



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.33 p.m. – 5.05 p.m.

Gibraltar, Monday, 20th September 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*]

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 20th September 2021.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th, 21st, 22nd, 23rd, 26th, 28th, 29th and
5 30th July 2021.

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

Mr Speaker signed the Minutes.

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be
10 laid; (vii) Report of Committees; (viii) Answers to Questions

Questions for Oral Answer

TRANSPORT

Q196/2021

**Pay and display machines –
Numbers working and card payments availability**

Mr Speaker: We intend to start the process again. Mr Clerk will read out the question once more.

Clerk: Question 196/2021. The Hon. Ms M D Hassan Nahon.

15 **Hon. Ms M D Hassan Nahon:** How many pay and display machines are there in Gibraltar; and, out of this number, how many are working and how many accept card payment?

Clerk: Answer, the Hon. the Minister for Transport.

20 **Minister for Transport (Hon. P J Balban):** Mr Speaker, at the time this question was submitted 31 out of the 34 machines were working. All of the machines accept card payments.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have to say I find the answer very hard to believe because I, myself, driving around quite often looking for parking and trying to use these machines I find that a lot of them do not work; and the card payments are often not accepted, meaning that you have to call a number which delays things. So I ask the Minister if he just took a snapshot maybe one day sporadically on a convenient date that perhaps things were working for a few minutes? But I have also received many representations on the matter.

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30 So can the Minister give us a more detailed explanation of when they actually went out to get the information to answer this question, because it does not seem credible?

Hon. P J Balban: Mr Speaker, I do not have that experience because I bring my vehicle right into the places I work or live, but I am aware that on some occasions, in fact on many occasions, these figures do fluctuate ...

35 I have seen for myself, even though I cycle and do not use pay and display machines, I do have a keen eye, especially if the pay and display machines are jacketed. If they have a jacket over the machine then clearly they are out of action. It is harder to spot the machines which are not covered in that way. There are issues which I am trying to get to the bottom of, as the hon. Lady does mention and is alluding to. There are many instances when the machines may not work in their entirety; for example, one of the most common faults is failure to accept a card. I am delving, digging into why that is happening and apparently it is to do with connectivity and, unlike a mobile-held device which is moved round and it tends to pick up the connectivity, a static machine I am told will sometimes struggle with connectivity.

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45 The company that is responsible for these machines, a company called Matrix, I met with him just last week and I did speak to him about these certain issues that we have, especially with connectivity. They are looking at providing some sort of antenna, an aerial which will attach to these machines to increase the coverage of connectivity. Because the problem with these things is they take quite a bit of time and it is not just the card being read, the line has to remain intact long enough for the digital handshake to allow the transaction to take place. That does take up to 15 to 30 seconds and if there is an interruption at that moment in time because there is a dip in coverage and there is an issue, you have to restart again.

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55 Those are the most common issues that we have and this is why, as the hon. Lady says, there is a sign on each machine saying that if you have difficulties please call the office and they will charge you by phone to ensure that you have paid for your parking.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, I thank the Hon. Minister for his explanation. But, given the stresses and the strains on the motorist arising from the lack of parking in Gibraltar, and our desire to cater for tourists who do not have access to the zoned parking, and given that pay and display zones were an important part of the STTP, are we not giving enough priority to the maintenance of this company, Matrix? Is the Government satisfied with this company or are they allowing it to leave these machines to fall into disrepair, leaving frustrated motorists and tourists having to spend several minutes on the phone in order to organise their parking?

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65 Does the Minister not think that this is a matter of priority that should be maintained more regularly?

Hon. P J Balban: Mr Speaker, this is exactly what I am trying to get to the bottom of because it may not be the machines, *per se*, but it might be connectivity. If it is connectivity, regardless of the brand or type of machine we are using in those locations specifically, it may be possible to maintain that area or that machine available for card payments. But what we are looking at is the contractors, the owners of the Matrix machines, who are actually doing a survey of the areas immediately surrounding the machine because it may be just by moving the machine ... They are placed in the best location for users, so they do not have to walk too far.

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So we will get the median point and if there are two machines we will try to get them in between so that the walking distance is not huge. Sometimes it may be that that place is not the best place for it, because of buildings or interference, or whatever. So they are looking at the area with a view to see where the signal is strongest and even if the person needs to walk more – which is a positive thing, I think, because it will get more calories burnt and people will be healthier in that respect – I think that may help.

