



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4 p.m. – 4.50 p.m.

Gibraltar, Monday, 10th May 2021

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The Gibraltar Parliament

The Parliament met at 4 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 10th May 2021.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 16th, 24th and 25th September, 16th and 30th
5 October, 19th November, 10th, 18th and 21st December 2020, 15th January, 5th and 25th February, and 16th, 17th, 18th, 19th, 22nd and 23rd March 2021.

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

10 *Mr Speaker signed the Minutes.*

ANNOUNCEMENTS

Tribute to HRH the Prince Philip, Duke of Edinburgh

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

Chief Minister (Hon. F R Picardo): Mr Speaker, given that this is the first meeting of the
15 Parliament since his passing, I would just wish to reflect for a few moments on the death of the Duke of Edinburgh, Prince Philip.

Her Majesty's Government of Gibraltar and the people of Gibraltar were greatly saddened by the announcement on 9th April of the news of the death of His Royal Highness. Prince Philip has always had an interest in Gibraltar. He visited in November 1950 for the inauguration of our predecessor Chamber, the then Legislative Council, and on several other occasions. When he was
20 here opening the Legislative Council, he was explicitly supportive then of the strengthening of the institutions of self-government in Gibraltar. I dare say that the development of our democracy and the emergence of this Parliament and its enhanced jurisdiction and powers are a demonstration that successive Governments of Gibraltar and the people of Gibraltar have lived
25 up to the challenge set for us all by the Duke at the birth of Gibraltarian representative democracy in this place.

The Duke personally berthed the Royal Yacht *Britannia* alongside in the dockyard on the final stretch of his Arctic Adventure, as it was known, and he remained on the Rock for 10 days. How fitting that the United Kingdom is now likely to commission a new Royal Yacht in his memory.

30 His Duke of Edinburgh Award Scheme touched the lives of many young people in Gibraltar and around the world. I know that many in Gibraltar are very grateful for the establishment of that scheme and have benefitted greatly from it. The continued work by His Royal Highness the Earl of Wessex in respect of the award scheme will therefore be as welcome in Gibraltar as it will be elsewhere in the world. In 1991 the Duke of Edinburgh personally piloted the aircraft in which he
35 flew into Gibraltar Airport for a visit to celebrate the 25th anniversary of that award scheme. As we all know, personally piloting an aircraft into Gibraltar Airport sounds horrendously scary and difficult – although I welcome back to Parliament today the Hon. Gilbert Licudi, who has done the same thing himself on more than one occasion.

The Duke of Edinburgh was also Admiral of the Royal Gibraltar Yacht Club, something else
40 which cemented the Rock's links with him. And, of course, as Commandant General of the Royal Marines, a position the Duke held for decades, he wore the cap badge of that corps, which so prominently features the word 'Gibraltar' on it.

Every time I had the privilege of meeting the Duke of Edinburgh, here and in London, he
45 recounted positive recollections of his many times on the Rock. The last time I spoke to him, he was keen to ask about the fortunes of our people and he had fond words of recollection of the Convent, where he stayed on his many visits to Gibraltar.

Mr Speaker, the condolences of all her loyal subjects in Gibraltar have been expressed in
writing by me to Her Majesty the Queen. I therefore now propose that after any other tributes
50 that hon. Members wish to make, the successor in title to the Legislative Council that he inaugurated 71 years ago should hold a minute's silence on behalf of His Royal Highness the Duke of Edinburgh.

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

55 **Hon. K Azopardi:** Mr Speaker, I entirely associate myself and Members on this side of the House with the comments made by the Chief Minister on the sad passing of His Royal Highness Prince Philip, the Duke of Edinburgh. It is appropriate, because today is the first moment and the first time that we sit since his passing, that we should make these remarks and read them into the record of *Hansard*.

60 We did say at the time, of course, that the Duke was an amazing friend of Gibraltar, a friend who showed his friendship and deep affection for the people of Gibraltar over many decades, dating, as indeed the Chief Minister has said, right back to his presence at the opening of the Legislative Council in 1951. His association with that event was not a simple attendance at any other function. This was not, as he joked, one of his plaque unveilings. This was a moment where
65 he decided to be associated with a significant event in the self-governance of this community, and by virtue of that, and in doing so at a time when we had a dictatorship in Spain, he was giving his royal backing to the process of self-government of the people of Gibraltar. That is an important milestone and an important fact for people to reflect on, that here was the Duke of Edinburgh, the husband of the Queen to be, giving such royal support to an important moment in our history.

70 As the Chief Minister says, it did not stop there. His Royal Highness was indeed a friend of Gibraltar through a long period of time, and on this side of the House we were also deeply saddened to hear of his passing. It was a passing that was mourned across the Commonwealth, across the British people, and no doubt also, absolutely the loss could not have been felt stronger by Her Majesty, who lost a lifelong partner of more than 70 years. On this side of the House, we
75 add our support and comment into the record of *Hansard* for the passing of someone who was such a loyal and deep friend of Gibraltar.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

80 From my corner of the House and on behalf of my party, Together Gibraltar, I, too, wish to extend my condolences to the Royal Family, Her Majesty and the entire British family.

Prince Philip was the longest-serving British Royal Consort, the oldest ever male British royal and the third longest-lived member of the British Royal Family. Many were touched by Prince Philip in his long life of service, not least the people of the Rock, who flocked to see him parading
85 down the streets of Gibraltar in defiance of threats by the Spanish fascist administration across the border at the time. This show of support touched our community profoundly and we believe that it won our people over to the royalist cause.

The Duke of Edinburgh's solidarity with British Gibraltar was notable ever since, having visited on a number of occasions throughout the years, the last one being May 1996, which many
90 Gibraltarians still remember very fondly and which was, again, in spite of objection from the Spanish government. Indeed, Gibraltar expressed its thanks for his friendship on the occasion of his retirement from public duties in 2017, and that is a testament of his loyalty to the Rock.

Prince Philip leaves behind a rich legacy, which includes the work of the Duke of Edinburgh Foundation, an institution which has inspired and empowered many of our young Gibraltarians
95 with its values of solidarity and self-improvement.

I would like to add that I was also deeply touched to see how Gibraltar paid tribute the day after his death with a 41-gun salute, with images filmed by our local broadcaster and carried around the world as part of our great British family of nations alongside London, Glasgow, Edinburgh, Cardiff and Belfast.

100 I wish to convey my deep condolences, especially to Her Majesty the Queen, who has lost not only her husband but also her partner of seven decades, who had been with her through thick and thin through the ages.

Thank you very much, Mr Speaker.

105 **Mr Speaker:** The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I, too, welcome the opportunity to say a few words on the sad passing of His Royal Highness Prince Philip, the Duke of Edinburgh.

110 It is an open secret that members of the Royal Family have always demonstrated a high degree of affection, commitment and attachment to Gibraltar. Indeed, this matches the same level of respect and affection that we in Gibraltar have for the Royal Family. His death at the age of 99 was felt here, in the UK, in the Commonwealth and also across the planet, and it impacted on the young and also on the old, for the monarchy is a powerful symbol of security, of stability and of continuity. It encapsulates what it means to be British in a volatile and fast-changing world, and
115 this matters to us here. That is why the Duke's death had a profound impact on Gibraltar, and we are proud, as the hon. Lady has said, to mark the event at the same time and to the same degree as our counterparts in the UK national capitals, London, Edinburgh, Cardiff and Belfast, as members of the British family of nations.

In this very Chamber, in November 1960, as my hon. Friend the Chief Minister has said, the
120 Duke addressed our forefathers, the very first Members of the very first Legislative Council. It was a truly historic occasion in more than one way, one which carried with it also important consequences: first, the Duke set in train a series of events that have led to the degree of self-government and self-determination that we enjoy today, 71 years later; and second, that visit, and specifically the opening of the Legislative Council, marked the real start of General Franco's
125 campaign against Gibraltar. Within weeks, the regime encouraged protests outside the UK embassy in Madrid as the right-wing press fanned the flames of anti-Gibraltar sentiment. Therefore, our own history and the Duke's own life are inextricably linked. It says much that he had no hesitation in coming to Gibraltar again and again, and he was always welcome.

130 Mr Speaker, I echo the sentiments of condolence expressed by my hon. Friend the Chief Minister and also by my colleagues across the floor.

Mr Speaker: The Hon. the Chief Minister.

135 **Hon. Chief Minister:** Mr Speaker, I now invite the House to observe a minute's silence in honour of the life of Prince Philip, the Duke of Edinburgh.

Members observed a minute's silence.

Hon. Chief Minister: Thank you.

PAPERS TO BE LAID

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the renewed facility letter of the revolving credit line facility for £150 million from Gibraltar International Bank Ltd, as lender, to Her Majesty's Government of Gibraltar, as borrower.

145

Mr Speaker: Ordered to lie.

Standing Order 7(1) suspended to proceed with Government Bills

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

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

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

Order of the Day

BILLS

FIRST AND SECOND READING

Referendum (Amendment) Bill 2021 – First Reading approved

Clerk: (ix) Bills – First and Second Reading.

155 A Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for the making of regulations for voting at referendums and the procedure to be followed in connection therewith. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for the making of regulations for voting at referendums and the procedure to be followed in connection therewith be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for the making of regulations for voting at referendums and the procedure to be followed in connection therewith be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

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Clerk: The Referendum (Amendment) Act 2021.

Referendum (Amendment) Bill 2021 – Second Reading approved

Chief Minister (Hon. F R Picardo): I have the honour to move that the Bill now be read a second time.

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Mr Speaker, before I start, I should just confirm to the House that I have certified this Bill as urgent and as one that should be dealt with before the expiry of six weeks since its first publication. The reason for that is to ensure that our referendum law is amended in time for the coming referendum in June in a way that enables us to carry out that vote with the additional protections against the pandemic that we want to see.

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I am grateful in particular for the work of the Clerk of the House in reviewing this legislation and proposing these changes to the Government. Mr Martinez has been instrumental in our preparation of this work. He has focused his approach on modernising the framework of our law and bringing into line procedures for voting in parliamentary elections with those with voting in referendums. Additionally, the Clerk has also liaised with Members across the floor on the reasoning behind his proposed changes to the legislation. The work required to achieve the publication of this Bill is therefore a testament to both Mr Martinez's experience and his ability. It is also a testament to how highly regarded he is by Members on both sides of the House, given that he is able to engage with all on the detail of a legislative proposal, as he has. I am minded to ask him to do the same piece of work on more controversial Bills in the future.

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Moving on now, and not to further embarrass Mr Clerk, as the explanatory memorandum sets out, the purpose of this Bill is twofold. Firstly, it removes from the main Act which is being amended all provisions regulating the procedure for the registration of voters, enabling voters to vote in person or by post or by proxy, establishing the various forms to be used by persons and generally for all practical matters relating to the organisation, administration and conduct of referendums. Additionally, it gives the Chief Minister specifically the responsibilities of the Minister under the Act, and with that responsibility the power also to make regulations governing all such matters and providing for extended postal and proxy voting also.

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Clause 2 of this Bill establishes that the Act will commence on the date of publication. This is more important in this instance and in this Bill than it might be in respect of most Bills. For the reasons I have already referred to the House as to the reasons for my abridgement of time for the taking of this Bill, we want to ensure that this Bill becomes an Act and is in effect and commenced before I, as the Minister now to be designated under the Act, have to sign the referendum notice, which can be no less than 40 days before the referendum due on 24th June.

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Mr Speaker, the third clause contains the meat of the amendments to the Referendum Act with the following new provisos.

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Section 2 of the Act is amended by introducing a new set of definitions to reflect the amendments to the Act. Those include the definition of the Chief Minister as the Minister with

responsibility for referendums, and the other relevant definitions, such as the definition of a voter, a register, etc.

205 Section 8(2) is amended by the inclusion of references to regulations, thus ensuring legal standing for the regulations which we are going to make under the Act.

Section 9(1) is amended to make reference to the Referendum (Voting) Regulations 2021, which will be made under this Act.

210 Parts 4, 5, 6, 6A, 7 and 8 are then deleted, as these parts have been amended and transposed into the new regulations that will be made.

A new section 10(1) is inserted to provide for the suspension of any regulations made pursuant to section 83 of the Act in the event of an emergency as defined by section 10 of the Civil Contingencies Act being declared by the Minister by notice in the Gazette. We now know that these eventualities under the Civil Contingencies Act, which we have legislated for so many times
215 in the past and which seemed so esoteric, are not just theoretical possibilities. Hon. Members will recall that we agreed to suspend the referendum on the Crimes Act – which we will now hold next June – just one week before it was due to be held last year, on the basis that the civil contingency had been declared.

A new Part 4 will set out the format for the report that the Referendum Administrator has to send to the Minister on the organisation, conduct and results of the referendum. The original report has been amended because the information it required the Referendum Administrator to give apparently breached the current incarnation of our data protection laws.

220 Section 61(1) deals with how secrecy is to be observed, and that is amended by the insertion of references to subsidiary legislation as well, which will bolster that right of secrecy of the voter.

225 Section 62 creates an offence if there is a contravention of the regulations.

Section 65 provides for the application of the offences of bribery to regulations created under the Act.

Section 66 is amended to cover subsidiary legislation which will be provided also.

230 Section 70A is inserted to create an offence if someone provides false information in connection with an application made for the purposes of this Act or any subsidiary legislation made pursuant to section 83 of the Act.

Sections 72 and 73 are amended to cover subsidiary legislation which has changed.

Sections 77 is amended to allow for the provisions of this section to be applicable to regulations also.

235 Section 78 is amended to reflect the new provisions of the Act and regulations and defines places of abode.

Section 79 is amended to provide for subsidiary legislation made under section 83.

Section 81 then is amended to cover subsidiary legislation also.

240 Section 83 sets out regulation-making powers and prescribes that any new regulations shall be laid upon the table in Parliament.

And, finally, of course, the Schedule is amended by the deletion of now irrelevant forms under the Act.

245 Mr Speaker, the work that we are going to do in amending this Act is going to modernise it and make it easier for people to register their desire to vote in a referendum, and is going to make the work of voting also more modern and easy. Therefore, I commend the Bill to the House with my renewed thanks for the work of the Clerk and his staff in the preparation of this Bill.

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

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Hon. K Azopardi: Mr Speaker, I am grateful.

I have been away from my Twitter feed for the last 30 minutes, so I am not sure if I should, first, before I launch into my speech, congratulate the Hon. Mr Licudi on re-joining the Government

255 front bench. If so, and if I have been forlorn in not congratulating him, well then, those are my congratulations.

Mr Speaker, we will support the Bill. As the Chief Minister has indeed noted, the Clerk, with some skill, has been able to explain to Members on this side of the House the purpose and indeed the nitty gritty and granular effect of the changes that have been proposed. They were sent to us in draft on a couple of occasions. I had a long discussion with him and one of his deputies in respect of the detail and we are satisfied that what is being proposed is simply to, in effect, transplant large measures of the legislation as it exists now and then transplant them into subsidiary legislation, and indeed to back these up with a more dynamic ability to respond to events in the event that a situation should arise, which no one wants on either side of this House, that should intervene with any referendums in the future. So, we are satisfied that the process, and indeed the amendments that are being carried out, are in line with measures that Members on this side of the House can support.

I did, in my discussions with the Clerk, suggest a couple of points, one of which was taken on board in a sort of shuttle diplomacy between the Clerk and those on that side of the House. There was another that was not, but I will just repeat it, and then I just want to explain it, because of course it was outwith the work of the Clerk and therefore is not something that fell within the ambit and scope of what he had been asked to do, which was simply to carve out the provisions and place them into subsidiary legislation to the extent that they dealt with the mechanics of the voting.

Section 83 allows the Minister – the Chief Minister, as now defined – to introduce regulations in relation to the voting at referendums. Let me put it that way. What I did suggest, and I suggest again to the hon. Member opposite perhaps for him to reflect on and comment on, is that the Chief Minister's power to introduce regulations governing the voting and affecting the voting in a referendum should be after consultation with the Leader of the Opposition, whoever the Leader of the Opposition should be at the time, because of this point. Under the guise ... as the Chief Minister has given emphasis, there is an attempt to modernise this framework and I would say to the hon. Member this: that it is not normal to subject ministerial power in the introduction of regulation to any kind of consultative method, but there is exceptionally the decision to do so, and we have done so previously, during COVID, in relation to public finance measures, but I would say to the hon. Member opposite that in relation to elections and referendums, method of elections and method of elections at referendums, the same should be the case.

The hon. Member opposite will say to me that under the Parliament Act, the Minister's powers to introduce regulations are not caveated by the fact that he has to consult the Leader of the Opposition, but what I would say to him is that when and if the Parliament Act is modernised, it should also carry that out because this is a longstanding piece of legislation and the view certainly that I express on behalf of Members on this side of the House is that when it comes to introduce regulations that govern the method of voting at elections or referendums, it is appropriate that we take a more bipartisan approach simply to the issue of the introduction of the regulations.

That does not mean that having heard Members on this side of the House, the Minister's powers to introduce regulations are in any way affected. It will simply mean that the Minister cannot introduce regulations without first consulting Members on this side of the House, and I would ask the hon. Member to perhaps reflect on that because we believe that if there is a desire to modernise this, it is indeed a modernisation that I would commend to him, that would reflect a more bipartisan approach to the introduction of regulations that would affect elections, and indeed, so that those regulations should never really be introduced, I would say to the hon. Member, on a basis other than without prior consultation with Members on this side of the House.

With that slight caveat, which I would ask the hon. Member to reflect on, I certainly agree that the learned Clerk's efforts should be commended and confirm that we will support the Bill.

Mr Speaker: The Hon. Marlene Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

As I understand it, this Bill has some technical changes and amendments in light of new requirements, largely associated with COVID-19, and technical, logistical and practical needs to make some changes. I just indicate that I will be voting in favour of the Bill and I take this
310 opportunity to thank in advance the Clerk of Parliament and his staff and wish them good luck in the next couple of months, which will no doubt be extremely tiresome and taxing for them. I wish them much good luck and thank them for their work.

Thank you, Mr Speaker.

315 **Mr Speaker:** Does any other Member wish to speak on the general principles and merits of the Bill? Otherwise, I will ask the Hon. the Chief Minister to respond.

Hon. Chief Minister: Mr Speaker, can I thank hon. Members for their contributions?

Can I just comment, given the way that the Hon. the Leader of the Opposition started, by
320 remarking how pleased I am to see that we are back in our usual positions. We have been able, in this House, as so much throughout our community, to return not just to what we might have referred to as a semblance of normality but actually return to what is very largely normality, and indeed we have come back to our usual sitting positions in this House, which means that Mr Licudi sits amongst us, just like the greatest Gibraltarian of all time – as he is referred to by some, not by
325 me – when he was a backbencher, continued to sit at the only bench which is available in this House. So, I do hope that the Hon. Mr Azopardi was making his remarks out of mischief and out of a desire simply to continue to see Mr Licudi in this House, as I am delighted to continue to see him amongst us.

On the issue of section 83, the Hon. the Leader of the Opposition has referred to the House
330 one of the proposals that he made to the Government, but not the one which we accepted. The Hon. Leader of the Opposition proposed two changes to the legislation: one to the legislation before this House, which is the primary legislation; and another change to the secondary legislation, which are the regulations. Both of the changes were of the same order, in other words that the Government should exercise a power only after consultation with the Leader of the
335 Opposition.

The position of this Government is that such a clause can be accepted in most instances and is one that should be accepted unless there is a good reason why it should not be accepted, because what it does is, whilst there is a Government which is collegiate, it brings about the opportunity for the collegiate work of the Parliament to be seen through in those bits of legislation which have
340 these requirements. The hon. Member knows that he has found an open and willing door with me whenever we have had the opportunity to consider issues together in his capacity as Leader of the Opposition, and we have worked well together, I think, in that way that is self-evident, during the course of the pandemic and on other issues as well. The pandemic is what I have described, and I think probably others more eloquently than me, as a life-changing event and probably a
345 planetary event, and we worked together during that event, even in respect of matters where there was no provision in the legislation that we had to work together, but his instinct and my instinct was that we should work together, and we did work together.

That clause, however, is a clause that can also be observed in its breach. There have been Chief
350 Ministers who have considered the words ‘after consultation with the Leader of the Opposition’, where they appear in a text, to be almost read as ‘after calling the Leader of the Opposition and telling him what I am going to do’, which, as he knows, is not my attitude. It is not my attitude in the context of where the clause appears and it is not my attitude where the clause is not in the legislation and where it is possible for us to work together. So, the Deputy Chief Minister and I considered this issue and we agreed that the hon. Gentleman’s proposal in respect of the powers
355 contained in the regulations should contain that caveat.

We were a little more cautious about the principal Act. The hon. Gentleman knows that what we are trying to do is ensure the same conditions apply to referendums as apply to general

elections. The Parliament Act, which was our elections Act, comes from, ironically, 1950. We were talking earlier about the Duke of Edinburgh being here when we had our Legislative Council. It is one of the original Acts of the people of Gibraltar in legislation that we are talking about mirroring, ironically; one of our oldest Acts, which we are now talking also about modernising in the context of its replication for referendums. That Act was considerably modernised after the 2006 Constitution, and the position that hon. Members gave us in the Parliament Act when they amended it after the 2006 Constitution was not to include a reference of this sort in respect of the regulation power. The hon. Gentleman says to us, 'We believe that ...' Well, Mr Speaker, the party that they represent in government believed that there should not be such a clause.

As I have said to the House before, I have a strong and positive relationship with my predecessor, which I think is important in the context of democracy, and I pledge that whoever my successor will be will enjoy the benefits of a strong relationship with me also, but unless hon. Members are saying that they were wrong in government when they modernised that Act and that we therefore need to learn from their mistakes in that respect, it does not make sense to say that this is a necessary way of reforming the Referendum Act in order to make it in keeping with the Parliament Act when the Parliament Act was not amended to contain this provision.

Having said that, a change to the manner of voting is something that, certainly whilst I am in office, I will want to reach across the floor of the House to do with hon. Members. That, I think, is self-evident, because that is exactly what we are doing today. We are doing, today, that which by power I will be able to do in the future without consulting, because of the absence of this clause under the Act, but with consultation under the regulations. And what have we done? Without that clause in the legislation, indeed even before we have put legislation, I have agreed that the Clerk should speak very openly and very candidly to hon. Members opposite and he should put the draft of the legislation to hon. Members, so that we could take their views on it.

I think that is a demonstration that a lot of the work that needs to be done at a collegiate level between Members of Parliament does not need to be prescribed in legislation; it needs to be in the instinct and in the gut of the parliamentarian. I think it is not to give anything away that the hon. Member has that instinct in his gut, and he has demonstrated it during the course of the pandemic, and that I have it too, and that our guts have met and have been able to work together on many of these issues, and that the shuttle diplomacy of the hon. the Clerk was challenging, but it was not the *Challenger*. The shuttle did not explode. It found a good conclusion in the suggestion that we would accept for the regulations.

It is also true that referendums in our community are sometimes not just about issues where there are differences of opinion which need to be tested in a plebiscite in this context, in the context of the Crimes Act as a result of a manifesto commitment of the party that won the election that there would be such a referendum. They can sometimes be about things on which we agree, and in that context, where there is a referendum of the sort that is not about a social issue, that is not about an issue that is being tested by a government or indeed by a parliament – because the notice would be from the parliament – where we are going for a message that has to be sent on behalf of the people of Gibraltar in respect of something as sacrosanct as the sovereignty of Gibraltar, then we believe that it should not be a necessary requirement that this aspect of consultation be provided for there, although I have no doubt that there will be private communications between any Leader of the Opposition and any Chief Minister at the time, because I do not believe that we will find ourselves with people represented in this House who would want a different conclusion to that sort of plebiscite that might relate to issues that relate to sovereignty.

Having said that, of course, hon. Members' positions in this particular referendum, the Crimes Act referendum, have ebbed and waned. I have heard them campaign against a referendum. Then I have heard them campaign in the referendum. And I have even heard them argue against and berate those who are talking about a referendum not being necessary, in very negative terms. So, the hon. Gentleman opposite will forgive me for thinking that, in particular in relation to this referendum, I have to be careful not to put anything in their hands, or goodness knows how they

410 might try and scupper the whole thing, even though they are now committed to being involved in
the thing. But, as their positions have changed so drastically throughout, in the context of it, I
think it is probably better for us to continue with the Act as proposed. He has, as he knows, a hand
of co-operation and collegiate working together offered from me in respect of any changes that
415 reference to a requirement for consultation. I would commend that attitude to anybody who were
to hold the distinguished office of Chief Minister.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the provisions of
the Referendum Act 2015 to provide for the making of regulations for voting at referendums and
420 the procedure to be followed in connection therewith be read a second time. Those in favour?
(**Members:** Aye.) Those against? Carried.

Clerk: The Referendum (Amendment) Act 2021.

COMMITTEE STAGE AND THIRD READING

Referendum (Amendment) Bill 2021 – Committee Stage and Third Reading to be taken at this sitting

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage
425 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 now?

430 **Members:** Aye.

In Committee of the whole House

Referendum (Amendment) Bill 2021 – Clauses considered and approved

Clerk: A Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for the
making of regulations for voting at referendums and the procedure to be followed in connection
therewith.

Clauses 1 to 3.

435 **Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

440 **Mr Chairman:** The long title stands part of the Bill.

**Referendum (Amendment) Bill 2021 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Referendum (Amendment) Bill 2021 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Referendum (Amendment) Bill 2021 be read a third time and passed. Those in favour of the Referendum (Amendment) Bill 2020? **(Members: Aye.)** Those against? Carried.

Standing Order 7(1) suspended to proceed with Questions

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

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

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

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I now have the honour to move that the House should adjourn to Monday, 17th May at 3 p.m., when we will start dealing with the Questions.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday, 17th May at 3 p.m.

I now put the question, which is that this House do now adjourn to Monday, 17th May at 3 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn to Monday, 17th May at 3 p.m.

The House adjourned at 4.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.50 p.m.

Gibraltar, Monday, 17th May 2021

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The Gibraltar Parliament

The Parliament met at 3 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*]

SUSPENSION OF STANDING ORDERS

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

Clerk: Meeting of Parliament, Monday, 17th May 2021.
Suspension of Standing Orders. The Hon. the Chief Minister.

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

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

Testing of UK arrivals – Statement by the Chief Minister

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

Chief Minister (Hon. F R Picardo): Mr Speaker, may I start my intervention this afternoon by wishing all the best to our Jewish community on the festival of Shavuot, which is the festival of the Harvest and the Law. I am grateful to the hon. Lady for joining us today despite it being her festival, although she will not be an active participant in the proceedings. She has my apology that we have to meet today to get through the business of the House in the third week of the month.

15 This year, our Jewish community is able to celebrate, as our Muslim community did Eid, with a much more normal situation. We celebrate in that way, together, not just the religious festival, but also the closer normality that we all crave and in respect of which Gibraltar is the envy of the world, thanks to the work of so many.

20 I am also happy to confirm the arrival last night of more vaccines in Gibraltar, after huge efforts by colleagues in the FCDO and Convent in Gibraltar after myriad logistical challenges were getting in the way of their transit to Gibraltar. Indeed, the success of the vaccination programme has been such that yesterday we saw the first day of zero cases across the board in Gibraltar since July last year. We will have more cases in future, no doubt, but this is an important milestone for Gibraltar.

25 Today we have seen the first arrivals from the United Kingdom of flights which will benefit from Gibraltar being on the UK's green list for air travel. We are delighted at the advent of this moment. Air travel between the United Kingdom and Gibraltar is not just about tourism. Given our unbreakable and almost filial link with the UK, travel between us is about families reuniting; it is about the social aspects of our relationship, about business and trade, and also about tourism.

30 The high level of vaccination in the United Kingdom and the complete adult vaccination in
Gibraltar also made the re-establishment of an open air corridor very safe. For that reason, we
had hoped and advertised that arrivals from the UK would not require testing on arrival in
Gibraltar. Alas, this morning the Government has had to take the tough decision to continue
35 testing all arrivals from the United Kingdom. We said before we would not require a PCR test for
those arriving from the UK, and that will still be the case. The testing required will be a lateral flow
test on arrival.

But the fact is that after many months of good news, falling COVID cases and the most
successful vaccination campaign in any large nation in the world, the Prime Minister, Boris
Johnson, has alerted the public to the onset on infections of what is referred to as the Indian
40 variant in the UK. There is even comment of the potential for England's full relaxation of rules in
June to be in jeopardy because of the potential of greater pressure on the NHS if the variant takes
hold. This thorn in the plans is one of the variants of coronavirus that has emerged from India,
which is referred to as B.1.617.2. For the first time this weekend the Prime Minister has referred
to the advice from scientists advising the UK government who are now confident it does spread
45 more easily than other variants.

This morning I met with the GHA's Consultant Microbiologist, Nick Cortes, to discuss these
issues, as he had also raised these concerns directly with us yesterday. Also with me were the
Deputy Chief Minister, the Minister for Tourism and Transport, the Ministers for Health and Public
Health and our magnificent Civil Contingencies Co-ordinator. From the advice we received from
50 Dr Cortes it is clear that the expectation is that the variant will become more prevalent than the
so-called Kent variant.

The UK is clearly, therefore, in a race between the virus and the vaccine. The much awaited
easing of restrictions in the UK today, coupled with a more transmissible variant, will mean that
the virus will move even faster. There is still no clarity about exactly how much faster the B.1.617.2
55 variant spreads. The UK government's Scientific Advisory Group for Emergencies says there is a
realistic possibility it could spread 50% faster. There are some higher estimates of 60% of greater
speed of infection from India itself. Anything that is more than 40% more transmissible than the
Kent variant could once again unleash issues of resurgence of hospitalisations if the variant is
resistant to vaccines.

60 For us, it is more about potential resistance to the Pfizer vaccine in particular, as the vast
majority of our population have had that inoculation. There is no clear science on that yet.
Dr Cortes has today referred us to anecdotal evidence of two cases of hospitalisation in the United
States, where the Centre for Disease Control reports the cases appear to have had full Pfizer
inoculations. One case appears to have been reported in the United Kingdom of a post-vaccination
65 hospitalisation with the Indian variant. But the data is not yet reliable and the science is not yet
there.

We therefore need to be cautious in our approach and remain vigilant in the regime we have
in place for arrivals at Gibraltar Airport. It is in that context that the Government has today acted
in keeping with the advice we have received from Dr Cortes. Given the concerns expressed by the
70 Prime Minister in the United Kingdom and the advice we have received from Dr Cortes, the
decision was taken by a ministerial sub-committee to continue testing arrivals with a quick lateral
flow test. This decision was later ratified by the full Cabinet at this morning's session. We took the
decision to vary the Cabinet decision in the committee to ensure that we were able to give effect
to it by 11 a.m. today upon the arrival of the first British Airways flight. The Cabinet fully agreed
75 with our decision based on the logical consideration of the advice received. The ratification was
therefore a unanimous consensus.

The test that will be required will be an instant, lateral flow test. Our position remains that no
PCR test will be required on arrival. There will be no charge to the arriving traveller. This will
continue whilst more information on the effect of the Indian variant is assessed. The application
80 of the precautionary principle must prevail, Mr Speaker, whilst we will continue to be as
welcoming of our kith and kin from the United Kingdom. Thank you.

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

85 **Hon. K Azopardi:** Mr Speaker, I am grateful for the hon. Member's Statement, and on this side
of the House, at least speaking for myself and the Members I represent, of course in the context
of medical and public health advice, as the Chief Minister has indicated, we welcome the decision
taken. Indeed, there had been, already, some discussion in Gibraltar about the difference between
90 what had been assumed was the position hitherto, after the Chief Minister's intervention on Sky
News that people arriving from the UK would not be tested, but that it was clear, from the UK's
own measures on the green lighting of different territories, that that was not the case for anyone
going over to the UK. And so you had that dichotomy, that people who were flying to the UK from
Gibraltar would be tested, but that perhaps people flying from the UK to Gibraltar would not be.
That has been clarified today, for the reasons the Chief Minister has given.

95 I have some questions that perhaps the hon. Member would be able to clarify for me. The hon.
Member says that the test will be a lateral flow test, as opposed to a PCR test. There will be people
listening to this debate who will not understand the difference. Perhaps the hon. Member can
explain why the medical advice is that it should be a lateral flow test and not a PCR test.

100 Am I right in understanding what he has just said, which is that the lateral flow test will be
applied on arrival in Gibraltar? Or is it that they do a lateral flow test before departing the UK?
Obviously that would be a difference. Presumably, if they are positive, they would not board. If
they are tested on arrival, they will have to go into self-isolation and ruin the seven days' package
tour in the Caleta Palace, but clearly that would have to be the effect of it.

105 When he says that it will be at no cost to the passenger, is there a cost for the supply of the
lateral flow, or is it that the Government is supplying the testing and lateral flow; or is it that a
third party is supplying the lateral flow system test? If so, if there is a cost to the Government, is
there an estimate? And who is burdened with that cost?

110 And then two more questions arising generally from the Statement, and also perhaps it would
be good for the Chief Minister to clarify: is the Government intending to introduce I assume
regulations under the civil contingencies rules providing for these matters? And is there a
requirement for someone to be vaccinated for them to fly to Gibraltar under this sort of reciprocal
green-lighting system? And does the Chief Minister, in his discussions with the medical professions
that he has indicated today ...? I know he has given some indication of vaccine effectiveness, and
115 I believe he said that the jury is out on the issue – or words to that effect, without using that
phrase – but is there anything more that he can share with us on that, or is it that ...? I have also
seen speculation the other way. I have seen speculation that the COVID Pfizer vaccine is resistant
to the Indian variant, so is it that, because we are in a period of uncertainty, the measures are
being taken because it is uncertain, or rather it is being taken because there is some kind of school
of thought that there might be an issue in respect of the Indian variant?

120 I would be grateful if the hon. Member can clarify those issues.

Mr Speaker: The Hon. the Chief Minister.

125 **Hon. Chief Minister:** Mr Speaker, I do not know how much of my Statement the hon.
Gentleman missed. I think that some of what he asks I dealt with before he arrived, but I am
grateful that the House is not divided on this issue and that both sides seem to be in agreement
as to the importance of taking this position.

130 The hon. Gentleman started his intervention by saying that he had noted that there had been
discussion in Gibraltar about the fact that there was going to be a different regime to access
Gibraltar than there would be to access the United Kingdom. In other words, on return to the
United Kingdom from Gibraltar, as indeed on return to the United Kingdom from every other
country in the world, an arriving person would be required to have a PCR test – and I believe it is
within 72 hours of arrival and ensuring that is negative – whilst that would not have been the case
in the context of arrivals to Gibraltar. Well, that is something that has been known for some time.

135 We made the announcement that you would not require a PCR test to come to Gibraltar some
two to three weeks ago, and that is not an issue that has been raised at all with the Government
in the past by hon. Members. I know that they are trigger happy and they raise issues at a
moment's notice when they think it is appropriate, so the fact that they have not raised that in
140 the past I would assume is a demonstration that they realised that it was not something that would
have been necessary or expedient.

In answering the other point the hon. Member raised, I think I demonstrate the fact that it
would be neither necessary or expedient – *[Coughing]* I do really recommend an expectorant,
Mr Speaker, when it gets to that level – because, as I have said publicly before, the fact is that we
have an open border, as we wanted to have and we have fought to have, with the European
145 continent and the Schengen states, and we are seeing already almost 15,000 people come through
that Frontier every day, not all of whom, of course, are vaccinated cross-frontier workers, and we
hope we will see more people arriving through that Frontier, whilst at the Airport, until now, we
may have seen 80 or 200 people a day, and with the green corridor would be additional flights –
more flights than we have ever had before, to more destinations than we have ever had before,
150 thanks to the magnificent work being done by the Minister for Tourism – but we might have a few
just shy of 500 or 800 arrivals today. So, really, one has to ask oneself, epidemiologically and
politically, if you have an open frontier with the European continent and you have 15,000 people,
at least, coming through every day and you are not testing them, whether it makes
epidemiological or political sense to require testing on arrivals from the United Kingdom.

155 The integrationists in the House will obviously have a view, and that view would necessarily
suggest that the political aspects of this require a careful consideration. The epidemiological
aspects I think would trump any political consideration, but they have not been relevant because
the advice we had, when you put it in the balance, was clearly pointing you towards realising that
you were receiving from the United Kingdom from a general population which has already seen
160 60% of its adults receive at least a first dose, versus a European continent where the first doses to
all adults are, at best, in the 20%, so the risk analysis there would point towards not doing the
testing at the Airport.

What has happened in the past 24 to 48 hours is that the British Prime Minister has received
advice which he has immediately shared about the growth of the Indian variant in the United
165 Kingdom, which shows that the exponential growth is faster than the Kent variant. There is one
distinguishing factor that we must bear in mind in the context of the United Kingdom, and it is
that the ability to detect the Indian variant seems to be more readily available in the United
Kingdom. Indeed, I can share with the House today that we have now done all our testing and
verification, and we will now be able to verify genomically, ourselves, what virus we find in
170 Gibraltar. So, the United Kingdom can do it and Gibraltar can do it. We will be able to do it now in
the space of 72 to 96 hours. In the European Union there is the ability to do it, but that ability is
not as well spread out through the whole of the Union. But the European Union has not had flights
from India for some time, whilst the United Kingdom had an open air border with India, subject
to quarantining and testing etc., for a little longer. So we do face now, and we have faced in the
175 last 48 hours, the advice that actually epidemiologically you now have the issue that the Indian
variant is more likely to come from the United Kingdom than from the European continent. That
is the reason why we have introduced the need to test.

Of course, when I say 'introduce the need to test', in answering another one of the hon.
Gentleman's questions, all we are going to do is roll over the regime as it was last night when the
180 Airport closed. So, this morning, the Airport was not going to require a test on arrival. Yesterday,
it required a test on arrival, or, alternatively, a negative PCR within 72 hours of arrival, which an
individual is always able to do. What we are going to do, therefore, is continue the regime at the
Airport as it was last night and, in doing so, what we will be offering will be the lateral flow tests,
which are the tests that we have been offering at the Airport.

185 There is a difference between a lateral flow test and the PCR tests. Hon. Members will know
that, depending on the PCR test, it can be much more precise. Some of them can be very precise,

some less precise, but a PCR test is the more precise type of test. A lateral flow test is potentially less precise. You require more of the antibodies and you require more of the virus in order to show up on the lateral flow test, but it is the sort of test that is done to ensure protection from those who are likely to be able to pass on the virus because they have the viral load at the level required to be identified by the lateral flow tests. We have been advised that a lateral flow test is more than sufficient to be used for these purposes, and the system will be exactly the same as it has been until now. In other words, when you arrive at Gibraltar Airport, you will have 24 hours to test and you either do it literally at that moment or you can come back and do it.

I want to emphasise for hon. Members that this is the position that we have had throughout the period where we have had the air bridges in place, but with the air corridor closed. That is to say this is the system we have had in place when the United Kingdom had much lower levels of adult first doses and therefore more prevalence of virus, and this has worked very well for us at the Airport. Now that the United Kingdom has much less virus and more prevalence of adult first-dose vaccinations, and indeed now surge vaccination in areas where the Indian variant is detected, we believe that this is absolutely the right approach. In other words, not to become more stringent, but to continue the position that we have had in place until now.

The hon. Gentleman said, 'Well, if that is the case, people who arrive in Gibraltar and test in Gibraltar may find that they have to spend time in isolation in Gibraltar if they have tested positive.' That is absolutely the correct position, but it would have been the correct position anyway, in the sense that those who arrive in Gibraltar will have to take a test in order to be able to go back to the United Kingdom, and if those tests were found to be positive they would have to stay in Gibraltar in isolation and miss their flights to the United Kingdom on return and rebook. Nobody is pretending that travel is going to be easy whilst we are still having to deal what we might wish to call the aftereffects at least of the pandemic. But of course there is nothing to stop anyone taking a test before arriving in Gibraltar. Anybody can choose to do that if they do not want to find themselves in the situation of having to be in isolation when they get to any particular holiday destination. They could do worse than isolating at the Caleta – or any other one of our magnificent hotels – which the hon. Member mentioned.

In terms of cost, there will be no cost to the Government because the Government has ensured that in the context of the structure of the charge that we put in place for the tests on return to the United Kingdom, which we have fixed at £30, we have provided sufficient to cover all the administrative costs of carrying out those tests and the ability to have included a lateral flow test on arrival, if necessary, to be covered by the cost of the UK requirement of a test for the return to the United Kingdom. There will be regulations under the Civil Contingencies Regulations to cover for this eventuality.

Additionally, there is no requirement that somebody who comes to Gibraltar should have been vaccinated. The discussion has not really centred around a requirement for vaccinations for arrivals, either in Gibraltar or anywhere else in the world. The discussion is whether vaccination might eventually – because the co-ordination of those international vaccine passports has not yet been finalised – exempt you from testing requirements. So, proof of vaccination might be tantamount to being able to show a negative PCR within the required period for entry. There is no requirement, as far as the Government is aware, for travel to the United Kingdom, that somebody should be vaccinated, and there is certainly no requirement of vaccination for access to Gibraltar, and the Government certainly would not support that being the case. The kite that the hon. Member has flown I think is misguided for one reason in particular, which is that we certainly have no requirement that somebody who is accessing Gibraltar through the land frontier should be vaccinated, and so we would be very loath indeed to require somebody who is coming from the United Kingdom to us to be vaccinated if we are not making that requirement to somebody arriving to us from Spain or the rest of the European continent.

The question of the effect of vaccination on the Indian variant is one on which I said that science was still at large and the advice is not yet there. There is anecdotal evidence of people who have the Indian variant .2. There are three Indian variants, .1, .2 and .3. The .2 has given rise

240 to a number of cases of apparent hospitalisation in those who have been vaccinated. The data is
as yet very anecdotal. I referred the House to two cases reported to us by Dr Cortes from the
United States and one case in the United Kingdom, but that is not sufficient to be able to make a
scientific assessment, as far as we are advised. We do not make the scientific assessments. We
are told by the scientists that that is not sufficient yet to be able to make a scientific assessment.
245 It is expected that perhaps in the next 14 to 21 days it will be possible to have a better view of
what the effect of the vaccination is on the Indian variant of concern. There is a suggestion in
some newspapers and in some other news outlets that the vaccinations are 95% to 97% effective
against the Indian variant of concern, which would suggest the same level of immunity provided
by the vaccination as against the Kent variant and the first of the coronaviruses that we are dealing
with, but that data is not yet reliably there.

250 The hon. Gentleman therefore said to me, 'Is this provision due to the uncertainty, or is it
because there is some other concern, or the data is not there?' Well, all of that is what creates
the uncertainty, and for that reason we think that a test for which travellers will not be charged,
which is a test that will produce a result within five minutes and which will enable those arriving
to take the test when they arrive or within 24 hours – as has been the case until now, I emphasise –
255 is, we think, absolutely the right test to require now on arrival into Gibraltar until we have better
data and science in respect of the Indian variant, and when we do, I very much look forward to
once again being able to say that testing will not be required on arrival into Gibraltar.

Because the Government of Gibraltar had made these statements before and it is only in the
last 24 hours that we have received this information, we additionally do not believe that it would
260 be right to add any charge whatsoever to those coming to Gibraltar from the United Kingdom. It
is for that reason that we will not charge, although we are confident that the cost of the test to
leave Gibraltar will cover us via the bureaucratic cost experienced both on the arrival and
departure testing.

Mr Speaker, I hope I have dealt with all of the questions I have been asked by the hon. Member.

265

Mr Speaker: Papers to be laid, please. (*Interjection by Hon. E J Phillips*) All right, proceed.

Hon. E J Phillips: Mr Speaker, I am grateful.

270 I just wanted to ask one question about the consistency of the messaging coming out from
No. 6 and the timing. The Chief Minister talked at the end of his reply to the Leader of the
Opposition about this information just being received, but quite clearly notice about the variant
B.1.617 and .2 and .3 was given to the United Kingdom back in October 2020, and on 21st April
2021 the United Kingdom had approximately 1,800 cases of that variant in its sub-variant
divisions. The Chief Minister, on 5th May, in a number of TV appearances on Sky News and BBC
275 announcing to the world and inviting and promoting Gibraltar as a tourist destination – which all
of us, of course, congratulate him for doing – did obviously confirm that PCR testing was not
required and effectively there would be unregulated international travel to our shores, inviting
the rest of the British family to descend on Gibraltar in their thousands in order to assist us in our
recovery and assist those businesses that have been hard hit by the pandemic. But, as the Chief
280 Minister will know, on 5th May, when he gave that statement, there were over 1,800 cases of this
variant, so the Government must have been on notice –

Mr Speaker: I think you should please put your question.

285 **Hon. E J Phillips:** Mr Speaker, I really do not understand why I am not allowed to develop a
question.

Mr Speaker: Your preamble has to be concise. We have talked about this before. You ask the
question, you seek clarification, you do not bring in other matters, for the simple reason that it is
290 not permissible. Ask the question. Clarify. It is for clarification purposes only.

Hon. E J Phillips: Mr Speaker, this is a subject of public importance and of interest to members of the public, and indeed people who will be coming to our shores to spend their time here. I will make the point very briefly as follows.

As the Chief Minister knows, on 5th May, Prof. Adam Finn, who is a member of the United Kingdom's Joint Committee on Vaccination and Immunisation, said:

Unregulated international travel can be very dangerous indeed.

He told Sky News:

We certainly got our hands very comprehensively burned when large numbers of people returned from holidays in Europe with the virus and set the pandemic going

Mr Speaker: You need to ask a question –

Hon. E J Phillips: I am asking one, Mr Speaker.

Mr Speaker: – on the Statement the Chief Minister has made. Please resume your seat now.

Hon. E J Phillips: Mr Speaker, I will ask the question.

Mr Speaker: Right.

