into the equation my own experience of Liberal Studies with Adolfo

Canepa, which was a shared experience with the person who did not stand for the leadership of the party opposite, Mr Speaker.

In 1989, when Adolfo Canepa was leader of the AACR, Joe Bossano was incumbent Chief Minister and Peter Montegriffo had formed the GSD, all three of them came to see us and I asked a question – that has since been referred to by Members of the other party – of Joe Bossano in relation to tobacco and I asked similar questions of Peter Montegriffo and Adolfo Canepa. I also asked Adolfo Canepa how he felt about the GSD and about Peter Montegriffo having left the party. He said, ‘Well, with Hassan and Montegriffo in the same building, they are obviously working together in the creation of this new party,’ feeling very betrayed, and I was always struck by those words.

So, Mr Speaker, given what Adolfo said, if the successor in title of the AACR is the GSD, then the Hon. the Leader of the Opposition is leading the party he voted against in 1988! *(Laughter)* There is no jury, Mr Speaker, this is not a cross-examination, but such is the history of Adolfo Canepa in the political comings and goings over those periods that he was key to what happened thereafter.

Mr Speaker, I do not think it is possible for me to withdraw support for a motion I have brought myself, but the Hon. Mr Feetham, as usual, brings me to the brink of those issues when he tells me that Adolfo was responsible for persuading him to stand for election again! *(Laughter)* I knew he was a kindly man, but I did not quite know how kindly he was.

But he is, of course, absolutely right to remind us that there were times at Question Time when Adolfo was Speaker when all of us felt the strength of Adolfo’s view as to where debate should happen and where the questioning should happen, and very often I was not allowed to have my own 10 paces at dawn with the hon. Gentleman, which he and I, I know, looked forward to with our respective – his red, my blue – light sabres, because of Adolfo’s view that debate had to happen in another part of the proceedings. I think he has got us into that discipline. **(A Member: Yoda.)** He is too tall to be Yoda. He has got us into that discipline and now I think we have learnt that debate is not for Question Time. Therefore, again his influence on the procedures of this House I think has been great.

The Hon. the Deputy Chief Minister referred to what it is that Adolfo’s life has been synonymous with, and he gave a number of examples, I think, from my own contribution and the reason for my bringing this motion – which I prepared with the Deputy Chief Minister and he is co-author of this motion ... Adolfo’s name is synonymous with service: service to this community, service to this Gibraltar, to ‘my Gibraltar’, as he calls it, to our Gibraltar, as it is for all of us.

I think the one thing we have not said yet is that he also agreed to chair the Commission on Parliamentary Reform and prepare the report on that, which was a responsibility he took after the 2011 General Election. He quickly turned that around, and that was a very useful instrument which we are now going to, I hope, take further in the Select Committee.

Mr Speaker, of course, something has been said in the last contribution which I cannot agree with. The Father of the House will not one day be a huge legendary figure. The Father of the House is a legend in his own political lifetime, and there are very few who can achieve that. The Father of the House loves being talked about, as we all know, loves being praised and will love my reminding the House that he does not need effluxion of time to be legendary. Of course there was a debate in 1988 about a secret economic plan, but the secret economic plan cannot be secret to anyone anymore because it was implemented from 1988 to 1996, so I am surprised that some still refer to that as a ‘secret’ economic plan when it is lying in plain sight. That is just, I think, an important correction of the record.

Mr Speaker, I think everybody who has spoken during the course of this debate has spoken from the emotion of affection for the subject of this motion, Adolfo Canepa. I think he is recognised as one of the great Gibraltarian politicians. I think he is recognised as a giant of this community and as such it is right that this community should bestow on him the greatest honour that we have in our gift to bestow, which is the freedom of this fair city of ours. I am

grateful for the support of all Members of the House for this motion and I commend the motion to the House. (*Banging on desks*)

1365 **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? Carried.

BILLS

FIRST AND SECOND READING

Imports and Exports (Amendment) Bill 2019 – First Reading approved

Clerk: Bills – First and Second Reading.

A Bill for an Act to amend the Imports and Exports Act 1986. The Hon. the Deputy Chief Minister.

1370 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that a Bill for an Act to amend the Imports and Exports Act 1986 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Imports and Exports Act 1986 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1375

Clerk: The Imports and Exports (Amendment) Act 2019.

Imports and Exports (Amendment) Bill 2019 – Second Reading approved

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

1380 Mr Speaker, the Bill before this House today is a consequence of our departure from the European Union. This is one of a number of Brexit-driven legislative measures which are designed to protect the position of Gibraltar going forward. It will also provide flexibility and speed on matters that have to be processed urgently. I explained during the debate on the European Union (Withdrawal Agreement) Bill that the Government was working to provide an alternative international legal framework for Gibraltar outside the European Union. In other words, the existing framework, which is based on EU law, would be replaced by a wider framework which is based on other international agreements and conventions. This policy is taking place across the board. The Bill before the House today is part of that strategy.

1385 Mr Speaker, clause 1 of the Bill contains the short title. I give notice that this will need to be amended in Committee Stage. The date says 2019, and that should be amended to read 2020.

1390 Clause 2 says that the Act comes into operation on the day of publication.

1395 Clause 3 sets out an amendment to section 129(f) of the Imports and Exports Act 1986 by inserting a new subsection (g). This will provide a mechanism for the Government to implement international agreements, conventions and any other international obligation. I should add that this relates only to imports into and exports from Gibraltar, the imposition and collection of customs duties and related matters.

Mr Speaker, I commend the 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 the Bill?

1400 **Hon. K Azopardi:** Mr Speaker, it was not particularly obvious what this was for. It was a very one-section Bill, and what the explanatory memorandum really just repeats is what is in the clause, but the purpose behind it was not obvious.