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So I am looking into it, and I am dissatisfied with one broken machine, because as you rightly say the SSTP says very clearly that it is through pay and display that we can give equity to people wanting to park, otherwise we will get situations where cars stay in given locations for days and months and weeks on end. That is something which is not acceptable and it is through paying that we can guarantee that more people have a right and have the ability to find parking in the places that they need.

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So for me this is extremely important, that these machines are working – and I am difficult to satisfy in that respect. I look around and every machine that I see is not working or every hooded machine ... And people will tell me that they are. The time of the reply, I have checked because yes I have seen that sometimes it is a fluid measurement, and sometimes I am sure there are more than 31 machines that are not working, and I am sure because I can see that in terms of the complaints that are coming through because we get complaints for anything.

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So it is important and I am making sure, and I will make sure, because that is such an important thing that needs to be as well kept as possible. Again, this is the reply that I received from the officers when I asked the question, that 31 out of 34 machines were working at that given moment in time, and that is the only thing I can provide the hon. Lady with.

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

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Can I just ask, given that the parking machine system was a part of the STTP, it is only fairly recent. Are these connectivity issues not issues that should have been dealt with before these machines were put there? Does this not point to a lack of planning which is probably costing us money and inconvenience to citizens in Gibraltar or tourists who come in?

Should this not have been dealt with beforehand?

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Hon. P J Balban: Mr Speaker, I do not agree with that statement because what I am told is that these machines get interference from third parties, so what may be a good location at one given moment in time may turn out to be a bad location because of interference. I think we have to accept that for these machines to work properly we will need to, perhaps, now look to see whether it is a question of moving them around.

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We need to also have this discussion with the service provider to see what the solution is – and Matrix have this issue apparently in the UK as well – seeing whether these antennae will increase the bandwidth so we can actually get better coverage to the machines.

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I will look at every single option and if it is the machine that is failing, or the particular brand that is failing, then obviously we are committed to ensure that this is correct, as we will see, we will try a different type of machine for the needs of Gibraltar. But I cannot accept that this is something to do with bad planning because we have to find convenient locations for the machines and again we also need to find places ... These are solar machines and they take up light from the sun, so you may have maximum connectivity under a tree and that location is not suitable to pick

up the solar power. So there are a number of things we have to look at before we find the best location for the machine.

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

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

The Minister, in what I think was part of the original answer, was explaining that should unfortunately the machines not be able to take card payments, for the many reasons he has given, that there is a phone number provided. Is the Minister aware – and I can tell him from my own personal experience – that you do not always get a reply when you call that phone number? And could the Minister please advise us what do we do when the machine does not read your card and you get no answer from the phone?

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130 What alternative is the potential user of the paid parking left with?

Hon. P J Balban: Mr Speaker, I am unable to say what happens when you cannot get that, I assume you would call a second time and perhaps a third time. What I would not do –

Chief Minister (Hon. F R Picardo): You can pay cash.

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Hon. P J Balban: Yes, that is the other option, thanks to the Chief Minister.

We are speaking specifically about card payments, but the machines are dual purpose machines so there is always the option for card payments, and not only in pounds sterling but also in Euros and also in –

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Hon. Chief Minister: If you cannot pay by card the alternative is you can pay by cash.

Hon. P J Balban: So then you have these three options: there is cash payments, in two denominations; there is card payments; and there is also an attendant, and you can call the number and they should be there to pick up the call.

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I will most definitely take that up. Again, I am not a pay and display machine user because I cycle everywhere, so I circumvent all these issues that other people face. But I understand that for me it is incredibly important that these machines are there for a purpose and they should be working, and the *system* should work. So I will look into that comment.

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Mr Speaker: Next question.

DIGITAL, FINANCIAL SERVICES AND PUBLIC UTILITIES

Q197/2021

Gibraltar Digital Skills Academy – Provision of Government support

Clerk: Question 197, the Hon. E J Phillips. The Leader of the Opposition will be asking the question on his behalf.

155 **Hon. K Azopardi:** Mr Speaker, to the extent that there are questions of Mr Phillips today, given that he is away in Belfast with other colleagues, I will be asking his questions.

Can the Government confirm what support it is providing to the Gibraltar Digital Skills Academy?

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

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Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, the Government fully supports the setting up of the Digital Skills Academy, and has been instrumental in enabling its establishment.

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The Government notes and welcomes the Academy being nominated as a finalist for the National Cyber Awards of the UK and congratulates Mr Stewart Harrison on his excellent work with our students, and in his contribution to develop further learning and expertise in this important area.