Hon. E J Phillips: Mr Speaker, how does the Chief Minister reconcile the fact that on 5th May 2020, when clearly the Gibraltar Government must have been on notice of thousands of cases of the Indian variant and the fact that the medical advice being received about unrelated travel, the Government made statements about having no testing coming to our shores of many thousands of tourists? Now the position appears to have changed, and I just would like to understand from the Chief Minister why he was making statements back on 5th May, when he had the scientific information surely available to him.

Hon. Chief Minister: Mr Speaker, as Leader of the House, I would like to apologise to you for the intemperate way in which you have been addressed by the Member who has just sat down. I represent all Members of this House as Leader of the House, and I think all of us owe you the very greatest of respect at every time, in particular when we disagree with you, and that is how all games which involve a referee must be played.

The hon. Member has read to me from a public source of information that which it is alleged by him was said on 5th May, or a date around then, by a member of the Joint Committee on Vaccinations in the United Kingdom. Obviously, unless he has just read that now, he would have had that information available to him, but I did not hear him, or any other member of his party, raise with me publicly or privately, after I made the announcement on Sky News that testing would not be required into Gibraltar, that perhaps we might be acting in a way that was not prudent. In fact, although the Opposition appear these days – at least, the official Opposition appear these days to be prepared to believe anything at the drop of a hat, apparently with that information in hand they did not seek to persuade the Government to include a requirement of testing, so I am surprised that now the hon. Member seems to think that it makes sense to raise those issues.

As far as the Government is concerned, we have been entirely consistent in what we have said throughout, because everything we have said has been caveated by the fact that we might need to change our positions. Indeed, hon. Members will know that Portugal, at one stage, had indicated it would be open to British travellers on 17th May, once they were put on the British green list. They then withdrew the fact that they would be open to arrivals from the United Kingdom as from 17th May, and then, 72 hours later, put themselves back on the list of those who would be receiving travellers from the United Kingdom. So, this is a situation where the only

345 consistency that there is in the world at the moment is the inconsistency that the virus visits upon
us, and we have to be fleet of foot in the way that we are dealing with those things. The
Government is acting not based on information that one scientist may put out there in the context
of an interview with one particular news agency; we are acting based on the advice of our
scientists and the information which is made officially available from Downing Street. That is why
I emphasise to hon. Members ... I do not know whether any of them read a newspaper yesterday,
350 but *all* the front pages yesterday were about exactly that issue. But I emphasise it was yesterday.
In the last 48 hours, the United Kingdom has started to say that there are issues with the Indian
variant of concern, in terms of how quickly it replicates, whether it replicates at 40% faster, 50%
faster or 60% faster than the Kent variant. Those are the issues that have led us to make this
decision.

355 When it comes to consistency, the key question is whether hon. Members opposite are going
to demonstrate that they are consistently going to be supportive of the Government and Gibraltar
wanting to receive as many tourists as possible. Or are they going to be consistently shown up for
wanting to do anything or say anything that might somehow embarrass the Government? After
the last intervention, Mr Speaker, is very clear Mr Phillips falls into the latter category, not the
360 former.

Mr Speaker: I would ask the Leader of Opposition, in future, to rein in Mr Phillips, because I
am not going to tolerate Mr Phillips challenging me whenever he wishes. I would ask you to bear
that in mind. I am a reasonable person, but I will not have the Hon. Mr Phillips challenging
365 everything I say – not everything, but lots of things I say. It is absolutely unacceptable.

We now move on.

Hon. K Azopardi: Mr Speaker, can I not respond to Mr Speaker, given that ...?

370 **Mr Speaker:** If you are going to respond in the affirmative and that you are going to support
the Speaker, fine.

Hon. K Azopardi: Mr Speaker, I always support the Speaker; I think I always do.

I think we are all reasonable people in this House. There are times when tempers fray. The hon.
375 Member to my right was seeking to put a question forcefully. We hear what the Speaker said
about it, and of course we always defer to Mr Speaker's ruling – Mr Speaker, knows that – but,
equally, Members on this side of the House must have the ability to try to at least persuade
Mr Speaker that certain questions should be put. The fact that tempers fray happens on both sides
of the House, it is not just on this side, and that is a reality, but we certainly hear, loud and clear,
380 what Mr Speaker has said.

Mr Speaker: I am grateful to the Leader of the Opposition.

PAPERS TO BE LAID

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

385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have never been able to persuade anyone,
except my children, by raising my voice with them. (**A Member:** Hear, hear.)

I have the honour to lay on the table the Referendum (Voting) Regulations 2021,
the Crimes (Amendment) Act Referendum Regulations, and the Gibraltar Annual Policing Plan for
2021-22.

390 **Mr Speaker:** Ordered to lie.

Questions for Oral Answer

HOUSING, YOUTH AND SPORT

Q1/2021

Gibraltar Amateur Athletics Association – Provision of facilities

Clerk: (viii) We now proceed to Answers to Oral Questions. We commence with Question 1/2021, and the questioner is the Hon. E J Reyes.

395 **Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Sport say what alternative sporting venues are being provided for the Gibraltar Amateur Athletics Association during the period of non-availability of athletics facilities at either Lathbury Barracks or the Victoria Stadium?

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

400 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Gibraltar Amateur Athletics Association continues to use the track at the Victoria Stadium and has commenced using the track at the Lathbury Sports Complex.

405 **Hon. E J Reyes:** Mr Speaker, at the time I posed this question the Athletics Association had been informed that, due to works that were going to be carried out by the Football Association to the stadium, they would not be able to use the track. Does the Minister know whether those works have now been completed and therefore they are back to normal, or they have been delayed? My understanding was that the track there was not available.

410 **Hon. S E Linares:** Mr Speaker, they are delayed, and on top of that they asked whether they could use part of Lathbury, and we are allowing them to use Lathbury as well. So, the Victoria stadium is being used, as well as Lathbury.

415 **Hon. E J Reyes:** Thank you for that, Mr Speaker. Did the Minister say 'part'? From my last visit to Lathbury, I do not think the whole circuit was available. Perhaps he can enlighten us as to what actually is available.

420 **Hon. S E Linares:** Yes, Mr Speaker. Due to the works that, as the hon. Member says, are going on in Lathbury, there are only parts that can be used, so we have managed to allow them the part that is called the back straight in Lathbury, because that is not being used and is okay. They have checked it. We have checked with the contractors so that they can safely go there. It is to do with the fact that they have some competitions coming up, and we have allowed them to use that because parts of the Victoria had problems, as the hon. Member knows.

425 **Mr Speaker:** Next question.

Q2/2021
Housing pre-list –
Number of applicants

Clerk: Question 2. The Hon. E J Reyes.

430 **Hon. E J Reyes:** Can Government provide updated details as to how many applicants are currently on the housing pre-list, showing the dates when they first joined this list?

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

435 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, there are currently 169 applicants on the pre-list, broken down as follows: five applicants applied in May 2020; nine applicants applied in June 2020; 13 applicants applied in July 2020; 12 applicants applied in August 2020; 23 applicants applied in September 2020; 25 applicants applied in October 2020; 18 applicants applied in November 2020; 25 applicants applied in December 2020; six applicants applied in January 2021; 14 applicants applied in February 2021; 17 applicants applied in March
440 2021; and two applicants applied in April 2021.

Mr Speaker: Next question.

Q3-6/2021
Medical and social housing lists –
Numbers on lists

Clerk: Question 3. The Hon. K Azopardi.

445 **Hon. K Azopardi:** Mr Speaker, how many persons were on the medical housing list on each of the following dates – (1) 31st December 2020, (2) 31st December 2019, (3) 31st December 2018 and (4) 31st December 2017 – with a breakdown by medical categorisation/prioritisation and their particular dwelling size needs?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 4, 5 and 6.

455 **Clerk:** Question 4. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many persons were on the medical housing list on 30th April 2021 with a breakdown by medical categorisation/prioritisation and their particular dwelling size needs?
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Clerk: Question 5. The Hon. K Azopardi.

465 **Hon. K Azopardi:** How many persons were on the social housing list on each of the following dates – 31st December 2020, 31st December 2019, 31st December 2018 and 31st December 2017 – with a breakdown by social categorisation and their particular dwelling size needs?

Clerk: Question 6. The Hon. K Azopardi.

Hon. K Azopardi: How many persons were on the social housing list on 30th April 2021 with a breakdown by social categorisation and their particular dwelling size needs?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over a schedule with the information requested.

475

Answer to Q3/2021

2017	1 RKB	2RKB	3RKB
Medical A+	3	1	0
Medical A	7	2	0
Medical B	2	0	1
Medical C	1	0	0

2018	1RKB	2RKB	3RKB	4RKB
Medical A+	8	5	0	2
Medical A	9	3	0	0
Medical B	4	2	1	1
Medical C	0	0	0	0

2019	1RKB	2RKB	3RKB	4RKB	5RKB
Medical A+	10	6	4	3	0
Medical A	5	7	4	0	1
Medical B	1	2	2	0	0
Medical C	0	0	0	0	0

2020	1RKB	2RKB	3RKB	4RKB
Medical A+	11	9	5	4
Medical A	8	2	3	1
Medical B	1	2	0	0
Medical C	0	0	0	0

Answer to Q4/2021

	MEDICAL A+	MEDICAL A	MEDICAL B	MEDICAL C
1 RKB	39	37	10	4
2RKB	26	14	6	0
3RKB	14	10	5	0
4RKB	13	2	1	0
5RKB	0	2	0	0

Answer to Q5/2021

2017	1RKB
Social A	3
Social B	0

2018	1RKB
Social A	2
Social B	1

2019	1RKB	3RKB	4RKB
Social A	7	7	1
Social B	0	0	0

2020	1RKB	3RKB	4RKB
Social A	17	7	4
Social B	0	0	0

Answer to Q6/2021

	SOCIAL A	SOCIAL B
1RKB	37	4
3RKB	20	0
4RKB	7	0

Hon. K Azopardi: Mr Speaker, can I just get clarification from the hon. Member in respect of this list? I have asked for how many people were, for example, on the medical list on a particular date. Let's just select the 2020 lists. On medical A+ there are 11 people on the 1RKB list on 31st December 2020. That is the information the hon. Member is giving me. Is that correct?

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Hon. S E Linares: Yes, Mr Speaker.

Hon. K Azopardi: Mr Speaker, I am grateful. The reason I ask the question – and perhaps the hon. Member can explain whether we are reading the statistics in the same way – is because the information that is available on the Government website is headed ... For example, when you ... First of all, it does not have necessarily as specific a breakdown, but say on the medical list it is headed 'applicants placed' on the various medical housing lists in 2019 ... So, for example, when you pick a date, the statistics that seem to be coming from the Government are simply telling you how many people were placed on a particular list in a particular month, but not how many people were on that list. That is how I understand the statistics. Is that correct?

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Hon. S E Linares: Well, Mr Speaker, I hope we can agree to see how I understand it. The way I understand it is that, for example, the hon. Member has mentioned the 2020 lists, so if we go to the 2020, the way I understand it is that on 2020 1RKB there are currently 11 on the A+ list, A there will be eight, B there will be one, and C there will not be any. So, the way I understand it is on the last date you have asked for, 2020, there were 11 1RKB in 2020. That is how I understand it is currently.

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Hon. K Azopardi: I am not sure if I understand the answer. What I am saying in essence is this. I have asked a question to know how many people were on the housing lists, depending on the categories, on a specific date. The statistics on the Government website suggest that that is not the information provided on the website, that what is being provided on the website is the number of people being placed on the list by category in a particular month, which will not necessarily give you the total statistic. Is that correct?

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Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, that is correct, and there is a historical reason for that. When we introduced the provision of that statistical data, the hon. Gentleman will recall that what we were doing was putting it in a digital form, in a way that would be accessible by everyone, the questions that we, as an Opposition, asked when we were on that side of the House. We asked the question at every meeting of the House on a monthly basis, how many people were placed on the list, because we ourselves did the follow-through of ‘placed on list’, and then there were other questions that we asked about how many people had had homes etc., to try and do a reconciliation against the published lists, which the Government published once every year.

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515 What we publish is the ‘placed on the list’. What the hon. Gentleman asked for was – and he gave a specific date, which is the thing that we need if he wants an answer – how many were on the list on a specific date. I think, from memory, he has asked for the end of each year and 30th April. So, that is why there may be discrepancies. That is how we produce the list.

520 As I have said before – and he may not have heard me, because I do not know whether I said it whilst he was here – if hon. Members wish to see us add to what we publish on the website any particular statistic that would then give them the information that they need before every House and would obviate the need for them to ask a statistical question, we are happy to add a specific parameter, so long as we can agree it, so that it can be published monthly also.

525 **Hon. K Azopardi:** I am grateful for the hon. Member’s answer, and certainly on this side of the House it would help us not only to have the information that is currently on the website, which we understand is of a different nature, as the Chief Minister has just explained, but also to have ... Because, for example, the Government has put something on the website, a monthly figure of people being placed on the list, it should then, at the end of the month, be able to know how many people are actually on the list by sub-category. So, if that information could also be put on a separate list, I think it would be very helpful to Members on this side of the House.

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535 Mr Speaker, I was going to ask more supplementaries, but I think it is probably better if I digest the hon. Member’s tables and then seek to ask more pointed supplementaries on a different occasion when I file other questions.

Mr Speaker: Next question.

Q7/2021

Action for Housing – Status of case mentioned on TV

Clerk: Question 7. The Hon. K Azopardi.

540 **Hon. K Azopardi:** Mr Speaker, has the gentleman mentioned by Action for Housing on 12th April 2021, who was on the medical housing list priority A+, been rehoused or offered rehousing; if so, when, and, if not, why not?

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

545 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, no, he has not been housed, as he has not yet reached the top of the list.

550 **Hon. K Azopardi:** Mr Speaker, I assume, and I am sure it is the practice of the housing department, that you do not get offered housing just when you get to the top of the very pinnacle of the housing list. There will be people who will be offered houses who are not necessarily at the

very top, presumably, and that will be the experience of the hon. Member, as it is the anecdotal experience of me when I have spoken to people.

555 So, first of all, how high is he on the medical A+ list? I am not sure if his requirement is for a 1RKB, for example. That would mean that, given the questions that I have asked, he is one of presumably 39 people on the medical A+. How high is he? And given that the hon. Member has made public that he has discussed and visited the particular person, when can that particular person expect an offer of housing?

560 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman has asked a question about a specific individual who is identifiable because that person has been identified on television. We have responded to the question that the hon. Gentleman put, but to go further would be to disclose data about that individual beyond whether that person has been housed or not housed. If we give, now, the information of where that person is on the list, which is one of the things that the hon. Gentleman has asked, we may be sharing that information in a way that is ... In fact, I think we would very likely be sharing information in a way that is outside of the GDPR, so I would ask the hon. Gentleman not to press us on that particular aspect of his question. Perhaps we can share that information with the hon. Gentleman behind your Chair. We would have no difficulty doing so, but we do not think that we can share that information publicly.

570 Secondly, I think we have to be careful to understand that case and its relationship with other cases. The hon. Gentleman knows that the medical A+ list – he has the information in front of him – has tripled, in effect, in the past year. At the end of December 2020, there were 11 people awaiting an allocation of a one-bedroom flat, and five months later there are 39 people awaiting a flat in the 1RKB category in medical A+. In the years before, there had been only three at 31st December 2017, eight at 31st December 2018 and 10 at the end of December 2019. The numbers have jumped. Why? For a number of reasons, we are going through a very difficult period, and secondly, at the moment we are looking at the period in the middle of a year – when we get to the end of the year, it is very likely that number will have gone down again.

580 Where is this individual on the list? And should he be helped out even more quickly than his ascension to the top of the medical A+ list because of the reasons that the hon. Gentleman has seen on television? Well, it is not possible to make a fair judgement without seeing video images and looking at the diagnosis that is relevant to all of the people who may be ahead of him on the list. So, if I invite the hon. Gentleman to make the assumption that given that this gentleman is very likely to have been on the list in 2020, medical A+ and seeking a one bedroom, he is at least 11th on the list, or he was at that time, and then I remind him that when it comes to medical aid, the hierarchy is not a hierarchy based on chronology but on diagnosis, and I invite him to assume that if the hon. Gentleman's target has not already been housed, it is because the people who are above him on the list have a more acute diagnosis, I trust he will agree that it would be improper for the Minister for Housing to pluck that gentleman from where, based on the medical advice, he should be and bring him to the top of the list simply because he has been on television. If we were to do that, all that we would end up with would be 39 cases on television.

595 There is, in parallel, a number we have given the hon. Gentleman in answer to his question, a social list, and people who are on the social list are also potentially on the medical A list. The two are not mutually exclusive, and so there is a situation where an individual may not be the most acutely in need for medical reasons but may be the most acutely in need for social reasons – for example, the state of the hereditament where he may be living. Clearly, that person has not come to the top of the social list either, which is a realisation for all of us that what we saw on television is, unfortunately, not the worst medical condition that afflicts those who are waiting for housing and not the worst social condition that afflicts those who are waiting for housing. That is something that we all have to understand and deal with, but in the context of looking at those lists and seeing how low they were and how well managed they were, and knowing that every effort will be made to ensure that by the time we get to the end of the year the lists will once

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again have returned to the place they were when we were last reporting them, which was just over a handful and less than a handful in the years before that.

605 Mr Speaker, when you put it in that context, I know we will agree that it would be tremendously unfair to look at this case in isolation, to just concentrate on this case and to ignore all of the others, some of which may be even more meritorious than the very meritorious case that we saw played out for us all in those images that were shared on television.

610 **Hon. K Azopardi:** Mr Speaker, I am not going to ask about the specific case, for the reasons the hon. Member is talking about. Certainly, we all want people in those kinds of conditions to be rehoused as soon as possible and addressed as soon as possible. If he is not the worst case, if there are worse cases out there, it is even more pressing a need for the Government to do so, and I am sure the Government will agree that it needs to give priority to that. Indeed, the Minister has spoken about a percentage of the 176 allocations going to people on the medical list, and perhaps
615 the Government will consider giving more priority and a higher percentage to people on the medical and social lists, because at the end of the day there are reasons why they are there.

The question I had for the hon. Member, which I am not really sure I understand, is he has quite correctly observed that the numbers for April are very different to the ones at the end of the year, but the difference is only four months, so the numbers have shot up tremendously. For
620 example, on 31st December, A+, 11 people on the 1RKB to 39, and on the medical A they have also shot up significantly from eight to 37. What I did not understand from the hon. Member's explanation is why he thinks that is seasonal. I do not follow why it is that the hon. Member was, I thought, trying to explain that the numbers will come down by the end of the year, but taking a snapshot now explains why the numbers should have gone up. Why is that, and why has there
625 been, in the hon. Member's assessment, in the last four months such an increase in the medical and social lists?

Hon. Chief Minister: Mr Speaker, the Hon. the Leader of the Opposition is urging the Government to do exactly what the Government is doing, so he can consider us urged of our own
630 motion and without the need for him to do so. Of course we understand that people who are in the medical A category have greater needs than perhaps others do, of course we understand that they should be given more priority – and they are, *vide* the numbers that I have referred to a moment ago – and indeed very often, not always, many of the cases that are referred to will be cases that have been on the lists not through the years. In other words, one of the eight on the
635 list in 2018 is unlikely to be one of the 11 on the list in 2020. So, there is a churn there. The numbers are not the same individuals.

Mr Speaker, the four months ... the five months ... four full months, because the hon. Gentleman asked us for the numbers as at the end of April. The four full months that the hon. Gentleman is talking about have probably been the four most difficult in our history. We
640 celebrated the fact – and I think it is very good news, despite this case, which seemed to cast a pall over it – that last year we gave 176 homes. In a year which was marked by the pandemic, we were able to churn 176 homes. Yes, we did not manage to find a home for this gentleman who made it on to television, but what about the other 176 success stories? In this context, the number 176 ends on 31st December last year, because we were counting calendar years. Then you have
645 what we are loosely calling – I am sure we are all calling in that, so I will allow myself to fall into the vernacular – lockdown 2, which starts at the end of last year and goes through most of March, and that means we cannot get people into people's homes to do repairs. We cannot even have people in close proximity working together in an apartment in order to prepare an apartment for handover. So, if the hon. Gentleman asks me for my diagnosis of what it is that happened in the
650 four months between 31st December 2020 and 30th April 2021, that is what happened. That is what stymied us so greatly.

But it is also true that there is consistency in the date that he asked the question, in relation to the earlier years: 31st December. Now he has asked for a date which is in April. I have given him

my diagnosis of the issues between now and then. If you asked for a snapshot at any other time ...
655 For example, if you asked what about on 30th April 2019 ... I am not saying it is seasonal. I am not
saying that in April 2019 the numbers would have been higher than 10 and closer to 39, because
this ebbs and flows throughout the year. What I am saying is that this year we have had the
problem that we have had leading up to April, but at any time, if you chose a different date, this
660 is a snapshot, so you might have some other sociological or anthropological reason why a snapshot
on another date might produce a different number. I can tell the hon. Gentleman ... He might
recall this from the time when he was a Minister. Indeed, the Hon. the former Leader of the
Opposition ... I will not describe that abbreviation today. He might recall that one can have *many*
people claiming to be unemployed on 30th July wanting to see a Minister, but very few people
claiming to be unemployed wanting to see a Minister on 14th August. So, when people go on the
665 list, when people want a meeting and when people are assessed for things sometimes does ebb
and flow seasonally. On this one, I think that the huge increase that we have seen – we are seeing
the list almost quadruple in the 1RKB – is exclusively related to the inability of the Housing Works
Agency to do, in the first months of this year, the fantastic job that they had done in the 12 months
of the year before, except for the couple of months when they were also locked down, and not
670 yet be able to give us homes to be able to hand over to those deserving applicants on our list.

Mr Speaker: Next question.

Q8/2021

**Private housing stock –
Reforms to Housing Act**

Clerk: Question 8. The Hon. K Azopardi.

675 **Hon. K Azopardi:** Mr Speaker, is the Government considering reforms to the Housing Act in
respect of private housing stock; and, if so, what is the nature of the proposed reforms envisaged?

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

680 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the pre-war, private
rental sector suffers from systemic problems created by over 80 years of various forms of rent
control. These problems often result in tenants living in substandard conditions and landlords, in
turn, unable to adequately maintain their properties, as a result of an inadequate rental income.

685 Whereas the Government is keen on incentivising the renewal of the built environment,
particularly the Upper Town, it is also mindful of the need to protect the rights of tenants living in
these pre-war properties. As a result, we have been meeting with all the key stakeholders of this
sector as part of a thorough and extensive review of the Housing Act. A Bill will be presented to
this House in the near future.

690 Mr Speaker, any changes to the Housing Act will need to address the difficulties experienced
by this sector in a holistic way, and one which strikes the right balance between the safeguards
against unfair evictions and exorbitant rents, sought by tenants, the economic efficiency and
ability to maintain buildings, sought by the landlords, and the need to ensure that the Housing
Department can continue to maintain its ability to allocate Government housing to people on the
housing waiting list who are currently tenants of pre-war properties.

695 **Hon. K Azopardi:** Does the Minister have an expectation of when that Bill would be prepared?
Is it, for example, that they are in the consultation stages of all those relevant groups and the
drafting has not begun? Or is it that the drafting of legislation has begun, so the Government has

700 already scoped the kind of objective it wants to put into that legislation? Is the legislation only going to deal with the private housing market, or is it going to go beyond that?

The Minister knows the Housing Act has different parts, but the question that I asked was specifically in relation to private housing stock. I am taking it that the hon. Member's answer was also related to private housing stock, but I want to understand that the legislation he is talking about is about specifically the private housing market that ... We certainly share on this side of the House the view expressed that after so many decades, rent control legislation which previous generations of Gibraltar decision-makers introduced for good reason now would need to be reviewed in the context of modern Gibraltar to make sure that we find a better way forward, because clearly in the private housing market there are those tensions that the hon. Member has spoken about.

710 So, perhaps he could explain with a bit more detail the kind of timescale and where the Government is on all those objectives.

Hon. S E Linares: Yes, Mr Speaker. Since I became Minister, which was October 2019, I have been working through the pandemic and all that, to do Part 1. Part 1 is already basically consolidated. There might be tweaks here and there, but Part 1 deals with the public housing, so Part 1 is basically done.

We are moving very fast on to Part 2. The consultation exercise has already happened. We have already had representations from different stakeholders as to Part 2. What I am now doing is also getting advice from the Rent Assessor and getting advice from other parties, and what I intend to do, I would reckon in the next month or two, is sit down, because what we did in Part 1 I intend to do in Part 2, so the hon. Member understands, going clause by clause as to ... I have also read a paper which even the hon. Member sent, himself, as a lawyer, which advised us on how to deal with it, and we are even reading that one.

725 So, we are looking at all stakeholders who have made representations to the Housing Department, to see how we can get on with Part 2. But I can tell the hon. Member that in the next month or two we are going to get all the stakeholders around the table. We will sit down and go clause by clause to see how best we can deal with this systemic problem. It is a systemic problem. There is a complete distortion of rents from public to private and those private to the new estates, in private estates, the new builds, from people who are paying rents from £2,000 or £3,000 a month, to local housing, who pay from £20, £30 to £40 a month. So, you can just imagine the distortion there is.

730 It is very difficult to keep everybody happy. It is very difficult to protect everyone as well. So, it is a very difficult job, but I am confident that we will sit down and try to find the right balance.

735 **Mr Speaker:** Next question.

EMPLOYMENT, HEALTH AND SAFETY AND SOCIAL SECURITY

Q9-10/2021

Disability benefit –

Applications; appeals against refusal

Clerk: Question 9. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state how many applications for disability benefit have been made since 1st January 2018 and the date on which each one was (a) determined and (b) remain undetermined?

Clerk: Answer, the Hon. the Minister for Employment and Social Security.

Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 10.

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Clerk: Question 10. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, please state how many appeals against the refusal of disability benefit there have been since 1st January 2018 and the date on which each one of them was (a) determined and (b) remain undetermined?

Clerk: Answer, the Hon. the Minister for Employment and Social Security.

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Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, 249 applications for disability benefit have been made since 1st January 2018. One hundred and ninety eight applications have been determined on the dates detailed in the schedule I now hand over. Fifty one applications remain undetermined.

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There have been 45 appeals since 1st January 2018. Thirty eight of these appeals have been determined on the dates detailed in the schedule I now hand over. Of the 45 appeals made, seven remain undetermined.

Answer to Q9/2021

	2018		2019		2020		2021
1	15/02/2018	61	23/01/2019	142	14/05/2020	192	03/03/2021
2	15/02/2018	62	23/01/2019	143	19/11/2020	193	03/03/2021
3	24/04/2018	63	23/01/2019	144	19/11/2020	194	03/03/2021
4	25/04/2018	64	23/01/2019	145	19/11/2020	195	03/03/2021
5	25/04/2018	65	23/01/2019	146	19/11/2020	196	20/04/2021
6	25/04/2018	66	28/01/2019	147	19/11/2020	197	20/04/2021
7	25/04/2018	67	28/01/2019	148	19/11/2020	198	20/04/2021
8	25/04/2018	68	28/01/2019	149	19/11/2020		
9	25/04/2018	69	28/01/2019	150	19/11/2020		
10	09/05/2018	70	28/01/2019	151	19/11/2020		
11	09/05/2018	71	28/01/2019	152	19/11/2020		
12	09/05/2018	72	07/03/2019	153	19/11/2020		
13	09/05/2018	73	03/04/2019	154	19/11/2020		
14	09/05/2018	74	03/04/2019	155	21/11/2020		
15	09/05/2018	75	03/04/2019	156	24/11/2020		
16	09/05/2018	76	03/04/2019	157	24/11/2020		
17	04/07/2018	77	03/04/2019	158	24/11/2020		
18	04/07/2018	78	04/04/2019	159	24/11/2020		
19	04/07/2018	79	04/04/2019	160	24/11/2020		
20	04/07/2018	80	04/04/2019	161	24/11/2020		
21	04/07/2018	81	04/04/2019	162	24/11/2020		
22	04/07/2018	82	04/04/2019	163	24/11/2020		
23	12/09/2018	83	04/04/2019	164	24/11/2020		
24	12/09/2018	84	04/04/2019	165	24/11/2020		
25	12/09/2018	85	14/05/2019	166	24/11/2020		
26	12/09/2018	86	14/05/2019	167	24/11/2020		
27	12/09/2018	87	14/05/2019	168	24/11/2020		
28	12/09/2018	88	14/05/2019	169	24/11/2020		
29	26/09/2018	89	14/05/2019	170	24/11/2020		
30	26/09/2018	90	29/05/2019	171	26/11/2020		
31	26/09/2018	91	29/05/2019	172	26/11/2020		
32	26/09/2018	92	29/05/2019	173	26/11/2020		
33	04/10/2018	93	29/05/2019	174	26/11/2020		

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	2018		2019		2020		2021
34	10/10/2018	94	29/05/2019	175	26/11/2020		
35	10/10/2018	95	29/05/2019	176	26/11/2020		
36	10/10/2018	96	29/05/2019	177	26/11/2020		
37	10/10/2018	97	29/05/2019	178	26/11/2020		
38	10/10/2018	98	30/05/2019	179	26/11/2020		
39	10/10/2018	99	30/05/2019	180	26/11/2020		
40	10/10/2018	100	30/05/2019	181	16/12/2020		
41	10/10/2018	101	30/05/2019	182	16/12/2020		
42	10/10/2018	102	30/05/2019	183	16/12/2020		
43	18/10/2018	103	30/05/2019	184	16/12/2020		
44	07/11/2018	104	30/05/2019	185	16/12/2020		
45	07/11/2018	105	26/06/2019	186	16/12/2020		
46	07/11/2018	106	26/06/2019	187	16/12/2020		
47	07/11/2018	107	26/06/2019	188	16/12/2020		
48	07/11/2018	108	26/06/2019	189	16/12/2020		
49	07/11/2018	109	26/06/2019	190	16/12/2020		
50	07/11/2018	110	26/06/2019	191	16/12/2020		
51	07/11/2018	111	27/06/2019				
52	07/11/2018	112	27/06/2019				
53	21/11/2018	113	27/06/2019				
54	21/11/2018	114	27/06/2019				
55	21/11/2018	115	27/06/2019				
56	21/11/2018	116	02/08/2019				
57	21/11/2018	117	13/08/2019				
58	21/11/2018	118	26/09/2019				
59	06/12/2018	119	02/10/2019				
60	06/12/2018	120	05/10/2019				
		121	16/10/2019				
		122	16/10/2019				
		123	16/10/2019				
		124	16/10/2019				
		125	16/10/2019				
		126	16/10/2019				
		127	17/10/2019				
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		138	13/11/2019				
		139	13/11/2019				
		140	14/11/2019				
		141	14/11/2019				

Answer to Q10/2022

1	17/01/2018	14	25/04/2019	27	02/12/2019
2	15/02/2018	15	07/05/2019	28	02/12/2019
3	25/02/2018	16	14/05/2019	29	02/12/2019
4	23/03/2018	17	29/05/2019	30	02/12/2019
5	18/04/2018	18	30/05/2019	31	19/05/2020
6	20/06/2018	19	23/08/2019	32	21/12/2020
7	02/07/2018	20	18/09/2019	33	21/12/2020
8	22/07/2018	21	26/09/2019	34	21/12/2020
9	08/10/2018	22	14/11/2019	35	21/12/2020
10	01/11/2018	23	14/11/2019	36	21/12/2020
11	23/01/2019	24	02/12/2019	37	21/12/2020
12	06/02/2019	25	02/12/2019	38	03/03/2021
13	23/04/2019	26	02/12/2019		

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I intend to analyse carefully these figures and then come back, probably at another session, but if there is anything that arises from this, I would just ask Mr Speaker's indulgence, sir, perhaps later on in the session, but we can carry on if that meets with Mr Speaker's approval.

Mr Speaker: Yes.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q11/2021

**Vocational qualification courses –
Number of students, completion dates, level of qualification
and educational establishments delivering**

Clerk: Question 11. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Education provide details in respect of the number of students following a vocational qualification course in (a) Hair and Beauty, (b) Digital Technologies, and (c) any other vocational course, indicating the level of qualification expected to be obtained, the course completion date and details of the education establishments which are delivering these courses?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Mr Speaker, we have 24 students undertaking Hair and Beauty vocational courses. There are 86 students currently undertaking the Digital Technologies qualification. We must not forget that we also have 81 students at our comprehensives and 285 students at the Gibraltar College who are following courses which are vocationally assessed. This does not include students who,

785 at some point in their journey, are completing ASDAN qualifications, which are vocationally assessed at Levels 1 and 2 at our comprehensive schools.

We are hoping to offer further vocational courses in the near future, and there are discussions ongoing with potential providers and awarding bodies. These are Level 1 and 2 qualifications.

790 **Hon. E J Reyes:** Mr Speaker, I was asking for the educational establishments providing the courses. I know the Minister has said that between the secondary schools and the comprehensives there were 81 plus 285 following vocationally assessed courses, but specifically on the hair and beauty, like the digital technologies, I am not clear which establishments are offering these.

795 **Hon. Prof. J E Cortes:** Mr Speaker, the hair and beauty is being offered at the College. The course is actually being carried out in Bayside, but it is for students from Bayside and Westside. The digital technology qualifications are for Bayside and Westside students and they are GCSE equivalent, so it is at that stage.

800 **Hon. E J Reyes:** All right, so GCSE equivalent means it is a Level 2, yes?
I asked for the completion date of the course because I need to establish whether it is a course that is finishing now, or this is currently only the first year of a two-year course. Perhaps the Minister can guide us on that.

805 **Hon. Prof. J E Cortes:** The GCSE qualifications started, I believe, last year, so they should be finishing this year. It is a two-year course.

810 **Hon. E J Reyes:** Therefore, Mr Speaker, if this is the second year of a two-year course, then no students of, for example, those 24 who have undertaken only the first year will then finish by June 2022. If the Minister does not have the information now, I do not mind waiting and he can then get some more detail, but we cannot quite establish who is within the first of the two-year courses and who is in the second, so we know what the continuity rates are like.

Hon. Prof. J E Cortes: Mr Speaker, I will take advice on that and give the hon. Member a breakdown during the course of this meeting.

EMPLOYMENT, HEALTH AND SAFETY AND SOCIAL SECURITY

Q9-10/2021

Disability benefit – Supplementary questions

815 **Hon. D A Feetham:** Mr Speaker, returning to Questions 9 and 10, the schedule that the Hon. Minister has provided me, with respect, does not answer the question that I have asked. I have asked a question at Question 9 in relation to disability benefit, the date on which each one of them was (a) determined and (b) remained undetermined. What I am after, essentially, is when an application was made and if that application remains undetermined.

820 From our point of view, the interest is this. If there is an application that has been filed, let's say, on 15th February 2018, which is the first one on the list, if that remains undetermined, then of course it is an application that was filed three years ago, so we would seek to probe why it is taking so long for that to be determined. Does the Minister have the information as to, in relation to the information and the list that he has provided when the application has been made, which
825 one of these actually remains undetermined?

Essentially, it is the same question in relation to appeals because, very helpfully, the Government provided the date on which we asked, the date on which the appeal was lodged. What it does not say is, in relation to each one of those, which appeal remains undetermined. Does he have that information?

830

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, no, I do not. What I do have is obviously what was said in the reply to the question, that 198 applications were determined – obviously, the rest have not been determined – of the total of 249. It gives the hon. Member an indication of how many appeals or how many applications for disability benefit have not been determined, so there are a number of undetermined appeals but I could not specifically say it is the one of the 15th or the one of the 18th or the one of the 21st. I do know whether that information is possible to ... It must be, but I would need to find out.

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Hon. D A Feetham: Mr Speaker, we know that there are 51 out of the 249 that remain undetermined. If those 51 are ones that have been made in 2020, it is perfectly understandable why they would remain undetermined. We have had COVID, we have had all those all those issues and the Government would have a perfectly reasonable explanation as to why they remain undetermined. If they date back to 2018, it is a different kettle of fish.

840

Can the Minister at least undertake to write to me providing me with the information, and I can then ask any further questions at the next session of the House? I did think that my question was clear enough for the Minister to have come to the House today in order to provide me with information.

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Hon. S E Linares: Mr Speaker, I will seek the relevant information the Member is requesting, but I would assume that an application dated 2018 would have been determined by now. Otherwise, it would have been out there. So, it is an assumption that those that remain undetermined are the more recent ones caught up with the pandemic and recent issues, but I will endeavour to seek the information that the hon. Member is requesting.

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Hon. D A Feetham: I am very grateful to the Minister because I know one constituent who tells me that her application has been outstanding for several years. That is the reason why I have asked this question, so if he can provide me that information, I would be very grateful.

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Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q12/2021

Teaching posts – Details of vacancies

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Clerk: Question 12. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide this House with updated details in respect of all vacant teaching posts, identifying the school/establishment where these may exist together with the grade they pertain to, and further indicating how many are being covered in an acting capacity and by when it is expected these posts will be allocated on a substantive basis?

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Clerk: Answer, the Hon. the Minister for the Environment and Education.

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

870 Mr Speaker, the information is provided in the schedule that is now being taken over to the hon. Member.

Arrangements are being made to advertise these posts, which are being filled as soon as possible after they become vacant.

875 The hon. Member will see, in relation to the question of how many are being acted, the footnote to the schedule indicates three posts which are not currently being acted. I am sure he will ask me why and I will answer that if and when he asks me.

Answer to Q12/2021

GMLP	Year Coordinator & Music/Expressive Arts	TLR2C
	Head Teacher	
SJLP	ICT Coordinator	TLR2C
	Year Coordinator & Art/DT	TLR2B
	Foundation Subject Music & Expressive Arts	TLR2D
SBLP	Foundation Subject (Humanities)	TLR2D
SPLP	Core Subject Leader Mathematics	TLR2A
	Deputy Head Teacher	
	Year Coordinator & Foundation Subject	TLR 2A
SAUP	Foundation Subject Music	TLR2C
HPS	ICT & foundation Subject	TLR2B
BS	Year Coordinator KS3	TLR1 B
	Admin & Learning Resource Coordinator	TLR2A
	Head of Geography	TLR2A
	Head of ICT	TLR2A
	Subject Leader Food Preparation and Nutrition Bayside	TLR2A
	Head of Modern Foreign Languages	TLR2A
	Subject Leader Textiles Bayside	TLR2B
	Head of Mathematics	TLR 1B
	Vocational Coordinator	TLR2C
WS	Key stage 4 Coordinator	TLR1A
	Design & Technology Coordinator	TLR1 B
	Year Coordinator	TLR1 B
	Science Coordinator	TLR1 B
	Head of Drama & Dance	TLR2A
	Subject Leader Resistant Materials Westside	TLR2A
	Teacher in Charge ACC	TLR2A
	Assistant to KS3 Coordinator	TLR2B
	Assistant to KS4 Coordinator	TLR2B
	Vocational Coordinator	TLR2C
College	Senior Teacher Curriculum	TLR1A
	IT Coordinator	TLR1 B

Posts currently not being acted

ICT & foundation Subject- HPS

Year Coordinator & Foundation Subject- SPLP

Foundation Subject Music- SAUP

Hon. E J Reyes: Yes, certainly, Mr Speaker, it jumps out straight away. Can the Minister give me the reasons why those three have not been filled in an acting capacity?

880 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, they are TLR – the hon. Member knows that these are the responsibility posts – and the whole subject of TLRs has been under discussion for quite a number of years. I am happy to say that recent meetings which involve the Department of Education, the Human Resources department and the NASUWT, the teachers’ union, have come to agreement on most of these posts but there are still these three posts where we are not certain
885 whether they will continue in that format or whether they have to be reviewed in the light of development in the different schools. They are still under discussion and therefore they are not being filled at the moment.

Hon. E J Reyes: I do not think I have any further questions to raise, Mr Speaker, but if I do
890 within the next few minutes I will come in so that I do not delay the proceedings of this House.

Mr Speaker: Next question.

Q13/2021

**Protection of animals from neglect and cruelty –
Strengthening of laws**

Clerk: Question 13. The Hon. E J Phillips.

895 **Hon. E J Phillips:** Mr Speaker, can the Government state that it will strengthen laws to protect animals from neglect and cruelty?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

900 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, I am sure this will not be an area of controversy between us.

Over the past few years, the Government has published at least six items of legislation which strengthen the laws to protect animals from neglect, cruelty and abuse in Gibraltar and beyond our shores. Some of these have drawn the attention of, and congratulations from, international
905 organisations.

These include the Animals and Birds (Amendment) (No. 3) Act 2018, which included a new Part, Part VA, entitled ‘Animals in Distress’, which covers a wide variety of behaviours which can lead to cruelty and neglect, and also introduces a five-year sentencing provision, well ahead, for example, of the UK, which I believe introduced this only last month. This Act also
910 banned capturing of cetacea for dolphinarium or other non-medical purposes, created cruelty offences for animals, and provided for police powers to help animals in distress.

The Animals in Travelling Circuses Act 2019 banned the use of animals in travelling circuses.

The Imports and Exports (Control) (Amendment) Regulations 2019 banned the import and export of hunting trophies.

915 The Pet Animals (Sales) (Amendment) Act 2019 imposed certain conditions related to animal welfare on licences for pet shops, such as limiting species to be sold and prescribing a minimum age for the sale of animals, mainly puppies and kittens. It also required breeders of dogs and cats

to be approved to ensure certain standards, and an amendment to the Animal Rules was also made so that you cannot import dogs and cats under four months old for commercial purposes. This was in the Animals (Amendment) Rules 2019.

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The Animals and Birds (Amendment) (No.3) Act 2018 ... and the Ivory Act 2019 banned the trade, export and import of ivory.

Indirectly, the Release of Balloons Regulations 2019 also was designed to protect marine wildlife.

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Finally, as recently as February this year, this House passed the Animals (Amendment) (No. 2) Act 2021 in relation to cruelty to service animals, popularly known as Finn's Law. In this instance, cruelty perpetrated against an animal in public service is an aggravating factor when considering the appropriate sentence.

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Mr Speaker, I continue to review all animal welfare laws, keeping track of developments elsewhere. For example, at the moment, we are looking into reviewing the definition of dangerous dogs.

Hon. E J Phillips: Mr Speaker, I am grateful for the hon. Gentleman's repeat of the legislation that the GSLP Government has passed and introduced to protect animals more generally.

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He is right about the 2018 amendment provision, which I had a look at in some detail, given the fact that it does provide for the importation of diseased animals and destruction orders, and particularly in relation to distress orders, as they are loosely described. I would not agree that they encapsulate a general approach by the Government in terms of the cruelty aspect, and I say it for this reason. The hon. Gentleman will recall two cases this year of horrific circumstances where animals unfortunately met their end in extreme circumstances, where the courts imposed penalties of eight months and four months respectively. There was a mini public outcry by those who have a significant interest in the welfare of animals as to what powers the Government has, or at least what powers the authorities have in our community to stop people who are charged and then prosecuted and found guilty of those offences where there has been extreme suffering on behalf of the pet, or the animal in this case, and what the Government would do in terms of introducing legislation that would prevent these individuals looking after animals or exposing, for instance, where they might impose those mechanisms of cruelty on them again.

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I think that was the point on which this question was engineered, because most of the legislation that the hon. Gentleman has alluded to stems from the 1948 legislation, which of course is very outdated, and I just wondered whether the Hon. the Minister had any information as to whether any legislation will be brought to this House to effectively prohibit people who are convicted of these offences from owning animals in the future.

950

A Member: Hear, hear.

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Hon. Prof. J E Cortes: Mr Speaker, if the hon. Member had assisted the House by specifically asking that question, then I would have brought information which was relevant to that.

I think I do not have to tell the hon. Member, as he is a lawyer in practice – because he referred to the penalties imposed in these cases – that is for the court to impose. The maximum sentence is five years. It is the court that then imposes the sentence, and that is something that certainly I would not influence. As a magistrate, in Part 2, I completely understand that it is not for a Minister to impose a penalty. I believe that in the past, courts in Gibraltar, possibly under the Animals Act, have precluded members of the public from owning dogs. I may be mistaken. I am going back to my memory while I was sitting on the bench. I will certainly check that. But this is part of the review of the dangerous dogs definition, because there is a growing school of thought that it is not the dog that is dangerous, but the way the dog is looked after and the ability of the owner to look after the dog in a way that is not going to make it aggressive. This is precisely what I was referring to in the review of the definition of dangerous dogs, so it is certainly a matter that has come to my attention and I am actively looking at it.

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970 **Hon. E J Phillips:** Just a point of clarification. Of course I understand how a court operates and when it imposes penalties, and the Minister is not there to do it – unless he is sitting as a JP, of course, and I am sure he would not want to impose his views in this House on that.

The point of the question was to state what the Government is doing to strengthen laws to protect animals from neglect and cruelty. Of course, part of that would be allowing for a particular
975 power of those charged with imposing those types of penalties with allowing them to prevent people from owning animals in the future when, in the words of the judge in the eight-month sentence, there was obvious extreme suffering by that particular pet when he met his sad end.

I think this question is really borne out of approaches from members of the public as to where the power is – and I could not find the power – and where it can be utilised in the appropriate
980 circumstances. And if there is not a power, of course I would ask the hon. Gentleman whether he is looking at the review and allowing for that to come to this House so that we can debate it.

Hon. Prof. J E Cortes: Mr Speaker, I will look because I believe that there was a power. Certainly I think the hon. Member will agree – and I know the Hon. Mr Feetham has been very keen and
985 very supportive of a lot of the laws that we have passed in this House over the last few years – that we have made huge strides in improving animal laws in this House, well in advance of the United Kingdom. As I said, the sentence of five years ... I believe it was only last month that it received Royal Assent.

So, Mr Speaker, absolutely, I will look into this. Certainly, persons who are convicted of this
990 kind of extreme cruelty I agree should not be allowed to own pets, and if there is no provision in the law that covers that, I will certainly look into making sure that I either bring it to this House if it requires primary legislation or look at the Animals Rules and see how that could be brought about, and I am sure the whole House will agree with that.