Can I just ask the Member to clarify, if he can: is this related simply to consequential issues as a result of maybe the withdrawal agreement or Brexit arrangements? Is it related to the MoUs specifically? Can he give us a bit more guidance? He has been quite generic in his presentation, and the Bill and the explanatory memorandum do not really assist in any way in helping us to understand.

On this side of the House we do not want to place hurdles where there are not any, so perhaps it can just be dealt with as a clarification – and if he can clarify, then we will have a good understanding of the objective behind this.

Hon. Deputy Chief Minister: Yes, Mr Speaker, there are a number of international conventions – Council of Europe Conventions, for example – related to the transport of goods and relating to customs matters and customs issues. Some of those conventions have been extended to Gibraltar already but they have not been given legal effect in Gibraltar because our membership of the European Union did not require us to do that. But now, as we leave the European Union, we need to ring fence and protect certain areas, the manner in which goods arrive in Gibraltar, and the mechanism that we have chosen to do that is these international conventions which we would like to implement.

Without going into more detail, because I think it may not be wise to do so publicly, the gist of it is that there is an international legal framework relating to the transportation of goods, the movement of goods across the border and customs procedures, which we would like to implement in Gibraltar as a result of our departure from the European Union. If we had not left the European Union, it may not have been necessary to do it.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his clarification. *(Interjection)* No, that is true. Was that a reply, or –? *(Interjection)* Sorry, then I will ...

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Imports and Exports Act 1986 be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Imports and Exports (Amendment) Act 2019.

**Imports and Exports (Amendment) 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.

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

**Freedom of Information (Amendment) Bill 2019 –
First Reading approved**

1440 **Clerk:** A Bill for an Act to amend the Freedom of Information Act 2018. The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that a Bill for an Act to amend the Freedom of Information Act 2018 be read a first time.

1445 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Freedom of Information Act 2018 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Freedom of Information (Amendment) Act 2019.

**Freedom of Information (Amendment) Bill 2019 –
Second Reading approved**

1450 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that the Bill be now read a second time.

Mr Speaker, this House unanimously approved the Freedom of Information Act 2018. I explained at the time that other countries which have adopted this legislation usually saw a gap of several years between its approval and its commencement. The reason for this is that the public administration needs to prepare for the implementation of the Freedom of Information regime.

1455 Mr Speaker, the Government has been told by the Information Commissioner that there are now three Government Departments ready to be listed in the Schedule. However, before that happens, the Government has been advised that there is a need to amend the Act and to bring it up to date in a number of important areas.

This Bill, as the explanatory memorandum makes clear, amends references to the Data Protection Act 2004 and includes references to the General Data Protection Regulation, which is Regulation EU 2016/679. It also amends the consequential amendments made by the Act.

1465 I also give notice now of two minor amendments which I will be moving in Committee Stage: the first, in clause 1 of the Bill, where again 2019 must be changed to 2020; the second is to remove the inverted commas in the full stop at the end of clause 3(6)(b).

Mr Speaker, I commend the Bill to the House.

1470 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Freedom of Information Act 2018 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1475 **Clerk:** The Freedom of Information (Amendment) Act 2019.

**Freedom of Information (Amendment) 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.

1480 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading, the Hon. the Chief Minister.

1485 **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: the Imports and Exports (Amendment) Bill 2019 and the Freedom of Information (Amendment) Act 2019.

In Committee of the whole House

**Imports and Exports (Amendment) Bill 2019 –
Clauses considered and approved**

1490 **Clerk:** A Bill for an Act to amend the Imports and Exports Act 1986.
Clause 1.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Chairman, this was the amendment of the date from 2019 to 2020.

1495 **Mr Chairman:** Clause 1 as amended stands part of the Bill.

Clerk: Clauses 2 and 3.

Mr Chairman: Clauses 2 and 3 stand part of the Bill.

1500 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Freedom of Information (Amendment) Bill 2019 –
Clauses considered and approved**

1505 **Clerk:** A Bill for an Act to amend the Freedom of Information Act 2018.
Clause 1.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Chairman, again amending the year from 2019 to 2020.

Mr Chairman: Clause 1 as amended stands part of the Bill.

1510 **Clerk:** Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

1515 **Clerk:** Clause 3.

Hon. Deputy Chief Minister: Yes, Mr Chairman, clause 3(6)(b) removing the inverted commas after the full stop at the end of the clause.

1520 **Mr Chairman:** Clause 3 as amended stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Imports and Exports (Amendment) Bill 2019 –
Freedom of Information (Amendment) Bill 2019 –
Third Reading approved: Bills passed**

1525 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Imports and Exports (Amendment) Bill 2019 and the Freedom of Information (Amendment) Bill 2019 have been considered in Committee and agreed to with amendments, and that they should now be read a third time and passed.

1530 **Mr Speaker:** I now put the question, which is that the Imports and Exports (Amendment) Bill 2019 as amended, and the Freedom of Information (Amendment) Bill 2019 as amended be read a third time and passed.

1535 Those in favour of the Imports and Exports (Amendment) Bill 2019? **(Members: Aye.)** Those against? Carried.

Those in favour of the Freedom of Information (Amendment) Bill 2019? **(Members: Aye.)** Those against? Carried.

ADJOURNMENT

1540 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is the last opportunity that we will have to meet before the referendum of 19th March. The Government has agreed that the meeting of the House next month, which is March, should be the week after the referendum, not the week of the referendum, which is the third week of the month, and so I now move that the House should adjourn *sine die*, knowing that next month we will be meeting in the fourth week rather than the third week of the month.

1545 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*. I now put the question, which is that this House do now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn *sine die*.

The House adjourned sine die at 6.19 p.m.