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Hon. K Azopardi: Mr Speaker, obviously we also welcome the establishment of the Digital Skills Academy. We would like to know a bit more about what support the Government is giving the Academy. The Minister said they are supportive, as indeed we would expect it to be. To what extent are they giving support, and of what nature is that support being given?

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The Academy, when it was launched, I think it was in August this year, talked about aspiring to have educational partnerships and partnerships also with the private sector. Is it also facilitating that? Again, perhaps it would be helpful to know to what extent support is being given.

Hon. A J Isola: Mr Speaker, the establishment of the foundation was facilitated by my hon. friend, the Minister for Education, who had within its Department Stewart Harrison.

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Stewart Harrison has now, for a fixed period of time, been seconded to the Digital Services Ministry in order to enable him to have the time to put the effort he needs to put into this. So he will be doing work for us but also for the Digital Skills Academy.

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The conditions that my hon. friend put on Mr Harrison at the time was that it would not cost Government any money to have the Digital Skills Academy set up, and that is in fact what has happened. So Mr Harrison and the Academy have gone out and found financial support from the private sector as well as accommodation from the private sector at no cost to Government or the Academy itself.

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We think it is a wonderful thing to be able to upskill our kids at an early age, and some of the work that Mr Harrison has done over these past years is testament to that, and indeed we will also have the ability to have him within the Digital Services Ministry working precisely in the area in which he is supporting the teaching and education of, namely cyber and all things digital.

So he is an enormous asset for us to have. We are going to see how it goes and how it develops over the next 12 months. The Academy clearly works with students outside school hours primarily and so it fits very nicely, and he is prepared to put in the time and effort required to make a success of both aspects of the coin of what is the Digital Skills Academy.

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I hope that is ...

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Hon. K Azopardi: It is helpful, yes, but helpful in part because really all I have heard there is support in terms of making time available for some key personnel. Is the Government providing financial support to the Academy, for example? That would be in the nature of the question I was asking.

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Does the Minister agree with me that really this is such an important issue – the whole issue of the repositioning of our digital skills space – that this is something that goes beyond the issue of support? And that while of course the Government *should* support initiatives such as this, that it should be a policy, a priority for the Government to ensure that we remain competitive in the new technologies and the new industries and that it has a vested interest, not just in supporting this but in going beyond that into ensuring it does all it needs to do so that our economy can be competitive as to the future in terms of the skills that the potential employees have.

Hon. A J Isola: Mr Speaker, we believe this is extremely important and for that reason I have supported it in its early stages of growth in the past years. (*Interjection*)

210 I think the evidence of that is in what has happened in these past five or six years since Mr Harrison, from the Ministry of Education, began his work in enhancing not just knowledge and expertise, but understanding what the opportunities were for people in digital skills. The number of prizes he has won with our schools is recognition of the fact, and in the answer that I give you will know that the Academy has already been shortlisted for another award in the United Kingdom
215 which we are hopeful he will do well in. But just the recognition of what he has done in the time he has done it is really quite extraordinary.

Mr Speaker, in respect of the question as to whether we are providing any *funding* to the Academy, what I meant to say when I mentioned that the Minister for Education had put the condition that it should not cost Government money, is that he is 100% privately funded. So he
220 has got funding from the private sector both in respect of capital and in respect of rental accommodation from their base.

So the Government support is to enable the person driving it to have the time to be able to do this, and that is why he has been seconded from the Ministry of Education to the Ministry of Digital Services, precisely to enable him to take up this work and really give a boost to the work he has
225 done in the past years, which I have every confidence that Mr Harrison will.

Hon. K Azopardi: Finally, Mr Speaker, can I just ask about the scope in the interaction that the Government is having with the Digital Skills Academy? Can I ask what is the Government's understanding as to the scope of the Academy's work? There has been talk of cyber security both
230 when it was launched and indeed I think the Minister mentioned it and that is part of the awards they have been put up for, and it is well know that they have done work over the last few years in relation to that. But, is the work of the Academy in respect of that area, or is it a wider kind of digital skills work that they are doing which can be deployed in other areas of industry and, for example, in financial services or in other ways?