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

Hon. D A Feetham: Mr Speaker, I know that this may sound perhaps a tad extreme to some people, but I have long thought that people who have imposed that kind of cruelty on animals
1000 should go on a public list, not only so that in this jurisdiction you are able to identify the people who have subjected animals to that kind of cruelty, but in other jurisdictions as well. I would invite the Government to do that, and formulate it in a question: will the Government also consider introducing something along those lines?

1005 **Hon. Prof. J E Cortes:** Mr Speaker, it is certainly something that I would be happy to consider.

Mr Speaker: Next question.

Q14/2021
Noise pollution –
Legislation

Clerk: Question 14. The Hon. E J Phillips.

1010 **Hon. E J Phillips:** Mr Speaker, can the Government state whether it will bring legislation before the House to deal with noise pollution in Gibraltar?

Clerk: Answer, the Hon. the Minister for Environment and Education.

1015 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, not at present, as there is already considerable existing legislation.

Hon. E J Phillips: Mr Speaker, the issue of noise pollution obviously is a significant one for members of the public. The complaints that we receive on this side of the House – I am conscious of some noise from my side of the bench – in relation to construction noise –

1020 **Mr Speaker:** Can we have some silence, please?

Hon. E J Phillips: – and, of course, the noise emanating from certain vessels in the bay. The hon. Gentleman will know, of course, about the World Health Organisation recommendations. WHO have stated on numerous occasions that noise pollution has a very significant effect on the
1025 physical and mental well-being of citizens and that governments should be trying to reduce the decibel levels within their communities.

My understanding of the current position is that the Noise Action Plan, which I believe is prepared by his Department, and indeed noise mapping, which is a process which I believe is undertaken ... Are those processes that are currently in train? I understand from the Noise Action
1030 Plan that it leads up to 2018 only and it does highlight important issues and noise pollution in our community. I do understand from my sources that the Government is already considering legislation. I am not too sure whether that fits with what the hon. Gentleman said about that, so I am slightly ... Maybe my sources are completely wrong, but I am given to understand that the Government may be considering drafting legislation in the area of noise pollution more generally
1035 to comply with those matters.

Hon. Prof. J E Cortes: Mr Speaker, I am very clear on the dangers of noise and on the negative impact of noise on the community. There is, however, a wide variety of laws that already cover it. The hon. Member has mentioned a few examples. Looking through the notes that I have had
1040 prepared, I believe most of them are covered. It may be a question of enforcement, but if the hon. Member wishes to point out any specific area of noise which he believes is not covered in legislation, then I will most certainly look at it and see whether we can bring some legislation to this House.

Hon. E J Phillips: The difficulties, generally, of members of the public who approach me on this subject relate to the fact that they also do not have anywhere to go when they complain about it. For instance, if they go to the Environmental Agency, they turn around and say it is not their issue, it is a Port issue, especially noise coming from vessels. So, eventually, it is a full-circle argument and no one really can get an answer. This is the difficulty that members of the public are having,
1045 and the information that I was receiving ... If there is no legislation that the Government is considering in terms of noise pollution more generally, that is fine, but those are the types of complaints that I am receiving.

Hon. Prof. J E Cortes: Mr Speaker, I am aware that the Environmental Agency receives complaints, and if they are to do with activity in relation to ships they will refer to the Ports
1055 department or the Port Authority. If it has happened, it has happened, but I am not aware of any case in which they would, so to speak, pass the buck to somebody else. They would themselves take it up with the Port Authority, as they do, for example, in the case of smells and so on.

So, the port of call, if you will excuse the pun, is certainly the Environmental Agency. They keep records of these complaints. I am aware that there have been some periods of time where there
1060 have been complaints, and they should be dealt with. If they are not, then clearly I would be interested to know, but I am confident that they are following up. But, once again, if there are any gaps in the legislation that the hon. Member is aware of, I would be more than happy to look at them and to deal with them.

1065 **Mr Speaker:** Next question.

Q15-17/2021

Knightsfield Holdings Ltd –

Relationship with Government and services provided; sites covered; beneficial owners

Clerk: Question 15. The Hon. E J Phillips.

1070 **Hon. E J Phillips:** Mr Speaker, can the Government state what relationship the Government has with Knightsfield Holdings Ltd and what services the company provides the Government?

Clerk: Answer, the Hon. the Minister for Environment and Education.

1075 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 16 and 17.

Clerk: Question 16. The Hon. E J Phillips.

1080 **Hon. E J Phillips:** Mr Speaker, can the Government state the sites covered by any contractual arrangement with Knightsfield Holdings Ltd?

Clerk: Question 17. The Hon. E J Phillips.

1085 **Hon. E J Phillips:** Can the Government state the names of the ultimate beneficial owners of Knightsfield Holdings Ltd?

Clerk: Answer, the Hon. the Minister for Environment and Education.

1090 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, the Government has a contractual relationship with Knightsfield Holdings Ltd for the management and running of the Gibraltar National Museum, Gorham's Cave World Heritage Site, Parson's Lodge and the Moorish Castle.

1095 It is not the practice in this House to provide details of beneficial owners, especially as this is now publicly available information.

Hon. E J Phillips: I am grateful to the hon. Gentleman insofar as Knightsfield Holdings Ltd. The reason I ask that, of course, is because we understand the shareholders are the people charged with responsibility of the Museum, so I do not need to take it any further than that.

1100 One of my questions obviously relates to those services that the company has provided. I do not think the hon. Gentleman has really been any more helpful than just to say that it runs the Museum and Gorham's Cave complex. I asked what services the company provides the Government. It would be helpful if the Hon. the Minister could explain what those services are.

1105 **Hon. Prof. J E Cortes:** Well, Mr Speaker, the running of the Gibraltar National Museum means looking after the collections, looking after the inventory, having the employees attending to the public. Gorham's Cave World Heritage site – we know about the archaeological dig. They also organise culture conferences. Parson's Lodge is currently not open to the public but is used as a centre for research. It is very wide – the National Museum, Gorham's Cave, Parson's Lodge, they are the services, the running of these sites and facilities.

1110 **Hon. E J Phillips:** I am grateful for the answer to that question. Ultimately, I think it is right, isn't it, that these are our main national assets? If you look at Moorish Castle, Parson's Lodge, Gorham's Cave, the Museum, these are national assets that belong to our community and should be shown to the wider public in terms of a tourist product. Would he agree with that?

1115 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, but I do not think that is a logical corollary of the question that has been asked.

Mr Speaker: I agree. You do not have to answer that question.

1120 **Hon. E J Phillips:** Mr Speaker, the services that are provided by the company – do they include interface with the public in terms of tourism? That is a logical question from that.

1125 **Hon. Prof. J E Cortes:** Yes, absolutely, and I am very happy to answer. Yes, it does. It includes interface with the public at the National Museum. It includes interface with the public at the Gorham's Cave viewing platform, which is open for visitors. It includes the trips to Gorham's Cave, as and when they can be arranged. And it includes other assets as and when they are necessary. So, yes, it does include interface with the public.

1130 **Hon. E J Phillips:** Mr Speaker, according to the approved estimates, we spend about 61% of the entire budget for heritage on those contracted services, about £1.145 million. Does the Government agree with me, or not agree with me, that that is value for money for what is being produced?

1135 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, it is value for money. You must remember, though, the value of the World Heritage Site, which is probably something that cannot be converted into a monetary value.

1140 **Hon. E J Phillips:** It is not a trick question. Is it right that there is more than one contract? I assume that there is one contract dealing with Knightsfield for Moorish Castle, Parson's Lodge, the Gibraltar Museum, the Stay Behind Tunnels and Casemates Vaults, and another contract that deals specifically with Gorham's Cave. Is that right? That is my understanding.

1145 **Hon. Prof. J E Cortes:** There is a separate contract for the World Heritage Site, yes, Mr Speaker. These contracts are not new. The World Heritage Site happened later, but the Museum contract and so on is a continuation of contracts that were in place before we came into power.

Mr Speaker: Next question.

Q18/2021

World War II cement heritage – Protection

Clerk: Question 18. The Hon. D J Bossino.

1150 **Hon. D J Bossino:** Can the Government guarantee that it will ensure that Gibraltar's World War II cement heritage will be protected?

Clerk: Answer, the Hon. the Minister for Environment and Education.

1155 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, yes, sir. The Heritage and Antiquities Act 2018 protects a substantial number of World War II sites, including the Stay Behind cave complex; the World War II tunnel complex, including Great North Road, Calpe Hole generating station and Hay's Level, the Anti-Tank Teeth at Winston

Churchill Avenue and Fort Gary, Fort George and Fort MOT, located at Eastern Beach. There
1160 are also a substantial number of World War II listed sites in the Northern Defences.

It is important to note that although not all World War II pillboxes are listed by name, the
majority of our defensive walls, batteries and bastions listed include World War II cement heritage
that abuts them. Works cannot be undertaken on or near these sites, unless the Minister for
1165 Heritage provides a heritage licence after receiving advice from the Heritage and Antiquities
Council. Even if sites are not listed, Town Planning and Building Control permission must be
given, and the Ministry for Heritage and the Gibraltar Heritage Trust are consulted at that stage.

Works were recently undertaken by the Gibraltar Heritage Trust and Ministry for Heritage to
restore Fort Canada, as an example, a World War II pillbox built by the Royal Canadian Engineers,
immediately adjacent to the tunnel to Devil's Bellows. An information panel is being designed to
1170 accompany the restoration. Other World War II assets that have been restored include World
War II pillboxes and bunkers at the Europa Sports Stadium complex. Information panels
showcasing the history of the site will also be installed. World War II assets have also been
restored at the new wine vaults development at Devil's Tower Road. A substantial number of
World War II cement heritage are also being protected and will be restored within the Northern
1175 Defences.

In short, Mr Speaker, the answer is yes, sir. Perhaps I should have said that at the beginning.
(Interjections)

Hon. D J Bossino: Thank you; you did, I think. I am grateful to the Minister for the very lengthy
1180 and very full reply.

I have heard that there are plans to remove what I think are pillboxes in what I think is called
Casements Parade, where the Grand Bastion is. Can he shed some light in relation to that? Clearly,
given the answer he has just given, the answer, I would expect, would be no, but that is what I
have heard and I wanted to put that to him.

Hon. Prof. J E Cortes: Mr Speaker, I have not heard. Certainly they would have to come to my
1185 office for permission anyway, and it would also have to be picked up in planning. I have no
information on that, Mr Speaker.

Hon. D J Bossino: Mr Speaker, I do not know where the planning stage of that particular
1190 development is, if it has prospered or not, but in relation to the Sandy Bay development – I think
he knows which I mean, beyond Both Worlds, going in a southerly direction – there are also some
cement World War II heritage sites, I think pillboxes again on this occasion. Is he able to give us
some comfort, in relation to that, that those will remain untouched and protected should the
1195 development proceed?

Hon. Prof. J E Cortes: Mr Speaker, that is still subject to the planning process. I believe my
latest information is that the monuments themselves would not be negatively affected. That is
subject to confirmation when the whole planning process goes, but my information is that the
1200 structures themselves would not be negatively affected. Whether the development will affect it
in other ways, visually or whatever, is not the subject of this question, nor of this answer. There is
still a long way to go, because that process has only just commenced.

Hon. E J Phillips: In relation to that specific issue, does he have a view in relation to that,
1205 whether he will intervene and ensure that they are protected, whichever way that will
materialise?

Hon. Prof. J E Cortes: Mr Speaker, if the hon. Member has ever watched or listened to the DPC
1210 meetings, he knows the answer to that question.

Hon. D J Bossino: So, there is a possibility –?

Mr Speaker: Last question.

1215 **Hon. D J Bossino:** Yes, Mr Speaker.

So, there is a possibility that his view will be sidelined and ignored and those pillboxes destroyed? Is that within the realms of possibility?

1220 **Hon. Prof. J E Cortes:** Mr Speaker, I do not think it is appropriate for us to discuss a proposal that is still subject to the planning process, and I have already said that, as far as I am aware, those structures themselves would not be negatively affected.

Hon. D J Bossino: I do not think that –

1225 **Mr Speaker:** Next question.

Q19/2021
Artillery –
Maintenance for future generations

Clerk: Question 19. The Hon. D J Bossino.

1230 **Hon. D J Bossino:** Does the Government have any plans to ensure that the legacy of artillery on the Rock is maintained for future generations?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):
Mr Speaker, yes, sir. Perhaps I should sit down now!

1235 For example, the Ministry of Heritage is undertaking the restoration and protection of much of our artillery by installing tampions in our canons depicting the coat of arms of the Royal Army Ordnance Corps. This is an ongoing maintenance project that was started last year.

1240 The Ministry of Heritage, together with volunteers from the Gibraltar Heritage Trust and the Ministry of Defence, is also undertaking works on artillery pieces at Lord Airey's and will soon commence works at O'Hara's and at Devil's Gap.

The Ministry of Heritage has also taken possession and restored artillery pieces from the MoD, including a 24-pounder from Devil's Tower training camp.

1245 The Ministry of Heritage is also currently in discussion with the MoD, with a view to taking over a number of other pieces, including a Bofors at Buffadero and a 24-pounder from Rock Gun Battery.

The Gibraltar Heritage Trust and Ministry of Heritage, with the assistance of Selina Ltd, also restored a naval gun that was in an abandoned state above Devil's Bellows. The gun is now at the Napier of Magdala Battery, for all to see.

1250 Together with the Gibraltar National Museum, which is also the custodian of a number of artillery pieces, the Ministry is supporting the Gibraltar Heritage Trust, who are working on developing a gun park.

1255 The Ministry of Heritage has also completed a list of all guns and artillery on the Rock, each with its own unique identification code, which will be displayed on the forthcoming website. This includes all place guns and embedded guns, some of which are already listed in the Heritage and Antiquities Act 2018.

Mr Speaker, for the first time ever, we have what we believe is a complete list of all ordnance pieces on the Rock.

1260 **Hon. D J Bossino:** Again, I am grateful to the hon. Member for that very full and lengthy reply, which I will consider in greater detail in the future.

1265 There is a particular question I would like to ask and it arises from an article which appeared in the Gibraltar Chronicle in relation to Lord Airey's Battery, where a Mr Jackson – who I understand is a member of the Fortress Gibraltar group, which is dedicated to assisting the Government, I think, in ensuring that these sites are maintained, improved and refurbished – had this to say, and with your permission I would like to quote very briefly from the article, Mr Speaker, where it says the Heritage Trust said Mr Jackson's 'passion for the refurbishment project was apparent during these tours but he lacks solid funding and manpower for the task at hand.' And then, lastly, Mr Jackson said:

The legacy of artillery on the Rock is dwindling with scant emphasis placed on the preservation of these old guardians of our freedom.

1270 Does he have any comment to make, given that, on the face of it, it appears to be an indictment of the Government in relation to this particular issue?

1275 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, it is a fact that when we came in – and I was not the first Minister for Heritage in this Government, my hon. Friend and colleague Steven Linares was – we found there had been so much neglected in the previous 16 years – I have to say that – that some was irrecoverable.

1280 In relation to Pete Jackson, he is an old friend. He is a trustee of the Heritage Trust, I believe, currently. He does wonderful work and he has been supported, certainly by my Ministry, in being given a location to carry out a lot of his restoration work. He is encouraged to do this with volunteers. I am not aware of him requesting any specific assistance, which would not ordinarily be denied provided it is clearly affordable. A lot of this work is quite specialised work. I think Pete will not be able to do all of it and will be needing some support, but, as I said before, we are working with the Ministry of Defence, who, traditionally in some of the exercises that take place in Gibraltar, do volunteer to carry out restoration work, particularly that which is perhaps more technical and more difficult to achieve.

1285 I am satisfied, Mr Speaker, that we are doing a fine job in restoring our artillery. I can tell him that, if not last week, this week work is commencing on the various pieces of artillery in Princess Caroline's and Princess Amelia's area. They do suffer a lot, clearly, from the weather in exposed sites and from the attention of yellow-legged gulls that may sit on them occasionally, so it is a job that has to be kept going, but I am confident that we are doing a better job than has ever been done, Mr Speaker. *(Interjection)*

1290 **Hon. D J Bossino:** I was not in government, not me personally. *(Interjection)* No, I do not think I was either.

1295 **Mr Speaker:** Let's have the second supplementary, please. Proceed.

1300 **Hon. D J Bossino:** Yes, Mr Speaker. He says he is satisfied, but he has not ... Let me just, by way of completeness... In fact, in relation to this particular project, the Heritage Trust acknowledges the assistance from the Minister for the Environment, I think, in relation to logistical help, but in relation to the comment that he makes, is he really satisfied? Doesn't he think that, really, more investment needs to be made in relation to this? At the end of the day, what he is talking about is that there is scant emphasis placed on the preservation of these guardians of our freedom, so it could come to a point where they cannot be refurbished at all. I do not know whether they are in

1305 that bad a state. I simply do not know, but shouldn't there be a greater effort on the part of the
Government to ensure that these artillery postings are properly refurbished sooner rather than
later?

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has done, if I may say so
myself, sterling work in many areas – in the construction of new schools and the construction of
1310 affordable homes and rental homes for the elderly – and we have also invested in the social fabric
of our community in many ways. If I may say so, with respect, Mr Speaker, the work that the hon.
Gentleman has done on the Upper Rock is remarkable, and the work done on the Northern
Defences by the Hon. Deputy Chief Minister is really quite spectacular. Every time we do not do
that, we face an accusation that we are spendthrift and we are spending too much money, and
1315 now the hon. Gentleman gets up and tells us to spend more money on repairing guns.

Mr Speaker, what we are going to do is continue to do that which is in our manifesto which we
are able to do, which includes the protection of our heritage and our natural environment, but
setting the priorities ourselves, not letting the hon. Gentleman from the Opposition, in opposition,
drive the spending priorities. At the moment, I know that he will want to run with the hare and
1320 hunt with the hounds, as usual, and urge us to spend when he thinks he might be garnering one
vote, or many, and urge us to save when he thinks he may be garnering one vote, or many. We
are going to keep our spending priorities fixed on what is in the interests of the people of Gibraltar.
This is one part of it, but not the most important.

1325 **Mr Speaker:** One final question.

Hon. D J Bossino: Mr Speaker, as usual, the hon. Member... It is in his style. He simply cannot
help it; he just cannot help it. He always needs to make those barbed political comments that we
are used to. I am used to it from him. I have known him for many years, and that is his *modus*
1330 *operandi*. That is the way he is, and I do not think he will ever change. I am sure he will –

Mr Speaker: You need to ask a question. With respect, the Hon. Damon Bossino, you must ask
a question.

1335 **Hon. D J Bossino:** Mr Speaker, yes. In relation to the cost issue, does the hon. Member have
an idea of how much the refurbishment of guns like this would cost? What would be the outlay
for the Government? He is shaking his head. I know it is an unfair question to ask him, but the
point has been raised in the context of the reply by the Hon. the Chief Minister and I suspect that
he will be replying rather than the hon. Member.

1340 **Hon. Chief Minister:** Mr Speaker, I will be replying in my usual style, that to which the hon.
Gentleman has become accustomed, which is to point out the lack of logic in this question and
the contradictions.

If you urge a Government to do something, Mr Speaker, it usually inevitably involves a cost. If
1345 it does not involve a cost, usually others in our community will have chosen to do it or the
Government itself will have done it earlier. Unless, when he got up, he did not envisage that what
he was asking us to do was spend money, this will cost money, because I have told him this is not
something that we have as a priority that we have already costed. We do not have an order of
costs for it, but the hon. Gentleman will know that the costs have been published of the works
1350 which have been done either directly by the Government or with the support of sponsors in other
similar batteries, which are now in very good condition – for example, down by Europa, and the
O'Hara's gun, which is really quite spectacular, but even then requires further and additional work.
So, there is always an order of costs.

What I will not shy away from doing, Mr Speaker – unless you ask me not to, but not because
1355 he does – is pointing out to the hon. Gentleman the contradiction in what he does. This,

1360 unfortunately, is considered by the hon. Gentleman to be a barbed political comment, but I am afraid, with him – as he knows, I have such deep affection for him – I do not want to barb him at all, but I do want to point out to him, and to anyone who might fall for his faux charms, that actually what lies behind his political position is a morass of contradictions, asking us, on the one hand, to save money, and asking us, on the other hand, to spend money, even when he does not know how much he is asking us to spend. *Plus ça change*, Mr Speaker.

Mr Speaker: The Hon. Roy Clinton has a supplementary.

1365 **Hon. R M Clinton:** Thank you, Mr Speaker. I will be very brief.

I would like the Hon. Minister ... I do not know if he can recall the subject of the 9.2 barrel that was in the scrapyards and whether he has had any joy in assessing whether it can be saved for posterity. In fact, the Chief Minister himself called it:

an impressive piece of military machinery that should not be allowed to rot. This is part of our military history and needs to be displayed appropriately.

1370 I hear what the Chief Minister says about cost, but obviously there is no need to let it fall to the scrap merchant.

1375 **Hon. Prof. J E Cortes:** Mr Speaker, there are ways of achieving things which will not necessarily cost the taxpayer inordinate amounts of money, and I am working very hard on achieving a lot at no cost or little cost to the taxpayer. I am pleased to say that I am working closely with the Gibraltar Heritage Trust, who are looking at restoring that piece of artillery using sponsorship, and we are now discussing a shortlist of two possible places in which it could be placed. So, that is good news, Mr Speaker. Thanks to the work of the Heritage Trust and a sponsor, who will not yet be made public because we have still to confirm it, we will be able to restore them at no cost to the taxpayer.

1380 **Mr Speaker:** Next question.

Q20/2021
Commonwealth Park –
Maintenance contract

Clerk: Question 20. The Hon. D J Bossino.

1385 **Hon. D J Bossino:** Mr Speaker, who holds the contract for the maintenance of Commonwealth Park, when was it put in place, and what has been the total cost of the maintenance under those contractual arrangements since the contract was put in place?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1390 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, the contractor for the maintenance of Commonwealth Park is Wildlife (Gibraltar) Ltd. This was put in place in July 2014.

1395 The cost per financial year has been as follows: 2014-15, £140,641.95; 2015-16, £169,292.90; 2016-17, £170,252.57; 2017-18, £169,498.49; 2018-19, £188,336.41; and 2019-21, a 24-month year, £418,808.63.

Hon. D J Bossino: I know this information is publicly available, but can he tell me who the shareholders and directors of Wildlife Gibraltar Ltd are? *(Interjection)*

1400 **Mr Speaker:** If it is in the public domain, I am reminding you, hon. Gentleman, that you cannot ask that question.

Hon. D J Bossino: Mr Speaker, I was just giving it a try to see if the Government would be open and transparent in relation to the answer, but I will spend the – *(Interjection)*

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Mr Speaker: That is unnecessary.

Chief Minister (Hon. F R Picardo): Point of order, Mr Speaker?

1410 **Mr Speaker:** Please resume your seat and we will move on to the next question.

Hon. Chief Minister: Thank you. *(Interjection)*

Hon. D J Bossino: Mr Speaker, was the contract out for tender – the contract for the maintenance of Commonwealth park?

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A Member: Yes.

Hon. Prof. J E Cortes: Yes, Mr Speaker, it was. A number of entities were asked at the time.

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Hon. Chief Minister: Mr Speaker, the hon. Member ought to check *Hansard*. We have had all of these questions before, all of the references to his work, all of the references to the costs, all of the references ... We have had it all before, if you just go to the *Hansard*.

1425 **Hon. D J Bossino:** Mr Speaker, should the hon. Member be called to order? He is speaking to the Chamber from a sedentary position and –

Hon. Chief Minister: I am heckling you.

1430 **Hon. D J Bossino:** He is heckling me. The hon. Member has admitted he is heckling me.

Mr Speaker: Hon. Member. *(Interjection)*

Hon. D J Bossino: The Hon. Chief Minister says that this point has been ventilated in the House before. I am not sure whether it was ventilated when I was not here. It may have been ventilated when I was not here last time. *(Interjection)* Possibly, but –

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Mr Speaker: It is possible that the questions were put in advance of six months ago. That may be the answer that you are –

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Hon. D J Bossino: Mr Speaker, it may have been when I was outside of the House, during the 2015-19 session, but I would need to check the record. I will take the hon. Member opposite's word for it, and I can always check and revert, with your permission, to ask further questions once I have had the chance to consider the replies given by the Government in relation to this.

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Mr Speaker: Move on to the next question.

Q21-24/2021
Wrightech Ltd –
Details re contract with HMGoG

Clerk: Question 21. The Hon. D J Bossino.

1450 **Hon. D J Bossino:** Further to replies given to Question 582/2020, please provide details of when the contract entered into with Wrightech Ltd was commenced, and what is its duration?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1455 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 22, 23 and 24.

Clerk: Question 22. The Hon. D J Bossino.

1460 **Hon. D J Bossino:** Further to replies given to Question 582/2020, please provide the date of the contract entered into with Wrightech Ltd?

Clerk: Question 23. The Hon. D J Bossino.

1465 **Hon. D J Bossino:** Please provide details of the parties who have entered into the contract with Wrightech Ltd with regard to the operating system of the Upper Rock Nature Reserve.

Clerk: Question 24. The Hon. D J Bossino.

1470 **Hon. D J Bossino:** Please provide details of the fee arrangements entered into with Wrightech Ltd in connection with the operating system for the Upper Rock Nature Reserve.

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1475 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, the parties to the contract are Wrightech Ltd and Her Majesty's Government of Gibraltar, through the Department of the Environment. The contract was signed on 25th June 2019 and the first payment was made in August 2019. The duration of the contract is 15 years. The fee arrangement under the agreement is as follows, and I am quoting from the agreement:

- a) The payment from the customer to the supplier in respect of each month shall be the lesser of:
50% of the amount (the 'additional revenues') by which the sales revenues generated by the system in the month in question exceeds the monthly sales revenues during the previous financial year ending on 31st March 2019 (the 2019 revenues), or;
10% of the total sales revenues arising in that month.
For the purposes of paragraphs (i) and (ii), 'sales revenues' means the gross revenues from all tickets and commissions received from the sites.

1480 **Hon. D J Bossino:** Mr Speaker, it is almost impossible to understand what the hon. Member has said in the latter part of his reply in relation to the fee arrangements. I will need to consider that with a bit more time, but can he confirm that the fee arrangements are completely and utterly understandable from the reply he has given, without necessarily having available to one the entirety of the contract? For example, are there matters such as words which are defined in other parts of the contract which would make the excerpt that he has just quoted from the contract completely non-understandable without having the entirety of the contract available to us?
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Hon. Prof. J E Cortes: Mr Speaker, I do not think I understand what the hon. Member does not understand, so perhaps he could say it again, so that perhaps I can understand it.

1490 **Hon. D J Bossino:** Mr Speaker, I do not understand the reply he has given, and all I am asking him, very simply, is if it is possible to follow the reply without having the entirety of the contract available to one.

Hon. Prof. J E Cortes: Yes.

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Hon. D J Bossino: Is it? Is that the answer? Yes?

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

1500 **Hon. D J Bossino:** Mr Speaker, is he able to say whether this particular contract was put out to tender before it was granted? Yes?

Hon. Prof. J E Cortes: Yes, Mr Speaker. This is going back several years. There were a number of entities that made proposals and this was the one that was selected.

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Hon. D J Bossino: Mr Speaker, is he able to say whether 36 North Ltd has any arrangements from which it benefits as a result of this contract? Is he able to say that at all? The reason why I raise this is because in the answer the Hon. the Chief Minister gave to the Hon. the Leader of the Opposition back on 23rd March he mentioned some of the contracts that 36 North had entered into, but not necessarily all of them, if I may say so, and I wondered whether there was any contractual arrangements which have been entered into, in relation to this, in respect of which basically 36 North Ltd itself benefits.

1510

Hon. Prof. J E Cortes: Not by the Department, absolutely.

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Hon. D J Bossino: Not by the Department in what way? Sorry, I have not followed his answer.

Hon. Prof. J E Cortes: There is no contractual relationship between the Department and the entity that he has mentioned in relation to a contract which is with Wrightech Ltd.

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Hon. D J Bossino: But is it possible that Wrightech Ltd has itself entered into an arrangement with 36 North Ltd?

Mr Speaker, this is a matter of public interest if that is the case, and surely the Government should know if that is the case or not.

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Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, it is possible that Wrightech Ltd may have entered into arrangements with 36 North, with TSN, with Hamas, with Syria and with anyone else. How do we know? *(Interjection)* No, Mr Speaker. What a ridiculous question, if the hon. Gentleman may permit me to say. The hon. Gentleman has asked a question to which the only potential answer is yes. If the hon. Gentleman says, 'Is it possible that Wrightech Media have entered into arrangements with 36 North?' the answer can only be yes, but it can only be yes in the context of the fact that Wrightech Media may also have entered into arrangements with Triay Stagnetto Neish, of which the hon. Gentleman is a member, and we would not know, but he might, that they might have entered into arrangements – I do not want to mention any other company in Gibraltar, Mr Speaker; that is why I have mentioned companies outside – or with the British Broadcasting Corporation, for all we know, and if they do not require our consent under the contract for those arrangements, which might be for the disposal of rubbish, for the disposal of

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their data or for whatever, how could we know and how can I legitimately permit anyone to give an answer to this House which would be wrong?

1540 The hon. Gentleman has asked a question which is so open-ended that it is, frankly, not a question that is designed to elucidate any genuine information. If the hon. Gentleman knows something that we obviously do not, he should share it with us, so that we, as the representatives of the public, can have that information, because that would be in the public interest and in our interest too.

1545 **Hon. D J Bossino:** Mr Speaker, I have –

Mr Speaker: This will be the final question, the Hon. Damon Bossino.

1550 **Hon. D J Bossino:** Mr Speaker, I am told that there is an arrangement between Wrightech Ltd and 36 North Ltd. This is the company that the hon. Member has openly said in this House he is, by virtue of the fact that he is a sabbatical partner at Hassans, a beneficiary as to 33%. I am going to ask him in terms of his personal capacity, because that is a matter which is of his personal capacity, although it is a matter of public interest because, at the end of the day, he is the Chief Minister of Gibraltar, and a Member of his ... well, no longer a Member of his Cabinet, but a backbencher on the Government side is also a beneficiary of that. So, can I ask him whether he knows whether Wrightech Ltd has entered into contractual arrangements with 36 North, in circumstances where his official reply is that it is within the realms of possibility that Wrightech Ltd has entered into contract arrangements with 36 North Ltd?

1560 **Hon. Chief Minister:** Mr Speaker, I will answer the hon. Gentlemen in my personal capacity, in my professional capacity as a lawyer and in my political capacity as the Chief Minister of Gibraltar, all three together. I do not know at all about any arrangements entered into between Wrightech Media and 36 North. The hon. Gentleman has been very happy to recite all those people who have a potential interest in 36 North sitting on this side, but he has not referred to the hon. Gentleman sitting to his left, who is also a partner of Hassans, and he has not referred to the fact that he and the Leader of the Opposition work directly with the wife of one of the owners of 36 North.

1565 So, if the public interest is going to be elucidated, let's put everything under the microscope of the public interest. We, on this side of the House, have absolutely no knowledge whatsoever of any arrangements entered into between 36 North and this company, Wrightech Media. If the hon. Gentleman says that there are such arrangements, he might disclose them to us. We will now, as a result of this questioning, ask 36 North in writing whether there are any such arrangements. That is the position which will help elucidate to the whole of the public the reality of the situation, and then we will have before all of the public all of the information.

1575 Mr Speaker, given that I have told him that I am not aware of those arrangements, I do not know whether he is going to impute bad faith or misfeasance to me. If he is, I put it to him that he needs to come up with specific information. The hon. Gentleman likes to throw the stone and hide the hand. He likes to pretend that he is a gentleman, Mr Speaker, but then he behaves like a scoundrel.

1580 **Mr Speaker:** I think that word is unparliamentary. (*Interjection*) Hold on. Please resume your seat. I think the use of that word is unparliamentary and I do not accept it.

1585 **Hon. Chief Minister:** Mr Speaker, I withdraw the word 'scoundrel'; I would rather just call him a fool.

Hon. D J Bossino: Mr Speaker, is the word 'fool' unparliamentary?

1590 **Mr Speaker:** I have to agree with the Hon. Damon Bossino – it is also unparliamentary, not at the level of ‘scoundrel’, but it is unparliamentary.
We now move on to the next question.

Q25-27/2021
Nun’s Well, Central Hall, Midtown green area –
Costs

Clerk: Question 25. The Hon. D J Bossino.

1595 **Hon. D J Bossino:** This will be a tamer question, Mr Speaker.
What is the restoration and any associated ongoing cost of the Nun’s Well to the Government, and which company was awarded the contract to carry the restoration works?

Clerk: Answer, the Hon. the Minister for the Environment and Education.

1600 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):**
Mr Speaker, I will answer this question together with Questions 26 and 27.

Clerk: Question 26. The Hon. D J Bossino.

1605 **Hon. D J Bossino:** What is the refurbishment and any associated ongoing cost of the Central Hall to the Government, and please confirm the details of the company involved in the refurbishment?

Clerk: Question 27. The Hon. K Azopardi.

1610 **Hon. E J Phillips:** Mr Speaker, not the Hon. K Azopardi – I have been asked to ask this question on behalf of the Leader of the Opposition.

What has been the cost to date of the works towards the creation of the green area by Midtown?

1615 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

1620 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):**
Mr Speaker, the cost of the restoration of Nun’s Well was £77,386.15, carried out during the financial years 2018-19 and 2019-21. The contractors were GJBS and Progressive Construction & Wastage Ltd, the latter carrying out the emptying of the accumulated sludge.

1625 In answer to Question 26, the cost of the refurbishment and heritage restoration of the Central Hall was £146,478.50. The contractor was Soul Construction Ltd. The refurbishment included the work on the main ballroom, exposing original stonework on the heritage walls and exposing the ceiling and iron supports, bringing it back to its original state and doing justice to its former use as a church. The work also included the refurbishment and paving of the rear exterior areas, including fire escapes as requested by GFRS and the refurbishment of the entrance lobby.

1630 The ongoing costs at the hall are the recurring monthly electricity, water and cleaning expenses, amounting to approximately £6,300 annually.

The cost to date of the works at the Midtown Park is £3,769,440.73. That is it, Mr Speaker.

Hon. D J Bossino: In relation to both of my questions, can he state whether those contracts also went out to tender at all? And, in relation to the Nun's Well question, did he say what the ongoing costs were?

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Hon. Prof. J E Cortes: Mr Speaker, there were a minimum of three quotes for the works that had to be carried out. I believe that in the case of Wastage Ltd it may be that they were the only ones who were able to do it because of the specialised work in sludge removal.

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I have not given the ongoing costs of Nun's Well because they are minimal. It is the electricity. It has not been ongoing for long enough. We have only recently opened it and the lights are switched off for most of the time. They are only switched on when there are organised tours, so minimal, negligible ongoing costs for Nun's Well.

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Hon. D J Bossino: The tender question was also made in relation to the Central Hall. Did he answer that?

Hon. Prof. J E Cortes: Mr Speaker, the work for Central Hall was carried out for the Ministry of Culture by Gibraltar Cultural Services and they sought three quotes as well.

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Hon. D J Bossino: In relation to the Central Hall, I think the Government press release talked about this being the first phase. I am not sure whether he has answered, because I have not asked it, but in relation to his replies, whether he has shed any light as to whether there is going to be a second or indeed third phase, when those are going to happen and when he expects the whole refurbishment to be complete.

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Hon. Prof. J E Cortes: The second phase, Mr Speaker, is the re-landscaping of the garden area to the east so that it could be used for receptions and so on. It is in the process of being costed and we will see whether we decide to undertake it or not.

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Hon. D J Bossino: If I may, Mr Speaker, in relation to the building itself, that is done and dusted?

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Hon. Prof. J E Cortes: Mr Speaker, with the exception of the stained-glass windows, which are currently being manufactured.

Mr Speaker: The Hon. E J Phillips.

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Hon. E J Phillips: Arising from the Nun's Well question, before we get on to Mr Azopardi's question.

Mr Speaker, what measures has the Government taken in relation to the stagnant water at Nun's Well? Obviously it was closed due to mosquitoes, as far as I understand, but what measures has the Government taken?

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Hon. Prof. J E Cortes: Mr Speaker, the water in Nun's Well is not stagnant. It is absolutely clear. I was there just a couple of days ago, at the end of last week, with His Excellency the Governor, and it is not stagnant. There is no sign of mosquitoes. It is being monitored and if it were to become a problem, then it would be tackled.

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There are several ways of tackling, but again, Mr Speaker, if I may say, this is not a logical extension of the question.

Mr Speaker: Let's move on to a supplementary.

Q20/2021

**Commonwealth Park maintenance contract –
Supplementary question**

Hon. D J Bossino: If I may, just a point of order, in order to ensure that the record of *Hansard* is as accurate as possible. I am not sure whether there may have been an error in the reply given by the hon. Member in relation to the Commonwealth Park question.

1685 The first figure he gave, if I am of assistance to him, I think was £140,641. Did he give the years as 2014 to 2018? Is that correct? Or is it meant to read 2015? I may have heard incorrectly, but he may have said it and then it will remain as part of the record of the House on an incorrect and erroneous basis.

1690 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, 2014-15. I may have misread it, but I do not think I did. (*Interjections*)

Q27/2021

**Midtown green area costs –
Supplementary questions**

Mr Speaker: Supplementaries on the Hon. the Leader of the Opposition's question.

1695 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer as to the cost to date of the works on the creation of the green area by Midtown. Obviously, many members of the public may have choked on their *calentita* when they heard that the cost was £3 million in relation to that green area. I would ask whether the Government Minister has a breakdown insofar as the lift, the green areas, the paving slabs, the children's park and the continuing trees that are planted there. I wondered whether the Government had any breakdown of that.

1700 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, not broken down as the hon. Member has asked, but I can tell him ... Remember that this was built on the site of a power station and the complexities of converting that into a park where trees will grow and green grass will thrive is tremendous. The breaking up and removal of the old power station engine beds in itself costs £250,000. The removal and exportation of contaminated material from the ground, which was essential, was about £390,000. Those are two elements of the breakdown that I have. It was a complex project. I think that the results are there for all to see. I recall when Members opposite were very critical of our work on Commonwealth Park. In fact, they almost mocked the very idea of it, and to have heard the Hon. Mr Bossino joke about it today ...

1710 If the hon. Members have not been there, I recommend it. It is an extraordinary place to visit in Gibraltar. It is used by thousands on an annual basis and the Midtown Park will have that same use and more.

1715 **Hon. E J Phillips:** Mr Speaker, that cost, I would assume, also includes the removal of the turf that was initially laid to be replaced at Alameda – am I right, or not?

1720 **Hon. Prof. J E Cortes:** Mr Speaker, that cost likely includes it, but I have already explained that that was in order not to have left, during the COVID period, a dust bowl, which would have had repercussions throughout the area. Lawn was laid in order to contain it, because it was not a proper lawn, which could not come over because it had to come from the UK and we were in the middle of the COVID pandemic.

Mr Speaker: Right, next question.

BUSINESS, TOURISM, TRANSPORT AND THE PORT

Q28/2021

**Electric scooters –
Legal position re use in Gibraltar**

1725 **Clerk:** Question 28. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the legal position on the use of electric scooters in Gibraltar?

1730 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the Government will shortly be publishing legislation in this regard.

1735 **Hon. E J Phillips:** Mr Speaker, whilst I am grateful that the Minister has now confirmed post the consultation process, I assume – and the questions have been asked on this – I did ask if he could set out what the legal position of the use of electric scooters was, not that he was bringing in legislation.

1740 Many members of the public have been quite concerned at some of the sights that we have seen on our roads. I do not need to recite them to this House, but it is obvious, and that is why I have been asked to ask the Government what they consider the legal position to be in relation to these vehicles. That is exactly the question I have asked, and I have not had an answer to it.

1745 **Hon. V Daryanani:** Mr Speaker, as I said, we are bringing legislation to make sure that these e-scooters can be used lawfully. That is what I mean by we will be bringing legislation very soon.

Hon. E J Phillips: So, Mr Speaker, the logical corollary of that, which is something that the Chief Minister ... the use of them currently is unlawful. Is that correct?

1750 **Hon. V Daryanani:** I would not agree with you that it is unlawful, because they are being used. There is no fixed legislation on how they can be used. That is imminent. We will be bringing that to the House within the next month or so.

1755 **Hon. E J Phillips:** Mr Speaker, just one additional question. The legislation that the Government intends, does it also require users of these e-scooters to be insured for their use?

1760 **Hon. V Daryanani:** That has been one of the difficulties that we have encountered in whether the insurance companies want to insure these e-scooters, but we are getting there and I think we will be in a position to have insurance for these e-scooters.

Mr Speaker: Next question.

Q29/2021

**Parking in Government estates –
Standardisation of rental rates**

Clerk: Question 29. The Hon. E J Phillips.

1765 **Hon. E J Phillips:** Mr Speaker, can the Government state whether or not they intend to equalise or standardise parking rental rates in all Government estates?

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

1770 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, Government estates have different parking facilities depending on location and space available. If the hon. Member advises me as to which Government estate he is alluding to, I am happy to look into it and revert.

Mr Speaker: Next question.

Q30/2021

Midtown car park – Electric charging parking spaces

1775 **Clerk:** Question 30. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm that it intends to clamp down on the practice of non-electric cars parking in bays which are designed for electric charging at Midtown car park?

1780 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

1785 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, the designated electric charging point bays at Midtown car park are being monitored remotely by CCTV and by manned security patrols on a 24-hour basis. Any non-electric vehicles which park within these bays are immediately towed away.

Mr Speaker: Next question.

Q31/2021

MoT testing – Taking over of function by Bassadone Group

Clerk: Question 31. The Hon. E J Phillips.

1790 **Hon. E J Phillips:** Mr Speaker, can the Government state that they are in talks with the Bassadone Group about taking over the MoT testing function from the Transport Ministry?

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

1795 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, no sir.

Mr Speaker: Next question.

Q32/2021
GTB –
Announcement re CEO

1800 **Clerk:** Question 32. The Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state when it is expected that the identity of the CEO of the GTB will be announced, to include his salary and any other perks?

1805 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, when we are ready to do so.

1810 **Hon. D J Bossino:** Does he have an idea as to when that occasion will arise?

Hon. V Daryanani: Mr Speaker, I do not feel that I need to give him a blow-by-blow account of this process. *(Interjection by Hon. Chief Minister)* Yes, exactly. When we are ready, we will make the announcement.

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Hon. D J Bossino: Mr Speaker, now that the advert has appeared, and I think the deadline for making applications has gone, is he able to say how much the CEO is expected to earn by way of financial gain in relation to his salary and any other associated perks? He will recall that I asked this question at the last session of the House, on 17th March. I have the *Hansard* here, where, when I probed him in relation to this, he said that he clearly was not able or was unwilling to provide me with the answer. He said:

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I do not see why he cannot wait for a couple of weeks, for two, three weeks when he will see the advert and we will be in a position to discuss.

The advert was published. I do not have it with me, I saw it in the *Gibraltar Chronicle*, but I think it said something along the lines of 'competitive'. It did not give any details as to what the salary would be.

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Hon. V Daryanani: I am not prepared to give any further information on the salary, but what I will say is that it will be commensurate with the person's experience and it needs to be negotiated.

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Hon. D J Bossino: I was going to ask, in terms of probing further in relation to whether it is the same answer he gave me in the last session, on the last occasion that I asked him in this House, on 17th March, does he not agree with me that it should not be commensurate with the experience of the successful applicant, it should be commensurate with what he is expected to do, which, as he has said, I think in his first statement when he announced his initiative in relation to this issue, is quite a long list? It is quite a wide berth that this individual will be expected to discharge in terms of responsibilities, so shouldn't it be commensurate with that rather than with the experience of the successful individual?

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Hon. V Daryanani: Mr Speaker, it seems that he is arguing that we should pay this person more. Like I said, the application process has closed, so we will be looking at the applicants and we will be making an announcement soon.

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Mr Speaker: Next question, please.

Q33/2021

Question withdrawn

Clerk: Question 33. The Hon. D J Bossino.

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Hon. D J Bossino: Mr Speaker, this question relates to the green-lighted destination issue. *(Interjection)* Yes, I am happy to state that for the record. The hon. Member did call me and said whether perhaps when I filed the question it was still irrelevant, in the sense that I did not have that information. I think when he called me the information may have been out, in terms of the

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UK government's decision. I decided to leave it on the Order Paper because I thought there were interesting supplementaries that could be asked, but I think that may now go by the wayside as a result of the Hon. the Chief Minister's Statement earlier today, so I am happy to withdraw that question unless the Minister is really keen to provide his response to it.

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Mr Speaker: Next question, please.

Q34/2021

Volotea flight from Bilbao –

Update re permit

Clerk: Question 34. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide an update as to whether Volotea has obtained the required permits to allow it to operate the announced flight to Gibraltar from Bilbao?

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

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Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, I presume the question should have read, 'Can the Government', or indeed the Minister for Tourism, 'please provide an update?' In any case, Mr Speaker, I am not in a position to provide an update on this matter.

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Hon. D J Bossino: Mr Speaker, I am not going to take lessons from the hon. Member as to how I should pose questions. I pose the questions as I deem fit. I file them with the House, and if there is something untoward with them, no doubt I will receive a call from the parliamentary staff or indeed from you, Mr Speaker. I have asked similar questions in the same vein of his hon. colleague in Cabinet, and he has not raised any objection.

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Can I just ask him whether he has made any inquiries as to progress in relation to this and what his current estimation is as to whether this is likely to happen, and, if so, when?

Hon. V Daryanani: Mr Speaker, he is right that I cannot give him lessons on asking questions, because I have never asked questions before, as I have never lost an election before. *(Laughter)*

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Hon. D J Bossino: Mr Speaker, a point of order.

Mr Speaker: What is your point of order?

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Hon. D J Bossino: The hon. Member, in his usual style, talks of accuracy and he does not know what he is talking about. *(Interjections)* The hon. Member stood for election – *(Interjection)* No, it

is not true. The hon. Member stood for election, I think it was in the year 2000, and he did not get a seat, *(Interjection)* so he is wrong in what he said. He lost an election. He did not get a seat in Parliament, so therefore he is wrong and incorrect. *(Interjection)*

1890 **Mr Speaker:** Can the Hon. the Minister answer the question, please?

Hon. V Daryanani: I think his question was that he wanted to know whether there is going to be another update. Well, I do not know when there will be an update with Volotea, but I have told the Member opposite that each time he makes these comments he damages Gibraltar's chances of opening new routes **(Several Members: Yes.)** and of attracting new airlines from the Schengen zone, but he continues as if he is hell-bent on destroying the Government's attempts in this field. *(Interjection by Hon. D J Bossino)*

1900 **Mr Speaker:** I do not think it is right that you should ... You will have an opportunity to question in supplementary.

Hon. V Daryanani: Let me tell him that his defeatist and negative attitude will not stop me from continuing my hard work on promoting Gibraltar and bringing unprecedented connectivity to it. **(Hon. Chief Minister: Hear, hear.)** Our people can see through his pointless and childish press releases. **(Hon. Chief Minister: Hear, hear.)** While we work around the clock to attract new business, new opportunities and revitalise our economy, he continues playing politics at Gibraltar's expense, not realising the disservice that he does to our homeland and the manner in which it prejudices the Government's position. He obviously does not care whether we succeed or not, as long as he has his relevance for one day in the press.

1910 However, since they seem to want to carry on talking about air services, may I remind the hon. Member opposite, the Parliament and indeed all those watching or listening that this Government has ensured that, this summer, more airlines will be operating to Gibraltar, to more destinations than ever before: Heathrow, Gatwick, Luton, London City, Manchester, Bristol, Southampton, Birmingham, Edinburgh and there is more to come.

1915 We have shown vision and ambition, something that the Opposition clearly do not have and did not have when they were in government. We will keep on disappointing him by being even more ambitious with our airport network expansion plans. Our tourism sector and our business sector expect this of us. I am continuously congratulated for the excellent work we are doing, and for as long as I am Minister for Tourism I will not adopt his pessimistic and destructive attitude. 1920 Instead of being positive for Gibraltar in these difficult times, he is obviously envious of our success. That is so typical of him and his colleagues, who at every opportunity criticise the Government without thinking of what they actually say and the damage they do. *(Interjection)*

1925 **Mr Speaker:** No. Will the Hon. Minister please resume his seat? The point of order is absolutely right. You are tending to go a bit overboard in your explanation and you are making a statement, which is supposed to be concise. I know you want to state what the position is and what the Government's position is, but you must make it rather more concise. So, if you could wrap up very quickly.

1930 **Hon. V Daryanani:** Mr Speaker, they complain when we do not give them answers, and when they get a full answer they also complain. *(Interjections)* Well, like I said – *(Interjection and laughter)* It is so typical of him and his colleagues, who at every opportunity criticise the Government without thinking of what they actually say and the damage they do.

1935 Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Damon Bossino wishes to ask a supplementary?

1940 **Hon. D J Bossino:** Yes. Mr Speaker, what an immature, pathetic reply we have just been treated to in this House, but it is typical of him. (*Interjection*) No. Mr Speaker, I will be allowed to respond to some of the points that he is making. (**Hon. Chief Minister:** No!) I will ask the question. (**A Member:** Question!) Mr Speaker, I will be called to order by you, but I will not be called to order by the Chief Minister –

Hon. Chief Minister: I'm heckling you!

1945 **Hon. D J Bossino:** – the Leader of the House, the Mr Everything. Power has gone to his head, (**Hon. Chief Minister:** No.) and it is so obvious at every session of this House. The sooner he loses it, the better for him and the better for our society, quite frankly, Mr Speaker.

Mr Speaker: Let us have a question.

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Hon. D J Bossino: It was a very simple one and it dealt with whether he has made inquiries. I do not think he has answered that question because he has been so hell-bent on regurgitating and rehashing the debate we have already had on the airwaves and the debates we have already had by virtue of press releases, that he has forgotten to answer the question I asked. Let me ask him another question.

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Mr Speaker: Can you repeat the question, or ask another question?

1960 **Hon. D J Bossino:** I will ask another question, Mr Speaker. Should he not be standing in this House today and acknowledging the error of his ways, and therefore apologising to the people of Gibraltar for having led them down the garden path by telling them that we had a new airline, Volotea, coming to Gibraltar and going to Bilbao, when in fact he had not done the most basic, most obvious of due diligence by asking Volotea, before he participated quite freely in his great announcement that there would be a new airline and a new air route to Bilbao, but they did not have the basic permits and permissions from the relevant authorities? He should be apologising, and if we had a bigger Parliament, Mr Speaker, he should be resigning and going to the back benches. That is what he should be doing. Does he not agree with me?

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Mr Speaker: Can the Hon. Damon Bossino resume his seat?

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government does not agree with the Hon. Mr Bossino, both in relation to my head or in relation to the position of the Hon. Minister for Tourism. The Government, in fact, considers that the Hon. the Minister for Tourism is doing a magnificent job, (*Interjection*) and I will tell the hon. Gentleman why. That is not just the position of the Government, Mr Speaker, that is the objectively verifiable situation, because if we measure Ministers for Tourism against the routes available from Gibraltar Airport, then the Hon. the Minister for Tourism – and the hon. Gentleman was asking about routes from Gibraltar Airport – is able to be credited with a situation where he has brought more flights to more destinations than just about any other Minister for Tourism, including those who have previously served in my Government, and indeed certainly more than ever served in Governments of the initials of the party that the hon. Gentleman craves to represent, even though he has failed to lead it, both when he has been offered the opportunity of an open goal or indeed when he has tried, in a leadership election, to succeed.

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1985 **Hon. D J Bossino:** Point of order.

Hon. Chief Minister: That is not much to say, Mr Speaker.

Mr Speaker: What is your point of order?

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Hon. D J Bossino: Mr Speaker, we are being controlled on this side of the House in terms of the number of questions we are asking and the manner of the questions.

Mr Speaker: What are you suggesting?

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Hon. D J Bossino: Mr Speaker, all I am saying is that they should be subject to some control as well. *(Interjection by Hon. Chief Minister)* The reply that he has given is wholly irrelevant to the point I have raised. What have my leadership ambitions got to do with Volotea and Bilbao? Why does he have to bring it up on each occasion, this particular issue? It is wholly and utterly irrelevant. Actually, to be honest, Mr Speaker, I want him to carry on doing it. I want him to carry on doing it because he is increasingly becoming a joke, and people are seeing through him. *(Interjection)* That is my point of order and that should be curtailed and controlled.

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Mr Speaker: We are now going on to the next question.

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Hon. Chief Minister: If I might, because I was coming on to the Volotea issue, which the hon. Gentleman wants to know about.

Hon. D J Bossino: In a roundabout way.

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Hon. Chief Minister: Well, yes, indeed, Mr Speaker, because I was going to say that I know that the hon. Gentleman must have been hankering after the Volotea flight, because he stands more chance of being Lendakari than he does of being Chief Minister if he carries on like he is going.

Mr Speaker, what the hon. Gentleman did in relation to Volotea was exactly the same thing he does in relation to every airline that tells him they are going to fly to Gibraltar, which is to ask them whether they have dealt with all the issues they need to deal with, and ensure that before the Government says anything they have addressed that. Do you think that the Hon. the Minister for Tourism rang the Civil Aviation Authority in London to ask them whether British Airways had permission to fly to City when they told us that they wanted to fly to City? Or that when Eastern decide that they are going to fly from Southampton or Birmingham, the first thing we do is phone the Civil Aviation Authority to ask them that in London? Or when Wizz tell us that they are going to fly, or that Edinburgh is going to be added by easyJet, we call the Civil Aviation Authority to check that they can? Or that indeed any GSD Minister ever did that when they were advised that there was an opportunity that an airline will be flying a route? Of course not, Mr Speaker. What we do is refer the companies to the Gibraltar situation and we permit them to deal with the issues that they have to deal with in the other nations they may be flying from. That is, of course, what would happen.

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But there is another issue in relation to Volotea that the hon. Gentleman needs to think about, Mr Speaker, and with all the bluster and all the desire to get up, and with the abuse of the point of order, which is simply now being used as a device by hon. Members opposite to press a button and say, 'I don't like what is being said,' – which is not what a point of order is; a point of order is a very specific reference to the Rues of the House which are being broken. What the hon. Gentleman does not want to hear, or perhaps has not even thought of, is that there were more things in play in relation to the Volotea filing. It was the first route, potentially, from Spain. Does the hon. Gentleman think that when a Spanish airline approaches the Government of Gibraltar and says, 'We are ready to fly a route to Gibraltar Airport from Spain,' the first thing the Government of Gibraltar should say is, 'No, don't do it,' or 'Have you phoned Exteriores?' or 'Gentlemen, have you checked with the Spanish state that you can fly?'; or we should say, 'Gentlemen, we think this is very good. Our civil aviation authorities in Gibraltar will very much welcome you'? Or does the hon. Gentleman not think that perhaps – and I am not saying that this

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2045 would be the case – it would be a very interesting way of testing whether those who might be negotiating with the Government are going to agree that a flight should happen or not happen? And shouldn't that sort of tactical consideration, which is to the benefit of Gibraltar, be something that hon. Members might have worked out for themselves and might not require, as had been the case, explicit reference across the floor of the House? Or perhaps, Mr Speaker, it is just that the hon. Gentleman now will be so embarrassed that he did not realise that that was one of the potential things going on in the background, that he will now understand why my hon. colleague was telling him that perhaps he needs to think a little bit more before he gets up and says things which might not be to the benefit of Gibraltar, *if* he still cares more about Gibraltar than any other *patria*?

Mr Speaker: Right, next question.

2055 **Hon. K Azopardi:** Mr Speaker, may I, on this issue?

A Member: Ah, you are back!

Hon. K Azopardi: I have always been here, Mr Speaker. (**Hon. Chief Minister:** In spirit.)

2060 Mr Speaker, is the Chief Minister suggesting that the cataclysmic failure of presentation of the Volotea announcement of the route was actually planned and staged, and, in some sort of great strategic ploy, was deliberately arranged by the Government? Is that what he is suggesting in his last answer? (*Interjection*)

2065 That is one of the questions, but I have got a second question. (*Interjections*) Well, I will not ask more questions. I bundle them up in the interests of concision. (*Interjection*) No, the Government can bundle up answers but not questions, surely.

Mr Speaker: Technically, you should ask one question per supplementary.

2070 **Hon. K Azopardi:** I am happy to ask one question at a time, Mr Speaker. I was mindful of previous advice and guidance from the Chair, that wanted us to move quickly, and it is very difficult on this side to move quickly when we then get extended answers shooting in different directions. But I will keep it to that question.

2075 Is the Chief Minister suggesting that the cataclysmic failure is somehow a master ploy of the Government to expose this great strategy of attracting routes to Gibraltar, but getting the airline that has announced the route to then pull the ticket sale because it was, unfortunately, not one that was announced with permission?

A Member: Hear, hear.

2080 **Hon. Chief Minister:** Mr Speaker, I am quite happy to tell the other more likely candidate for Lendakari than Chief Minister that there has been no cataclysmic failure and that therefore the answer is that the premise on which his question is based is entirely wrong.

2085 **Mr Speaker:** You have a second supplementary?
Next question.

Q60-61/2021

Rooke site –

Identity of purchaser/beneficial owner and price

Clerk: Question 60. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state who has acquired the Rooke site and at what price?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will answer this question together with Question 61.

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Clerk: Question 61. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, in the event that a company or a group of companies has acquired a lease over the Rooke site, can the Government state the names of the ultimate beneficial owners of that company or group of companies?

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

Hon. Deputy Chief Minister: Mr Speaker, the Government continues in discussion with two entities in respect of the Rooke site. Therefore, nobody has acquired the site and nobody has acquired the lease over it.

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Hon. E J Phillips: In light of that, when does the Government expect to make an announcement in relation to the company or group of companies being successful, Mr Speaker?

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Hon. Deputy Chief Minister: Mr Speaker, following advice given by hon. Members in the past, the Government will make the announcement when the agreement has been concluded. At the moment, negotiations are ongoing.

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Hon. K Azopardi: Can I just ask on that, is it that the scope of the discussions with the preferred entity entails all the components that were publicly explained at the 2019 election, in their manifesto, that would be in that site?

Hon. Deputy Chief Minister: I can confirm to the hon. Member that that is the intention, Mr Speaker, and part of the discussion.

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ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to Wednesday at 3.30 p.m.

Mr Speaker: I now propose a question, which is that this House do now adjourn until Wednesday, 19th May at 3.30 p.m.

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I now put the question, which is that this House do now adjourn to Wednesday, 19th May at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Wednesday, 19th May at 3.30 p.m.

The House adjourned at 5.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.33 p.m. – 6.20 p.m.

Gibraltar, Wednesday, 19th May 2021

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The Gibraltar Parliament

The Parliament met at 3.33 p.m.

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

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

Questions for Oral Answer

ECONOMIC DEVELOPMENT AND ENTERPRISE

Q65-72/2021

**Public Debt and Reserves –
Details March and April 2021**

Clerk: Meeting of Parliament, Wednesday, 19th May 2021.

We continue with Answers to Oral Questions. We commence at Question 65. The questioner is the Hon. R M Clinton.

5

Hon. R M Clinton: Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the sinking fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following dates: 1st March 2021 and 1st April 2021?

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Clerk: Answer, the Hon. the Minister for Economic Development and Enterprise.

Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this Question together with Questions 66 to 72.

15

Clerk: Question 66, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government's advise the balance on the General Sinking fund on the following dates: 1st March 2021 and 1st April 2021?

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Clerk: Question 67, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the £150 million loan from the Gibraltar International Bank was repaid in April 2021?

25

Clerk: Question 68, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government provide a breakdown of gross direct borrowing as at 30th April 2021 analysed between debentures issued and bank borrowing, naming the lender, maturities and interest rates?

30 **Clerk:** Question 69, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an analysis of all loans granted by the Improvement and Development Fund as at 31st March 2021, showing the borrower, amount outstanding, purpose, repayment schedule and interest charge?

35 **Clerk:** Question 70, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise why the Gibraltar National Mint Limited has borrowed £500,000 from the Gibraltar Savings Bank by way of debentures issued?

40 **Clerk:** Question 71, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the level of reserves in the Gibraltar Savings Bank as at 31st March 2020 and 31st March 2021?

45 **Clerk:** Question 72, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise when and where does it intend to commence the 150,000 m² land reclamation project which is at the heart of its Post-Brexit National Economic Plan?

50 **Clerk:** Answer, the Hon. the Minister for Economic Development and Enterprise.

Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, the Gross Debt in March was £647.7 million and in April £697.7 million.

The Aggregate Debt in March was £635.6 million and in April £677.7 million.

55 Cash Reserves and Net Debt: March cash reserves were £59.7 million and net debt £362.9 million. The April figures are stated in the Draft Estimates Book provided to the Hon. Member.

60 The balance on the General Sinking fund on the requested dates were: 1st March 2021, £12,119,734; April, £20,019,928.

The £150 million loan from the Gibraltar International Bank was not repaid in April 2021.

65 The gross direct borrowing as at 30th April is as follows: Bank, £325 million; Debentures, £372.7 million.

The amount outstanding of all the loans granted by the Improvement and Development Fund as at 31st March 2021 is £65,843. Gibraltar National Mint has borrowed this sum to invest in developing its business and provide income to the Gibraltar Savings Bank.

70 The Gibraltar Savings Bank reserves information requested is in the Draft Estimates Book provided to the Hon. Member.

The Government can provide this information when the reclamation projects are in a position to be proceeded with, which remains to be identified.

75 **Hon. R M Clinton:** Sorry, Mr Speaker. I beg your indulgence while I analyse what the Hon. Minister has said.

If I can take the Minister back to his answer as to the Cash and Net Debt at 1st March 2020, I may have misheard him: did he give a number of Net Debt of about 360-something? The maths does not quite work in my head.

80 **Hon. Sir J J Bossano:** The March figure was £59.7 million in the Cash Reserve; and £362.9 million is the Net Debt.

Hon. R M Clinton: Mr Speaker, I am sure he will appreciate that if he adds back, that will give an aggregate debt of £422.6 million, which does not seem possible – if his Gross Debt is £460 –
(*Interjection by Hon. Sir J J Bossano*)

85 Would the Minister then perhaps go back and ask someone to check the figures?
(**Hon. Sir J J Bossano:** Yes, Mr Speaker.) Because I think the number should be, for Net Debt, somewhere like £575.9 million.

Mr Speaker, again just sticking to the Gross Debt/Net Debt question, which was Question 65, can the Minister then confirm that Gross Debt in fact has risen from 1st February 2021 to
90 1st April 2021 by the amount of £75 million?

Hon. Sir J J Bossano: I not have calculated the figure myself, but I trust these calculations, Mr Speaker.

95 **Hon. R M Clinton:** I am grateful, Mr Speaker.

Would he then agree with me, Mr Speaker, that the £697.7 million Gross Debt is, perhaps understandably, the highest level that we have reported in this House?

Hon. Sir J J Bossano: Given the fact, Mr Speaker, that the Hon. Member supported that we
100 would borrow £500 million, it is a figure that will continue to be growing until the £500 million is all borrowed.

So I agree that it is higher than it has been before, and I predict that it will be higher still because we all agreed in this House to borrow £500 million.

105 **Hon. R M Clinton:** Mr Speaker, if I may, before I move on to my next question, what we agreed was what the level of borrowing headroom was, not that we *should* borrow £500 million. I think there is an important difference in interpretation. But anyway, Mr Speaker, I will leave it there.

Can I ask Mr Speaker, why the loan of £150 million from the Gibraltar International Bank was not repaid and in fact, rolled over?

110

Hon. Sir J J Bossano: What I am advised by the Treasury is that as a result of the Covid, there is a lot of cash in the International Bank and in many other banks, and that since this is a revolving loan that we have got, which has got a year still to go, repaying that loan and then lending to somebody else would have resulted in the Gibraltar International Bank having to have an increase
115 in share capital, which we would have had to fund. The logic of not repaying it and triggering that situation was one that was discussed with the regulator and it was considered to be in the best interests both of the International Bank and the Government to continue to leave that amount unpaid at present.

It is probably the case that once the expected spending materialises of people coming out of Covid and being able to live more normal lives, we may see that that situation will no longer be
120 there, but of course, that expectation which many governments have in many parts of the world may not materialise. People may not go back on spending sprees after this, in which case at some point in time, we will no doubt have to repay that money and increase the share capital of the bank.

125

Hon. R M Clinton: Mr Speaker, I am very grateful to the Minister for his answer.

I have two questions. He may tell us that he does not have the information or you may, Mr Speaker, decide that it is far too tangential from the original Question, but since the Minister has brought up the matter of the bank and the capital, it is important and perhaps ... I just ask two
130 questions. One is in terms of the risk-weighted assets of the bank, is it that lending to the Government of Gibraltar is deemed to be zero-risk weighted?

Secondly, does he have any kind of indication of how much additional share capital would have been needed by the bank if the loan had not been rolled over?

135 **Hon. Sir J J Bossano:** The answer to the first question is yes, that is the case; and the second one, I believe the figure would have been something of the order of £5 million.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.
In respect of Question 68, I was given £325 million and £372.5 million. I assume £325 million was bank borrowing and £372.5 million was debentures. But if the Minister reads the Question,
140 he will see that I did actually ask for some detail.

Hon. Sir J J Bossano: The Hon. Member is right, I have not given the interest. I think it has probably been given before, but I will get it again and provide it to them, because the only thing that is new there is the 250 that has been drawn down already from the £500 million, and he
145 knows the interest on that. But I will get it. I agree with him that I have not put it in the answer, but it will not be new information.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister.
Perhaps in the £325 million, and he may have this information to hand, if we assume the
150 £150 million is with the Gibraltar International Bank, are we safe in assuming that the difference of £175 million is with RBS International/NatWest?

Hon. Sir J J Bossano: Yes, to my knowledge, there is no other bank lending to the Government.

155 **Hon. R M Clinton:** Mr Speaker, moving to Question 69, the Minister gave me one number: 600-something – I did not quite have time to catch it to write it all down. If he could repeat the number, and could he indicate who that was granted to? Again, I did ask for more detail in my question.

Hon. Sir J J Bossano: The number, Mr Speaker, is £65,843. That is the outstanding figure. These
160 sums go back quite a long time. One of them is Vineyards Management Limited. The other one is the Gibraltar Taxi Association. The first one is being repaid in 128 monthly instalments, of which 14 are still remaining. The second one is being paid in 120 instalments, of which 15 remain, monthly.

165 **Hon. R M Clinton:** Mr Speaker, I wonder if the Minister would be willing to provide us a schedule on this side of the House. It would be easier for us to understand the numbers and the borrowers. If he would be willing to do that, we would be grateful.

Hon. Sir J J Bossano: I will get him a copy, Mr Speaker. It is together with the other question,
170 but I will get him a copy when we are finished.

Hon. R M Clinton: Mr Speaker, in answer to Question 70, the Minister gave an answer of something like investment and development of the Gibraltar National Mint Limited. Can the
175 Minister advise what kind of development we are talking about? Given that this entity has been in existence for a while, why has it now found the need for half a million pounds?

Hon. Sir J J Bossano: The Gibraltar National Mint is a business. It is a business that is expanding. Therefore, it invests ... Half a million pounds is not a great deal of money, given that the company,
180 I think, has got a much bigger shareholding base. This is the first time. Rather than issue more equity, it decided to borrow the money from the Savings Bank and pay interest to the Savings Bank. The turnover is increasing. We are performing very well, profitably. The people that we have as partners, in the sense that they are the ones who effectively do all our marketing, in reality they guide us in terms of the issues. I think if we do 20 different coins a year, one or two are determined
185 by us and may or may not be successful and the other 18 are determined by the people who actually do the selling and the marketing. We are involved in assisting in that, but they are the

ones that guarantee us a minimum figure for sales, for example, and therefore rather than increase the equity, which has already got quite a big equity base, we decided to borrow the money, and that would mean some interest coming into the Savings Bank, where, as the hon. Member knows, with the low rate of interest, it is difficult to find things into which we can invest.

190

Hon. R M Clinton: Mr Speaker, as the Hon. Minister knows, I am dying to see the results from the National Mint, of which he is so proud.

But if it is an expansion of sorts, can he give the House an indication of what it is that is new, that the business requires half a million? If it is doing so well, why does it need half a million pounds?

195

Hon. Sir J J Bossano: Mr Speaker, the last thing I would want is that the hon. Member opposite should die, because I am very fond of him! So at the risk that there is of him dying, I am afraid that I am not prepared to be answering questions on the deals of a business because, as far as I am concerned, we are an investor.

200

Look, the Savings Bank invests in a whole lot of companies that are UK companies, where we lend them money, and that does not lead to me having to explain why I have invested more than half a million pounds from any one of those companies.

I can confirm to the Hon. Member that the return on that half a million pounds, which is better than we can get anywhere else, will be well worth having lent it to them as opposed to lending it to somebody else, and that is from the perspective of the Savings Bank.

205

In terms of the operations of the company, when the accounts are finalised and published, he will be able to see them quicker than he would have done under the previous Administration, and I hope there will be sufficient information there to remove risk of death.

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Hon. R M Clinton: Mr Speaker, to absolutely guarantee that I will not drop dead, would the Minister be kind enough to agree to publish the full accounts, and not abbreviated accounts?

Hon. Sir J J Bossano: I can only agree to one thing, and that is to comply with the law and publish what is required – the same as any of our competitors do.

215

Hon. K Azopardi: Can I just ask on this: I cannot recall exactly the Hon. Member's explanation last time when there was a question on the National Mint, but am I right in thinking that the purpose of the company now is to, in effect, take over the issue of commemorative coinage, and that is the business that we are talking about? Is that the business?

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Hon. Sir J J Bossano: I do not think necessarily commemorative coins. There are some things that are not coins that are sold in the market of coin collectors, but principally it is legal tender coins that we make, yes.

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Hon. K Azopardi: And this being a company that, as I understand, is owned by the Savings Bank – the hon. Member is the Minister with responsibility for the Savings Bank – does he not agree that in those circumstances ... ? And while of course we understand that the Government has to make a judgement, and so does the Savings Bank, as to whether it makes sense to lend to the company so that it pursues the business case, it may be that, obviously, the Government has made a judgment, thinking that there is a case for doing this because it is going to generate profit. But in those circumstances, does the Minister not think he can or should account to the House in a bit more detail as to the business case for it?

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Hon. Sir J J Bossano: Mr Speaker, the House is not being asked to provide any funding for anything here. This is not the money that is being used by the Government from Government revenues. This is the reinvestment of depositors' money.

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I know that the hon. Members believe that the best thing to do, which is what they used to do, is to keep it in cash, idle, and not use it. That is what they did when they were there, which meant in effect that they were spending a lot of money in paying interest rates without getting a return. But we do not have that philosophy.

Look, the Savings Bank actually owns the shares in Gibtelecom. If the Savings Bank thinks that Gibtelecom is a good investment and it does it, then the theory is that because we are investing the money of the Savings Bank, we should then have to give explanations about the performance of Gibtelecom – why do they need extra money, what are they going to use it for, what is it that they buy, what do they sell? However, if instead of, say, the money being put in Gibtelecom, the decision is taken in looking at where we want to invest that we want to invest in BT in the UK, which is another telco doing the same thing as the one here, then that one we do not have to give any explanations.

Well look, the answer is that the Savings Bank borrows money from the public and reinvests it for the purpose of generating a profit which could be higher. It is not higher because we have got less money invested in profitable things like this and more still in the bank waiting for a profitable opportunity. That money when it materialises is simply kept there for a rainy day, which is not growing as fast as I would like it to be, precisely because we are not doing more of this.

So the answer is that I do not accept that, because we invest in a company that is in Gibraltar or in a company that we own, we have to give more information than if we invest in a company that is owned by somebody else or of which we are a partner or ...

When they had the Government companies, not only did they never give any explanation, but they never made any accounts, and it was there, part of that time. In the previous history of Gibraltar, from the beginning of the first company under the AACR, the position has always been that the Government invest in a company, either because they want to do something through a state-owned company rather than the private sector or because they are looking for profitable opportunities that they feel are safe investments which bring in a return. That does not mean that we manage the company in this Parliament. We do not.

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Hon. K Azopardi: Mr Speaker –

Mr Speaker: This will be the last question.

270 **Hon. K Azopardi:** Yes, mine. (**Mr Speaker:** Yes.) The Hon. Member has ...

But does he accept that there is a distinction? This is the use of depositors' money, and the use of depositors' money is to be accounted to depositors. People are listening. We are asking legitimate questions. He is the Minister for the Savings Bank. The Savings Bank has taken a decision. All we are saying is, you do not need to account as National Mint necessarily, but under the guise of Savings Bank, with your responsibility, given that you are using depositors' money and we used to keep it in cash – you are using the depositors' money – on what basis is it being used? It is a perfectly legitimate question, surely.

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Hon. Sir JJ Bossano: I do not know who all those people are that the Hon. Member thinks exist, but all I can tell the Hon. Member is, look, nobody forces anybody to invest money in the Savings Bank. They have got plenty of other options. There is not one month that goes by without the number of depositors and the level of depositors going up. So that does not suggest to me that there is any concern, that there is not enough information and therefore ...

If I have my savings, I would not put it in an institution where I was worried that I do not know what they are doing with my money. I do not think that is true. It may be true that people who support him think that. I suggest that the people who support him – and that is why he knows about it and I do not – should stop putting money in the Savings Bank. We have now got something like £1.5 billion. We do not need the money of those who do not believe we are doing the right thing.

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

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

If I can move on to Question 71, which coincidentally is about the reserves of the Savings Bank, I appreciate that they are in the draft estimates, but they are drafts. I will not pursue the number further as we will be debating it no doubt in due course. But Mr Speaker, I would just like to ask him and he talks about keeping the reserves there as a rainy-day fund, does he not consider now is the time to take a dividend from the Savings Bank into the Consolidated Fund? Is not now a rainy day?

300 **Hon. Sir J J Bossano:** Well, it is quite sunny today actually, Mr Speaker!

I assume these questions are rhetorical, because if I am not doing something and he asks me do I not think that I should be doing it, if the answer were 'Yes, I think I should be doing it', then I would be doing it and then he would not be asking me why I am not doing it. So I do not know what the point is that he is trying to make.

305 Clearly it is raining less than it should be, thanks to the success of my hon. colleague, the Chief Minister, who was able to persuade Her Majesty's Government to provide a guarantee for a loan, which is at a rate of interest that the Savings Bank would not like to be lending at. So the position is that it is better that we make use of that money and if at the end of the day there is no other external source, then we can always fall back on this. That is the more sensible thing to do.

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Hon. R M Clinton: Mr Speaker, without actually mentioning any numbers, which I am prohibited from doing, does he not consider that it is somewhat ludicrous for the Government to be borrowing money from the Savings Bank when they could easily just obtain a dividend from the Savings Bank? Why pay the Savings Bank 3% interest, when you could just simply get the money yourself. It is a ridiculous round-tripping of interest payments. The Government is paying interest it does not have to pay. Mr Speaker, it makes no sense.

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In terms of rainy-day funds, if this is really a rainy-day fund then it should be used!

Hon. Sir J J Bossano: Mr Speaker, I cannot accept the hon. Member belongs to a party that for 15 years did not have a rainy-day fund and that in the first meeting of the first Parliament – House of Assembly as it was then – after the election of 1996, the first thing they did was say, 'The rainy day is today.' They emptied all the piggy banks and used all the money!

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Hon. Chief Minister: And never put it back.

325

Hon. Sir J J Bossano: And they only became converted to the rainy-day fund in the last couple of years. (A Member: In opposition.) So they are not going to give me lectures on how we should do it because for 15 years, they thought it should not be done at all.

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So the answer is look, even if that were the case, the money that we are paying is not money that we are giving away. It is money that has contributed to the profitability of the bank and creating the ... And you think it is circular. Well look, if and when he gets into Government, he can either go back to the old system and stop using the Savings Bank, run it down to the ground, keep it just with an ordinary account and cash, and not have a rainy-day fund and do all the things that they did before.

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What we are doing is what I believe to be in the best interests of the Government and Gibraltar, which is what I am elected to do. (*Banging on desks*)

Hon. R M Clinton: Mr Speaker, can I then ask the Minister, under what circumstances would he use the reserves in the Savings Bank? It would appear to me, Mr Speaker, that he has no intention of using them at all, for whatever political reason that he thinks linked to a manifesto that it is somehow a virtue that he has his money parked under the guise of the Savings Bank,

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when really this is money that belongs to the Government of Gibraltar anyway. It is ludicrous, it is a false economy to be borrowing when he has the money at his disposal. It does not make any sense.

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Hon. Sir J J Bossano: The sense is, Mr Speaker, that unlike him – and he has now demonstrated that in fact, his mindset is exactly the same as the 15 years, so he can no longer argue that what happened in the 15 years was wrong, because what he is asking me to do is precisely to bring the reserves of the Savings Bank down to £1,444.45, which is what I inherited from his party when they were in government. Clearly, I do not agree with doing that. I criticised it when they did it, and we have got a different policy.

350

Does he not understand that the policy that the electorate want to see in place is the one that you see, because that is what they voted for, and they have been voting for that now since 2012, in the knowledge that that is what we are doing – it is not a secret – and that the policy that he wants me to adopt is the one that I have criticised? Well look, I do not do that! I do not criticise things from the Opposition and then do them in Government. If I criticise them for running these reserves down, why should I now do what they were doing, which I did not agree with when I was in opposition. When I was in opposition, I was saying it was wrong to do what he wants me to do and I am now doing the opposite.

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If he believes what his predecessors believed, he can do that, which is precisely what he says: we do not have any reserves, we do not need any reserves in the Savings Bank, and we spend them. Then there will be no rainy day fund.

Why is he so keen to see those reserves disappearing? So that he can say to the electorate that we failed and have not got a rainy day fund – is that what he is after?

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Mr Speaker: Right, a supplementary on the last question.

Hon. R M Clinton: Mr Speaker – no, on this one.

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Mr Speaker: No, we are moving on to the last question, which is Question 72. Supplementaries on Question 72.

Hon. R M Clinton: Mr Speaker, he just made a speech that I need to respond to. *(Interjections)*

375

Mr Speaker: No, I think we have aired this subject sufficiently.

Let us go on to the last ... You can ask supplementaries on the answers given to Question 72. *(Interjections)*

380

Hon. R M Clinton: Mr Speaker, going on to number 72, as you suggest, can the Minister advise in terms of the 150,000 m² land reclamation, where was the site meant to be?

In terms of a timeframe, given that the Government has only just recently put out a tender for the removal of a fraction of the rubble mounds from the East Side, does he envisage this happening within the lifetime of this Parliament?

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Hon. Sir J J Bossano: Mr Speaker, I am here to provide information, not to engage in speculation, and the information that I provided is clearly that, as at this point in time, we are not able to give him information as to when it is going to happen or how long it is going to take. There are things that prevent us proceeding with this project at the moment and when we are able to move and we have information, we will provide it. Until we do, we will have to wait, like I am waiting.

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Hon. R M Clinton: Mr Speaker, can he indicate where this project was going to be sited; and to what extent does this hamper his post-Brexit National Economic Plan?

395 **Hon. Sir J J Bossano:** No, Mr Speaker, I do not propose to give him the information he is seeking now.

400 **Hon. K Azopardi:** Mr Speaker, the Hon. Member said a question ago that he is here to provide information. Have I understood his position now is that he is not here to provide that information on that specific question?

405 **Hon. Sir J J Bossano:** Mr Speaker, I have told the Hon. Member that the information will be provided when the reclamations are proceeded with, and I will not provide the information now. Quite apart from anything else, the exact size and place of the reclamation can change at any time between whatever I say today and whatever happens when we are ready to proceed with it.

410 So the answer is I will not provide the information, because that is not information that I can guarantee would be what will take place. Everything at the moment is, in fact, waiting for developments that will enable us to proceed with the things that we need to do.

415 **Hon. K Azopardi:** Mr Speaker –

Mr Speaker: Yes, this will be the final one.

420 **Hon. K Azopardi:** Mr Speaker, the Hon. Member has just said, the size might vary, so let me put the question this way: in his manifesto very specifically, it refers to 150,000 m – very specifically – and this land reclamation of 150,000 m² was a central plank to the post-Brexit economic plan. How is it that the post-Brexit economic plan can take off without his central plank?

425 **Hon. Sir J J Bossano:** First of all, let me say, Mr Speaker, that I welcome that the Leader of the Opposition is keen to see the post-Brexit economic plan take off, because it is a good thing for ... I welcome his support for that. Of course, there is no other economic plan other than that one, so it is either that or nothing, because they did not have one!

430 **Hon. K Azopardi:** You are the party in Government ...

435 **Hon. Sir J J Bossano:** I think the fact that it is the main plank of that plan is a matter of judgement. He may think it is the main plank, but there are things that were planned to have happened earlier, which have not happened for the obvious reason that nothing has happened since the beginning of the pandemic in anything to do with construction and so forth.

440 But I can tell him that in terms of delivering the plan and its benefit, the plan sets out a picture of what it is going to contain. That picture is dependent on a number of factors that we encounter once we set out as a Government to implement the policy that we defended in the election.

445 I have told the hon. Members opposite that my target is still to achieve the levels of economic growth from the new base that we were aiming to do from the original base, and I can tell him that the things that the projects that were designed to take place in the land that was designed to be created are all there still in the pipeline and that there are indeed more things than are contained in the manifesto which we will expect would materialise between now and the next election.

Mr Speaker: Right, next question.

DIGITAL AND FINANCIAL SERVICES

Q62-63/2021

Financial Services Ombudsman –
Intentions and budget

440 **Clerk:** We now move to Question 62. The questioner is the Hon. D J Bossino.

Hon. D J Bossino: Does the Government have any intention in the medium/long term to appoint a specially dedicated Financial Services Ombudsman?

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

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I will answer this Question together with Question 63.

450 **Clerk:** Question 63, the Hon. D J Bossino.

Hon. D J Bossino: What budget has the Government dedicated to the Financial Services Ombudsman?

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

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, as the hon. Member knows, the Government will shortly appoint the Ombudsman as the Financial Services Ombudsman, once the arrangements are in place to provide him with the appropriate expertise to enable him to carry out his statutory functions. We are assisting in procuring favourable rates from private sector firms who may be interested in providing this expertise to the Financial Services Ombudsman as case handlers. Once we have this information available, we will be able to more accurately estimate the cost of providing this service.

465 **Hon. D J Bossino:** In terms of the medium to long-term policy? I thank the Hon. Member for the answer. Is it the Government's plan ...? This is just a sense I got; it is not on the basis of anything that he said when we debated the motion in relation to the appointment of Dr Coram. The sense I got is that this was almost like a stop-gap measure, but perhaps the Government may have had a future-term plan to appoint a specially dedicated Financial Services Ombudsman. Does the
470 Government have a policy to continue with this arrangement, or is it his intention in the future to have a specially dedicated FSO?

Hon. A J Isola: Mr Speaker, I think it is a case of we believe this will work. We believe that the Ombudsman will have the necessary expertise available to him to reach the appropriate
475 judgements but obviously we will keep it under review and if we feel that it is not working or that it could be improved, then of course we will revisit and review and come back with an alternative.

But at this moment in time we think it will work. Mr Coram is comfortable that it can work and therefore we need to see how we go in terms of whether we can arm him properly with the expertise available through case handlers to enable him to reach the appropriate decisions at the
480 appropriate times.

Hon. D J Bossino: I suppose a large measure is going to be determined also as to when he expects that Part 14 of the Financial Services Act, which is the one that is dedicated to the Financial Services Ombudsman, will be commenced. I understand it has not yet been commenced, and he
485 is nodding his head in agreement. Can he say when he expects that Part to commence.

Hon. A J Isola: Yes, Mr Speaker, it has not been commenced and it will be commenced as soon as we have the infrastructure ready for him to be able to work. So Mr Tipping from the Finance Centre is assisting him in engaging with all firms in Gibraltar who may be interested in providing services, and once we have that ready we will then appoint him. We do not want him to be receiving complaints without having the ability to deal with them.

Hon. D J Bossino: Does he envisage ...? Does he have a timeline as to when he expects to be passing, I think as the Minister responsible under the relevant legislation, the subsidiary regulations, which will assist the FSO to conduct his duties as provided under the Act?

Hon. A J Isola: We expect that to be in the short term – very shortly. Within, I would say, a couple of months.

Mr Speaker: Right, this will be the final question for the Hon. Damon Bossino.

Hon. D J Bossino: Does he have any notion or any idea as to how many financial services disputes the Ombudsman is likely to encounter? I know it may be an unfair question, but given his experience of doing the job now since 2013, does he have any idea, any inkling as to what his likely workload is going to be?

Mr Speaker: obviously that will have a knock-on effect on the type of assistance he will require from outside his Department.

Hon. A J Isola: My understanding is that legislation covers complaints with effect from the date of commencement and therefore I do not expect there to be historical claims being brought forward. So my response to that would be: my guess would be as good as his.

Mr Speaker: Hon. the Leader of the Opposition.

Hon. K Azopardi: Given the gamut of financial services areas – so insurance; I suppose companies and trusts, and so on and so forth – there will be other disputes of very specific funds, a very specific area – how are you going out to potential interested parties on case handling?

So, for example, surely it is not on a case-by-case basis, which would be an enormous amount of money on a case-by-case basis, if someone turns up as a complaint in insurance, then you go to someone to seek assistance. Is it on a case by case, which is probably going to ratchet costs up for the Ombudsman and the budget? Or is it going to be on a kind of a sectoral tender? So for example, you go out and see who is interested in providing case handling in insurance; then you put it out for some kind of mini tender between those people interested in doing case handling on insurance. Or is it going to be: 'I have gone out to the sectors. These are the people who are interested and what I am doing is I am going to contract some kind of secondment arrangement'?

I am sure the Minister agrees that it should be done on that on the basis that is going to provide the lowest outlay to the taxpayer. So will the Minister agree that he should explore all those options to ensure that we get the best deal possible?

Hon. A J Isola: Yes, Mr Speaker. As the Member knows, these professionals are not very cheap and part of our endeavour will be to ensure that we deliver value for money to the taxpayer.

I believe that what we need to do in the first instance is reach out to the firms both legal and accounting, and others possibly, who may be able to assist us with the more generic cases. I think they are primarily in banking, possibly pensions – insurance is an obvious one, although far more of them, but far less frequent in terms of complaints. So I think we need to capture the main areas and then see how we go, because the beauty of this system is it enables you to bring in more if you need them and if not, you do not need them, you do not use them. So it is very fluid and open.

The Ombudsman will be saying, 'I need some help in a particular area which I have not got cover for'; we will go and get it.

540 **Mr Speaker:** Next question.

Q64/2021
e-government platform –
General and licensing costs

Clerk: Question 64, the Hon. Ms M D Hassan Nahon.

545 **Hon. Ms M D Hassan Nahon:** Can Government give this House a breakdown of general costs including licensing costs associated with its e-government platform and can it specify how much has been awarded to date to companies like Dell and Deloitte?

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

550 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, it is not possible to give a breakdown of 'general costs' as requested by the hon. Lady in respect of all matters relating to the delivery of eServices, as the entire Government digital network – including all hardware, software, security, maintenance, licensing – all combine and contribute in different ways to the delivery of eServices.

555 The costs provided in the schedule that I will be handing over are broken down year by year, as accurately as we have been able to in the time available, over the past three years and include the significant costs incurred in accelerating the Basic eServices across Government with the resultant delay to the delivery of the Main eServices project.

These costs cover licensing and professional fees in respect of the following services:

560 (1) Licensing and maintenance of Government infrastructure.
(2) Design and delivery of eAdministration across Government – ERP, eProcurement, ePurchasing. This also covers invoicing where the previous payment voucher system has been discontinued and is now digital. This will also cater for the delivery of HR, Expenses and Payroll – a little behind.

565 (3) Design and delivery of eServices across Government; as a result of Covid we now have Basic eServices and full eServices. Basic eServices have been used this past year primarily in the DVLD and CSRO departments where some 20,000 applications have been processed with fees paid in excess of £525,000 for these transactions. All of these services will be modified to full eServices as and when we are able.

570 The Employment Service is now live and online offering eServices and an announcement is expected shortly on the commencement of eServices at the Income Tax Office.

As we move on from Covid, our focus returns to resolving issues on eAdministration as we continue to work through these, and to the delivery of full eServices on a gradual and rolling basis.

575 Mr Speaker, I must thank the teams at Digital Services, ITLD, Treasury, Ministry of Finance and all those Government Departments, including the GHA, who have worked so hard and closely with us to get to where we are today and to bring eServices and eAdministration to within touching distance to our community.

I now hand over, Mr Speaker, the appropriate copies.