235 **Hon. A J Isola:** Mr Speaker, the scope is extraordinarily wide and it is wide because it is not being set by us in Government. This is Mr Harrison identifying the areas that he believes will be of benefit to the students. Obviously depending on the age that you bring a student into the Academy will dictate the nature of the learning that child is going to be undertaking. Therefore
240 what he is doing with his knowledge in teaching is to set different scopes of work for different age groups, going right up through to the work he will be doing with us in the mornings, if I can call it 'outside the Academy', in terms of some real cyber security support work for Government and its own systems.

245 **Mr Speaker:** Next question.

Q198 and 199/2021
Unplanned power cuts –
Districts, numbers, duration and cause

Clerk: Question 198. The Hon. K Azopardi.

250 **Hon. K Azopardi:** Mr Speaker, can Government provide a breakdown of which districts have suffered unplanned power cuts since 1st January 2017, stating the number of power cuts and their approximate duration in each case and the apparent cause?

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

255 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 199.

Clerk: Question 199. The Hon. K Azopardi.

260 **Hon. K Azopardi:** Are Government considering any improvements to the electricity infrastructure, given that power cuts are suffered from time to time?

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

265 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, the Government, having inherited creaking infrastructure through the Gibraltar Electricity Authority, are constantly investing in new infrastructure and cabling throughout its network, with a view to modernising and continuously improving the network and the associated equipment to safeguard the resiliency of our power supply. The timing of this rolling programme is designed to cause
270 minimal disruption.

The information requested by the hon. Member is set out in the schedule that I now hand to him.

Answer to Question 199

Year2017	Date and time	Duration	Districts/Areas affected	Reasons for power cut	Type
1	25 th Jan 2017 9.39 hours	29 mins- 1 hour 45 mins	Total Blackout — All Districts	MOD Water Section damaged interconnector SDPS-OBDC No 2 causing a total blackout.	Network Failure
2	5 th Aug 2017 3.15 hours	10 mins	Ocean Village Complex	CB tripped & SCADA comms lost simultaneously.	Network Failure
Year2018	Date and time	Duration	Districts/Areas affected	Reasons for power cut	Type
1	2 nd March 2018 15.10 hours	2-10 mins	Jetty Five, Viaduct, Marina, Glacis North, Laguna, Hesses, Water Gardens, Portland House, Glacis South, Landport, Ocean Village, Tradewinds, Casemates, Bedlam Court, Line Wall Road, William Jackson, Harbour Views, West View Park, Safeway, Eurotowers. King's Bastion, Forty Steps, King's Yard, Town Range.	Fault at GMES (MOD) due to rock fall damaging HV cables at North Face of the Rock.	Network Failure
2	25 th March 2018 12.05 hours	2 hours 45 mins	Lathbury Barracks, Clifton's, Lathbury Barracks & Mount Pleasant	Phase fault at TX1 Lathbury Barracks	Network Failure
3	5 th April 2018 08.44 hours	7 hours 16 mins	King's Bastion, Forty Steps, King's Yard, Town Range.	Faulty cable between S1 & OBDC. Power restored via split point at Kings Bastion.	Network Failure