ANSWER TO QUESTION 64

2018-2019

Company	Detail	Cost
Aqua Solutions	Hire Contract	£170.00
Aslam Ashraf - ERP	ERP Consultant	£7,541.03
ATS	Year renewal of IBM software maintenance for GIB0400 & GIBS400 i5-520's	£17,289.00
ATS	IBM Hardware maintenance for iSeries P10 IBM servers & Printers	£33,000.00
Avaap Consulting	Infor ERP Consultants	£404,429.90
Axsium	ERP MVS Consultants	£0.00
B2E Consulting	ERP FSM Consultant	£88,761.45
Bastion Key	Backup Service for Data, Email and Databases	£83,496.00
BCS	BCS Gibraltar Government Group Membership Fees	£3,000.00
Bland Ltd	Staff Secondment	£0.00
Ciklum	ITLD Developers backfill	£47,781.83
Continent 8 Technologies	Data Centre – hosting, power usage, IP service.	£340,000.00
Dark Trace	Cyber intelligence platform – Intrusion Detection System (IDS)	£37,920.00
Data Storage Corp.	Message Logic/ Archive and Email monitoring software	£2,940.00
Dell Boomi Consulting	Dell Consultants	£6,312.00
Delloitte Gibraltar Consulting	Deloitte ERP Consultants	£35,358.80
Deloitte Digital Consulting UK	Deloitte Digital Consultants	£2,242,421.65
Digital Corner	NAGIOS Sys logger – Network and System event logging software	£3,000.00
Digital Corner	Websense security suite yearly subscription	£35,000.00
Digital Corner	Cisco SmartNet (Security Plus, Firmware updates)	£83,902.00
Digital Corner	SSL Certificates – Extended Validation	£66,000.00
Digital Corner ²	User Licenses (Filecloud service)	£3,000.00
Digital Corner ³	Logmein Licence – Remote Access Software	£1,016.00
EESSI ¹	Dept for Work & Pension (UK) Yearly subscription	£20,000.00
Excelerate Technology	Civil Contingency software – integrated emergency services management suite	£30,000.00
Exclaimer	Support for Email Signature Manager (3 yrs support)	£869.00
Fire Security (Chubb)	Maintenance of Intruder Alarm	£500.00
Focus	Government Private Fibre Network SLA	£64,800.00
Fox Green	ERP Consultant	£5,400.00
Geoff Smiff Associates	Cyclops Integrated Judicial System	£311,000.00
Infor Consulting	Infor ERP Consultants	£595,977.75
Inspririt Learning	GHR and Training Consultant	£0.00
ITMS	DS Seconded worker	£40,000.00
Joseph Montovio	ERP Accountant Consultant	£0.00

GIBRALTAR PARLIAMENT, WEDNESDAY, 19th MAY 2021

Maxava	Nomax Garrison x 2 AS/400 High Availability software	£4,412.50
Maximillian Peter Walsh	Developer	£0.00
Micro Business Systems Ltd	Tax digitisation system (Therefore software)	£2,173.91
Mild Enterprises	ERP Consultant	£6,000.00
Muhlbauer	Preventative Maintenance of Personalisation Equipment	£49,217.79
Near	VMware & RedHat Servers OS – Virtual Environment platform	£54,348.89
Near	Huawei Server Farm Maintenance – (New under warranty)	£159,710.68
Near ⁵	GIS maintenance	£5,000.00
Nearform	MyGov App	£0.00
NFS Hospitality	Gibraltar Court's Service – Rendezvous Annual Software Support	£1,528.00
n-gineering.tech	Support and proof reading	£0.00
ORACLE	Asycuda Mysql Enterprise Licences	£12,000.00
OSG (Blands)	Erasmus monthly maintenance contract (Employment)	£36,000.00
PDMS	Themis Software – Suspicious Activity Reports software required by GCID for anti-money laundering & fraud	£24,000.00
Performance Monitoring Systems	Redkite software licence for Airport/ City Fire & Rescue Service	£5,960.00
PFK Canillas	ERP Support	£34,565.50
Pirahna	Rocket Themes Subscription	£100.00
Pirahna Consulting	Consulting and Developer resource	£5,000.00
Proactis	Proactis Software	£108,849
Proactis	P2P subscription	£60,475.00
Proactis	S2C Subscription	£81,798.00
RIPE NCC	Public IP address block	£1,300.00
Rock Cool	Maintenance	£500.00
SAPPHIRE	Domain registration	£400.00
Secure Data	F5 LOAD BALANCER/ Websafe bundle licence	£18,886.00
Sermico	Business Messaging & Advanced Meetings	£881.50
Slack	Standard Plan Annual Licence	£0.00
Software One	Adobe Editor Licences	£7,000.00
Solar Winds	Help Desk Platform User licence	£4,500.00
Technocable	GHA DS Project Backfill	£28,437.50
Telerik	Developer License	£1,170.82
TQS	Rental of Koios Software for 1 Calendar year	£8,302.14
Trustmarque Solutions	MICROSOFT LICENCES (inc. SQL Licence)	£260,164.16
Visual Click	File/security auditing.	£1,000.00
Vitelsa	Support Parliament, Gibraltar Court Service & No.6 Convent Place Audio Visual System	£30,000.00

2019-2020

Company	Detail	Cost
Acastle	Country by Country Project support costs	£3,030.00
Aqua Solutions	Hire Contract	£170.00
Aslam Ashraf - ERP	ERP Consultant	£0.00
ATS	Year renewal of IBM software maintenance for GIBO400 & GIBS400 i5-520's	£16,000.00
ATS	IBM Hardware maintenance for iSeries P10 IBM servers & Printers	£32,000.00
Avaap Consulting	Infor ERP Consultants	£728,614.31
Axsium	ERP MVS Consultants	£118,314.81
B2E Consulting	ERP FSM Consultant	£15,950.92
Bastion Key	Backup Service for Data, Email and Databases	£91,846.00
BCS	BCS Gibraltar Government Group Membership Fees	£3,000.00
Bland Ltd	Staff Secondment	£38,636.41
Ciklum	ITLD Developers backfill	£116,205.94
Continent 8 Technologies	Data Centre - hosting, power usage, IP	£340,000.00
Dark Trace	Cyber intelligence platform - Intrusion Detection System (IDS)	£37,920.00
Data Storage Corp.	Message Logic/ Archive and Email monitoring software	£2,940.00
Dell	Boomi Integration Platform (Enterprise Edition).	£140,588.00
Dell Boomi Consulting	Dell Consultants	£0.00
Deloitte Gibraltar Consulting	Deloitte ERP Consultants	£681,425.36
Deloitte Digital Consulting UK	Deloitte Digital Consultants	£1,835,194.40
Digital Corner	SSL Certificates - Extended Validation	£51,000.00
Digital Corner	Cisco Meraki licences for schools (every 3 yrs)	£94,000.00
Digital Corner	AutoCad Licence	£1,107.00
Digital Corner	Codelobster – Code/Developer Editing tool/software	£334.00
DocuSign	Digital Signature System	£45,000.00
EESSI ¹	Dept for Work & Pension (UK) Yearly subscription	£5,000.00
Europort	Rental agreement for the use of Europort cabling service ducts	£10,000.00
Excelerate Technology	Civil Contingency software – integrated emergency services management suite	£30,000.00
Fire Security (Chubb)	Maintenance of Intruder Alarm	£850.00
Focus	Government Private Fibre Network SLA	£100,800.00
Fox Green	ERP Consultant	£0.00
Geoff Smiff Associates	Cyclops Integrated Judicial System	£311,000.00
GPS Gate	GPS tracking system for buses	£1,400.00

IBase	GCID requires an intelligence data management application that enables collaborative teams of analysts to capture, control and analyse multi-source data in security-rich workgroup environments	£10,500.00
Infor	HMGoG ERP financial and HR solution.	£400,000.00
Infor Consulting	Infor ERP Consultants	£1,107,858.12
Inspirit Learning	GHR and Training Consultant	£0.00
ITMS	DS Seconded worker	£16,854.54
Joseph Montovio	ERP Accountant Consultant	£21,080.00
Kentico	Web content management system	£61,727.00
Maxava	Nomax Garrison x 2 AS/400 High Availability software	£4,500.00
Maximillian Peter Walsh	Developer	£0.00
Micro Business Systems Ltd	Tax digitisation system (Therefore software)	£8,000.00
Microbusiness	Hard Disk crushing service - 500 disks (GDPR Compliant)	£2,375.00
Mild Enterprises	ERP Consultant	£0.00
Muhlbauer	Preventative Maintenance of Personalisation Equipment	£43,164.00
Near	VMware & RedHat Servers OS – Virtual Environment platform	£54,348.89
Near	Huawei Server Farm Maintenance – (New under warranty)	£150,000.00
Near ⁴	Veeam Virtual Systems Backup Licence	£5,577.00
Nearform	MyGov App	£0.00
Netgear 7	Navicat Database Management Software	£1,400.00
Newton	Sophos Enterprise Antivirus Solution (3 yearly)	£35,860.00
NFS Hospitality	Gibraltar Court's Service - Rendezvous Annual Software Support	£1,605.00
Ocean-gineering.tech	Support and proof reading	£2,125.00
ORACLE	Asycuda Mysql Enterprise Licences	£12,060.00
OSG (glands)	Erasmus monthly maintenance contract (Employment)	£36,000.00
PDMS	Themis Software - Suspicious Activity Reports software required by GCID for anti-money laundering & fraud	£55,000.00
Performance Monitoring Systems	Redkite software licence for Airport/ City Fire & Rescue Service	£5,960.00
PFK Canillas	ERP Support	£5,000.00
Pirahna	Rocket Themes Subscription	£100.00
Pirahna Consulting	Consulting and Developer resource	£58,170.00
Proactis	Proactis Software	£147,488
Proactis	P2P subscription	£79,802.00
Proactis	S2C Subscription	£81,798.00
RIPE NCC	Public IP address block	£1,300.00
Rock Cool	Maintenance	£500.00
SAPPHIRE	Domain registration	£2,000.00
Secure Data	F5 LOAD BALANCER/ Websafe bundle licence	£18,886.00

Sermico	Business Messaging & Advanced Meetings	£881.50
Slack	Standard Plan Annual Licence	£3,150.00
Software One	Adobe Editor Licences	£15,000.00
Solar Winds	Help Desk Platform User licence	£6,000.00
Strategy Object	Customs Asycuda SO Class Renewal	£9,447.00
Technocable	GHA DS Project Backfill	£20,312.50
Telerik	Developer License	£0.00
Textmagic	SMS Internet gateway (notification system via sms)	£500.00
TQS	Rental of Koios Software for 1 Calendar year	£9,000.00
Trustmarque Solutions	MICROSOFT LICENCES (inc. SQL Licence)	£387,000.00
Visual Click	File/security auditing.	£388.00
Vitelsa	Support Parliament, Gibraltar Court Service & No.6 Convent Place Audio Visual System	£30,000.00
Vizor	FATCA CRS & CBCR reporting module	£96,000.00

2020-2021

Company	Detail	Cost
Acastle	Country by Country Project support costs	£3,030.00
Aqua Solutions	Hire Contract	£170.00
Aslam Ashraf - ERP	ERP Consultant	£0.00
Atlassian	Jira Licence	£10,921.20
ATS	Year renewal of IBM software maintenance for GIB0400 & GIBS400 i5-520's	£16,000.00
ATS	IBM Hardware maintenance for iSeries P10 IBM servers & Printers	£32,000.00
Avaap Consulting	Infor ERP Consultants	£19,553.69
Axsiom	ERP MVS Consultants	£60,362.50
B2E Consulting	ERP FSM Consultant	£0.00
Bastion Key	Backup Service for Data, Email and Databases	£91,846.00
BCS	BCS Gibraltar Government Group Membership Fees	£3,000.00
Bland Ltd	Staff Secondment	£58,735.04
Ciklum	ITLD Developers backfill	£46,162.22
Continent 8 Technologies	capture subscription	£345,000.00
Dark Trace	Cyber intelligence platform - Intrusion Detection System (IDS)	£41,712.00
Data Storage Corp.	Message Logic/ Archive and Email monitoring software	£2,940.00
Dell	Boomi Integration Platform (Enterprise Edition).	£181,434.62
Dell Boomi Consulting	Dell Consultants	£1,044,172.79
Deloitte Gibraltar Consulting	Deloitte ERP Consultants	£723,241.75
Deloitte Digital Consulting UK	Deloitte Digital Consultants	£1,245,853.35
Digital Corner	NAGIOS Sys logger - Network and System event logging software	£3,000.00
Digital Corner	Websense security suite yearly subscription	£65,000.00

Digital Corner	Cisco SmartNet (Security Plus, Firmware updates)	£55,000.00
Digital Corner	SSL Certificates - Extended Validation	£51,000.00
Digital Corner	AutoCad Licence	£1,107.00
Digital Corner	Codelobster - Code/Developer Editing tool/software	£334.00
Digital Corner	RIPE software	£858.00
Digital Corner	Vidahost	£0.00
Digital Corner ²	User Licenses (Filecloud service)	£9,800.00
Digital Corner ³	Logmein Licence – Remote Access Software	£3,085.00
DocuSign	Digital Signature System	£45,000.00
EESSI ¹	Dept for Work & Pension (UK) Yearly subscription	£125,764.00
Europort	Rental agreement for the use of Europort cabling service ducts	£9,000.00
Excelerate Technology	Civil Contingency software – integrated emergency services management suite	£30,000.00
Fire Security (Chubb)	Maintenance of Intruder Alarm	£850.00
Focus	Government Private Fibre Network SLA	£100,800.00
Fox Green	ERP Consultant	£0.00
Geoff Smiff Associates	Cyclops Integrated Judicial System	£300,000.00
GPS Gate	GPS tracking system for buses	£1,400.00
IBase	GCID requires an intelligence data management application that enables collaborative teams of analysts to capture, control and analyse multi-source data in security-rich workgroup environments	£9,500.00
Infor	HMGOG ERP financial and HR solution.	£400,000.00
Infor Consulting	Infor ERP Consultants	£677,147.00
Infragistics	Infragistic software licence (.net add ons)	£1,626.00
Inspriert Learning	GHR and Training Consultant	£107,737.50
ITMS	DS Seconded worker	£0.00
Joseph Montovio	ERP Accountant Consultant	£32,300.00
Kentico	Web content management system	£51,525.25
Maxava	Nomax Garrison x.2 AS/400 High Availability software	£4,604.00
Maximillian Peter Walsh	Developer	£5,673.51
Micro Business Systems Ltd	Tax digitisation system (Therefore software)	£51,630.00
Microbusiness	Hard Disk crushing service – 500 disks (GDPR Compliant)	£2,375.00
Mild Enterprises	ERP Consultant	£0.00
Muhlbauer	Preventative Maintenance of Personalisation Equipment	£48,700.00
Near	VMware & RedHat Servers OS – Virtual Environment platform	£54,349.00
Near	Huawei Server Farm Maintenance – (New under warranty)	£150,000.00

Near ⁴	Veeam Virtual Systems Backup Licence	£9,000.00
Near ⁵	GIS maintenance	£26,061.00
Nearform	MyGov App	£14,587.16
Nearform	Maintenance of HMGOG eGov App	£32,400.00
Netgear	Navicat Database Management Software	£1,400.00
Newton ⁶	Zuludesk	£16,000.00
Newton ¹	iPad/ Mac maintenance for schools	£22,000.00
NFS Hospitality	Gibraltar Court's Service – Rendezvous Annual Software Support	£1,686.00
<u>n-gineering.tech</u>	Support and proof reading	£0.00
Nuix	GCID requires Nuix Licence for an investigation workstation	£9,797.00
Ocea nQ	OHQ Subscription	-
ORACLE	Asycuda Mysql Enterprise Licences	£12,000.00
OSG (glands)	Erasmus monthly maintenance contract (Employment)	£36,000.00
PDMS	Themis Software – Suspicious Activity Reports software required by GCID for anti-money laundering & fraud	£58,339.00
Performance Monitoring Systems	Redkite software licence for Airport/ City Fire & Rescue Service	£5,960.00
PFK Canillas	ERP Support	£0.00
Pirahna	Rocket Themes Subscription	£100.00
Pirahna Consulting	Consulting and Developer resource	£52,470.00
Proactis	Proactis Software	£60,825
Proactis	P2P subscription	£79,802.00
Proactis	Capture subscription	£22,798.00
Proactis	S2C Subscription	£59,000.00
RIPE NCC	Public IP address block	£1,300.00
Rock Cool	Maintenance	£250.00
SAPPHIRE	Domain registration	£2,000.00
Secure Data	F5 LOAD BALANCER/ Websafe bundle licence	£20,000.00
Sermico	Business Messaging & Advanced Meetings	£0.00
Slack	Standard Plan Annual Licence	£0.00
Software One	Adobe Editor Licences	£15,000.00
Solar Winds	Help Desk Platform User licence	£6,000.00
Strategy Object	Customs Asycuda SO Class Renewal	£9,447.00
Technocable	GHA DS Project Backfill	£0.00
Telerik	Developer License	£0.00
Textmagic	SMS internet gateway (notification system via sms)	£500.00
TQS	Rental of Koios Software for 1 Calendar year	£9,862.94
Trustmarque Solutions	MICROSOFT LICENCES (inc. SQL Licence)	£387,000.00
Visual Click	File/security auditing.	£388.00
Vitelsa	Support Parliament, Gibraltar Court Service & No.6 Convent Place Audio Visual System	£30,000.00
Vizor	FATCA CRS & CBCR reporting module	£96,000.00

Vodafone	Yearly subscription of Prum Gateway for electronic exchange of biometric information with Law Enforcement Agencies.	£16,000.00
Zendesk	Customer service application.	£50,230.00

580 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to sum up what this comes to. From what I see there is not a total sum, so I do know if you want to allow me to tot it all up and come back with a supplementary because, obviously I cannot ask the question until I know the total. Thank you.

585 **Mr Speaker:** Fine, that is acceptable, yes.

Hon. K Azopardi: While the hon. Lady does that, I see from just looking at the figures for Deloitte Digital in the middle of the page, £2.2 million, plus then there are figures of £1.8 million plus another £700,000, so easily, even on my rudimentary mathematics, that takes us to over £4 million. Can he give us a bit more detail on that?

590 **Hon. A J Isola:** Yes, Mr Speaker, those relate to both the project of eAdministration and the project of eServices. In other words, the financial management administration plan that was designed and built and, indeed, tendered with them from three years ago. Those will be consulting fees from Deloitte UK. I believe, I do not think you have mentioned Deloitte Gibraltar. Deloitte Gibraltar have been supporting the implementation of eAdministration, so that is all in relation to the design, build, implementation and delivery of eServices and eAdministration across Government over that period of time.

600 **Hon. K Azopardi:** Mr Speaker, I think I gave the sort of wrong figure because I had not spotted that there was another entry as well, which would take the sums to probably at least over £6 million. Does the hon. Member have a total for the consultancy fees for Deloitte?

605 **Hon. A J Isola:** Mr Speaker, I have given the total of every single penny that we have spent in three years, which is what the Question requested. The questioner's intention is split over the three years, so that you can see in each year the work that has been done, but I do not have totals. I am sure they can tot them up.

610 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I do not know if the Minister would be able to help out and tell ... From one page, I have deduced it is almost £5 million. Perhaps as a mean figure, we are looking at something in the region of £12 million to £15 million, maybe. He should be able to give us a ballpark on what all these pages come to.

615 But can I ask him, if it is around that figure which I predict, is he satisfied that this amount of money – £12 million to £15 million in the period of three years – is he satisfied that we have got value for money in terms of this project? Does he feel satisfied with the expenditure versus the value for money for this project?

Hon. A J Isola: Mr Speaker, I am not quite sure what the £12million to £15 million refers to.

620 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I got five pages of sums, but I did not get a total so far, so I have been trying to do the sums and I have only got as far as one page, which gets me to £4 million; so I am predicting around £12 million to £15 million.

Hon. A J Isola: If the hon. Lady believes that the total of the three years is 15, I have not done that number myself, but, as I tried to explain in my answer, these lists provide every single penny

625 that we spent from the data centre for our service to professional services to licence agreements
to Microsoft of half a million a year. This is the entire Government network, hardware, software,
infrastructure, maintenance, licensing – this is everything.

The reason why I said in my answer that I was doing it this way was because it was impossible
for me to understand what the hon. Lady meant by ‘general digital services’. So what I have done
630 is, I have included all the money that we spend in delivering the current IT systems that we have
in place, and I had for the last three years, as well as the work that is within those lists, which you
can easily identify from the information sheet you have, on the particular parts of the work that
has been done.

So, for you to say that it is £12 million to £15 million to deliver services is not right, because
635 this includes, as I mentioned, the Microsoft Office licence for the thousands of users at half a
million pounds every single year. This is one small example. If you go through it, you will see there
is Ciklum, for example, ITLD backfill developers– providing ITLD with software developers to help
them in the work that they need to be doing.

So the answer would be, no, I do not believe the hon. Lady is right, but if you ask me whether
640 it is a journey worth having been on, absolutely yes, and as we started yesterday, with the first
delivery of full eServices with employment and with tax coming on in the coming months, I am
confident that we will see not just the efficiencies, but the savings that we expect to get back from
this technology.

645 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Gentleman for his answer, but he
tells me that he thinks I am wrong, but at the same time he also tells me that he does not know
how much it all comes to, so I would like to know if the Minister with responsibility for Digital
Services should not be more aware of what this expenditure entails? At the end of the day, after
giving me a sheet of five pages, should he not understand or know what budget we are working
650 on at the moment?

Hon. A J Isola: Mr Speaker, I am not really quite sure where the hon. Lady is going with this. I
have given her a detail of five sheets of every single penny that is being spent. Is she trying to
suggest that I do not know what the money has been spent on, because if she does, the sheets
655 answered that question very simply. Of course I do, and that is why I have given her the
information.

If she cannot translate that information into a question to ask, then so be it. But do not make
suggestions that the Government does not understand what it is doing in this Programme when
it has five or six or seven pages of a detailed breakdown, which is what she has asked for, of every
660 single cost and expense we have had in the delivery of our IT systems, digital services, design,
implementation and everything else put together.

Hon. Ms M D Hassan Nahon: Mr Speaker, I still do not understand how we are given five
pages, but not a total, but in any case we are talking about the general costs associated with the
665 e-government platform. So those are the general costs I asked for. I am not sure whether ... I
would like to ask the Minister whether any of these sums do not actually relate to the new project
but actually relate to constant costs with IT-related costs that had nothing to do with this new
incentive and they have all been bunched in.

So I was just asking specifically narrowly about the e-government platform, how much it cost
670 and whether we have actually got to a point where the expenditure merits the services that we
have right now.

Hon. A J Isola: Mr Speaker, I will read the first paragraph of my answer again, but perhaps more
slowly:

675 ‘It is not possible to give a breakdown of general costs general costs, as requested by the hon.
Lady in respect of all matters relating to the delivery of eServices as the entire Government digital

network, including all hardware, software, security, maintenance and licensing – all combine and contribute to the delivery of eServices.’

680 In other words, eServices is not a new beast. We still have e-mails. We still have servers. We still have data centres. Those are costs in delivering eServices but different component parts of it. The software, the licensing – these are all different parts of the delivery of this service.

So what I have tried to do is give a full and complete list of every penny that we spent in the delivery of our traditional and the delivery of eServices too, combined in very long, detailed answers.

685 Now, the hon. Lady just wants one number – a total. Well, I will do that next time.

Mr Speaker: The Hon. Roy Clinton.

690 **Hon. R M Clinton:** Mr Speaker, I have two questions for the Minister. I would encourage the Government to add totals for everybody’s benefit, including their own.

First of all, Mr Speaker, if he looks at the first page, there are what look like small footnotes 1, 2, 3, I think it goes all the way up to 5 elsewhere. Does he know what they relate to?

Also I notice, there are line items that for some reason show up as zero in various places, and I wonder if he has any thoughts on that.

695 While I am on my feet, Mr Speaker, just one last, third question: are any of these costs relating to contracts that were discontinued in terms of the implementation of the service, i.e. contracts that were terminated for failure to perform?

700 **Hon. A J Isola:** Mr Speaker, in respect of the first part, these are obviously our internal lists being reproduced. The numbers will relate to the period of time of the contract. Some of them explain – for example, on the first page you have got a whole load of ‘Digital Corner’, because some of these firms, in their licensing agreements with us, require us to pay the local agent. So we pay the licence fee of that service to the local agent. We have tried to put the information in: for example, the fourth from the bottom, ‘Filecloud service’ – that is a particular licence. If you go
705 up a few more: ‘AutoCad Licence’, the £1,000. Some of these, we have tried to add as much detail as we can to the answer, but the footnotes have stayed from the previous ones, which would give different details which were not requested.

In respect of which of these contracts are no longer there or have been terminated through failure to provide a service, I would have to get back, because 90% or 95% or most of these
710 contracts, if not all of them, are actually managed by ITLD, so I would have to come back to you, as I do not have enough information to be able to answer that question.

Mr Speaker: Next question.

HEALTH AND JUSTICE

Q35/2021

Illegal parking on Devil’s Tower Road – Enforcement

715 **Clerk:** Question 35, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that it will enforce the illegal parking on the dual carriage way on Devil’s Tower Road?

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

720 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, we can confirm that the RGP and Gibraltar Parking Management Services Ltd are already actively enforcing illegal parking on Devil's Tower Road, and will continue to do so, as is the case with the rest of Gibraltar's roads.

725 **Hon. E J Phillips:** I am grateful for the answer. Just one short further question. As the Minister knows, I get a number of complaints in relation to traffic, particularly those vehicles that park on that stretch opposite the supermarket. I am not sure if she gets complaints or she does not get complaints, I do not know, but as far as I am concerned, my constituents send me complaints about that particular stretch, which is constantly utilised by cars to drop off/collect shopping
730 outside supermarkets. I just bring it to her attention and wonder whether the Police are absolutely aware of that particular area that I have referred to.

Hon. Miss S J Sacramento: Mr Speaker, on the basis that the information provided has been provided to me by the Royal Gibraltar Police, apart from that and on the basis that I am sure that
735 they are aware of their duties, then Mr Speaker, the answer to that is yes.

Mr Speaker: Next question.

Q36-37/2021
Mental Health Services –
Public survey results; analysis report implementation

Clerk: Question 36, the Hon. E J Phillips.

740 **Hon. E J Phillips:** Mr Speaker, can the Government state when the Government public anonymous survey of mental health services was completed and when it will publish the results?

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

745 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 37.

Clerk: Question 37, the Hon. E J Phillips.

750 **Hon. E J Phillips:** Mr Speaker, can the Government state if it will publish road map to implementation arising from the publication of the Mental Health Situation Analysis Report?

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

755 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, the process relating to the survey has not yet been completed. Insofar as changes and improvements to the Mental Health Services in Gibraltar, the Government will be making appropriate announcements at the relevant time. This will include progress on matters arising from the Mental Health Situational Analysis report.
760

Hon. E J Phillips: Mr Speaker, I am grateful for that answer, although it will not do much to allay the concerns of many of the charitable organisations that work in this area that have recently, of course, made public statements about the failing in the delivery of this particular care.

765 But I want to ask the hon. Lady this question: back in November 2020, she said in relation to the report that she was pleased to publish the report – albeit 18 months late, because it was sat on a desk, Mr Speaker – with a very clear plan and a vision as to how to bring together our services in a joined-up way that addresses the needs of the community. She also said in the same public announcement, ‘a great deal of work already undertaken since *its* [the report – my emphasis] receipt.’

770 So in other words, Mr Speaker, a great deal of work had already gone into this during the 18-month delay that the Government had in publishing this report. Therefore, the suggestion or the answer to my question that she has not yet completed it suggests that not a lot of work has gone into it, and I think that many people in our community would be very surprised, particularly the Mental Welfare Society and other charities dealing mental health, that the Government two years on is doing very little to help those most vulnerable in our community. Does she agree with that analysis?

Hon. Miss S J Sacramento: Mr Speaker, no.

780 If the hon. Gentleman were to listen to understand, then he would have heard the answer to my question properly, in that, Mr Speaker, I think it is very clear from my answer that when the progress is reported, it is in fact wider than what we find in the Situation Analysis Report that, Mr Speaker, I am confident, once public announcements on the progress are made, that people will be very pleased on the marked improvements.

785 **Hon. E J Phillips:** Mr Speaker, I take it from that answer that the Situation Analysis Report, as she will know, revealed very significant shortcomings in relation to the delivery of mental health care in our community. A significant damning report, in my view, and I think we have debated this before on television together.

790 But what she is saying now is that as a result of that report and the Government’s further investigations, there has been a wider analysis. Mr Speaker, what is she saying? Are the issues concerning mental health provision in our community *worse* than the report has revealed?

795 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman certainly has an art for inventing and translating what I just said. That is not what I have said, Mr Speaker. He knows, because we have had this conversation and we have had it in private and we have had it in public, that we have an action plan and an action matrix that relates to addressing the issues that are highlighted in the Mental Health Situation Analysis Report. That is one thing.

800 He also knows that, in addition to that I commissioned at the beginning of this year for someone from the UK to come in and spend three months in Gibraltar immersed in our Mental Health Services and all the other public sector bodies, including third sector organisations, so that we could prepare a Mental Health Strategy. It means, Mr Speaker, that the improvements going forward are not just those that are highlighted in the Situation Analysis Report. It is more positive than that.

805 It does not mean, as he is trying to insinuate, Mr Speaker, that the situation is worse. We have looked at the situation and looked at the criticisms that that report made and have addressed those, but we have gone further because our strategy, which the hon. Member and members of the public will see when that is published, will go wider, because our strategy goes very heavily into wellbeing and early intervention and a lot of things that can be done before accessing the services, Mr Speaker. So the hon. Gentleman needs to learn not translate my answer inaccurately and to try and stop putting words into my mouth.

810

Mr Speaker: This will be the final question.

Hon. E J Phillips: I have had two so far. I am only allowed two supplementaries per question? I have had two questions asked on the Order Paper. How many do I have, Mr Speaker, with respect?
815 *(Interjection)* That is why I am asking the question, how many can I have?

Mr Speaker: I would like you to ask this question and this will be the last question. So please go ahead and ask a question.

820 **Hon. E J Phillips:** I am grateful, Mr Speaker.
I am still quite confused, because the hon. Lady talks of action plans and roadmaps in the same breath by making public statements about their availability, the fact that they have done all this work. The mental health charities are doing fantastic work in our community and trying to respond to the mental health crisis in our community, and she is failing to publish information that would
825 help members of our community understand what the plan is, Mr Speaker. What she should be doing is helping those who are very concerned about mental health provision and who have said very publicly in our community that the Government is failing. She should at least try to alleviate the concerns of many in our community who take mental health very seriously indeed and publish the action plan. Does she agree?

830 **Hon. Miss S J Sacramento:** Mr Speaker, the Government takes mental health issues *extremely* seriously, and the relevant announcements will be made as soon as we can, because we have embarked on a massive project in relation to mental health to improve the services that we deliver, to improve our communication with the public. Mr Speaker, we are almost at the end of that stage where we have been undertaking all this work, particularly since the beginning of this
835 year, but as we know, a lot of work has already been undertaken in the last few years. We will be in a position to make an announcement on these changes very soon, Mr Speaker, but I cannot accept what the hon. Gentleman is saying. He is trying to insinuate that mental health is not important for our Government. It is one of the most important tasks that we have embarked on,
840 Mr Speaker, and I am not going to labour the point. I think that we all know what the mental health situation was when they were in government, but I am not going to go that far, Mr Speaker.

I am going forward. I am looking forward, because I am absolutely committed in improving the good services that we already have, Mr Speaker. Our services have come a very long way from where we found them, but I am absolutely committed and absolutely determined to improve
845 them even further.

Mr Speaker: Next question.

Q38/2021
Covid-19 testing –
Plans to bring down costs

Clerk: Question 38, the Hon. E J Phillips.

850 **Hon. E J Phillips:** Mr Speaker, can the Government state that it intends to work with companies offering Covid-19 testing to bring down the costs to the end user/customer?

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

855 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, yes.

860 **Hon. E J Phillips:** Mr Speaker will note, of course, that the Government did make an announcement in relation to travel quite recently – after I filed the question, of course; that is fairly convenient for us that we get some of our answers answered in public, but there we go.

So I understand that the number has come down to £30 per test. Is that right, Mr Speaker? Am I wrong, from £50 to £30?

865 **Hon. Miss S J Sacramento:** Mr Speaker, for clarity, the situation has absolutely nothing to do with the fact that a question was tabled by the hon. Gentleman. The hon. Gentleman will know, given that it is in the public domain, that we announced on 14th May that any tests booked after Monday, 17th May would be reduced from £50 to £30.

870 Mr Speaker, the hon. Gentleman will also know that, additionally, because we have imposed a separate requirement for testing which we announced earlier this week, on account of developments over the weekend – we ventilated it earlier this week; the Chief Minister mentioned that as well – in relation to the rapid tests undertaken for those who are landing, those will be at no cost. But we are talking about two separate tests.

875 **Hon. E J Phillips:** Mr Speaker, just one question. I recall quite recently, and I think this was just before we filed this question, that in the British Parliament, I think the Transport Secretary confirmed to their Parliament that they were trying their very best to reduce the cost to the customer. I think it was down to £48.50 for a particular test, I do not recall that, but what level of engagement has the Government done to try to bring the cost of testing down to the end user? You said it is having discussions, but where is the line that you are trying to bring them down to?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I seem to recall that yesterday or the day before when I made my Statement to the House, I dealt with these issues and I dealt with exactly the same questions for clarification from either the hon. Gentleman or one of his colleagues. When I announced that, the concern that was being put to the Government was that we were going to suffer a £4 cost, and how were we going to make sure that we recovered it? So, Mr Speaker, I explained that we believed that with the cost of the tests as it is, we had sufficient to net off any cost – this is not an area where the Government wants to make profit – of the tests on arrival against the cost of the certificates and tests required by the United Kingdom for arrival in the United Kingdom, that is to say, departure from Gibraltar.

885
890 Mr Speaker, we could have the debate again if you think it is necessary, although this is Question Time, but I think we have already clarified how we have dealt with the issue.

Mr Speaker: Next question.

**Q39-40/2021
Pfizer booster vaccines –
Supply and roll-out**

895 **Clerk:** Question 39, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what discussion the Government have had with the British Government in relation to supply of booster Pfizer vaccines?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 40.

Clerk: Question 40, the Hon. E J Phillips.

905 **Hon. E J Phillips:** Mr Speaker, can the Government state how the Government will roll out the Pfizer booster to citizens?

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

910 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, the Government of Gibraltar works closely with Public Health England about all aspects of the Covid-19 vaccination programme.

At this stage, no definitive decision has been made by Public Health England or the UK Government on the booster.

915 As no decision has yet been made by the UK, no formal plans have been made. However, tentative planning is underway in Gibraltar should a booster vaccine be required and, given that this will be undertaken by the same management team who delivered the vaccination programme in Gibraltar, I have no doubt that it will be just as successful.

Q41/2021

Pfizer booster vaccines – Supply and roll-out

Clerk: Question 41, the Hon. E J Phillips.

920

Hon. E J Phillips: Mr Speaker, since asking this question, of course, I believe the Government have accepted the problems that have existed in relation to appointments, but I will ask it anyway, so that we can ask another supplementary.

925 Can the Government state why, despite the Minister for Health's statement on 19th April 2021, members of our community continue to experience significant problems in accessing face-to-face appointments?

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

930 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, I am grateful to the hon. Gentleman for asking a question he already knows the answer to but I will read my prepared answer. *(Interjection)*

Mr Speaker, the demand on services post Covid-19 has been extremely significant, particularly since the announcement at the end of April of increased availability of face-to-face appointments.

935 This demand and a combination of other factors such as reduced clinics because of the number of bank holidays following the announcement, and other reasons explained in Press Release 354/2021 on 6th May, resulted in the public experiencing difficulties in the week following the announcement. However, after looking at what occurred that week and meeting with management, the system should now be back to normal, and in fact enhanced with the
940 introduction of more face-to-face appointments and the ability to book advance appointments.

Hon. E J Phillips: Mr Speaker, I think one of the points that was made in the exchanges of press releases outside this place was in relation to the use of digital technology to make the process easier, because I think that actually the question of face-to-face appointments has been a very
945 significant issue in our community for a long time actually, for as long as I have been using the Health Service, Mr Speaker, and I wonder whether the Minister has had discussions with the Hon. Mr Isola in relation to how we can deploy technology to improve the system. One of the issues

that comes to me from constituents is well, surely this must be an easier process. I know the Hon. Member for Financial Services has discussed this before – digital services and financial services, Mr Speaker – he has talked about that before in this House, but I wonder whether there have been advanced discussions between the ministries on how to make that a lot easier, so that we can we create an easier process for patients accessing GPs?

Hon. Miss S J Sacramento: Mr Speaker, the Hon. Mr Isola and I work incredibly closely when it comes to the digital improvements of the GHA. In fact, there have been some changes to the system already in the last week or so, and further changes are planned, and that is something that we are programming and will be implemented in phases. As and when these improvements are implemented, we will announce them accordingly, so that the public understand what these changes are and how they work.

960

Mr Speaker: Next question.

Q42/2021

Complaints about health care – Number received in last 12 months

Clerk: Question 42, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the number of complaints received by the GHA or the Government in relation to all aspects of health care in Gibraltar in the last 12 months?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, during the past 12 months, the GHA has received 62 formal complaints.

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Hon. E J Phillips: I appreciate that this was not included in the question, but unless the Minister has the information to hand, does she know, in terms of categorisation, what those complaints concerned? They could be medical malpractice; they could be, 'I am not getting my GP appointment', for example. If she does not have the information that is fine, I will ask it next time round, but if she does, it would be helpful if she could disclose it.

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Hon. Miss S J Sacramento: Mr Speaker, I do not have the exact detail. The details that I have break down the department against which the complaint has been raised – for example, A&E and waiting times. The information that I have is the number of complaints against the Department, but it does not tell me what the complaint is, but it is a discussion that I am happy to have with the hon. Gentleman, and it may be that it is more appropriate to have this discussion behind the Speaker's Chair when I have the information.

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Hon. E J Phillips: I am grateful for that answer, and I certainly will take her up on the offer, but there is just one aspect of the question which I am not too sure was clarified and that was: these are complaints received by the GHA. I believe that is correct, but not by the Government. I think I said 'or the Government'. Does the Government receive them separately from the GHA?

990

Hon. Miss S J Sacramento: Mr Speaker, the GHA has a complaints procedure and if someone outside of the GHA were to receive a complaint, then the complaint would be referred to the GHA's complaints procedure, so it would be encapsulated in this.

995

Mr Speaker: Next question.

Q43/2021
MRI services –
Beneficial owners of AC Ltd

Clerk: Question 43, the Hon. E J Phillips.

1000 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the names of the ultimate beneficial owners of the company AC Ltd, which it is understood will be providing MRI services to the Gibraltar Health Authority?

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

1005 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, the hon. Gentleman's information is wrong. Neither the Government nor the GHA have entered into any contractual arrangements with any company for the local provision of MRI services.

1010 **Hon. E J Phillips:** Mr Speaker, my understanding from notices that have been displayed at GHA premises, which have been shown to me and relate to permissions to buy a company by the name of AC Ltd, a company that I cannot discover on the companies website – because obviously the Government encourages me to do that every time a company pops up, to have a look at the Registry, to see whether it exists ... AC Ltd, in the form that I have written this question, does not
1015 exist. AC Ltd is a company that is reflected on the formal notices on these buildings, particularly at Europort, for instance, and it refers to the provision of MRI services. So, can the Government confirm what the current position is, insofar as MRI services at the Gibraltar Health Authority?

1020 **Hon. Miss S J Sacramento:** No, Mr Speaker, because whereas I understand that there is a planning application, this is not on GHA premises.

1025 **Hon. E J Phillips:** Mr Speaker, the Government has had a history in relation to the MRI issue. The first time the Government brought this issue to the House, I believe it was the previous Minister for Health, Minister Balban, in relation to ... I think the phrase was 'bringing MRI home'. The Government then changed its policy and sent it out to tender, effectively, and asked companies to come up with proposals in relation to the provision of MRI services to Gibraltar. What we find now is that on particular buildings that may not be within the GHA precinct –
(*Interjection*) Yes, I know. I am just trying to summarise for the benefit of you answering another question. If the building in question, which I believe is in the Europort complex ... In my
1030 understanding, this company has applied for permission for the use of MRI services to Gibraltar. Are those services also going to be supplied to the Government?

1035 **Hon. Miss S J Sacramento:** Mr Speaker, a private company has made an application. Private companies and private businesses are entitled to make whatever applications they wish. This application is not on GHA premises. They are in Europort, which is a very large footprint in an area in Gibraltar where lots of businesses operate, but this application in particular is not on GHA

premises. I understand that it is an obligation that has been made and displayed on Atlantic Suites. I know what the hon. Gentleman knows. I know that there is a notice of a planning application in Atlantic Suites. Atlantic Suites does not belong to the GHA. The GHA does not have anything in Atlantic Suites.

1040

I would be grateful, Mr Speaker, if the hon. Gentleman would not paraphrase what I say, erroneously and incorrectly. A business has made an application. As far as I am concerned, as Minister for Health it is not an application that I have had any involvement with, nor has the GHA had any involvement with it, but a business is entitled to make an application for a business and then it is a matter for the business, but it is not, as the question poses, anything connected with the GHA.

1045

Hon. E J Phillips: Just one further question, Mr Speaker. It appears that AC Ltd is not a company that is incorporated within Gibraltar. AC Ltd as a company, as she rightly says, has placed the relevant notice for permission at Atlantic Suites. The question I would like her to answer is whether AC Ltd, apparently a company not incorporated in Gibraltar ... Has the Government been in discussions with AC Ltd, or is it intending to enter into contractual arrangements with AC Ltd for the provision of MRI services to the Gibraltar Health Authority?

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Hon. Miss S J Sacramento: Mr Speaker, no. But he also said something about the notice being displayed with the permission of the Minister. No. It has got nothing to do with the GHA. *(Interjection by Hon. E J Phillips)*

1055

Mr Speaker: Does the hon. Member wish to clarify?

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Hon. E H Phillips: I am grateful, Mr Speaker. I wish to clarify, yes, because the very simple question is: is the Government in discussions with AC Ltd for the provision of MRI services to the GHA, or does it have a contractual relationship with AC Ltd for the provision of MRI services?

Hon. Miss S J Sacramento: Mr Speaker, again, no. To the second point, no. In fact, I have no idea who AC Ltd are.

1065

Mr Speaker: Next question.

Q44-46/2021

Clinical standards in the GHA – Communications from Head of Clinical Governance

Clerk: Question 44, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state, from the cases investigated by the Head of Clinical Governance at the GHA, Prof. Derek Burke, in the last two years, whether the number of those patients who have suffered preventable harm order is unduly high?

Clerk: Answer, the Hon. the Minister Health and Justice.

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 45 and 46.

1080

Clerk: Question 45. The Hon. E J Phillips.

1085 **Hon. E J Phillips:** Can the Government state whether it is aware of an email issued by Prof. Burke to his GHA colleagues in November 2020 where he claims that the GHA has, and I quote: ‘been effectively taken over by a cabal of about a dozen individuals and their followers. These individuals have paralysed the management structure and prevented a number of safety and quality initiatives from being completed. They are directly or indirectly the root of many of the preventable harm and deaths we have investigated in the past two years.’?

1090 **Clerk:** Question 46, the Hon. E J Phillips.

1095 **Hon. E J Phillips:** Mr Speaker, can the Government state whether it is also aware of an email issued by the Head of Governance, Prof. Burke, to his GHA colleagues in November 2020, in which he claims: ‘I am clear from observations, from the experiences and concerns you have shared with me and from my personal experiences that the main weapons of these individuals are intimidation, coercion and bullying of staff into their submission to comply with their views.’

Clerk: Answer, the Hon. the Minister Health and Justice.

1100 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, Prof. Burke’s role is to investigate any concern where it is thought that clinical standards may not have been met. However, every clinical case varies and it would be impossible to compare any level of clinical concern or harm to any other country or jurisdiction.

1105 In relation to Questions 45 and 46, yes, the GHA is aware of these emails.

1110 **Hon. E J Phillips:** Mr Speaker, this particular email that was sent by the Head of Governance to his GHA colleagues is an extremely serious set of allegations concerning ... A cabal is being described, a cohort of individuals within the GHA, which has very serious allegations and consequences, I assume, for members within the GHA. In fact, I am sure the unions are involved.

1115 When did the Government first become aware of these concerns? We are not talking about simple concerns about mismanagement here. What we are talking about are very serious concerns that have indirectly or directly impacted on the health of members of our community, and indeed the words ‘preventable death’ is being used in the context of these complaints, so I just wondered, first of all, when the Government was first put on notice of these extremely serious allegations, which, when I first saw them, I could not believe, and I must say I was quite shocked by it. I was just wondering when the Government was first on notice of it.

1120 **Hon. Miss S J Sacramento:** Mr Speaker, I have, during my time in the GHA, met with the Clinical Standards Compliance Director, Prof. Burke, in relation to issues that he raises. On each matter Prof. Burke provides reports, and these reports are in the process of being investigated. Individual circumstances have ... There is a process, there is an investigation, there is an outcome. These matters are something that we are engaging in.

1125 Let’s remember the reason why we introduced clinical standards: it was to make sure that we improve the safety standards of the healthcare that we provide in Gibraltar.

1130 **Hon. E J Phillips:** Mr Speaker, whilst I am grateful for the answer, these are very serious allegations of bullying, intimidation, coercion and mismanagement of the GHA, which has – let’s not beat around the bush here – led to the death of individuals within our community. What is the Government doing about it?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has now said something which is so serious that it requires to be addressed directly. The hon. Gentleman has said that the

1135 allegations in respect of bullying etc., which he has recited, have led to the deaths of individuals in our community. As far as the Government is aware, there is not the slightest shred of evidence of that scandalous and, frankly, frivolously made allegation.

Hon. K Azopardi: Mr Speaker, our understanding is that it is all part of the same email, and Question 45 says, as a direct quote from the email of the Head of Clinical Governance:

They are directly

– some of the deficiencies –

or indirectly the root of many of the preventable harm and deaths we have investigated in the past two years.

1140 If the allegation has been made, it has not been made by my hon. Friend to my right, it has been made by the Head of Clinical Governance of the GHA. The question that we are asking, and the Chief Minister may perhaps be rejecting it on that basis, but the question we are asking is: given that this was six or seven months ago, what has the Government done to investigate this particular set of issues, because presumably this is not just another report from the clinical
1145 standards that might be about this or that or some particular department, these are very wide ranging and serious issues that have been raised by the Head of Clinical Governance. Given that it has been raised by the person charged with reviewing clinical standards, and they are very serious, what have the Government done since receipt of that to investigate it, firstly? And, secondly, can the Government say that, having investigated it, it is not true?

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Hon. Chief Minister: Mr Speaker, the Minister has already said that she has met with the individual in question to further seek to probe for information that might relate to the allegations as they are set out in that and other communications to her, in order to ensure that the Government can say, as I have said with confidence here, that there is not one shred of evidence
1155 that there is anything behind those allegations.

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Indeed, Mr Speaker, I will tell the House more. When these allegations were first put to the Government, they were put to me, and so I called Prof. Burke to address the whole Cabinet within days of the allegation landing on my desk. The whole Cabinet understood that if there were anything that might suggest that there have been preventable deaths in Gibraltar, we immediately
1160 acted to deal with that issue. The whole Cabinet was addressed by Prof. Burke. I asked Prof. Burke to give me and the Cabinet not the names of those alleged to have been involved in bringing those deaths about, but the names of the persons who had deceased in those circumstances, so that the Government could put to the Coroner the names of those individuals and their deaths could be investigated. I have not yet been provided with a name.

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Hon. K Azopardi: Can I just ask, on that meeting of Prof. Burke with the whole Cabinet, was it after or before the letter of November 2020? And if so, can he give us a general range of when that happened?

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Hon. Chief Minister: Before. Frankly, Mr Speaker, in the past 24 months, time has become a little elastic, so I am not confident in giving a date, but the Cabinet minutes will show what date it was.

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Hon. K Azopardi: Mr Speaker, if it was before, and he then wrote this letter ... Having written the letter, it requires, surely, further investigation and discussions – and it is six months on, so can the Government say that not only had they met Prof. Burke before he sent the letter, but having sent the letter what have they done about that?

1180 **Hon. Chief Minister:** Mr Speaker, I have told the House that when Prof. Burke first made the
allegations and brought them to the attention of a Minister he brought them to the attention of
me and, I believe, the Minister for Health at the same time. I took the immediate decision that
Prof. Burke should address the whole Cabinet. He addressed the whole Cabinet days later. He was
asked to give us the names of the individuals whose deaths he said he had identified as being
preventable and arising for the reasons set out. He has not yet provided any such name. My
1185 intention, which I think would be the intention that should garner the support of every right-
thinking member of our community, is to then, given any name, report that name to the Coroner
for a full coronial investigation into an alleged preventable death in Gibraltar.

The allegation did not elicit, when it was challenged, any response that could lead to such an
investigation that might enable either a full coronial investigation or blame thereafter to be
1190 apportioned for preventable death, because preventable death is going to result in either
negligence or a crime being relevant. Similar allegations, if not identical allegations, have
subsequently been made by Prof. Burke in subsequent letters, which have been challenged in the
same way by the Hon. Ministers who have been in receipt of those letters and have elicited no
further detail of the sort one would expect in order to be able to deal with such an allegation,
1195 which can lead to a loss of confidence in the Health Services if there is anything behind it, and
indeed that would require a serious and coronial investigation.

There is no alternative, in my view. If there is a preventable death reported to the Government,
to the Health Authority or to any responsible person, that death must be investigated at the level
of the Health Services and it must also, if it was preventable, be investigated by a coroner. That
1200 remains the Government's position. We have not been given any such names.

Mr Speaker: Final question.

1205 **Hon. K Azopardi:** Mr Speaker, the Chief Minister is saying that it is not just one letter, there
had been a series of letters of a similar nature from Prof. Burke, in relation generically or more
specifically in instances, but a series of letters which have drawn the same conversation and the
same kind of response from the Government, and indeed from the Head of Clinical Governance.
In those circumstances, and given that it is a process of months, does Prof. Burke retain the
confidence of the Government?
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Hon. Chief Minister: Mr Speaker, the Government does not engage in discussions about the
confidence it has in any one of its employees or those with whom we have contracts for services.
Prof. Burke is not here to deal with those issues. I am happy to deal with the issues that the hon.
Members have raised in the way that I have dealt with them. Yes, I have already disclosed that
1215 there is more than one communication, but I think he would agree with me that the responsible
thing to do, faced with such an allegation, where the lives of Gibraltarians are alleged to have
been lost in a preventable way, is to immediately seek to investigate them. And when the
allegations are put repeatedly and the questions are put to try to elucidate further information,
we have a responsibility to continue to seek to elucidate that information, which is what I and
1220 successive Ministers for Health who have been in receipt of these allegations have repeatedly
been seeking to do.

Mr Speaker: Marlene Hassan Nahon.

1225 **Hon. E J Phillips:** Mr Speaker ... *[Inaudible]*

Mr Speaker: Just the lady, and then we will come back to you.

1230 **Hon. E J Phillips:** It was my question in the first place. Can I conclude my questioning? I assume
the hon. Lady –

Mr Speaker: Why did you allow the Leader of the Opposition to speak, then, if you had not concluded your questions?

1235 **Hon. E J Phillips:** I gave way, Mr Speaker.

Mr Speaker: No, you did not give way.

Hon. E J Phillips: I did ... *[Inaudible]*

1240 **Mr Speaker:** We are talking about minutiae here now.

Hon. E J Phillips: I suppose the answer is that it is my question ... *[Inaudible]*

Mr Speaker: I agree! Okay, let's now let the good lady, who has been waiting patiently ...

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, I will take that.

The one thing that has not been mentioned in this discussion over the letters is that previous to the email of November 2020, when the leader of clinical governance discusses this cabal of a dozen individuals, there was actually a letter by 32 GPs, in August 2020, signalling their lack of confidence in the leader of clinical governance. That is, from what I understand, all the GPs in Primary Care and a proportion of the ones in secondary care as well. So, what we are looking at is that between the three months of the lack of confidence and the letter back from Prof. Burke about the doctors, I would like to ask Government what actually happened.

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Did Government take this into account, the fact that there would have been a tension, a bad atmosphere and low morale between the doctors, perhaps leading to some sort of retaliation on behalf of the leader of clinical governance, based on the lack of competence they showed against him? What I would like to know is what action did the Government take in those three months and how is it that they can justify the leader of clinical governance still being in position, considering that he enjoys zero confidence from the staff and this tension has built up where it has turned into some kind of blame game? Is that responsible to keep this individual in his role, Mr Speaker?

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Hon. Chief Minister: Well, Mr Speaker, I would say to the hon. Lady that she needs to consider the opposite. If a person who is a professor, appointed to be Head of Clinical Governance, says in writing to the Government that there are preventable deaths, and the thing that the Government does is to get rid of him at that moment, I put it to her that she would come to this House to say that the Government had got rid of Prof. Burke to silence him because he had made these allegations and that morale was very badly affected because there are preventable deaths in the Health Authority, an issue which has been raised by a visiting professor who is responsible for clinical governance, and the Government has dismissed him when he has made that allegation.

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But the hon. Lady is absolutely right because she has juxtaposed the two things that are relevant here. There is serious concern in the professional body in the GHA – the GPs, the nurses and some of the consultants – about some of the issues that have arisen in the context of how clinical governance has been dealt with, and there is serious concern expressed, in the way that you have heard in this House today, by the Head of Clinical Governance, which has led to the allegations that have been made, which the Government has sought to follow up directly and through other health professionals as well. None of us here, or there, are clinical professionals, and some of the terminology can be used by any party to a clinical dispute, if they are clinical people, to pull the wool over the eyes of those who are not clinical, whether they are legal or otherwise professional. And so, what the Government has been responsible in doing is ensuring that we hear what all sides are saying in this respect.

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1285 Mr Speaker, I end my response to the hon. Lady by reminding her that in the context of the serious allegation contained in the letter by Prof. Burke to me and to the previous Minister for Health and subsequently in the communications to the hon. Lady, as far as this Government is concerned this is not an issue that can be determined politically or professionally, this is only an issue that can be determined judicially or quasi-judicially, because if there is a preventable death it must be investigated coronially.

1290 And so we have to be careful of trying to make this too political. She has put her finger on the issue that the doctors, as she says, have also raised issues. Hon. Members have raised the concerns of Prof. Burke and I think everybody would agree that the only responsible way to act ... This is not petty politics, this is important; these are the lives of Gibraltarians allegedly lost in a preventable way, which has to be dealt with dispassionately, very carefully and pointing in the direction of a traditional coronial investigation and determination. When we have sought that, we have not had the information necessary to proceed to that level. It may be that we do get that information, in which case I have already told the hon. Lady what the course of action would be, unless it were agreed that there were an issue of negligence rather an issue which is criminal, in which case it may be that the advice the Government receives is different. But these are the most serious, sacrosanct issues that we could be dealing with, the lives of the people we represent and the lives of Gibraltarians.

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Mr Speaker: This will be the last question from the good lady.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

1305 I thank the Chief Minister for his answer, because it goes some way to explain the puzzle of what has been going on in this respect. One thing that I do not believe he has answered is before the letter about the accusations about the cabal, in November, what process did the Government take between August and that letter in November, three months? What process did the Government take to understand the doctors' issues and why they manifested a lack of confidence, in such a global amount of doctors here, against the leader of clinical governance? I would like to know what happened in those three months and if that issue was dealt with, please.

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1315 **Hon. Chief Minister:** Mr Speaker, considerable work was done as a result of all of the aspects of this. The hon. Lady is pointing to one. We have had questions about another aspect, but there are many aspects to this, and considerable work was done, not least the hon. Lady meeting with representatives of that medical body and my meeting with those representatives also and their industrial relations representatives, which are Unite the Union – I think exclusively Unite the Union, I do not think it is the other union. There were a number of meetings in respect of the structure of clinical governance and matters relating to how clinical governance is to be done in the future, in a way that is considered to be less ... Sorry, let me not talk about what it will be less. 1320 Let me tell the hon. Lady what it will be more. It will be more done in a committee style, so that there is confidence that there cannot be one person's view where there may have been issues between individuals in the past that would then expose an individual who is being investigated on a clinical governance matter to having to be judged by somebody who they may feel is already predisposed against them. So, what is envisaged is a change in the structure of how clinical governance is done. 1325

1330 I should, just in that respect, Mr Speaker, inform the House that clinical governance was not something that was undertaken objectively in our Health Services before. It was something that was introduced by this Government. We took the first step of introducing objective clinical governance, which is designed to find when there are problems – not to attribute blame but to find when there are problems – so that the health systems can learn from that, and we are now hopefully going to be able to take a further step, which is to develop clinical governance from being just a small part of what we do to being present in everything that is done in our Health

Services, and this is one of the important parts of the work that the hon. Lady is doing with the unions and with the professional body in the GHA.

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Mr Speaker: The Hon. Elliott Phillips, and this will be the *final* question.

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Hon. E J Phillips: Mr Speaker, I must say I find the answer by the hon. Gentleman, the Chief Minister ... I find a lot of weight in what he has said and the analysis that he has expressed. I agree with much of what he has said, insofar as it is not political, it is not professional, it is quasi-judicial, potentially judicial. He may remember I have been involved in many of the coronial inquests, which deal specifically with the deceased – how he came by his death, rather than attributing civil or criminal liability. That is the purpose, as he alluded to, of a coroner's inquest.

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I wonder, Mr Speaker, putting that all aside and given what he said about clinical governance, whether something that Government should give serious thought to ... given the allegations in respect of both sides of this particular matter and given the systemic issues that are evident around clinical governance, whether the Government might consider a public inquiry into this particular subject. I say that now, not to pressurise the Government to make a decision, but given the significance and importance of this question to our community and public safety in health and safety, will the Government consider that as a potential avenue?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman is about to cause a preventable death. By agreeing with me so vehemently, he is going to give me an unexpected stroke. But I appreciate that this is an important issue, and I think that we need to demonstrate the maturity of this place by not going party political on an issue as important as this.

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The Government is already doing considerable work with the Ministry for Health – and I distinguish the Ministry for Health from the Health Authority, and the professionals in the Health Authority and those who represent individuals in the Health Authority; that is to say the union – to investigate how different areas of the GHA which have been the subject of some of these allegations are operating and how they can operate going forward. Given that we may not have the data that we need to have coronial investigations, we are certainly ensuring that we look at how we are doing things in particular areas and continue to learn from best practice. That is what I call the recasting of health services in Gibraltar post pandemic, which is work that is ongoing with the unions, and all this dovetails together in order to ensure that the Health Services that we are offering our community are, of course, value for money, but also as best as possible inspired by best practice in the lead jurisdictions in offering free at the point of delivery healthcare, such as the United Kingdom. It is not the only system, but it is the system from which we take most inspiration. The hon. Lady is doing considerable and, if it were not her, exhausting work in ensuring that this is something that is dealt with very quickly, and is being assisted in that by professionals in whom the Government and the professional body in the Hospital have great confidence.

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Mr Speaker: Next question.

Q47/2021

Importation of cocaine, cannabis and heroin – Number of convictions

Clerk: Question 47, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many convictions have there been in each of the last three years in respect of (a) the importation and (b) the supply of cocaine, cannabis and heroin in Gibraltar?

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

1380 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, during the policing year 2018-19 there were three convictions for importation of cocaine and three for cannabis. In the same year, there were three convictions for the supplying of cocaine and two for cannabis.

1385 In the policing year 2019-20 there were two convictions for importation of cocaine and two for cannabis. In the same year, there were two convictions for the supplying of cannabis.

In the policing year 2020-21 there were three convictions for the importation of cannabis.

Mr Speaker: Next question.

Q48/2021

**Carrying offensive weapons –
Convictions and injuries caused**

Clerk: Question 48, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many convictions have there been in the last three years for crimes associated with the carrying or injuries caused by the carrying of knives, guns or other offensive weapons in Gibraltar?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, in relation to the carrying of offensive weapons, the number of convictions during the last three policing years were: 2018-19, 11; 2019-20, 14; 2020-21, three.

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Convictions relating to injuries having been caused by offensive weapons during the same period, were: 2018-19, three; 2019-20, one; 2020-21, zero.

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Hon. D A Feetham: Mr Speaker, in relation to the answer that the lady has just provided – and thank you for the answer – does she have a breakdown as to whether those offensive weapons were knives, guns or any other type of offensive weapon?

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Hon. Miss S J Sacramento: Yes, Mr Speaker, I do. For the policing year 2018-19, six related to knives, one related to a gun and four related to another weapon. I am sorry, I do not know what the other weapon was. In relation to the convictions, two related to knives and one related to another weapon. Convictions of carrying a weapon, five related to knives, three related to guns and six other weapons. And for convictions of wounding or injury, one related to knives.

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For policing year 2020-21, I am afraid I do not have the breakdown, but I think it is two relating to knives and I do not know how many for other weapons, but I think it is one from the further information that I have, because I have the fine, so I am assuming it is one.

Mr Speaker: Next question.

Q49/2021
HM Prison –
Mandatory and voluntary drugs testing

Clerk: Question 49, the Hon. D A Feetham.

1420 **Hon. D A Feetham:** Mr Speaker, how many inmates at HM Prison have been the subject of (a) mandatory drugs testing and (b) voluntary drugs testing in the last four years?

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

1425 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, all drugs testing currently undertaken at HM Prison is voluntary, and in the last four years 149 inmates have been tested.

1430 **Hon. D A Feetham:** Mr Speaker, this has been a topic that we have discussed in the past. I have asked questions about this, and in fact it was Mr Licudi who answered at the time. Just as a prelude, so that the House and listeners understand this, we introduced, when we were in government, drugs testing, and that must have been about 2010. My understanding of the answers that were given by Mr Licudi when I asked this question was that they felt that they did not have the resources or the wherewithal to basically undertake mandatory drug testing, but that that had been sorted out. It was about four years ago that he provided me with that answer.

1435 Why is it that there has not been any mandatory drugs testing, despite the fact that I was told in this House that this was something that could now be performed in the light of changes that had taken place during the stewardship of Mr Licudi?

1440 **Hon. Miss S J Sacramento:** Mr Speaker, the mandatory drugs testing is something that has been introduced as a matter of principle, but in terms of operation, the mandatory drugs testing, as I understand it, requires testing at a specific lab that is approved by the Home Office, and this lab is in the UK.

1445 My understanding is that a lot of the progress that was necessary for this to be implemented last year was slowed down due to Covid, but I am sure that now, at this stage, we are able to take that up again. It is a question that I have asked myself as a result of this Parliament question and that is the answer that I have been given, but it is something that I have said I would now like to look into further.

1450 **Hon. D A Feetham:** I am very grateful that the hon. Lady will look at this further because the reality of this is that legislative underpinning for mandatory drugs testing was introduced 10 years ago and there has been zero mandatory drugs testing.

1455 I do not necessarily blame the hon. Lady, because she has inherited the portfolio from others, but obviously she is responsible for the Government as a whole. I do not think that the answer, with respect to her, stacks up, because the same answer that the hon. Lady has provided me as to why it has not happened was the answer that Mr Licudi provided. It was some time ago that that was provided, and he also expressed optimism to this House that it was all now sails to the wind that this was going to happen imminently.

1460 Can she at least give the House an undertaking and an assurance that this year at least all the issues that need to be sorted out will be sorted out, so that we can, at long last, have mandatory drugs testing, which, as I understand it, is Government policy, and obviously they see the benefits of mandatory drug testing so that we can more effectively deal with drugs at the Prison?

1465 **Hon. Miss S J Sacramento:** Mr Speaker, yes, in the context that I am a relatively new Minister for Justice, given that pretty much everything that we have been able to deal with in the last year

has been Covid related and we have also an even newer Superintendent of Prison, I have already spoken to the Superintendent of Prison on this matter, and we have agreed that we are going to meet to look into this further.

1470 **Mr Speaker:** Next question.

Q50-51/2021
COVID-19 vaccinations –
Numbers administered to residents and cross-frontier workers

Clerk: Question 50, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, of the 37,478 first doses of the COVID-19 vaccines administered at 29th April 2021, how many were to residents and how many to cross-frontier workers?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 51.

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Clerk: Question 51. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, of the 32,054 second doses of the COVID-19 vaccine administered at 29th April, 2021 how many were to residents and how many to cross-frontier workers?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, of those first doses administered, 28,630 were to residents and 8,848 were to non-resident, cross-frontier workers.

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Of those second doses of the vaccine administered, 27,052 were to residents and 5,002 were to non-resident, cross-frontier workers.

Hon. K Azopardi: Mr Speaker, do these stats also include the odd cases that have been reported in the press of people not quite fitting into the category of residents or cross-frontier workers? One of my colleagues was mentioning to me people who had arrived on a yacht and had been vaccinated. Is that not true? I see the hon. Lady shake her head. I thought there was a report. *(Interjection by Hon. Miss S J Sacramento)* I see, right.

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Because I asked this question on the date of the deadline of the filing of questions, since 29th April does she have an update with her on the situation as of today, of resident and cross-frontier workers? Not in terms of first doses; I am more interested in the second doses.

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Hon. Miss S J Sacramento: Mr Speaker, the vaccine has been provided to us by the UK government on the basis of very strict criteria, and it has only been made available to residents, or, in the case of non-residents, to cross-frontier workers.

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There is no question of anyone arriving on a yacht and receiving a vaccine and leaving. From recollection, what I read in some report was that someone who was on a yacht was complaining because they had asked for the vaccine and the vaccine was refused. That is the only circumstance that I am aware of. I do not know what situation the hon. Gentleman is referring to. I will check it

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if the hon. Gentleman gives me more information, but it is very unlikely on the basis that if people are not resident or do not fit into the classification of being a cross-frontier worker, then they are not entitled to the maximum.

1515 The latest statistics I have relate to 18th May, yesterday. Mr Speaker, did the hon. Gentleman ask me about second doses for frontier workers? In that case, the total is 8,330.

Hon. K Azopardi: And for residents as well?

1520 **Hon. Miss S J Sacramento:** Sorry, Mr Speaker, for residents, second doses is 27,940.

Hon. K Azopardi: So, am I right to say that – because obviously I noticed that the GHA had made a final call for people to come through and get into the system – it is still an ongoing process to get to ...? Would it be fair to say that we are close to the ceiling, that the ceiling is around 28,630, which is the first doses, or is it a higher ceiling?

1525 **Hon. Miss S J Sacramento:** Mr Speaker, predominantly what the GHA is undertaking at the moment is second doses, because it is the second doses of the first doses that were administered when we closed the deadline. So we closed the deadline, then we had ... This is a programme that is extremely complex, Mr Speaker, and I try to understand it, but it is very scientific in the way that
1530 they prepared it and it is very, very organised to make sure that the second dose is always within 21 days of the first dose; but that does not mean that the first dose was administered immediately after we closed the deadline. It may well have been administered two or even three weeks after because at that point, when we did the deadline we were still probably administering second doses of people who were within the time.

1535 It is now very much a question of second doses, but some people have called in and if a first dose is available because the programme allows it, then exceptions are made for as long as people comply with the requirements.

Hon. K Azopardi: Can the Minister help with ...? Does she have a figure or does the GHA have
1540 a figure of the people who have expressed an interest and have registered using the online form, but they are currently unvaccinated because, for example, they are not here – students, that kind of thing? What is the kind of number that we are talking about of people who have not yet had it, even though they have expressed an interest and, for whatever reason, are in a programme for possible vaccination, but have still not started?

1545 **Hon. Miss S J Sacramento:** Mr Speaker, the only group of people who are entitled to a vaccine who have vaccine reserved for them are students, and I know that there is a number reserved for students, and we have students on a waiting list that is specifically for students who are unable to take them actually because they are not here, but I do not know the number. But I can find the
1550 number out and tell the hon. Gentleman another day.

Hon. K Azopardi: Just a final question on that. In terms of what the Minister says, they have got vaccines reserved for students because students will be coming back maybe in late May, maybe June and so on, and given the shelf-life of the vaccine and so on and so forth, when she
1555 talks about reservation, does she mean stock in Gibraltar? Does she mean that there is a sort of small request for maybe 200 or 300 vaccines that can be shipped over?

Hon. Miss S J Sacramento: Mr Speaker, it is actually both, because all students who are in the UK have been asked to register. So on the basis that we know from the students who have
1560 registered, because part of the registration process asks when they return to Gibraltar, so on that basis, if the 21-day period for the first and the second vaccine is available within the expiry date

of the vaccine, then those vaccines are put aside, but we always have that little request, just in case.

1565 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

1570 **Hon. Ms M D Hassan Nahon:** Mr Speaker, following the line of questioning between the Leader of the Opposition and the hon. Minister, I wanted to ask a question, mainly for clarification. When we talk about cross-border workers and their level of priority in terms of the vaccine, I just wanted to ask the Minister whether cross-border workers who work here and pay into the Social Security pot and pay their taxes, are they not just as eligible and given the same right as everybody else to enjoy the process of vaccination? We were talking about the difference between cross-border workers and local residents. I wanted to ask her, shouldn't this be treated equally, in terms of these are people who are paying their taxes and are paying into the social security system?

1575 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, they are. That is the point: that ordinarily the vaccination programme would have been made available to residents, but on this occasion, through negotiations with the UK, we have included cross-frontier workers into the vaccination programme by virtue of the fact that they do contribute by way of their social insurance.

1580 **Mr Speaker:** Next question.

Q52/2021

Unvaccinated hospital visitors – Policy on visiting dying relatives

Clerk: Question 52, the Hon. K Azopardi.

1585 **Hon. K Azopardi:** Mr Speaker, what is the policy on allowing unvaccinated individuals to visit terminally ill or dying relatives in hospital?

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

1590 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, restrictions on visiting across all GHA sites have been put in place to protect patients who are considered to be clinically vulnerable. Visitors who are vaccinated are one of the best ways to protect their friends and relatives when they are visiting, as well as other patients and staff members.

1595 However, in the case of unvaccinated visitors, the approval for them to visit a terminally ill or dying relative was considered on a case-by-case basis and at the very least, for a shortened visit and wearing full PPE.

1600 **Hon. K Azopardi:** Is the Minister aware of reports of unvaccinated individuals who have not been able to visit the terminally ill or dying relatives who, indeed, have passed away?

1605 **Hon. Miss S J Sacramento:** Mr Speaker, no, because the policy of the GHA, whereas at a time when visits were not allowed for people who were unvaccinated, there has always been a policy in place – and the Hon. Member will know from previous press releases – that even unvaccinated people were allowed in to visit a relative if that relative was dying, so we have always made that exception.

1610 We have always made that exception throughout the pandemic and since the introduction of vaccines, and that has always been the policy of the GHA. There has not been any occasion where, in the circumstances where someone was dying, that a relative was not permitted access to be with their dying relative, because in the case of someone coming to the end of life, then in those exceptional circumstances arrangements for PPE and all other safety arrangements have been put in place when someone is dying.

1615 **Hon. K Azopardi:** If that is the case, how can it be that there have been people posting on social media that they have not been allowed to visit their dying relatives who have passed away?

Hon. Miss S J Sacramento: Because, Mr Speaker, the premise of the hon. Gentleman's question was if I had received reports. Mr Speaker, I do not consider a post on social media a formal report.

1620 **Hon. K Azopardi:** Of course, it may not be a formal report, but is it not worthy of investigation to see whether, indeed, it is true or whether it is not true?

1625 **Hon. Miss S J Sacramento:** Mr Speaker, I am surprised that the hon. Gentleman is asking me to take Facebook posts at face value as a parliamentarian; but not only that, Mr Speaker, because now he is asking me to in Parliament across the floor of the House, even if that were true, to disclose medical information about the relative of someone or posted on Facebook. Mr Speaker, I do not think that that is normal practice, acceptable practice or parliamentary practice.

Hon. K Azopardi: Mr Speaker –

1630 **Mr Speaker:** This is the last question.

Hon. K Azopardi: Mr Speaker, obviously, I respect your ruling, but it is a pretty serious issue. I am surprised the hon. Lady thinks that for some reason there is an issue in not following up a Facebook post, because they do it all the time – whenever you tag a Minister you get success, because you get a reply! (*Interjections*)

1635 The issue is not whether it is said in a letter or in a letter to the *Chronicle* or in talking to GBC; the issue is it is worthy or not, surely, to investigate whether it is true. In the context of the fact that the Government appears to maintain the view that no person who has wanted to see a dying relative has been unable to. If people are complaining that that is the case, it is surely worthy of investigation to see whether that is correct.

1640 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I know that the hon. Gentleman is not blessed with many followers in his social media feeds and therefore he might think that it is relatively manageable to deal with issues on social media; but he should know that it is not correct by any stretch of the imagination for him to have got up and told the House – and therefore, he may wish to reflect on whether he wishes to correct the record – that when Ministers are tagged on social media, a response is elicited. That is not true.

1650 The hon. Gentleman should know that first of all there are Ministers who are not on social media. Second, he should know that on occasions, sometimes Ministers who are tagged on social media *may* respond to social media. *Some* Ministers may respond on *some* occasions on social media. But that is not to say that on every occasion a Minister who is tagged, it is elicited.

1655 Third, Mr Speaker, Hon. Members should know that we are not monitoring social media. We are *not* monitoring social media. At one stage there was a controversy suggesting that we were spending money monitoring social media. When we clarified that we were not, then the issue becomes that 'it is disgraceful that we are not monitoring social media'.

Well, Mr Speaker, I entirely agree that if there were instances of individuals who are not vaccinated who have been prevented from seeing dying relatives, that would be extraordinarily

serious because the GHA has a mechanism in place to provide for those individuals. But, Mr Speaker, I think the hon. Gentleman will agree with me that actually, if we have not received actual complaints about that, then it is very likely that it has not happened. It may be that somebody may have feared it would happen, but then subsequently it has not happened.

I can tell the hon. Gentleman that – forget social media – when you are Chief Minister of Gibraltar, when you are Minister for Health in Gibraltar, in traditional media – in other words, in letters or what we might call emails, now almost traditional media – you will immediately get an issue, less serious than this, if somebody believes it should be brought to your attention. Nobody has written to me to say, ‘A tragedy has befallen my family. Your Government’s policies are prevented from seeing my loved one passing away.’

Mr Speaker, given what we have now told the House, given the public statements that the hon. Gentleman has issued, the question really is not whether the Government has received these complaints or these issues, because the hon. Lady has clarified. The question is whether the hon. Gentleman’s public statements, all of them so vehement in their defence of this alleged eventuality, which we do not believe has actually occurred, are based on facts or on him just believing what he reads on social media.

Mr Speaker: Next question.

Q53/2021

Government subsidy of 10 social work students – Ultimate intention

Clerk: Question 53, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, what was Government’s ultimate intention when it subsidised 10 students to undertake a social work degree?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the Government’s intention when it set up the BA (Hons) in Social Work was to offer the opportunity for a social work degree to be undertaken locally.

Hon. Ms M D Hassan Nahon: Mr Speaker, from what I understand, the Government subsidised 10 students at £500 per month times two and a half years equalling an investment of £15,000 per student and a total of £150,000 in the total amount of what it cost for these 10 students to get a degree, where they were given expectations of jobs in the end, and part of the contract of the bursary was that they would have to accept jobs locally when available.

So my question is, after spending £150,000 on 10 students, does the Government consider this to have been value for money? From what I understand now, there are two to three vacancies. How has this cohort profited from this degree and how is Government able to justify this investment into the degree for these 10 students?

Hon. Miss S J Sacramento: Mr Speaker, I will start with the second point first, and that is the point of expectation of a job in the Government upon completion of a degree that is funded by the Government. I have gone through all the press releases that were issued at the relevant time, as well as the *Hansards* of Budget speeches, and there is no single expectation of a job in the Government after the completion of a degree in any of those. Mr Speaker, what it says in all the

press releases is that it offers individuals interested in ... and I am going to quote from a press release, Mr Speaker:

Social work is a highly rewarding yet highly demanding profession that attracts a fairly small number of school leavers. It is a profession that commonly attracts more mature individuals. Locally many individuals interested in undertaking a profession have found it difficult to leave their commitments in Gibraltar for that purpose ...

1705 – for studying abroad. All it says after graduation, Mr Speaker, the only reference in the press release is: after graduating students will become eligible to apply to the HCPC for registration. Then they can apply to work as qualified social workers.

1710 Mr Speaker, I am sure that the hon. Lady is aware that the Government subsidises and funds by way of a grant approximately 1,000 students in university and no job in the public sector is guaranteed at the end of any of those. When she refers to the bursary and the clause in the bursary, it will be the same clause as anybody who has gone to university, which says that if the Government needs to call upon your services upon graduation, then the Government, for having funded your studies through the taxpayer, can be entitled to do so. That was certainly a clause when I received my grant when I went to university a long time ago, Mr Speaker.

1715 But one thing is for the Government to have organised this training and the offer of this degree locally and another is that there is an expectation that every single person who graduates from this degree is then going to be employed by the Government, because that is not an expectation that is given to absolutely anyone who undertakes a degree, Mr Speaker. I regret that the hon. Lady takes that view.

1720 **Hon. Ms M D Hassan Nahon:** Mr Speaker, that was my understanding from a few conversations with students who now are hoping that they might get jobs. Can the Minister perhaps give us any visibility as to whether in the near future or mid-term future there might be vacancies coming up for these graduates?

1725 **Hon. Miss S J Sacramento:** Mr Speaker, yes, of course, and as and when vacancies in the complement of social services arise, then it will be open to a competitive process. So if there are nine or 10 graduates and we have three vacancies, then the recruitment will be for three people because we have to live within our means and we have to stick to our budget. It will become a competitive process and the best three will be selected. This works exactly the same way as when
1730 teachers go off to university and study, and teachers will then apply for the vacancies that arise.

Certainly it is the long-term intention that the more local social workers we have in Social Services, the better. That was the rationale for the setting up of the degree and the opportunity to do it locally, but that is not the same to say that everyone who graduates at the end of the year will be employed by Social Services. We cannot employ 10 if we do not have 10 vacancies.
1735

Mr Speaker: Next question.

Q54-56/2021
Dementia care –
Update on Government strategy

Clerk: Question 54, the Hon. Ms M D Hassan Nahon.

1740 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health give this House an update on where it is at with regards: (1) the Dementia Strategy Committee; (2) the Dementia Coordinator; (3) the Dementia Liaison Manager?

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

1745 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 55 and 56.

Clerk: Question 55, the Hon. Ms M D Hassan Nahon.

1750 **Hon. Ms M D Hassan Nahon:** What is Government doing to raise awareness on dementia, how to recognise it, and eliminate any associated stigma?

Clerk: Question 56, the Hon. Ms M D Hassan Nahon.

1755 **Hon. Ms M D Hassan Nahon:** What is Government doing to raise the profile of dementia and encouraging the community, organisations and businesses to be 'Dementia Friendly' and become a 'Dementia Friendly Community'?

1760 **Clerk:** Answer, the Hon. the Minister for Health and Justice.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, now, as we restore, restart and recover, we will revert to all strategic development as soon as possible.

1765 Regrettably, Mr Speaker, we have not been able to advance on the Dementia Strategy over the last year as much as we would have liked to. As the whole of Gibraltar is aware, all the GHA resources this year have been diverted to dealing with the pandemic and saving lives.

I think it is important to note, however, that all those living with dementia were in no way forgotten about during the pandemic and were supported with increased domiciliary care and a community dementia outreach clinic, providing therapeutic treatments, clinical care and meals on wheels.

1770 **Hon. Ms M D Hassan Nahon:** Mr Speaker, only in July last summer was I told by the previous Minister for Health that the committee, the liaison manager and the co-ordinator ... I quote: 'We are expecting that this will happen some time within the last quarter of the year.' This was back in July, and obviously we did not have another outbreak of Covid really till Christmas. So considering that the Minister says that elderly people with dementia are prioritised and were prioritised, wouldn't the best priority have been to actually fulfil the commitment made by the previous Minister for Health?

1780 **Hon. Miss S J Sacramento:** Mr Speaker, the commitment is there and has always been there, but the hon. Lady may recall that when we were at our worst was in the last quarter of last year, and whereas the highest number of deaths that we had in Gibraltar was in December and in January, it all started earlier on in the last quarter of the year. There is nothing that I would have loved more than when at the end of August, when I was appointed as Minister for Health, to have done everything we could do when it came to the Dementia Strategy, because the strategy, Mr Speaker, and the dementia vision is something that I started at the very beginning back in 2013, when I was Minister with responsibility for elderly residential services then. For me, it has been extremely satisfactory to see the previous Ministers for Health and how they have developed it and launched it, as it was launched by Neil Costa when he was Minister for Health. There is nothing more that I would have loved to have done in the last quarter of last year, to have developed further the Dementia Strategy, than have to be dealing with the Covid pandemic.

1790 But Mr Speaker, let us not forget what was happening at the end of last year. Our resources and our full focus and priority were that: saving lives. Now that we are coming out of the pandemic

1795 and we are starting to restart everything else, now let's go back to the strategic work that we have unfortunately had to put on hold.

But every single member of our community in Gibraltar knows that they have an absolute commitment to further and to develop all resources relating to dementia from this Government. I am sure it enjoys the support of everyone in this House.

1800 **Hon. Ms M D Hassan Nahon:** Mr Speaker, so can the hon. Lady give us a new timeline or a new deadline as to when she can commit to the Dementia Strategy Committee, Co-ordinator and Liaison Manager, and also some visibility as to how she is going to fulfil the strategy to make our Gibraltar a dementia-friendly community – some visibility over the plans, please.

1805 **Hon. Miss S J Sacramento:** Mr Speaker, as soon as I can make these announcements, as well as with all of the other strategic development, I will. And the sooner, the better, Mr Speaker. It is something that I cannot wait to do.

1810 **Mr Speaker:** Next question.

Q57/2021
Health and care sector –
Replacement of key workers

Clerk: Question 57, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government in the process of replacing key workers across various health and care centres?

1815 **Clerk:** Answer, the Hon. the Minister for Health and Justice.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, Government has various ongoing training programmes. Trainees have placement opportunities throughout the health and care sector after their training, and are offered the opportunity to apply to work across the health and care sector when these opportunities arise.

1820
1825 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the reason I ask this question is because there is a lot of insecurity, especially from parents of children with special needs who are feeling a little threatened by what they are hearing, that some key workers who have spent a lot of time and trust with their children are going to be removed in favour of locals who are perhaps on the unemployment list and do not have the same skills or have not spent the same amount of time forming those bonds with the residents or the students and children. I would like to understand from the Minister if these parents have reason to be concerned and to prepare themselves for some change in key workers or if the ones who have long-standing carers who these children or young adults are very much connected to can rest assured that these workers will not be removed from their children.

Thank you.

1835 **Hon. Miss S J Sacramento:** Mr Speaker, in the cases where it is relevant, this process has been discussed at length with family members by those in the Care Agency. Mr Speaker, it is the policy of the Government where a vacancy in a service arises, that that vacancy be filled by someone who is a resident and with whom we have invested local training.

1840 This is very much a programme, Mr Speaker, that we have embarked on or with the agreement
of the unions, because the long-term plan is that this is what is going to give the service users of
the facilities that continuity long-term.

Mr Speaker, one of the things that has resulted from ... or has been brought into great focus
during a combination of last year dealing with Covid and dealing with Brexit is over-reliance on
1845 frontier workers, Mr Speaker, and therefore it is absolutely important and essential that we invest
in people who are resident in Gibraltar to give us that continuity and to minimise that risk.

Now, because continuity is so important for these individuals, the relationship with the people
has already been established – because the placement is undertaken in the institution as part of
their training, so that relationship starts there – but after the training then there will be a period
1850 of shadowing, so that the individual already has a relationship with the person who is coming in.

Hon. Ms M D Hassan Nahon: Mr Speaker, I consider the Minister's answer quite concerning
for the families of children and young adults who are very much connected to their carers. When
she talks about continuity long-term, I think the best continuity one could give these children and
1855 young adults is to be around the very people who they trust and have been with. That is continuity,
Mr Speaker.

But on the question of over-reliance, I would like to ask how the Minister can marry the
prospect that we understand and hear from Government about a shared Schengen Area into the
future, where there will not be any divisions and fewer borders, for lack of a better word, yet we
1860 are looking to rely less on the very neighbouring area that we are supposed to be so connected to
post-Brexit with this new prospect of Schengen possibility.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government hopes and expects to be able
to conclude that treaty. We are optimistic that we will be able to, but we are not certain that we
1865 will. In fact, it is common ground across the floor of the House that it is better to have no treaty
than to have a bad treaty. We cannot start the negotiation by putting ourselves in a situation in
any aspect of our economy, whether it is the health and care sector or otherwise, where we would
become more dependent as we go into the negotiations which might not be fruitful, than we were
before the negotiations are completed.

Indeed, Mr Speaker, based on the New Year's Eve Agreement, if there is going to be a four-
year period of bedding in, at the end of which choices may have to be made and a position will
have to be taken by the Government of Gibraltar, as it then will be – and I hope that we will be
returned at the next general election and we will be there again – I am sure that we will only
1870 continue if certain arrangements continue and not if new arrangements come in. It would be
foolish to put ourselves in a situation of further dependence now.

The hon. Lady needs to understand that these are not indefinite contracts that are being
ended. These were always contracts for a fixed term and when those contracts started, there was
no relationship between the individual being cared for and the individual providing the care. And
now, Mr Speaker, perhaps there will be a change, but it is a change that will be properly managed
1880 through people who are properly qualified and to people who are from Gibraltar, and who are
therefore more likely to eventually stay in those jobs whatever happens in relation to the treaty.

So, Mr Speaker, I have been here before in this situation in relation to other individuals, where
we have been asked by Members Opposite in the time that we have been in Government why
these changes are happening and we have said because we are training Gibraltarians and we are
1885 putting Gibraltarians in jobs, which is our stated policy position – to find long-term jobs for
Gibraltarians – and, of course, to continue to be an engine for the economies all around us, but in
this area to provide long-term jobs for Gibraltarians, and actually subsequently those Gibraltarians
have built those relationships with the people that they care for and they have continued.

But we also have to understand that in the context of these relationships which the hon. Lady
1890 and I have been in discussion with the unions on, on a number of occasions, the commitment that
is being sought is one-sided. So in other words, what is being sought is that the Government say,

1895 'I will never change the carer because the carer has built the relationship with the person being
cared for.' There is nothing to stop the carer, and it has happened on many occasions, to say, 'I've
found a better job; I am going'; 'My family circumstances have changed and I'm going to leave';
1900 or 'I seek a promotion'. So we have to understand that in that context, and we say these things,
Mr Speaker, with the greatest sensitivity, because we do understand that the relationships
between those who require care and those who provide care are sometimes as close as family
relationships. I have experienced that with a relative in care and the bond that is created between
those who are caring for our loved ones, who need that care, is sometimes akin to much beyond
friendship. But we have a responsibility to manage the job market, to do so sensitively and to
create those same relationships in a way that will have the longevity that our sometimes
precarious political situation requires us to give them and in a way that ensures that we are also
creating local worthy long-term employment in the process.

1905 **Clerk:** Next question.

Q58/2021
Colorectal specialists –
Whether in GHA

Clerk: Question 58, the Hon. Ms M D Hassan Nahon.

1910 **Hon. Ms M D Hassan Nahon:** Can the Minister of Health confirm if there are presently any
colorectal specialists working out of the GHA?

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

1915 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs**
(Hon. Miss S J Sacramento): Mr Speaker, if the question is meant to ask if there are any colorectal
specialists working in the GHA, then the answer is yes.

1920 **Hon. Ms M D Hassan Nahon:** Mr Speaker, yes, that was the question and if the Minister tells
me yes, I would like more detail on the specialist, because I have three cases of constituents who
have been told that there have not been specialists since back in January and have been delayed
in their care for four months, leading them to have to go to the UK because simply they are told
to go home because there is no specialist that can see them. So perhaps if she can point me to the
colorectal specialist, I can tell my constituents who they have to go to, because at the GHA they
have been told to wait because there aren't any.

1925 **Hon. Miss S J Sacramento:** Mr Speaker, I am very surprised to hear that and I would invite the
hon. Lady to continue the practice that she usually does, that if she hears something like that that
is a bit strange in relation to the GHA and clearly serious, to ask me immediately so that I can help
immediately, and not wait for a month for the question to be put on the floor of this House.

1930 Mr Speaker, there was a changeover in relation to doctors, and a locum was engaged and it
may have been that there was a window between one doctor being absent and the locum being
recruited, but I can very much confirm that there is a doctor in place at the GHA.

1935 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank her for that answer, and I am sure she knows
that obviously, I always tried to go to her first, because when it is people's health more than
anything, it is no time to make any political points; but unfortunately, I have learnt of this after

the situation has unfolded and after they have had to go to the UK, so my question was genuinely generic, do we have a specialist?

1940 Can I just ask her perhaps later to explain to me behind the Speaker's Chair, who these specialists are, and whether I can also ask her now whether the GHA has embarked on a general colorectal screening programme for patients?

1945 **Hon. Miss S J Sacramento:** Mr Speaker, there has always been a colorectal screening programme for patients, but there is no mystery in who the consultant is or not, because an individual cannot be referred to a consultant by myself or by the hon. Lady. An individual needs to be referred by a GP.

Mr Speaker: Next question.

Q59/2021
Airport rapid testing station –
Contractor

Clerk: Question 59, the Hon. Ms M D Hassan Nahon.

1950 **Hon. Ms M D Hassan Nahon:** To whom was the contract for the rapid testing station outside the Gibraltar Airport awarded and how did the Government come to award this contract to said person(s)/entity?

1955 **Clerk:** Answer, the Hon. the Minister for Health and Justice.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, this contract was awarded to Maritime Medical Services Ltd as a result of a competitive tendering process.

1960 **Hon. Ms M D Hassan Nahon:** Mr Speaker, there are some individuals who have approached me, telling me that there was not a competitive tender process. I hold my hands up here, this is why I am asking the question in good faith as to whether there was one, so I would appreciate if perhaps the Minister could give me a little bit more detail of how that tender took place, so that I can inform those individuals who insist that there was no tender at all, and it was directly allocated.

1965

Hon. Miss S J Sacramento: Mr Speaker, there is absolutely no question of this being directly allocated to anyone. The tender process was: invitations to tender for the contract went out on 22nd October 2020, and there were various entities who tendered.

1970 So if the hon. Lady does not want to take my word for it, then she can ask the other people who tendered for it, who will then confirm that there was a tender process. One organisation was successful, other companies were not successful, but they all tendered before a panel and a board.

1975 **Chief Minister (Hon. F R Picardo):** Mr Speaker, after that final question by the hon. Lady, I move that the House should now adjourn till tomorrow at 3 p.m. in the afternoon to continue with Questions.

Mr Speaker: I now propose a question that this House do now adjourn until Thursday, 20th May at 3 p.m.

1980 I now put the question, which is that this House do now adjourn to Thursday, 20th May at 3 p.m. Those in favour; those against? Passed.

This House will now adjourn to Thursday, 20th May at 3 p.m.

The House adjourned at 6.20 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.01 p.m. – 6.05 p.m.

Gibraltar, Thursday, 20th May 2021

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The Gibraltar Parliament

The Parliament met at 3 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*]

SUSPENSION OF STANDING ORDERS

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

Clerk: Meeting of Parliament, Thursday, 20th May 2021.
Suspension of Standing Orders. The Hon. the Chief Minister.

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

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

Publication of Appropriation Bill 2021 – Statement by the Chief Minister

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has today published the Appropriation Bill 2021. The House will have a chance to debate the Bill in the Budget session, which will be held in July this year.

The Bill published today provides for an estimated Consolidated Fund expenditure in this financial year of £665 million – in fact, it is £664,692,000 – and capital expenditure of £68 million, or, in fact, £67,640,000. These are now the published figures, which hon. Members will have seen
15 from the Bill in the Gazette. The heads on which the spending is provided for are set out in the Bill in some detail. The schedules to the Bill actually set out every single one of the heads that is in the Estimates Book without providing the detailed breakdown, but provides the amount for each of the heads of expenditure.

Hon. Members will have also now received the Draft Estimates of Expenditure, the Book. The
20 Book contains all details of the estimate for Government spending for the year already gone, which was an exceptional 24-month year, as approved by this House unanimously.

The Book also contains the estimated spending for the year to come. Hon. Members are bound not to disclose the figures in that Estimates Book until the debate commences. I would, therefore, not usually say any more at this stage, but this year is an exceptional year, and it is an exceptional
25 year for every country in the world. Let us not kid ourselves. COVID did not just come to Gibraltar, the pandemic did not just happen to us, and the public finances of every nation on the planet are in a deplorable state as a result because the public finances of every nation have been decimated by the COVID pandemic. And let us not forget that, in our case, the pandemic has coincided also with the run up to a potential hard Brexit, something which undoubtedly hit business confidence
30 in some sectors. And so, as the Bill is published today, I consider that it is my duty to immediately

inform our people, today, of what the effect has been on Gibraltar's public finances of the published details of the COVID Fund and the COVID borrowing, which all Members of the House supported. I will limit myself to setting out the deficit position.

35 The Bill that will come before the House for our Budget debate in July will provide a forecast financial outturn that will estimate a deficit of £138 million. The Bill will provide for spending, as more particularly set out in its various schedules, that will see us deliver a deficit again next year of £51 million if we stick to the spending we are predicting and if we have the revenue that we are predicting.

40 We will be able to debate the whys and wherefores and look at the detail of every figure when we debate the Estimates, but given the publication of the Bill today, and the numbers which are included in it for spending in the next 12 months, I believe it is my duty to advise the nation and our people today, as all hon. Members are already aware, that we are in deficit.

45 We are in the company of – good, bad and indifferent – every other nation on the planet, but we have secured, with the unanimous support of the House, the necessary borrowing, at historically low interest rates, that enables us to continue to provide services and ensure all our salary and pension commitments are fully provided for and paid. We are and we will continue to pay our way.

50 We know what COVID has been. We have not just paid for ventilators and for medicine. We have not just paid for PPE and other equipment. Every single detail of COVID spending is provided for in the published details of the COVID Fund. We have also paid for the salary of every single civil servant and public servant, without deduction, in this period, even when they were not working, and we have also paid for the salary of every person in the private sector who was not permitted to work under the COVID Regulations. And so a deficit was the obvious result that every person should have expected was coming as a result. I now confirm it, as will be the case in every other nation and every other economy in the world.