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Year2019	Date and time	Duration	District/Areas affected	Reasons for power cut	Type
1	30 th Jan 2019	15 mins	Watergardens, Ocean Village, Jetty Five. Bedlam Court, Line Wall Road, Governor's Parade, Cornwall's Lane	Energyst North tripped on load whilst removing sets from Energyst South activating FFP tripping the feeders.	Generation Failure
2	1 st Feb 2019	3 hrs 40 mins	Little Bay	Frame leakage protection relays zones 1+3. MHDC — JBDC Fdr 6 diff protection + Intertrips activated. Suspected Earth fault at S55, S71 and S43.	Network Failure
3	11 th March 2019	17 mins	Watergardens, Ocean Village, Jetty Five. Bedlam Court, Governor's Parade, Cornwall's Lane	Cable fault at Lathbury Barracks causing FFP to trip feeders. Int Conn 1 JBDC/OBDC panel 2 to MHDC also tripped on low frequency.	Network Failure
4	29 th March 2019	60 mins	Line Wall Road	S6 tripped on Earth Fault Protection	Network Failure
5	April 2019	50 mins	Line Wall Road	S6 tripped on Earth Fault Protection	Network Failure
6	9 th April 2019	20 mins	William Jackson, Watergardens, Ocean Village, Marina, Jetty Five, Montagu Gardens. Bedlam Court, Mount, King's Bastion, Cornwall's Lane.	NMPS tripped on commissioning tests on low frequency protection. Tripped WPS and auxiliary plant on overload.	Generation Failure
7	18 th April 2019	8 mins	William Jackson, Marina, Jetty Five.	NMPS Set 1 tripped on commissioning load 10MW causing falling frequency protection (FFP).	Generation Failure
8	30 th April 2019	13 mins	William Jackson, Watergardens, Marina, Jetty Five.	NMPS Set 1 tripped on commissioning load 14MW activating FFP.	Generation Failure
9	May 2019	60 mins	Governor's Parade, King's Bastion, Bayside, Line Wall Road, Bedlam Court, Casemates.	OBDC Ring 6 tripped on overload due to closing of open point	Network Failure
10	8 th June 2019	3-6 mins	William Jackson, Marina, Jetty Five.	NMPS Set 1 tripped on 12MW load test during commissioning. FFP activated.	Generation Failure
11	22 nd Aug 2019	2-3 hrs & 50 mins	Total Blackout — All districts.	System Earth fault. Interconnectors WDC-OBDC Nos 1, 2 & 3 damaged by contractors.	Network Failure
12	28 th Sept 2019	1.5-5 hrs	Bedlam Court, Bayside, Line Wall Road, King's Bastion, Governor's Parade, Cornwall's Lane, Regal House, Rosia Bay, Europa Business Centre, Sandpits, Europa Road, Little Bay, Alameda, King's Wharf, Queensway, Cumberland Terraces, Anchorage, Ocean Views.	Power outage due to cable fault on Willis's Road S15 to Catalan Bay S12.	Network Failure
13	3 rd Nov 2019	2.5 hrs	Midtown, Line Wall Road, Marina.	Power outage due to earth fault between MHDC panel 23 to S6 Line Wall Rd.	Network Failure
14	19 th Nov 2019	6 mins-1 hr	Watergardens, Ocean Village, Marina, Waterport Terraces, William Jackson, Waterport Place, Rosia Bay, Cumberland Terraces, Anchorage, King's Bastion, Governor's Parade.	NMPS Set 5 tripped on full load (diesel mode)	Generation Failure

Year2020	Date and time	Duration	District/Areas affected	Reasons for Power Cut	Type
1	16.01.2020 16.40	3 mins- 15 mins.	Montagu Gardens, Marina, Ocean Village, Western Arm, Varyl Begg Estate, Waterport Terraces, Waterport Place, Watergardens, Jetty Five. King's Bastion, Governor's Parade, Town Range, Midtown, King's Wharf.	NMPS Set 1 tripped on Reverse Power actuating IFLS Jetty 5 feeder and causing loss of supply to Gasnor plant thus interrupting NG supply and causing NMPS shutdown.	Generation Failure
2	18.01.2020 10.05	10 mins- 40 mins.	Montagu Gardens, Marina, Ocean Village, Western Arm, Varyl Begg Estate, Waterport Terraces, Waterport Place, Watergardens, Bedlam Court & Jetty Five. King's Bastion, Governor's Parade.	NMPS Bus ties opened to allow load tests on Load Banks and IFLS tripped supply to OBDC and tripped supply given to WDC.	Generation Failure
3	20.01.2020 10.13	4 mins- 22 mins.	Marina, Ocean Village, Waterport Terraces, Waterport Place, Watergardens. MHDC Panels Governor's Parade, Town Range, Midtown, Cornwall's Lane, King's Wharf.	IFLS activation upon opening of Busbar 2 at NMPS.	Software Failure
4	03.07.2020	20 mins	Alameda, Rosia Bay, Sunnyside Steps.	Phase Overcurrent and Differential Relay trip due to unbalance between phases.	Network Failure
5	24.09.2020	42 mins- 75 mins.	Total Blackout—All districts.	Human error. Technician from Winpower NMPS accidentally tripped the engines when trying to source black-start generator malfunction. NMPS tripped and the system could not cope and caused a total blackout.	Human Error
6	17/11/2020	26 mins- 40 mins.	Montagu Gardens, Marina, Ocean Village, Western Arm, Varyl Begg Estate, Waterport Terraces, Watergardens, William Jackson. Alameda, Sunnyside Steps, Cumberland Terraces, Europa Road.	HV fault at GMES caused various interconnector trips at MHDC, JBDC resulting in power outages MHDC, JBDC, SDPS and GMES networks.	Network Failure