55 I should just set out that our objective is to be back in the black in the next 24 months. We have grown this economy before. I have full confidence that we will reverse this deficit. We will get back on our feet, and in the process there will be a lot of hard work to be done but no hardship will be suffered. No austerity will be imposed, but no abuses will be tolerated either.

60 Mr Speaker, I believe it would be reckless and unfair not to have advised our people immediately today of this outcome, at the first available opportunity, on the publication of the Appropriation Bill. We cannot disclose more numbers at this stage until the debate on the Estimates, but this result is one that our people must know, they must know it today and it is my duty to tell them.

65 Finally, I take the opportunity to report to the House that the Joint Co-ordination Committee established under Article 5 of the International Agreement on Taxation and the Protection of Financial Interests between the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland regarding Gibraltar met today for the first time. The meeting was virtual and was held by video-conference as a result of the, as yet, not entirely easy travel picture for all parties.

70 The meeting also hosted the Liaison Bodies established under Article 4 of the International Tax Agreement, who also met for the first time. The attendees included officials from the governments of Gibraltar, the United Kingdom and the different national and regional authorities of Spain. I sincerely hope that travel will be easier soon and that the committees can meet in person very soon. The Joint Co-ordination Committee and Liaison Bodies are purely technical and meet at official level without politicians. The report I have received from the Financial Secretary and the Commissioner for Income Tax suggests that the atmosphere throughout was positive and constructive with a genuine desire to move forward in a spirit of co-operation on the different areas under discussion.

75 Thank you very much, Mr Speaker.

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

Hon. K Azopardi: Mr Speaker, we will have quite a lot to say on the Budget in due course, and we welcome the hon. Member's remarks on the publication of the Bill, but we are not going to seek any clarification on it, and I have no questions on it. We have a lot to say, but these are in the nature of debate comments for the Estimates in due course, so we will not say anything on that Statement and indeed we will respect the confidentiality of the numbers until the Estimates debate, which is the normal way.

But I do want to ask for clarification on the second part, the separate statement on the Tax Treaty Committee meeting, if I can ask about that. Can the Chief Minister tell us how many people attended that? How big is this Committee? What is the composition of it? How many people attended? How many people for the UK, for Gibraltar and for Spain? Who attended for Gibraltar? How regular are these meetings going to be? And what was discussed specifically at that meeting, not in terms of the detail, but in terms of the agenda items? If I can ask that, it would be helpful to get those clarifications of the scope of those discussions.

Hon. Chief Minister: Mr Speaker, the meetings will be held, I believe, at least annually, and on some occasions biannually for the liaison committees, and more often if necessary.

I think, from memory, it is a committee of five and five. For Gibraltar, in the first five we have the Attorney General, the Financial Secretary, the Commissioner of Income Tax, the Senior Crown Counsel in the Income Tax department, as well as one Member from the United Kingdom. And on the Spanish side there are four individuals from the Hacienda Ministry and one individual from the Ministry of Foreign Affairs. The Liaison Body is made up of two individuals from the Tax department and, I think, also two individuals from the Spanish tax department.

Hon. K Azopardi: What was discussed?

Hon. Chief Minister: In the context of this initial meeting, Mr Speaker, the discussion was about the structure of the work of the Committee and how it will ensure that the liaison is being effective, etc. – purely technical matters, unrelated to any actual case, which is what the Committee will be discussing in future when it is receiving requests for information and sending requests for information, and then there will potentially be determinations in relation to individual cases.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

Like the Leader of the Opposition has just said, I also have just had sight of the Bill that has just been published, so I will also reserve any words on this, as I am going to be continuing my analysis, which I have already embarked on in time for the Budget address.

I am glad to hear about the constructive meetings that the Chief Minister says he has been having with the Commission, and I continue to wish the Government the best of luck in their endeavours and remind them that I always stand available for any value that I may be able to add from this corner.

The Leader of the Opposition has already asked about logistics, so I am grateful for some of those answers, and I ask the Government and the Chief Minister especially if he will be continuing to brief me and the Leader of the Opposition, as he has been doing over the time that he has been conducting these meetings.

Thank you, Mr Speaker.

Hon. Chief Minister: Mr Speaker, I thank the hon. Lady for those comments. I will, of course, continue to keep them informed. At the moment, there is very little more to talk about. I dare say the House knows as much as I know, as the meeting ended just before I was able to come to the House to report on it, but I am very happy to provide further details to hon. Members. Of course,

135 the work of the Committee is confidential and I will share that information confidentially, insofar
as we can.

Mr Speaker, finally, I thank both hon. Members who have intervened. I look forward to the
debate, although the things that I have set out today are not really things which are open to
debate. They are the arithmetical result of the decisions that we have made together to introduce
140 BEAT and to pay BEAT etc., the natural and ordinary consequence of which is that the Exchequer
was open to make those payments and is therefore now, as a result, having to be assessed in the
context of the borrowing and the payments that we have made during the course of this pandemic
in order to ensure those sectors of our economy that required the support of the Government –
because they approached the Government, because the Government considered it necessary, or
145 because the Opposition joined us in wanting to ensure that they had the spending necessary
available to them – have had that spending, and this is the necessary and ordinary consequence
of it.

Questions for Oral Answer

ECONOMIC DEVELOPMENT AND ENTERPRISE

Q65 and Q68/2021

Public Debt and Reserves – Correction to previous answer

Clerk: We now continue with Answers to Oral Questions.

150 **Mr Speaker:** I believe the Hon. Sir Joe Bossano wished to clarify some information which he
gave yesterday in answer to certain questions from the Hon. Roy Clinton.

**Minister for Economic Development, Enterprise, Telecommunications and the GSB
(Hon. Sir JJ Bossano):** Yes, Mr Speaker, I would like to correct the answers to Questions 65 and 68.

155 The Net Debt figure for 1st March provided previously was incorrect. The correct figure was,
as the hon. Member suggested, £575.9 million. I think the figure that was provided in error was
the balance that we could still borrow from the ceiling of the debt.

The breakdown of the borrowing, in terms of the nature of the borrowing, from whom and at
what rate, is that there is a debenture from the Gibraltar Savings Bank of £100 million, and another
160 one of £147.7 million, which have no maturity date. They have been there for a very long time at
6%.

There is a debenture with a maturity of 10th October 2024 that pays 3.05% above base rate,
and it is £75 million.

165 There is another debenture of £50 million, which has a maturity date of 29th June 2025, and
that has got the same rate, 3.05% over base.

And then there is the ceiling facility local from NatWest of £75 million, which is available until
31st March 2025, which is at 0.875% over LIBOR.

The revolving facility, on which £100 million has been drawn and which expires on
3rd December 2022, is, as the hon. Member knows, 0.35% over LIBOR.

170 The final thing is the credit facility from Gibraltar International Bank. The hon. Member asked
whether it had been repeated, and I explained it had not and why not. That revolving facility
matures on 14th April 2022 and it is at 0.15% over base rate.

CHIEF MINISTER

Q73-74/2021

GibDock –

Extension of lease; sale

Mr Speaker: We now move to the question and answer session.

175 **Clerk:** We continue now with questions to the Chief Minister. We commence with Question 73, and the question is being asked by the Hon. D A Feetham on behalf of the Hon. E J Phillips.

Hon. D A Feetham: Mr Speaker, can the Government state whether the lease on GibDock has been extended?

180

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 74.

185

Clerk: Question 74. The Hon. D A Feetham, on behalf of the Hon. E J Phillips.

Hon. D A Feetham: Mr Speaker, can the Government state who will acquire GibDock and the status of any sale?

190

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the lease with GibDock has not been extended. Negotiations in this respect are ongoing.

Her Majesty's Government of Gibraltar is not involved in any potential sale of GibDock.

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Hon. D A Feetham: Mr Speaker, this is a matter, obviously, that we have asked upon in the past. It is something that is of significant interest to the people who live around GibDock because this is an operation that operates 24/7, essentially, and we receive a lot of complaints in relation to pollution.

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Can the Government at least answer some of the concerns that those residents may have, and perhaps assure them that if any new lease is being entered into with these operators, there will be some form of restrictive covenants in the lease or covenants in the lease that will either reduce the amount of time that GibDock is operating or force the operators to provide some protection in relation to pollution and the environment?

205

Hon. Chief Minister: Mr Speaker, I do have to check myself, but I agree entirely with the hon. Gentleman. The Government is very keen to ensure that in the context of these lease renegotiations we are able to ensure that the best modern environmental practices are protected, not just as they are in our laws but also in the context of the covenants that would be required of the lessee in this case, and we will do everything we can to reverse the situation that we inherited in respect of the lease granted to the predecessor in title of GibDock by hon. Members when they were in government.

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Hon. D A Feetham: Mr Speaker, when the hon. Gentleman rose and paused, I thought that he was going to send another Exocet in my direction, which is his normal practice, although he did fire a bullet at the very end. I forgive him for that Mr Speaker. But I asked about the lease. Is it the intention of the Government to include within any new lease any type of covenants that at least offer some measure of legal protection for the residents living around GibDock?

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220 **Hon. Chief Minister:** Mr Speaker, I understand that Exocets are no longer the missile of choice in warfare. Even Pope John Paul forgave Mehmet Ali Agca for shooting at him, so we know that forgiveness is a virtue, not a vice, which I entirely commend to the hon. Gentleman.

Mr Speaker, the hon. Gentleman has asked me the same question now that he asked me in his first supplementary – it is one of his vices, not his virtues – so I refer the hon. Gentleman to the answer I gave a few moments ago.

225

Mr Speaker: Next question.

Q75/2021
Airport tunnel –
Status of works

Clerk: Question 75. The Hon. Roy Clinton on behalf of the Hon. E J Phillips.

230 **Hon. R M Clinton:** Mr Speaker, can the Government confirm the status of the works to complete the Airport tunnel?

Clerk: Answer, the Hon. the Chief Minister.

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the works to the runway tunnel project have been progressing continuously, including during the COVID lockdown period. The civil works are nearing completion, and the mechanical and electrical works are well advanced. The contractor is presently expected – I emphasise *expected* every time I deal with questions on this project – to finish the project towards the end of 2021.

240 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Can he advise if there have been any incremental costs on the project, or is it as was originally envisaged? Also, can he provide any clarity as to how pedestrians will get from one side to the other? Is it still the intention for them to use the tunnel, or is there some other transport scheme being envisaged?

245 **Chief Minister:** Mr Speaker, I think I am right in saying that this is a question from Mr Phillips as well. (*Interjection*) I am sorry, I just did not hear you say that when you when you put the question. (*Interjection*) Did he? I am just clarifying it, because I thought it was from Mr Clinton.

250 The result of the litigation, which I think I have referred to in this House on a number of occasions in detail, is that the contractor is required to finish the works contracted for the sum contracted, and so the exact figures may change, but in principle the works contracted – roughly, a tunnel – were contracted for a sum in the region of £30 million. The litigation has added costs, of course. Most of the costs of litigation have been recovered by the Government, but there will always be an advisory element, for example, which may not be covered by the recovery of costs in court. We have, on site, our own project oversight team because we have lost confidence in the contractor and because we want to ensure that the work that the contractor does is in keeping with British Standards, and for that reason the cost of our oversight team will be for the Government – and that team has now been in place for, I dare say, a decade, remarkably.

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260 Any variations which may have occurred during the course of the period of the works would not be what was originally contracted to be done under the original contract price, and those variations will have increased the cost to the Government. I cannot give him a breakdown at the moment of that, but this is a project that has not just tunnelled under the runway, it has bridged administrations. I am very happy to give hon. Members chapter and verse on this, if they wish,

either across the floor if they ask specifically, or more privately if they are interested in having the detail in a less formal way.

265 Finally, on the issue of pedestrians, as I think I have announced already, the Government is in advanced negotiations with the Ministry of Defence to seek consent from the Military Aviation Authority for pedestrians to be able to continue crossing through the existing Winston Churchill Avenue aperture on the runway, not having to use the pedestrian tunnel that will be provided and which takes two-way pedestrian traffic and bicycles, as I understand it. We are not proposing, as
270 an alternative, to have a different mode of transport that would go the longer route.

Mr Speaker: Next question.

Q76/2021

**Customs clearance for goods –
Reason for delays**

Clerk: Question 76. The Hon. R M Clinton.

275 **Hon. R M Clinton:** Mr Speaker, can the Government explain why delays are being experienced in customs clearance for goods, and what additional information is being requested and why?

Clerk: Answer, the Hon. the Chief Minister.

280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there are no delays at present within HM Customs in respect of processing of customs clearance documentation for commercial goods.

Hon. R M Clinton: Mr Speaker, the information we are receiving is that there are significant delays to normal customs clearance. Is the Chief Minister then ...? Is the information he has been
285 given that it is business as usual, as it has been over the past few years, and there have been no changes whatsoever that he has been made aware of?

Hon. Chief Minister: Yes, Mr Speaker, that is exactly the position. I know that there was, as there was in the United Kingdom and in most of Europe, an issue on 31st December/1st January
290 changeover as new procedures were required in respect of some aspects of the receipt of foodstuffs in Gibraltar, and I also know that in that period as well, in order to fulfil part of an exercise that is necessary for us to better understand the current state, not just four years ago, of our goods importation market, customers were seeking information about the origin of goods, but that, as I understand it, lasted 21 or 30 days in the earlier part of this year.

295 Now we are in exactly the same situation as we were before, and there should be no delays – and when I have checked, I have been told there are no delays. If the hon. Member has constituents who are reporting to him that they have delays, he should please get in touch with me and give me some details, so I can check this again.

300 **Mr Speaker:** Next question.

Q77/2021

**Principal Auditor reports –
Reasons for delays**

Clerk: Question 77. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government explain why the reports of the Principal Auditor have been delayed?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Principal Auditor is currently finalising the audit of the 2016-17 and the 2017-18 Public Accounts of Gibraltar.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's answer. Can he give an indication of when the Principal Auditor expects to bring those to the House? And does he have a reason for the delay?

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Hon. Chief Minister: Mr Speaker, I cannot give him a date, but the Principal Auditor is, I am told, awaiting changes to be carried out to these two sets of financial statements by the Accountant General as a consequence of his audit and will then be able to release those reports.

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Hon. K Azopardi: Mr Speaker, does the Chief Minister agree that it is important that the Principal Auditor should present his report to the House as soon as possible in respect of those reports that he has just mentioned, the ones that he is working on, and indeed, going forward, there should not be such significant delay?

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If we are talking about, for example, the 2016-17 reports, we are talking about three or four years ago. It is important that the public should have information, I am sure he would agree, of a more contemporaneous nature, so that people can evaluate what the Principal Auditor's conclusions are in respect of important matters of public finance. Does he agree?

Hon. Chief Minister: Mr Speaker, what the hon. Gentleman has said is unobjectionable.

330

Hon. K Azopardi: Will the Chief Minister perhaps engage, therefore, with the Principal Auditor? I accept he is an independent officer, but can he engage with him, with perhaps the view of both sides of the House, therefore, that if there are any issues that are arising which are complicating his work, he should inform both sides of the House, so that matters can be resolved and so that he can report to the House in a more timely way?

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Hon. Chief Minister: Mr Speaker, I would not wish to do anything that might be seen as an interference with the independence of the Principal Auditor.

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Hon. K Azopardi: Mr Speaker, I accept that he does not want to be seen to do that, but given the issues on which we both appear to agree, will he agree, therefore, that we can be in a joint meeting with the Principal Auditor to have a discussion about such matters? Therefore, there can be no question of interference, because we are both there and we know what we will be saying to the Principal Auditor. He will hear it from both sides and he will know there is no question of interference. It is a question of understanding whether there are any issues that are complicating his work.

345

Hon. Chief Minister: Mr Speaker, I have absolutely no intention whatsoever of convening any meeting with any public officer with the Chief Minister and the Leader of the Opposition. We are both elected to fulfil different roles in this House.

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Mr Speaker: Final question.

Hon. K Azopardi: Mr Speaker, the Principal Auditor is a parliamentary officer. This Parliament would want to have those reports as soon as possible. It is not a question of making anybody's life difficult, but ensuring that the reports are put to Parliament as soon as possible. Rather than complicating stuff, that would make it easier, surely. Doesn't the Chief Minister think that we should co-operate on both sides of the House to ensure that that information is laid in this House and then is available to the public?

355

Hon. Chief Minister: Mr Speaker, I do not know whether this is an inordinate delay or not, because I have not gone back to check how delayed reports have been in the past and whether there is anything unusual about this level of delay. I certainly recall many delayed reports when we were in opposition. Mr Speaker, if I thought what the hon. Gentleman thinks, I would be asking him for membership of his party. In fact, I think what I have already told the House will remain our position.

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Mr Speaker: I think that this will be the final – (**Hon. K Azopardi:** Mr Speaker –) I think that we are going round in circles and not getting very far on this one. This will be the last one.

Hon. K Azopardi: Yes, Mr Speaker, I accept that. The last one was going to be my last one, but unfortunately, the way that the Chief Minister has answered it has made me rise to my feet because he now strays into what has happened in the past. I do not have those statistics either, but this is not a political matter. What I have been trying to ask the Chief Minister, and I ask again ... This is not a political matter. It is not about whether the 2005 report was two years old and this is now four years old. This is about facilitating the work of both sides of the House to ensuring the reports are here on a timely basis and the public knowing what information is available on matters that are important to public finance. Does he not agree that we should work together on these issues?

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Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman needs to understand that at Question Time there are rules that apply, and those rules are applied by the Speaker and not at the whim of the Leader of the Opposition.

The Leader of the Opposition in the United Kingdom has seven questions which he asks the Prime Minister once a week. If he does not like the answer that the Prime Minister gives on the seventh occasion that he asks the question, he does not get an opportunity to get up and ask an eighth question. It is, frankly, Mr Speaker, totally improper and, in my view, an attempt by the Hon. the Leader of the Opposition to abuse the position to ask a further question once you have told him it is final. But in the context of the substance of the question that he has asked, I have a very clear position: it is exactly as I have set out already. (*Interjections*)

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Hon. K Azopardi: Mr Speaker, on a point of order –

Hon. Chief Minister: Mr Speaker, I think it is incumbent on the hon. Gentleman to permit me to finish the answer that I am giving him before he decides whether he wishes to make a point of order, or not.

395

The position of the Government in relation to the Principal Auditor has been to always respect the independence of the person holding that role. The individual is a constitutional officer with constitutional responsibilities, and, as far as the Government is concerned, we believe that the

400 job that is being done in the office of the Principal Auditor by successive Principal Auditors has
been as required by the Constitution. Whether or not we want to change procedures and advance
things and change things is a matter ... And there is a question on the Order Paper about
parliamentary reform, which I am very happy to deal with, with the hon. Gentleman.

405 What I will not do is simply allow the hon. Gentleman to try and pick off ad hoc areas where
he might think, at the moment – as we might say in the vernacular, ‘on the fly’ – he wants to
change the way that things happen in the context not just of this Parliament but of Government
in Gibraltar, which we might be able to agree in slower order but not across the Dispatch Box, in
relation to answers to a question, where we suddenly take the governance of Gibraltar into a
committee headed by the Chief Minister and the Leader of the Opposition.

410 I have extended to the Hon. the Leader of the Opposition a hand of friendship, so that in the
midst of the pandemic we were able to make decisions together and work together. I am very
happy to continue to do that in areas where there might be national issues facing Gibraltar. On
this issue, what I am saying is that if he wants to propose something which is parliamentary and
novel, it might find the support of the Government, but let’s look at it in the context of
parliamentary reform – and there is a question on the Order Paper to come in that respect.

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Mr Speaker: Let’s move on to the next question. I think we have actually –

Hon. K Azopardi: Mr Speaker, on a point of order, if I may –

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Mr Speaker: But you have to state which order is being infringed before you ...

Hon. K Azopardi: Mr Speaker, the order that is being infringed is that he is not answering the
question and he is looking at you, telling you about practice in the UK that has never applied in
this House. It is seeking, in some way, to encroach on the work of the Opposition.

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It is for Mr Speaker to consider what questions we can ask. If I had persuaded Mr Speaker that
I should be allowed to ask another question and Mr Speaker was persuaded, that should be the
end of the matter, and for the hon. Member to rise to then make that intervention, which had
nothing to do with my question, is simply to seek to encroach on your role, which I was not seeking
to do by having persuaded you on the issue. That was the point, Mr Speaker.

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Hon. Chief Minister: Mr Speaker, if I may, I do not think that was a point of order at all. I think
that was just the result –

Hon. K Azopardi: He is replying.

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Hon. Chief Minister: No, Mr Speaker –

Hon. K Azopardi: He is replying.

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Hon. Chief Minister: Mr Speaker –

Mr Speaker: The Speaker has the responsibility not only to listen to the person who is raising
the point of order but to allow the person to whom the point of order is being directed to speak.
That is practice in this Parliament.

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Hon. Chief Minister: Sorry, Mr Speaker, if I may, it is practice everywhere that when a point of
order is made and an allegation is put in respect of a Member, the Member is permitted to also
address the point of order that has been made.

450 The hon. Gentleman really seems, to me, to want to make the rules up as he goes. (*Interjection*
by Hon. K Azopardi) He wants to change the rules which apply to the Opposition at Question Time

when it is convenient to him. He now even wants to change the opportunity of a party who is impugned in a point of order made by him to respond to the point of order. That, Mr Speaker, is really quite remarkable, but it is significant because it shows that the hon. Member is a little like we used to say of equity in the old days, which used to be measured by the length of the Lord Chancellor's foot, which is to say that, depending on who was Lord Chancellor, equity might be one thing or the other. He wants to tailor-make the rules so that they are bespoke to his needs in the moment.

Mr Speaker, I think you have been very wise to have put the position as clearly as you have, and I have nothing further to add.

460

Mr Speaker: Next question.

Q78/2021

**Lathbury Barracks underground car park –
Maximum number of vehicles permitted**

Clerk: Question 78. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the maximum number of motor vehicles allowed in the underground car park sold at the Lathbury Barracks sports complex to the Bassadone Automotive Group under the terms of the associated licence required under the Petroleum Rules No. 23?

465

Clerk: Answer, the Hon. the Chief Minister.

470

Chief Minister (Hon. F R Picardo): Mr Speaker, the maximum number of vehicles permitted in the Lathbury underground garage at any one time will be determined by the licensing authority to the Petroleum Rules as and when Bassadone make an application. Bassadone have been liaising with the Gibraltar Fire and Rescue Service in connection with the vehicles stored at the Lathbury underground garage.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer, but that implies that there are vehicles being stored in the underground garage at present. In fact, I can say I have seen movement of vehicles, in and out, in the area, so on what basis is this area being occupied if they do not have a petroleum licence? Surely they need a licence from the Fire Brigade in order to store motor vehicles.

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Hon. Chief Minister: Mr Speaker, that is exactly why I told the hon. Gentleman that the Bassadone Group have been liaising with the Gibraltar Fire and Rescue service in connection with the vehicles.

485

I am also advised that there is a big difference between parking vehicles within demarcated bays in the traditional parking sense, which does not restrict the movement of adjacent vehicles, and the storing of cars, which is what Bassadone is doing in that area, where the vehicles have practically no fuel in their tanks and are stored as closely as possible to one another. That is an issue which is in the purview of the Gibraltar Fire and Rescue Service. They are the licensing authority and they deal with those issues. They are the ones who have to be and are satisfied as to the safety of the operation in question, in respect of the Petroleum Rules.

490

Mr Speaker: Next question.

Q79/2021

**Widows and Orphans Pension Scheme –
Update on reintroduction**

495 **Clerk:** Question 79. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please give the House an update on the position in relation to the reintroduction of the Widows and Orphans Pension Scheme, which the Chief Minister said in his Budget speech in 2017 would be reintroduced?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Widows and Orphans Pension Scheme was reintroduced on 27th June 2017 on the back of my announcement in the Budget speech of 2017. All applications received from this day until 30th September 2017, which was the window, have been accepted and processed. However, payments cannot be made until the change in the legislation is reflected. I confirm that the Bill is on the agenda, ready to be read and passed in Parliament.

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510 **Mr Speaker:** Next question.

Q80/2021

**Health and Safety Advisory Council –
Number of meetings since introduction**

Clerk: Question 80. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many times has the Health and Safety Advisory Council met since it was introduced in 2016?

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I think the Hon. the Chief Minister has answered this in public statements he has made, but there it is on the Order Paper.

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am reminded that under the *ancien régime*, every time the Widows and Orphans Pension Scheme was mentioned my predecessor in the post used to mention that the then Clerk was the only remaining member of the Widows and Orphans Pension Scheme, now the Speaker.

520

Mr Speaker, once is the number of occasions that the Council has met, as Her Majesty's Government of Gibraltar convened the inaugural meeting of the Health and Safety Council on Tuesday, 27th April 2021.

525

Mr Speaker: Next question.

Q81/2021

**Trade union recognition –
Intention to introduce legislation**

Clerk: Question 81. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, is the Government going to introduce legislation to provide for recognition of trade unions?

Clerk: Answer, the Hon. the Chief Minister.

535

Chief Minister (Hon. F R Picardo): Mr Speaker, as announced in my May Day message, we have already published a Command Paper for this purpose, which has been delayed by the pandemic. We now expect to publish a Bill for an Act for trade union recognition and for it to become law this year.

540

Mr Speaker: Next question.

Q82/2021

**Extension of Rock Spur off Coaling Island –
Purpose and how it dovetails with Victoria Keys project**

Clerk: Question 82. The Hon. D J Bossino.

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Hon. D J Bossino: The Government has recently announced a tender for the extension of the Rock Spur off Coaling Island. Please state what the purpose of the extension is and how it dovetails with the Victoria Keys project.

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the extension of the existing Rock Spur off Coaling Island is intended to provide containment along the northern boundary of the rubble fill that will be deposited at Coaling Island to create Victoria Keys as an advanced phase of the main reclamation.

Q83/2021

**Parliamentary reform –
Extent of Government commitment**

Clerk: Question 83. The Hon. K Azopardi.

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Hon. K Azopardi: Is the Government serious about parliamentary reform?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, very.

Hon. K Azopardi: So, why doesn't the Government get on with it?

Hon. Chief Minister: Well, Mr Speaker, we have. When we were elected the proceedings of this Parliament were not transmitted in glorious technicolour for people to watch on their televisions, let alone on something called the internet. People were not able to read the *Hansard* of this place for months. Now, thanks to innovations which were propelled by the ingenuity of the man who was then the Clerk, we have *Hansard* very quickly indeed. And there are more reforms that we want to bring into effect.

When we were first elected we commissioned a Commission to advise us on parliamentary reform. We have brought a motion to this Parliament to implement all the reforms recommended by the Commission, and with the hon. Member not in this House – he was then leading another political party – but with the putative other potential leader of their party, now sitting to his right, in this Parliament at the time, my predecessor asked me not to do that, with the support of his then members of the GSD, and asked me to please not proceed with the reforms and send them to a Select Committee for advice. We sent them to a Select Committee. We said sending things to a Select Committee was going to delay things, and we were right. For that reason, we took those reforms which were non-controversial and we immediately implemented them.

We now find ourselves wanting to have the Select Committee meetings as soon as possible – pressure of work has not permitted us to have those meetings – and we very much look forward to implementing that parliamentary reform, which I genuinely believe will actually pass by way of unanimous agreement, because time has passed and so many of the things which were controversial with the former, former, former leader of the GSD are now not so controversial with the current leader of the GSD, who, as leader of the PDP, proposed many of these reforms, which we also agreed with at the time and supported.

So, Mr Speaker, I very much look forward to the meeting of the Select Committee that I hope we will be able to have very soon. If we are not able to have a meeting of the Parliament in June because of the Abortion Referendum, we might at least be able to prevail upon the Clerk – he throws his hands to his head – to enable us to have a Select Committee meeting, at least, so that we can get the ball rolling and see the effect of these reforms as soon as possible. I very much look forward to that.

Hon. K Azopardi: Mr Speaker, the Commission on Parliamentary and Democratic Reform was in 2013, eight years ago, and reported then. A lot of what is in that report can be done without discussion at the Select Committee. It can be done. It is eight years. There are other things that need to be done that do need to be discussed in the Select Committee. The Chief Minister established a Committee on Parliamentary Reform almost two years ago when the election was done, and yet we have not met once. No one in Gibraltar believes, really, that he is committed to parliamentary reform going forward, if the process is taking so long. Will he establish, if it is now contingent on a discussion at the Select Committee, will he now, on a timely basis, establish a date for that process to start?

Hon. Chief Minister: Mr Speaker, I do know that when we meet in Select Committee, when we meet outside the confines of this place, when he does not feel that I am getting the better of him, we actually have a much better relationship than is apparent at the moment across the Dispatch Box.

Mr Speaker, 2013 is indeed eight years ago. That is why, if the hon. Gentleman looks at the *Hansard*, which was produced very quickly after the debate in June 2013, he will see that we were resistant to the idea of going to a Select Committee. We actually implemented many of the key reforms – many of the things on which he and the former, former leader of the GSD, Mr Feetham, and Dr Garcia and I agreed – immediately, which were the televising of the proceedings etc.

There are other things to be done. For example, we have not stood still, we have already introduced – (*Interjections*) Mr Speaker, I am sorry, I am just waiting whilst hon. Members debate how many leaders they have had and their respective hierarchies.

615 **A Member:** And how many want to be the leader.

Hon. Chief Minister: And how many still want to be, including some who have been, Mr Speaker.

620 So, we have not stood still. The hon. the leader of the Liberal Party, the Deputy Chief Minister, reminds me that one of the recommendations which was outstanding was the introduction of a rolling register. We have just, together, agreed to legislate for a rolling register. We will have a rolling register for the referendum, and we have all that material already provided for. So, a lot has been done.

625 It is a little churlish, if I may say so to the hon. Gentleman, to say to me that we had an election in 2019 and nothing has happened since. Let's break that down. We had an election in the middle of October 2019. A hard Brexit was supposed to be at the end of October 2019; it was kicked forward to the end of January 2019. We had the opening session of the Parliament in November 2019. We had something called Christmas in December 2019 when, whilst the community was celebrating, we were getting ready for still a potential hard Brexit at the end of January 2020. And then, somebody in China got ill, went to Italy, and the rest is history. The hon. Gentleman has to understand that the Select Committee on Parliamentary Reform is important – it is hugely important – but after the fact that we had that person who got ill in China, we have been dealing with the negotiations for the New Year's Eve Agreement, etc. There are some things which are at least as important as parliamentary reform and we have not been able to advance matters further, although we would have wished to.

630 As to the idea that he throws to the wind, as if it should not be responded to, that nobody in Gibraltar believes that I am in support of parliamentary reform, like most of the statements that he has made today it is not a statement that stands up to scrutiny, because if you look at the report of the Canepa committee on reform and you look at the things that we have already done, and you look at our commitment to do them immediately, if you look at the fact that it was the party he now leads that asked us not to do so, if you look at the fact that since then we have nonetheless implemented some further reforms and you look at the fact that, in time, I think people will say that we were doing other things which were worthwhile and worthy to put ahead of Select Committees for the reform of this Parliament, I really do not think that people will put much store by his last and unnecessary remark that people will not believe what I am saying in this respect. But I am heartened by the fact that he said words much to that effect during the course of the last General Election campaign, and I came out with more than half the vote, and he came out with just about a quarter.

650 **Hon. K Azopardi:** Mr Speaker, whenever it is convenient to the Government they bring out the issue of COVID being an obstacle to progress on a number of matters, but whenever they wish to, they get whatever they want done. So, when it is convenient to the Government, they get things done; when it is inconvenient, then, of course, out comes the issue of the COVID pandemic being the problem.

655 During the COVID pandemic, the Chief Minister found time to sign off the legal notice on the Lucky Kitten commemorative coin, but he did not find time to set a date for the parliamentary reform process. Is the Lucky Kitten coin more important than parliamentary reform to the Chief Minister?

660 **Hon. Chief Minister:** Mr Speaker, I never thought that I would see a verbal manifestation of the scraping of the bottom of the barrel like I have seen now. It is important that this should be reflected in *Hansard*, and I am grateful to the hon. Gentleman for having followed up with this question, because it demonstrates that I think I have answered with substance the point that he first made.

665 What is, I am afraid to say, quite unexpected is to see a mainstream politician – and I give the hon. Gentleman the attribute of being a mainstream politician – refer to COVID and all the

suffering it has brought as something that might be prayed in aid by an opponent as an excuse.
The hon. Gentleman –

670 **Hon. K Azopardi:** I did not use the word ‘excuse’.

Hon. Chief Minister: No, the hon. Gentleman did not use the word ‘excuse’. He used words which are in the dictionary to describe the word ‘excuse’ in the context of why I referred to COVID as the reason why we have not been able to advance this since 2019. Frankly, I think that that is ...
675 I am not going to use any other adjective; I am just going to say it is below him.

Mr Speaker, the hon. Gentleman needs to know that the Chief Minister of Gibraltar signs off on many things. One of the things that I sign off on is coins, to ensure that there is a double filter on those issues, and there is therefore the requirement that something be put to me before it is put to His Excellency the Governor for onward transmission to Her Majesty the Queen in the
680 Palace. Her Majesty the Queen has seen her Prince Consort of 70 years pass away and Her Majesty the Queen stoically still continues to approve many Orders in Council, including coins proposed by Gibraltar.

In the period that we are dealing with – and I say this, Mr Speaker, only because it is important to put into context the way that the hon. Gentleman has wished to take this line of questioning –
685 the Deputy Chief Minister, the Minister for Public Health and I have awoken for 90 days looking at our communication devices every morning to see how many people have died in Gibraltar, to see whether we might get a day without a death, to see what else we could do to ensure that we continued in that way. The hon. Gentleman understood that and he was able to work with us in that difficult period. I am not going to let him get away with forgetting how understanding he was
690 of our plight at that time, how supportive he was at that time – and now that it might be convenient, try and lead the community into believing that the Government, when it refers to those difficult periods and explains what we were doing at the time, instead of what he now wishes we might have done at the time ... that that somehow is an excuse.

I will tell the whole community something else. In all that period, the hon. Gentleman never
695 picked up the phone or sent me a text message saying, ‘Fabian, do you have time today to talk about parliamentary reform?’ He knows that I would not have had the time, and he did not even have the presence of mind to think that I might.

Mr Speaker: Next question.

Q84-85/2021
Community Officers Scheme –
Hardship caused by application of eligibility criteria

700 **Clerk:** Question 84. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does the Government acknowledge that the decision by trustees of Community Care to apply the eligibility criteria in respect of the Community Officers Scheme from 17th February 2020 in a particular way has caused hardship to some people?
705

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 85.

710 **Clerk:** Question 85. The Hon. K Azopardi.

Hon. K Azopardi: Has the Government met the trustees of Community Care since 17th February 2020 to discuss the trustees' decision to apply the eligibility criteria in respect of the Community Officers Scheme in a way that excludes some people from benefitting under that scheme?

715

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government does not acknowledge or consider that the decision of the trustees of Community Care in respect of community officers has caused hardship, given that what the trustees have done is introduce means testing to ensure that the charity continues to pay persons who are in receipt of sums below £21,000 a year and guarantees them the difference between £15,000 and that amount.

720

I met with the Chairman of the Trustees of Community Care and with persons representing those who no longer qualify for benefit on two occasions. I am happy to meet both of these groups again.

725

My position remains the same as stated in my answer to Question 449/2020. Community Care is an independent trust, run by entirely independent trustees. As I have already told the hon. Gentleman in the past, I do not think it is in the public interest to be drawn any further into this matter across the floor of the House. I am happy to meet the hon. Gentleman to exchange on this subject, other than across the floor of the House, if he wishes. Mr Speaker, the invitation is there.

730

Hon. K Azopardi: Mr Speaker, I think we both had, at the last election, the manifesto commitment to look at the whole concept of Living Wage, and indeed we had a commitment also on a minimum income. Given that position and given the means testing level, does the Chief Minister not have concerns about the level that is now being applied by the trustees, of £21,000?

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Hon. Chief Minister: Mr Speaker, in the context of the Living Wage as it is in the United Kingdom, and in the context of the Minimum Wage as it is in Gibraltar, it would be very difficult for me to share the hon. Gentleman's invitation to express concern.

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At the time of the last General Election we went to the people with a commitment to continue with that which had been enshrined in law as the rate by which the Minimum Wage would increase. I recall that during the course of other debates, the hon. Gentleman had not realised that actually we had enshrined in law the increases in the Minimum Wage until this year. Therefore, given that the amounts that the trustees of Community Care have provided for in their means test exceed the Minimum Wage and are close to what the Living Wage is, I think, in the United Kingdom other than in London, it is difficult for me to agree with the hon. Gentleman, given that he is trying to lead me to share his use of the word 'concern'.

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What I will say, and I will say it again, is that I have met with both the Chairman of the Trustees of Community Care and those who no longer qualify as a result of the means test, and I am happy to meet them again. And I reiterate my invitation to the hon. Gentleman to have a discussion about this issue not across the floor of the House, if he wishes to do so, because of the sensitivities that have traditionally attached to Community Care.

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Hon. K Azopardi: Mr Speaker, in his meetings has the Chief Minister gleaned any information as to why the date of 17th February 2020 was specifically selected? It is not the end of a calendar year or the tax year, or, indeed, a financial year; it is in the middle of a month. I am not even sure if it was the end of a week on 17th February 2020. Has he gleaned any information which he is willing to share with us? Does he not agree that by choosing what notionally appears to be an arbitrary date, it will have surprised lots of people who thought that they would get it?

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And does he think it is fair that someone on 16th February would have got that payment, but someone on 18th February would not, and perhaps the person on 16th February has more income than the person on 18th February?

765 **Hon. Chief Minister:** Mr Speaker, I have not gleaned information about the relevance of
17th February, but I have heard many theories about it. I have heard theories about relatives of
mine. I have heard theories about supporters of my party. I have heard theories about every
possible conjecture going as to why it was that such a date might be relevant, none of which I
think have any relevance to the truth, but that is Gibraltar. Neither have those who have met, with
me, with the trustees of Community Care sought to elucidate, at least in my presence, from those
770 from Community Care who were present why the date of 17th February might have been relevant.

So, if the hon. Gentleman is basing his questions on the notions that have reached my ears as
to the rumours that might be relevant, then there is, in my view, absolutely no truth to any of
that. It is all the usual pure Gibraltar conjecture. But I am quite happy to seek from the trustees of
Community Care a more detailed explanation as to why they chose the date.

775 If I was being frivolous, I would say that somebody might have thought I was about to turn 60,
and given that, as he knows, my birthday is on 18th February, they might have decided to ensure
that I was excluded from benefit.

Mr Speaker: Just to interject, I am going to allow one final question on this.

780 **Hon. K Azopardi:** Mr Speaker, that is fine. On this occasion, that is fine, but ... Yes, I am not
accepting it as a rule, but we will talk about that!

I rise for two reasons. First of all, the Chief Minister did not answer the question that I asked. I
asked him about the date, but I also asked him does he agree that what apparently, notionally,
785 seems an arbitrary date without notice would have been unfair for people who fall on both sides
of that date. I can certainly assure the hon. Member that the reason I feel that the question of
understanding the reason for 17th February is not based on any speculation – although, yes, I have
heard it too, it is not based on that – but simply to understand why that particular date was
reached, which seems peculiar on any view because whoever decides to change the application
790 of a system ... I can understand that someone decides to change a system. What I cannot
understand is why anyone would pick the middle of a month, when I have never seen anyone
changing a system pick the middle of a month. That was the point.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman makes his points in a number of ways.
795 Obviously, as he has recognised in his questioning, the Government is not involved in picking any
date in this issue. He has asked me whether I gleaned information in the meeting about the date,
and as I have told him already, the answer is no, I did not glean information about the date chosen
in the meeting because I did not ask and the other people there did not ask, and the persons
present from Community Care did not volunteer that information. But in the context of a date,
800 there will always –

Hon. K Azopardi: Will the hon. Member give way? I am only asking him to give way so that ... I
just ask him this one as well, so he can answer it all together. The other issue I was going to
mention to him and ask him to comment on as part of his answer was that the hon. Member will
805 be aware of the media comment there has been from those people who, of course, feel aggrieved
in respect of the matter, and in his meetings with the trustees has he also obtained information
that he might be willing to share in this House in respect of whether people will reflect on
transitional periods in respect of the implementation of any changes?

810 **Hon. Chief Minister:** Mr Speaker, let me just continue with the chronology that I was dealing
with, and then I will come to that at the end.

I have not gleaned any information because nobody from Community Care talked about the
date, none of the individuals there asked about the date for the group who are affected, and I did
not ask about the date. The hon. Gentleman says, 'Is it unfair that you have a date?' You have
815 people on either side of any date. Whether the date is in the middle of a month or the beginning

of a month – and what might seem logical to one group might not seem so logical to another – you are going to have people on both sides of that date.

820 The hon. Gentleman is going to permit me to stray into speculation, and it is nothing more than speculation, but if you ask the Treasury when they need to know if they are going to stop a payment at the end of the month, they would probably tell you, ‘In the Government, for a Government salary, a Government pension or a Government payment, we would need to know by the 16th of the month,’ for example, ‘so that the run that goes to the bank on about the 20th or the 21st of the month so that the salaries can go out between the 24th and the 27th of the month, is dealt with in that way.’ So, it may be, Mr Speaker – and this is pure speculation – that
825 that is why a particular date was chosen, or not.

In terms of fairness, I am reminded by the Hon. Minister for Financial Services that the changeover in the eligibility for non-contributory pensions was on 1st January. There are people who joined the Government just after 1st January, and some people who joined before 1st January, and there is an arbitrary line. One may have a very competent officer who did not
830 qualify and a very *laissez-faire* officer who does qualify. Sure. That is the Gregorian calendar. It is 1st January, and there is a reason why you might think that is a relevant date. Every date would have caused people to complain that they were or were not caught by this issue.

The other issue that arises in the context of answering the hon. Gentleman’s last point, which is his point as to fairness and transition together, is that the question is whether the charity is
835 required to consult or transition in the context of making decisions about payments. It is a charity and it has decided to introduce a means test, so that it makes its charitable payments to people who do not meet its threshold criteria and not pay charitable payments to individuals who have incomes which surpass its threshold criteria. So, I think the concept of fairness has to be put in that context and has to be understood in that context.

840 I once again emphasise that I am prepared, if people think it is helpful and that my good offices can be brought to bear in some way which might be positive, to meet again with the trustees of Community Care and this affected group. Indeed, I once again extend an offer to the hon. Gentleman, if he wants to discuss this further – outside of the glare of the microphones and the cameras, the cameras which are here as a result of our parliamentary reform – to do so at a time
845 that might be mutually convenient.

Mr Speaker: Next question.

Q86/2021

Divorced women’s pensions – Resolution of longstanding claim

Clerk: Question 86. The Hon. K Azopardi.

850 **Hon. K Azopardi:** Mr Speaker, is the Government now in a position to resolve the longstanding claim in respect of divorced women’s pensions? If so, how; and, if not, why not?

Clerk: Answer the Hon. the Chief Minister.

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Her Majesty’s Government of Gibraltar has worked with the Divorced Women Pensions Association. We have provided assistance beyond that provided by the GSD when they were in government. The GSD told the group that they would not assist them further. We have and we continue to look at ways to assist in cases of any hardship.

860 **Hon. K Azopardi:** So, the answer to the question is no, they are not going to resolve the long-standing claim, presumably, because he is talking about sifting through individuals and identifying people they deem to be of hardship.

Am I understanding that the answer to the question is they are not going to resolve the long-standing claim as a matter of principle, and what they have now decided is to, from among
865 the group, identify what the Government believes are cases of hardship and resolve those? If so, what criteria are being used in relation to identifying cases of hardship, and what resolution is being made to those?

Hon. Chief Minister: Mr Speaker, he has not understood my answer.

870 The long-standing claim by the Divorced Women Pensions Association was settled by the GSD. The Divorced Women Pensions Association then reverted and said that they were not satisfied with the solution that the GSD had given to their long-standing claim. When we were elected, we looked again at that issue and we proposed a manner in which the things which the Divorced Women Pensions Association complained had not been settled by the GSD and which the GSD
875 had said they were not prepared to go beyond could be resolved in another way. That resolved the issue for many women, so there is no question of us in principle not resolving the claim. The claim, in my view, has been better resolved by my Government than by the GSD, who insisted that they would do no more, so it is a little surprising to find the hon. Member now taking what appears to be a different position.

880 On top of that, we wanted to ensure that if there were individual cases of hardship which we could assist with, we would do so, and in fact we also continued to look at a different method of calculation which is proposed by the Divorce Women Pensions Association in respect of some of the Social Security rules which are in place. That work stopped completely as a result of the pandemic, but I have not had any further communication from the ladies in question. I know that
885 they were in touch with the Social Security Department, and if they feel that the Social Security Department is not continuing to progress matters, I am very happy to have a further meeting with them to consider what it is that might still be outstanding.

Hon. K Azopardi: Mr Speaker, maybe we are talking at cross-purposes. I was not talking about
890 a very historical situation, nor was I talking about the work that he had done. I was talking about much more recent times, because he will have met the group, the Association. I am not sure if it is formally an association or if it is a group. I have met them, too. I had met them before the 2019 election. They believed then they had a residue of unresolved claims. I put a question in the House after the 2019 election. He said he would consider the matter and they had not yet reached a
895 position. So, what I was asking for was an update in respect of those issues. I accept that perhaps in the intervening period he has had his mind on other matters, but I was asking for an update on those issues.

I welcome that he says he is prepared to meet them again, so is he willing to perhaps go back on his notes and focus the exercise that they need to do on the issues that are relevant of more
900 recent times and not the historical ones? I was not talking about the historical ones.

Hon. Chief Minister: Mr Speaker, I am always ready to go back and look at an issue if it is of merit, but as I understood it when I last left it, it was something that was ongoing between this group and the Department of Social Security. It was not something that was on my desk requiring
905 my attention. If it requires my attention, or if this group believes that it would benefit from my attention, I am very happy to give it my attention again.

What I am also highlighting is the fact that that residue of claims that the hon. Gentleman refers to is the residue of claims that these ladies were told the GSD would not countenance. I detect many changes in the position of the GSD. That is perhaps something to welcome, because
910 in many instances their position is now what our position has always been, but if they are going to continue to change their position on matters of policy such as this, can they at least say that

they believe that they were wrong when they turned these women away and told them that the solutions that they were given were final and there would be no further consideration of their claims?

915

Mr Speaker: Next question.

Q87/2021

GJBS –

Amount of Government financial assistance

Clerk: Question 87. The Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, how much money has Government put into GJBS by way of financial assistance?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has advanced a total of £23,339,371.52.

Hon. K Azopardi: Mr Speaker, in what period and for what purpose?

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Hon. Chief Minister: Mr Speaker, since November 2019 to assist with the working capital that that company has required.

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Hon. K Azopardi: Mr Speaker, that is a staggering amount of money. Can the Chief Minister give us a bit more information as to why the company needed over £23 million in working capital since November 2019? It is not even two years, so why is it that the company has needed such an injection of working capital?

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Hon. Chief Minister: Mr Speaker, it is, of course, a large amount of money, but it is not something which is unusual, as the hon. Gentleman refers. For example, in 2003 the company was loaned £2.3 million by the Government, or had an injection of capital of £2.3 million by the Government. In 2008 it had an injection of £6 million by the Government. In 2009 it had an injection of £21 million by the Government. In 2010 it had an injection of £27 million by the Government. And in 2011 it had an injection of £42 million by the Government. There has been a change of practice, nonetheless, which is that now we require that those injections of capital are documented, whilst in the time that I have referred the hon. Gentleman to, there was no direct recording of those amounts. But that is the context in which he has to analyse the answer that I have given him. I hope that is helpful.

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Hon. K Azopardi: Mr Speaker, yes, except that he has not answered the question that I have now put twice, which is for what purpose has it been injected? And perhaps I add this question, which would be new: is it that the Government has done the injection directly, or is it done by another entity? And, if so, which?

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Hon. Chief Minister: Mr Speaker, let me try to deal with both of those questions. I will start with the second. The injections of money have been always by the Government. We have injected the £23 million since November 2019, which is 18 months. The £42 million that they injected, also by the Government, was in one year, in 12 months; the £27 million that they injected was in one

year; the £21 million that they injected was in one year; and the £6 million that they injected was in one year.

960 As to the reason, in the context of the period that we are dealing with in particular, the issues relate, for example, to the collapse of the pound sterling against the euro, where contracts had been agreed before the exchange changed; retentions due from clients which the company still has out in the market and it is expected to recover; moneys due from the Government as client, because the Government as client has not yet been billed for particular works which are not finished and therefore the Government as shareholder is supporting the company until the bill
965 comes to the Government as client and we pay as client, and we are repaid as shareholder; and increased costs during the period of the pandemic and reduced output also in that period, which is something that has affected every single company, unfortunately, in our economy in this sector. Those are the reasons for the injection of the £23 million in the last 18 months. I cannot give him the reason for the injection of the £42 million, almost, in the 12 months of 2011, the £27 million
970 in 2010, the £21 million in 2009 etc., because I do not have that information here today, but that is the information that I have.

The hon. Gentleman may also like to know that in respect of the moneys that we have injected, which were £23,300,000, we have already had a repayment of 10%, which is £2.3 million, because we now document these figures as loans and we want them back, of course, as shareholder.

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Mr Speaker: This will be the last question.

Hon. K Azopardi: Well, it happens to be my last question, Mr Speaker.

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Mr Speaker: I am so glad. (*Interjection*)

Hon. K Azopardi: Mr Speaker, I am not too sure what to say about your joy at my last question.

Mr Speaker: It was not a question of joy; it was a question that you seemed to suggest, in a funny way, that it was, after all, going to be your last question.
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Hon. K Azopardi: Well, it happens to be my last question.

Mr Speaker: Yes, so, in the same way as I accepted that as a statement made, you have to accept what I said, but there was no malice intended and if the Hon. the Leader of the Opposition has taken it badly, I apologise.
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Hon. K Azopardi: No, Mr Speaker, of course I have not taken it badly. All I am saying is that certainly this newfound, perhaps, practice of ... I am not sure if a count is going on, but I am not sure if that is helpful, certainly to the work of the Members on this side of the House. I will just leave it there and perhaps Mr Speaker and I can talk about the issues later.
995

The Chief Minister has given a number of reasons why the payments were made. Some of it is in relation to moneys that were due to the company, I think he said, on account of contracts, and some of them contracts of the Government, I believe he said. Does he have a figure of how much
1000 of the £23 million would have been payment made by the Government because money was due to the company for doing a number of works done for the Government?

In respect of the repayment, can I understand the process a bit better? Obviously, if you are injecting capital to assist ... I understand it may be a loan, but if you are basically paying money on account, presumably it is not going to come back to the Government, is it?
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Hon. Chief Minister: Mr Speaker, if I can just say that you are being much less zealous in your count of supplementaries than Speaker Alcantara was when I had the misfortune of being on the Opposition benches and thinking that perhaps I still had one more to ask. He reminded me of his

1010 fearsome reputation on the Bench when he quickly informed me that I was better off sitting down, as I had had my fill of supplementaries.

The question of the £21 million still outstanding and its breakdown, or indeed the £23 million and its breakdown between amounts due from the Government and amounts due from third parties or arising from losses, from increased costs and reduced output and exchange rate problems, is not a breakdown that I have here at the moment.

1015 I can tell the hon. Gentleman that the method of repayment that we are using is that where the Government is billed as client for something, we set off that amount due to the company against the amount that we have injected, obviously so long as the company is able to continue from its working capital to trade, as we are very confident it will be able to do. that.

1020 But I think it is important to show that, in the context of the figures that I have disclosed to the House, the amount outstanding now – because we are talking about 18 months, we have injected £23 million and we have already got back £2.3 million – is less than there was injected by hon. Members when they were in government in 2008-09, 2009-10 and 2010-11, where the maximum amount outstanding in one year was £42 million, in another £27 million, in another £21 million, and in another £6 million. That, I think, is an important way to put in context the amount that we
1025 are dealing with at the moment and not allow anyone to think that this is unusual. This company is owned by the Government as shareholder, the Government stands behind it, we fund it and the company trades through the liability.

Hon. K Azopardi: I am grateful for the hon. Member giving way. My hon. Friend to my right
1030 just reminds me of a question that he asked in supplementaries to the Chief Minister just a few months ago, where he said:

Mr Speaker, I just have one final question on this matter. Can the Government advise whether they have made any kind of capital injection into GJBS, or any loan?

and the Chief Minister said:

Mr Speaker, no, sir.

I just ask him to comment on that. That was in March, as I understand it.

1035 **Hon. Chief Minister:** Yes, Mr Speaker, for the simple reason that the hon. Gentleman asked me in a supplementary whether I could provide that information, and I could not, because I did not have the information, but when it has been put I have been able to obtain the information and give it to the hon. Gentleman.

1040 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can just ask a quick supplementary on this: there has been a lot of speculation that the coffers of GJBS have not been in good shape at all and they have been having financial difficulties, so I would ask the Chief Minister to tell us whether this
1045 cash injection is nothing more than a bailout or financial assistance to a Government-owned company which is really struggling to stay on its feet.

Hon. Chief Minister: Thank you, Mr Speaker.

1050 I think the hon. Lady needs to reflect on what I have said. The Government has been providing injections of capital to GJBS for many years. I have given the example of the years 2007-08, 2008-09, 2009-10 and 2010-11 because I think it is important to set them out so that the context can be had.

1055 If it were, as the hon. Lady has sought to characterise, a bailout of a Government company, it is half the bailout that the Government company endured in the last year that hon. Members opposite were in office; it is less than the bailout that they undertook in the year before, which was £27 million; and is the same now outstanding, £21 million, which was the amount that they advanced in 2008-2009.

1060 This is a Government company, and the hon. Lady will see that if she asks us about the Bus Company she will find that we are also having to pay money into the Bus Company. If she asks about other companies, we are injecting money into those companies. Indeed, it was one of the key things that we said we would do differently – that we would inject the money into the companies to ensure that we did not find the balance sheet of the companies with a hole in them – at the time that we were elected.

1065 GJBS is different. It is a trading company, and for that reason those are the numbers that are provided.

1070 **Hon. R M Clinton:** Mr Speaker, I think my supplementary was pretty clear at the time, but in any case can I ask the Chief Minister, in terms of what mechanism the Government used to provide this loan to GJBS, did it go through the Improvement and Development Fund; and, if not, how else?

1075 **Hon. Chief Minister:** Mr Speaker, I think we have to be a little more careful with our language – and I apologise if I have not been in the context of the answers that I have given as we went across the floor. What I said specifically in my first answer is that we have advanced a total of £23 million – so it is an advance that we have given, not a loan.

Mr Speaker: Next question.

Q88-91/2021

Treaty re future relationship with the EU – Type of arrangement sought; consultees; TLAC meetings and membership

Clerk: Question 88. The Hon. K Azopardi.

1080 **Hon. K Azopardi:** Mr Speaker, is the Government actively seeking a bespoke Customs Union type agreement as part of a possible treaty on a future relationship with the EU?

Clerk: Answer, the Hon. the Chief Minister.

1085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 89 to 91.

Clerk: Question 89. The Hon. K Azopardi.

1090 **Hon. K Azopardi:** Mr Speaker, has the Government now designed its template plan for a possible bespoke Customs Union type agreement for Gibraltar?

Clerk: Question 90. The Hon. K Azopardi.

1095 **Hon. K Azopardi:** Who are the industry leaders that the Government is consulting on the possible Customs Union type arrangement in the context of discussions on a possible treaty for a future relationship with the EU?

Clerk: Question 91. The Hon. K Azopardi.

1100 **Hon. K Azopardi:** How many meetings of TLAC have there been since its establishment to date, and can the Government set out who is on it?

Clerk: Answer, the Hon. the Chief Minister.

1105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the New Year's Eve Agreement states, the Government is prepared to consider a bespoke Customs arrangement for more fluid movement of goods between Gibraltar and the European Union. That is what the Government will be seeking once the negotiations with the European Union commence.

1110 The Government has a very good idea of the form that such a bespoke agreement with the EU on customs matters might take. This takes into account Gibraltar's geography, import/export activity and, in particular, low levels of manufacture. This is not limited to customs matters only. It includes consideration of standards of goods that are placed in the market and the special regime for sanitary and phytosanitary checks for goods that require such checks. The basis for such an agreement is clear to the Government, but the actual model will be developed after
1115 continued further engagement with the local businesses whose activities are relevant to this issue, and, of course, with the European Commission once the negotiations commence.

The Government has met the members of the Chamber and the GFSB, as well as individual sector representatives, on a number of occasions. This process is ongoing. The Government is not comfortable providing a public list of the persons met so far, across the floor of the House. I am
1120 happy to tell the hon. Gentleman directly.

The creation of the Treaty Liaison Advisory Committee (TLAC) was announced at a COVID Emergency Liaison and Advisory Committee (CELAC) meeting on 5th January 2021. There has been one TLAC meeting, on 25th March 2021.

1125 TLAC has the following participants: the Chief Minister, the Deputy Chief Minister, the Minister for Digital and Financial Services, the Minister for Business, Tourism, Transport and the Port, the Attorney General, the Financial Secretary, HM Collector of Customs, the Air Terminal Manager and the Deputy Captain of the Port. It includes also representatives from the Chamber of Commerce, the Gibraltar Betting and Gaming Association, the Gibraltar Federation of Small Business, the Gibraltar Finance Centre Council, the Gibraltar General and Clerical Association, and
1130 Unite the Union.

Hon. K Azopardi: Given that the Government has, I think, to paraphrase what he said, a good idea of what it wants if it were to contemplate a bespoke Customs Union type agreement, has that good idea of what it wants – a framework – been shared with TLAC and the industry need as he is discussing the matter with?
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Hon. Chief Minister: Mr Speaker, yes, sir.

1140 **Hon. K Azopardi:** So, that framework has been shared at that ...? Well, there has only been one meeting of TLAC, so presumably at that meeting there has been a sharing by Government of what its view would be for a possible customs union bespoke agreement – is that right?

Hon. Chief Minister: Yes, Mr Speaker.

1145 **Hon. K Azopardi:** Mr Speaker, would the hon. Member therefore be surprised that perhaps people in the business sector might not have that view, that the Government has shared what its intention for the way forward is?

1150 **Hon. Chief Minister:** I would not be surprised, Mr Speaker, because we have shared it in confidence, and I know that the people who make up TLAC will respect the confidence of the Government.

1155 **Hon. K Azopardi:** Mr Speaker, am I right, therefore, in asking ...? I am treading carefully because I understand that the Government will be going into negotiations and there are certain limits beyond which the Chief Minister does not want to go publicly. I am not going to take him there, and if there are other issues I will discuss it with him privately, but is it the position of the Government, therefore, that if, in the negotiations, it is possible for there to be a deal done around the scheme it has conceptualised, that is what they positively would seek in the negotiations? Or is it the position of the Government that if they have an option to do a treaty without a customs union agreement, but rather perhaps one more dominated by a Schengen arrangement, they would prefer that?

1165 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is right that this is a sensitive area of Government policy, because we are about to enter into negotiations. I am very happy to have meetings with him to deal with the subject, as we have in the past and I hope to be able to do in the future. Of course, I meet TLAC to take their views, and I am quite happy to meet him and the hon. Lady to take their views. We just have not got to the stage yet where we have anything to put to them in respect of what the official position of the European Union is. That is why we have not yet had an opportunity to meet. But in order to answer the hon. Gentleman's question, I will just remit to the New Year's Eve Agreement, which sets out that if there is an agreement, it shall include a provision as to immigration provisions akin to Schengen and it may or could include provisions in respect of goods.

1175 **Hon. K Azopardi:** Mr Speaker, can I just ask ...? I am going to package a few points together in the interests of time.

Would the possible conceptualised package around a Customs Union bespoke arrangement include the VAT? Is he able to comment on it at all?

1180 Is the Chief Minister aware that there will be competition concerns in certain sectors, and is the Government alive to those concerns and considering alternatives, finding ways of ensuring that all sectors of Gibraltar trade and commerce and financial services remain competitive beyond the reaching of an agreement, if an agreement is reached?

1185 Can he provide a bit more up-to-date information as to whether the negotiations are going to start, and does he have a date in the future? I know the Deputy Chief Minister did a recent interview on television, saying that discussions had not yet started. I know the ambition had been, when all of this happened on New Year's Eve, that it would be done in six months, and yet we are almost at the end of five months and there has not been a process started because the EU mandate has not come out, but can he share with the public and, indeed, the Opposition, whether there is any news on the commencement of the discussions?

1190 **Hon. Chief Minister:** Mr Speaker, the answer to his question about taxation is yes, and I agree with everything he has said.

1195 In relation to the start date, the issue was ventilated yesterday in the Comisión Mixta of the Spanish Parliament, where the Vice-President of the European Commission give public evidence and said that the European Commission expected to finalise its mandate for the negotiations in coming weeks or months. The Government has been ready for months to deal with the negotiation when the European Union is ready to deal with the negotiation. Her Majesty's Government of the United Kingdom is also ready to deal with the negotiation. We have done a lot of work, in the run-up to the New Year's Eve Agreement and after the New Year's Agreement, with Her Majesty's Government of the United Kingdom, with the Foreign Secretary in particular,

1200 with the Minister for Europe and with their respective teams in ensuring that, literally at the drop
of a hat, the UK and Gibraltar teams are ready to start this negotiation.

Hon. K Azopardi: I appreciate that, and I am sure the Government does want to start the
discussions, because he will agree with me, I am sure – does he? – that uncertainty is not helpful
1205 for Gibraltar. Is he concerned, therefore, about that delay?

I appreciate that the Government wants to move on, but is there anything that can be done,
or is he in discussions with the UK on that issue to try to move along the discussions or at least get
them commenced, so that we can end a process that would give Gibraltar greater certainty?

1210 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that the European Commission
is the entity that will negotiate this treaty, and the Government of Gibraltar is entirely respectful
of the need of the European Commission to assess its mandate for the negotiation in such manner
as it may consider appropriate, but we are very anxious to be able to have the negotiation as soon
as possible, to reach what we hope will be a positive conclusion as soon as possible.

1215 At the same time as we have been making preparations to be ready to start negotiations at the
drop of a hat, we have continued the preparations for the event that the treaty negotiations might
not result in agreement, so that we are able to deal with the consequences of departure from the
European Union entirely now without any of the bridging and mitigating measures, without any
harmful consequences which could be avoided – because there will be harmful consequences, but
1220 without any harmful consequences that might be avoided.

And so, Mr Speaker, the hon. Gentleman cannot, unfortunately, through his questioning,
assist the Government, as he might be trying to do, in bringing about an earlier commencement
to the negotiations, and neither can the Government, nor Her Majesty's Government of the
United Kingdom, pull the European Commission to the table. That is why I want to emphasise how
1225 respectful the Government of Gibraltar is of the right of the European Union to follow its own
procedures to ensure that its negotiation is run in the manner that it considers appropriate and in
keeping with its rules and its practices.

I will tell the House that the work that we have done with the United Kingdom I think has been
work that we have been able to do in a very positive and very collegiate way. The hon. Gentleman
1230 will have read in the press that we have also been working with Spanish colleagues in the context
of ensuring that, where possible, we have been ironing out details on which further information
has been required, and there has been further discussion in preparation for what we hope will be
early commencement of these negotiations. But this is a matter entirely out of our hands or the
hands of the United Kingdom, and we believe, of course, that it is best to permit the space that
1235 the European Commission and the member state Spain, and indeed the other member states, may
need in order to be able to commence the negotiation in keeping with their respective rules and
procedures.

Mr Speaker: This will be the last question.
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Hon. K Azopardi: I am grateful for that answer, but can I go back to the VAT? The hon. Member
answered yes to the VAT, that there might be a component in this bespoke arrangement. Has
there been any work done, therefore, on the economic impact of the introduction of VAT in
Gibraltar? If so, can he share some information on it with us, either over the floor of the House or
1245 privately?

Hon. Chief Minister: Mr Speaker, the answer is that work has been done, and I am happy to
try to schedule a meeting to have a discussion on the subject.

1250 **Mr Speaker:** Next question.

Q92/2021

**Tobacco products –
Government commitment to track and trace**

Clerk: Question 92. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Given that the transitional period of the Withdrawal Agreement is now over, is Government still committed to the implementation of the Seoul Protocol on track and trace for tobacco products?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, Her Majesty's Government of Gibraltar is fully committed to the implementation of the Seoul Protocol on track and trace for tobacco products, and I am grateful to the hon. Lady for her question as it enables me to clarify erroneous reports in some sections of the Spanish press that have mischievously, as ever, sought to suggest the opposite.
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The starting point for track and trace is Article 3(3) of the Protocol on Gibraltar in the Withdrawal Agreement. It is also raised in paragraph 3 in the Memorandum of Understanding on Tobacco and Other Products.
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Her Majesty's Government of Gibraltar put in place multiple pieces of legislation to implement the Protocol and published Regulations to introduce different provisions of the legislation as from 1st July 2020.

A temporary manual scanning system was introduced as from 1st September 2020 whilst technical issues arising from non-access to EU repositories and technical matters were addressed. This is work in progress and Her Majesty's Government of Gibraltar is in advanced discussions on the procurement of additional capabilities that will result in the creation of a bespoke, digital, modular traceability system.
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Our work on this continues, to have a digital track and trace system in place as soon as possible. Most parties that have acceded to the Protocol have been permitted a period of five years to implement its more technical aspects.
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Clerk: Answers to Written Questions –

Q11/2021

**Vocational qualification courses –
Completion dates –
Further information to be recorded in *Hansard***

Hon. E J Reyes: Mr Speaker, before we move out of the oral questions, the Minister for Education, I think, agreed on Monday afternoon ... He was trying to get for me the information that was missing in respect of Question 11, which was the completion dates for the vocational courses, because he only had the global figure for the two years. If he does have that information and he puts it on the table, it gets recorded in the *Hansard*, Mr Speaker. That is why I am asking, should we be lucky enough to have the information I requested on Monday.
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Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Yes, Mr Speaker, I am afraid to say that I have not received that information. I will certainly forward it to the hon. Member as soon as I have it, and I am happy to mention it here at our next

1290 opportunity, so that it is recorded in *Hansard*, referring back to the number of the question. I am told I will have it imminently, so I hope that I can send it to him certainly by tomorrow.

Questions for Written Answer

Clerk: Answers to Written Questions. The Hon. the Chief Minister.

1295 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W1/2021 to W7/2021 inclusive.

Mr Speaker: Ordered to lie.

Procedural

1300 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if it is of assistance to the House, my intention is to take a Bill now. Before I do that, I, and I think others, have an engagement, so I wonder whether, with your guidance, we might decide to take the First Reading now, then adjourn the House for 30 minutes, and then continue.

Order of the Day

BILLS

FIRST AND SECOND READING

Business Improvement Districts Bill 2020 – First Reading approved

Clerk: Bills – First and Second Reading.

1305 A Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and other connected purposes.

The Hon. the Minister for Business, Tourism, Transport and the Port.

1310 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** I have the honour to move that a Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and other connected purposes be read a first time.

1315 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and

other connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against?
Carried.

Clerk: The Business Improvement Districts Act 2020.

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Chief Minister (Hon. F R Picardo): We have agreed, Mr Speaker, that now is when we will take the adjournment. I propose that the House should now recess until 5.30, so that hon. Members can attend this engagement, and then we can continue with the Bill.

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Mr Speaker: The House will now recess until 5.30.

The House recessed at 4.50 p.m. and resumed its sitting at 5.30 p.m.

Business Improvement Districts Bill 2020 – Second Reading approved

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, I beg to move that the Bill for the Business Improvement Districts Act 2020 be read a second time.

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In our 2019 manifesto we stated that we fully supported the initiative by the Gibraltar Federation of Small Businesses and other organisations to create a Business Improvement District (BID) for Main Street. The Government has been working closely with and fully supporting the team who are creating the BID for Main Street and now surrounding streets, too.

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Before turning to the general principles of the Bill, let me give some background on what are BIDs. BIDs are partnerships between local businesses and local authorities which aim to improve defined commercial trading areas by providing additional services funded collectively by business ratepayers. It was first put into operation in the UK in 2004, and there are now more than 300 operational BIDs across the UK.

Moving now to the general principles of the Bill, the Bill provides a statutory framework within which arrangements for the improvement of business districts can be proposed, approved, funded and implemented.

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Part I, 'BID Arrangements'. This Part imposes on the billing authority the responsibility for making the BID arrangements. This involves making arrangements for the collection of the BID levy to enable the projects specified in the BID proposal to be carried out for the benefit of those who live, work or carry on any activity in the district. This Part also confers on the Minister for Business the power to appoint, by regulations or by notice in the Gazette, any person or body as a billing authority. In default of any such appointment, the billing authority will be the Accountant General.

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Part II, 'BID Levy'. This Part limits the period that a BID levy can be imposed to the chargeable periods set out in the BID arrangements. Clause 16 limits this to five years, at which point a further ballot needs to be held in order for the chargeable period to be extended. It further provides that the BID arrangements must specify the description of non-domestic ratepayers in the district who are liable for the BID levy for a chargeable period, as well as the amount of the liability. It further provides that any person falling within that description must pay BID levy to the billing authority.

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Part III, 'Administration'. This Part provides that the billing authority must keep a separate account, called the BID Revenue Account, which it must maintain in accordance with proper practices. It further provides that all amounts paid to the authority by way of BID levy must be credited to the BID Revenue Account and those accounts can only be debited to the BID Revenue Account in accordance with BID arrangements. The proposed regulations provide further detail in relation to the operation of the BID Revenue Account. Clause 10 provides for the Minister to

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1360 prescribe in regulations further detail with respect to the imposition, administration, collection, recovery and application of the BID levy.

Part IV, 'Procedure'. BID arrangements cannot come into force unless proposals for these arrangements are approved by a ballot of the non-domestic ratepayers who are to be liable for the proposed BID levy. It also provides for the Minister to make provisions by regulations for the matters set out in clause 11(2) of the Bill. Clause 12 sets out the two conditions required for a BID proposal to be approved. This Part also confers on the Minister a power to veto the proposals on certain grounds. These grounds must be specified in regulations. Where the Minister exercises his veto, he must notify the persons entitled to vote in the ballot, setting out the reasons for the veto, as well as giving details of the right to appeal the veto decision to the OFT. Clause 15 sets out the rules governing the commencement of BID arrangements where the BID proposal has been approved by ballot.

1370 Part V, 'Miscellaneous'. This Part provides that the duration of BID arrangements may be specified in the arrangements themselves but may not exceed five years unless determined by another ballot. The re-ballot will be subject to the same conditions set out in clause 12. Under clause 16, the Minister may make regulations relating to the alteration and termination of BID arrangements. Clause 17 confers on the Minister power to make, by regulations, further provisions in relation to ballots. Clause 18 confers on the Minister a general power to make, by regulations, such supplementary, incidental, consequential or transitional provisions as he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision made by or under the Act.

1380 Finally, section 19 binds the Crown to the provisions of the Act.

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

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill? The Hon. Roy Clinton.

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

I can indicate to the Government that certainly the principles of this Bill will enjoy the support of the official Opposition. In terms of the Bill itself, I just have a couple of questions which perhaps the Minister will be able to clarify in his reply.

1390 First of all, there is provision in the Bill for regulations, which obviously will be important, especially under Part III, clause 10:

The Minister may by regulations make provision with respect to the imposition, administration, collection, recovery and application of BID levy.

I would appreciate it if the Minister could indicate to the House where he is in those regulations and what it is that he envisages will be in the detail of those regulations.

1395 Further, on the money side of things, there is reference in Part I, clause 4, where, in the absence of appointing a billing authority it will be the Accountant General. Can the Minister clarify, because there is reference later on to the need to keep the money, in Part III, clause 9(2):

Amounts paid to the authority by way of BID levy must be credited to the BID Revenue Account.

1400 In the BID proposal document they say that the BID funding will be kept in a separate BID Revenue Account, but they say 'Land Property Services', and transferred to the BID company, the company being what they are suggesting will be a company by guarantee. Can the Minister advise the House whether he has made a decision as to whether, in fact, he will appoint Land Property Services as being the billing authority? If not, will the Minister then clarify to the House how the Accountant General will account for the BID Revenue Account? I cannot see how he would do that

unless a special fund was created under the Public Finance (Control and Audit) Act and accounted through there.

1405 Fourth, on exceptions, there is a line in Part II, clause 8(1):

BID arrangements must specify the description of non-domestic ratepayers in the business improvement district who are to be liable for BID levy for a chargeable period.

Again, in the proposal documents they say the following will be exempt from paying the levy: non-retail charities with no trading income arm or facilities and are entirely volunteer based; non-profit-making organisations with an entirely subscription and volunteer-based set-up; and businesses that fall in the following sectors – industrial, manufacturing, storage and workshop. In the absence of anything in this Bill and in the absence of anything in the Minister’s regulations, it would appear that that discretion falls to the BID organisers or whoever is responsible for the BID, and I would encourage that the Minister perhaps should include that in his own regulations, so that there is no misunderstanding. That, of course, will be particularly important when it comes to formulating the ballot itself as to who is eligible to participate in the ballot – because, of course, if you are exempt from the levy you should not be participating in the ballot.

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1415 Fifth, talking about the ballot itself, I have had a quick scan through and I may have missed it, but who will pay for the ballot process itself? It is not entirely clear to me where that cost will be met. Perhaps the Minister could clarify that.

Finally, my sixth point is in relation to the power of veto under Part IV, clause 13(2):

The Minister may, in prescribed circumstances, veto the proposals within such period from the date of the ballot as may be prescribed.

1420 It seems to be a bit unusual that having gone through the process of the ballot, and if the ballot is successful and the BID is approved by the ratepayers in the districts, the Minister would then want to veto it. In my reading of the Bill it says ‘prescribed circumstances’ and defines ‘prescribed’:

‘prescribed’ means prescribed by regulations made by the Minister, and ‘prescribe’ shall be construed accordingly;

So, again, I would be grateful if the Minister would clarify under what circumstances he might deem it necessary to veto such a ballot.

1425 Other than those points, Mr Speaker – unless any of my colleagues have any other points of detail or clarification – that is all I have to say on the Bill.

One thing I would ask the Minister is, of course, given the economic circumstances that the business community is facing, which I need not elaborate on, he should perhaps choose the commencement of the Bill at a suitable time in the future. Certainly we would all welcome improvement in the district and investment into the district, but perhaps he should keep an eye on whether these businesses are now in the best state to support it at the moment, and it may be something that he may want to keep in reserve that of course he will no doubt consult with the representative bodies of the commercial organisations that will be affected.

Thank you, Mr Speaker.

1435 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

1440 I was a great supporter of the BID initiative, at first. It sounded like a bold yet necessary move, as well as a policy that involved public and private collaboration, which was definitely the best way to go about it. Unfortunately, I have to report that, after consultation with many local retailers, I must say that I and many of these retailers feel that the Bill leaves much to be desired.

The BID scheme was sold as a good investment for businesses that would be enhanced by a contribution from Government, but from our originally charging Main Street only, the scheme

1445 branched out into the arteries around Main Street, applying the same rate. Unfortunately, these
businesses are not likely to benefit much from the beautification and modernisation of the area,
and yet they are being asked to contribute in equal measure to those most favoured. For example,
1450 how would shops in Engineer Lane, Governor's Street etc., which do not receive as much influx of
tourists, benefit from the BID? Wouldn't it be fairer to calculate the benefit derived from the
project and create some sort of tiers with different levels of contribution?

That leads me to the following questions, which I am sure that the retail community would like
to see answered.

1455 Firstly, would the Chief Minister or the Business Minister confirm if the BID start rate has been
deferred to such a time when tourism returns to normal, to avoid what would be an otherwise
senseless punitive tax before then?

1460 The second question would be: what options do companies have to opt out or address any
unfairness in the imbalance between fees charged and the amount of traffic driven to the
backstreets? It is our understanding that all businesses will be charged a flat rate per square metre
irrespective of their location, so surely the hon. Members and Ministers can see the inequalities
arising. We would like also to know what right these parties will enjoy in this respect.

Thank you, Mr Speaker.

Mr Speaker: The Hon. Damon Bossino.

1465 **Hon. D J Bossino:** Mr Speaker, there is just one point I would like to make and it arises from
clause 18 of the Bill, if I could draw the Minister's attention to that particular provision. He went
through it, but I think he just paraphrased what is in there, without giving an explanation as to
what it is intended to do.

1470 The provision seems, on the face of it, pretty wide and extensive, and it says that the Minister
'may by regulations' ... Simply to point out, at this stage, that there are other enabling provisions
which allow the Minister to make subsidiary regulations in respect of specific issues. For example,
the BID levy is one, which is clause 10, and there was another one which I cannot find now, but in
relation to the other aspects of this scheme, like, for example, in clause 11(2), which deals with
the drawing up of the BID proposals as defined in the Bill. But this one seems to apply across the
board and it is not clear in my mind what it is meant to do. I would ask him to address that point,
1475 particularly clause 18(1).

Clause 18(2) is the one I find slightly more alarming, to say the least. I will read it out. It says:

The provision which may be made under subsection (1) includes provision amending any other Act (whenever
passed or made).

1480 I think that is not specific enough. It is something that, personally, I have never seen in any
legislation here. I would look forward to receiving the explanation that he is going to be providing
in relation to that, because it may have an impact as to whether we are able to support that
particular provision.

Mr Speaker: Does any other hon. Member wish to speak? The Hon. the Chief Minister.

1485 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I thank the Hon. Minister for Business for
taking this Bill through the House? I think it is an important Bill. We have been involved in talking
to the business community about the business improvement proposals that they put to
Government, for some time, and I am very pleased to see that those have now resulted in the
work that is being done between his Department and the relevant leaders of this proposal, to
bring a legislative proposal to this House.

1490 May I say, Mr Speaker, that we recessed the House in order to be able to attend the opening
of a new business in Main Street, an opening by the Tapiero family of the new Gibraltar restaurant,

1495 the Old Gibraltar Confectionery, which has been restored to its former glory and is a demonstration of the continued investment in Main Street that we see by Gibraltarian traders. This particular investment, I think, as everyone will see, will have the benefit also of bringing back the original façade, which in its day might have been thought to have looked dated and was covered by more modern signage. The work that this Bill is designed to deliver is to permit that there should be investment in issues such as that in a way that will once again bring a new shine to Main Street. Traders such as the Tapiero family are the backbone of Gibraltar commerce. They are the entrepreneurs who keep us going and who have so often relied on Main Street. What the Government wants to do is support those entrepreneurs by giving them a mechanism which enables them to, for themselves, take management and control of the areas in which they do business, invest in them and turn them around into something which is even more attractive than the proposition that is there from Gibraltar already.

1500 My own view is that retail will go through a difficult period and that services are now something that will match retail in most high street in the world. I think we have seen that in Main Street. We have seen more coffee shops and we have seen now this investment in another restaurant in Main Street. People are going out to consume services as much as they are going out to buy things which they can now very often buy sitting in the comfort of their own homes.

1510 I am very grateful to Mr Clinton for indicating support from the Opposition benches for the principles and merit of this Bill, and therefore the House will, I think, be demonstrating to the business community as a whole – although I am not sure whether the hon. Lady is going to vote for the measure, or not – that we support their desire to be able to propose and implement different mechanisms which they take the view will be positive and transformational for their businesses.

1515 In the context of one issue that Mr Clinton raised, which it falls to me to deal with, which is the public finance aspect and how the investment of money will happen from the public purse, it will be done in a way which will ensure full transparency of the amounts involved. I am attracted to the principle of a special fund. I think that is likely to be the way that we will do it. I think that gives the objectivity, transparency and accountability that would be necessary in an investment in this case. I am not going to say that we will do it in that way, in case there is another mechanism which might be just as appropriate, which might be more fleet of foot and which might be advisable, but the Government certainly is looking at that sort of mechanism.

1520 In the context of whether or not there is required to be a veto to the Minister, again I think there is a public finance aspect there. If something is going to happen or be voted on which, for example, might have a consequence on public finances, I think it would be important to have a veto. That is one of the things that I can think of that might require a ministerial power of veto. Certainly it is not the Government's intention to have veto powers in respect of this matter. What we are looking to do is actually the opposite, we are looking to empower traders, but it is very likely that we are advised that we need to have some sort of handbrake there. This should not be an issue of division. If they were here, they would probably have also been advised that they need to have some element of handbrake because there is a consequence on public funds and therefore it may be necessary to have such a handbrake.

1530 Mr Speaker, I will leave the Minister to answer all of the other points. I would only say to the hon. Gentleman and to the hon. Lady, both of whom made the same point about do we do this now, and the hon. Lady said it becomes another 'senseless and punitive tax'. I hardly think that that is the case, and neither do I think that this is something that should be delayed, for this reason: we are being urged to do this now by those who are driving this from the industry. The industry itself is wanting to do this and is urging us to do it now. That is why we are taking this Bill today. We might otherwise have taken it at a later date.

1540 I want to give the hon. Lady and the hon. Gentleman the comfort that this is not something that the Government is deciding to do now. We might have taken the view that, as the hon. Gentleman has said, these are hard times and are the things that we were looking at in better times the things that we would do now, or would we wait for better times? The industry is actually

1545 looking at it slightly differently. Perhaps that is why they are successful entrepreneurs and he and I are professionals. They are seeing this as fallow time which they need to use in order to improve themselves when the better times come around. I salute that, and we have therefore been prepared to come now with the Bill for that purpose, because they have asked us to do so. I hope that gives the hon. Lady and the hon. Gentleman some comfort.

1550 This question that the hon. Lady raises, of the flat rate and the different tributaries to Main Street, if I can describe it in that way – again, that is not of the Government’s making; that is the suggestion that has been put to us by the industry. I think what is important to say, in the context of the points that the hon. Lady has made about the fact that those who are beyond Main Street might see less benefit etc., is that the Government is not the driver of the inclusion of them. The driver of the inclusion of them is the industry, and people who have businesses in those side streets have approached those who are running this from Main Street to ask to be included.

1555 The other thing that is hugely important is that whether or not there is a flat rate charged in the tributaries to Main Street, or Main Street, or whether or not there are different tiers of charge being levied is not a matter for the Government. The Government will have a voice in that, but this is a matter for the traders and for agreement between the traders. We will work with; we will not impose on any considerations that we may have. What is going to happen first, though, is a referendum, in effect. This Bill is going to empower those who are making these proposals to hold a referendum of those in Main Street and in the tributaries to Main Street, behind Main Street and alongside Main Street, to participate in a referendum with options after they have had an opportunity of taking all these points into consideration. This is not the Government legislating for another, as the hon. Lady put it, ‘senseless and punitive tax’. This is the Government simply permitting the legislative mechanism for a trader-led initiative on those issues for a binding consultation with other traders, some of whom, from the side streets and high streets, have asked to be included, even though they are not on Main Street.

1560 Finally, Mr Speaker, I have had an opportunity to look at section 18(2), which the Hon. Mr Bossino has referred to; the rest of section 18 the hon. Gentleman can deal with. The only issue that I can imagine came into the draftsman’s mind was that there might be relevant enactments that require minor change in order to be able to give business efficacy to any amendment that might be required. I think he is right that it is a very wide power and it could be abused by an empirical Chief Minister, for example, or, indeed, by an empirical Minister for Business, who is the Minister empowered under the Act to make changes even to the Elections Act and alter the make-up of this House, and sign himself into the top job, given how wide the power potentially is. So, I wonder whether hon. Members would agree with me that, given the discussion we have had across the floor of the House about what the limits of that power should be, we all agree that, in fact, it should just be a power to amend *relevant* Acts which require minor amendment arising from the legislation, and that we therefore include the word ‘relevant’ in 1575 18(2), and so say ‘any other relevant Act’. I think in that way we would be curtailing the power quite considerably.

1580 There are, in many other Acts, powers to amend primary legislation. It is not unusual. It is not the first thing they teach you when you go to law school and you learn statute law; it is the last thing they teach you, when you leave law school, that everything they have taught you about statute law only being changed in a parliament by primary legislation ... actually, in just about every statute there is also a trigger to enable amendments.

1585 If the hon. Gentleman wants me to give way to address any point he may have on this point, I am quite happy to do so, but if we were to say, in section 18(2), ‘any other relevant Act’, given that he has raised it and the Government agrees that it is there for the purposes of *Pepper v Hart* investigation of this *Hansard*, we should be all satisfied with that amendment. Does he want me to give way? (**Hon. D J Bossino:** No.) No, he is satisfied. (*Interjection by Hon. D J Bossino*) I have not purported to address 18(1); I only looked at 18(2), which was the point that I thought required my attention. If he thinks that I should read it with 18(1), I am happy to give way to him.

1595 **Hon. D J Bossino:** Yes, I think if he could, and really address this particular point because the
language used there is not the usual language that you would find. For example, I dealt with, on
this side of the House, in relation to ... I cannot remember which one, but one of the financial
services pieces of legislation, which was moved by the Hon. the Minister for Financial Services,
and it did provide for the type of provision which he says this is purported to be, but I am not sure
1600 that this is that – in other words, whether it is that type of provision which is meant to amend
primary legislation by way of subsidiary legislation, so it would not oblige the Minister to have to
come back to this House in order to change the Act. I am not sure whether that is what this is
meant to be at clause 18(1). I think the Hon. Chief Minister is reading it now with a bit more care.
I would be grateful if he could address that point.

1605 Yes, I am not sure the word ‘amendment’ is even in there. It is almost by way of explanation
and to add to. It says:

The Minister may by regulations make such supplementary, incidental, consequential or transitional provision as he
considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision
made by or under this Act.

It does not provide for amendment.

1610 **Hon. Chief Minister:** In fact, Mr Speaker, I am quite comforted by the hon. Gentleman’s
reference back to 18(1) because 18(1) actually limits the power in 18(2). In other words, 18(2) is
not a power, as I thought it was, at large to amend any Act; it is only a power to amend any Act
for the purposes of subsection (1). In other words, subsection (1) is a power to make regulations,
and that power to make regulations is for the purposes of giving full effect to this Act.
1615 Section 18(2) says those regulations may actually amend a primary piece of legislation also, but of
course, for those regulations to be valid they have to be regulations which are being made to give
effect to the provisions of this Act. So, actually, it is much more circumspect than I thought on first
reading.

That is what happens when I take the hon. Gentleman’s word for something and I just read the
subsection that he said was relevant. When I have read it all together, perhaps I have given the
1620 hon. Gentleman comfort that actually the power in 18(2) is not a power at large; it is a power only
circumscribed to the circumstances in 18(1). Therefore, I think it is perhaps a different draftsman’s
way of doing it. I have seen it in many different ways and the pen of the draftsman sometimes is
relevant. I do think it is not a power at large to amend any Act.

1625 **Hon. D J Bossino:** I am grateful, Mr Speaker.

Hon. Chief Minister: I commend the Bill to the House also.

Mr Speaker: I now call on the Minister to respond.

1630 **Hon. V Daryanani:** Mr Speaker, I would like to thank the Hon. Mr Clinton and the Opposition
for supporting the Bill.

There were quite a few points and the hon. Member made them very quickly. Let me just try
and go through them one by one. You started off with the issue on the regulations. The regulations
1635 are at an advanced stage of being drafted, so we are trying to finish them off. What we want to
do is facilitate the task group to continue with their work, because they really want to get on with
this. I promised them that I would bring this legislation to the House a couple of months ago, but
it was not possible. We have done so now, and they want to start preparing for the ballot. They
are very keen because they still need to explain certain things to the traders, to the people who
1640 are involved in this project. I am not sure whether they have been told how much each one needs
to pay, so these things have to be agreed and decided upon and then they will go out and vote in

1645 the ballot and decide whether they really want to do this. As the Chief Minister said, this is not something that we are forcing on them, this is something that we are facilitating more than anything else, and of course we are supporting them on a pound-for-pound basis, so that they have more money available to spend on this project. That was the point on the regulations.

1650 Then there was the issue of the billing authority. We do have the default position of the Accountant General, which, once again, the Chief Minister has explained. You mentioned LPS in the BID proposal. I think that was one of the conversations we had with LPS, to see whether there was a possibility of them being the billing agents, but this proposal that you have is a very initial proposal and things have evolved since then. That is why we have this in the legislation, having a default position. As I said, it is the BID taskforce that takes the decisions. We act on their recommendations and on their advice, because this is really their project.

1655 Moving on to one point the hon. Lady made and the Chief Minister clarified, she asked about costs and the whether the people had the option to opt out. They will have an option after five years to opt out, because if the ballot goes in favour of having this BID, then, after five years, they will have to go to ballot and they will have to vote again. So, if people spend money for five years they might realise that this was not worth it after all, and then they will have the option to opt out. I think that is something that really is in favour of all businesses that participate in the scheme.

1660 Regarding the costs, I do not have exact figures but they are really minimal costs. I am told that in most cases you are looking at £100-£150 a month. In the difficult times that we are going through, I think businesses are willing to invest this small money in trying to rebuild their businesses, because this is what it is all about: rebuilding their businesses.

1665 Insofar as the side streets are concerned, the side streets are even more interested because they have probably suffered even more. The high street has suffered immensely, so you can imagine how the side streets have suffered. So, I think they are very keen and their investment will also be, on a monthly basis, a very low investment.

I think I have covered most of the points, the Chief Minister has covered them too, so I commend the Bill to the House. *(Banging on desks)*

1670 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and other connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1675

Clerk: The Business Improvement Districts Act 2020.

COMMITTEE STAGE AND THIRD READING

Business Improvement Districts Bill 2020 – Committee Stage and Third Reading to be taken at this sitting

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): I give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1680 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

In Committee of the whole House

**Business Improvement Districts Bill 2020 –
Clauses considered and approved with amendment**

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

1685

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Business Improvement Districts Bill 2020.

1690

Clerk: A Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and other connected purposes.

Clause 1.

1695

Hon. Chief Minister: Mr Speaker, as is usually the case, given that the date is 2020 on the Bill, the Act should be 2021.

Mr Speaker: Clause 1, as amended, stands part of the Bill.

1700

Clerk: Clause 2.

Mr Speaker: Stands part of the Bill.

1705

Clerk: Part I, clauses 3 to 6.

Mr Speaker: Part I, clauses 3 to 6, stands part of the Bill.

Clerk: Part II, clauses 7 and 8.

1710

Mr Speaker: Part II, clauses 7 and 8, stands part of the Bill.

Clerk: Part III, clauses 9 and 10.

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Mr Speaker: Part III, clauses 9 and 10, stands part of the Bill.

Clerk: Part IV, clauses 11 to 15.

Mr Speaker: Part IV, clauses 11 to 15, stands part of the Bill.

1720

Clerk: Part V, clauses 16 to 19.

Mr Speaker: Part V, clauses 16 to 19, stands part of the Bill.

Clerk: The long title.

1725

Mr Speaker: Stands part of the Bill.

**Business Improvement Districts Bill 2020 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

1730 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Business Improvement Districts Bill 2020 has been considered in Committee and agreed to with amendment, and I now move that it be read a third time and passed.

1735 **Mr Speaker:** I now put the question, which is that the Business Improvement Districts Bill 2021 be read a third time and passed. Those in favour of the Business Improvement Districts Bill 2021? **(Members: Aye.)** Those against? Carried.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I am conscious that there are three motions on the Order Paper. We have agreed that we should be taking those motions at the next sitting, and so it is now my pleasure to move that the House should adjourn *sine die*.

1740 **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 at 6.05 p.m.