Year2021	Date and time	Duration	District/Areas affected	Reasons for Power Cut	Type
1	25.01.2021	8 mins-16 mins.	Varyl Begg West, Marina, Watergardens, Ocean Village, Waterport Terraces, Waterport Place, Western Arm	NMPS Set 5 tripped on load due to faulty sensor state 3 tripping 8 HV WDC.	Generation Failure
2	15.02.2021	17-21 mins	Bayside, Varyl Begg West, Marina, Jetty Five, Montagu Gardens, Ocean Village, Waterport Place.	NMPS Set 5 tripped on load due to fault at tank farm diesel supply. Load not picked up by EN resulting in power outage at WDC feeders.	Generation Failure
3	08.04.2021	49-99 mins	Total Blackout—All districts	Operations/Maintenance holder broke and fell on ATs switching off local transformers causing total trip of MV feeders and causing overload to Energyst generators causing total power grid failure.	Human Error
4	1.06.2021	6-41 mins	Bayside, Varyl Begg West, Marina, Jetty Five, Watergardens, Montagu Gardens, Ocean Village, Bedlam Court, Waterport Terraces, William Jackson, Waterport Place, Western Arm. King's Bastion, Cornwall's Lane, Governor's Parade, Queensway Quay. Alameda, Sandpits, Sunnyside Steps, Rosia Bay, Little Bay, Europa Business Centre.	Routine black-start generator test caused trip to MV feeder to Set 2 at 12 MW causing overload trip to other generators on-line.	Generation Failure
5	02.06.2021	8-18 mins	Marina, Ocean Village, Waterport Terraces. King's Bastion, Cornwall's Lane, Governor's Parade. Alameda, Rosia Bay.	Set 5 tripped at 12 MW due to speed pick- up wire break and safety module freeze causing IFLS to trip feeders. Energyst picked up 5.2 MW before IFLS caused trip to feeders.	Generation Failure
6	03.08.2021	12-20 mins	Marina, Ocean Village, Waterport Terraces. King's Bastion, Cornwall's Lane, Governor's Parade. Alameda, Sandpits, Rosia Bay.	Set 2 tripped due to Knock-control communication failure. Energyst North did not pick up any load.	Software Failure
7	24.08.2021	40 mins	Ex-Mod districts	JBDC HV panel 5 tripped due to Phase Fault as indicated at Panel Protection at 1.7 MW. Power restored through Panel 22 MHDC. Investigation ongoing.	Network Failure

275 **Hon. K Azopardi:** Mr Speaker, obviously I am grateful for the schedule that the hon. Member has just handed to us and I will, as I stand, look through it and ask supplementaries as may be relevant, but it may be that we need to come back to this issue in due course once we study the detail. But just from a cursory look at this, it is obvious that there have been more than 30 power cuts since 1st January 2017, and while the hon. Member talks about creaking infrastructure, the reality is that it has been nearly 10 years since the Government took office and the number of

280 power cuts in the last few years has been significant. You can see 14 in 2019 and another six in 2020 and seven in 2021. They are of different lengths, but certainly there are power cuts that range from a few minutes to over two or three hours.

285 So is the Minister saying that all of that – and I can see from the 'Reasons' column that not all of that is related to a roll-out of investment in the network, they are obviously related to various causes. So what can the Minister say about that?

Hon. A J Isola: Mr Speaker, there are always different reasons as to why we have power failure. From the chart, from the record that the hon. Member has he will see that we have traditional generation failure, lack of power because something has happened in the station; network failure on the grid, somewhere on the lines some of that creaking infrastructure has failed. It could be that a building contractor has drilled through a cable, causing a power failure, which there is that here too; and one of the new reasons is software failure, obviously new because there was no software in the previous systems by comparison to what we have today.

So the reasons for the power failures vary significantly and the infrastructure that we have, which we are now rolling out to rebuild over the next years, will deal with high voltage, low-voltage substations, as well as the interconnecting systems between them. So the grid is enormous, the grid is huge and many of the times the failures occur through no fault of generation. But, again, even in generation when you build a new power station like we have, which is new and innovative, this is not like a car which you start and it should not fail. Generation systems of this complexity and this size will have teething problems and will have issues. These go on for some considerable period of time. The hon. Member will know that we have a company operating the new power station for its first 12 months precisely in order to help us to deal with the teething problems that we expected to encounter, and indeed are encountering. So nobody should be surprised that it is going to take us some time to get to the situation where we have less and less of these power cuts.

In terms of power generation, one of the issues or items that the GEA is currently considering ... *(Interjection)* So if you look at one of the systems of power generation, we are looking at the option of having basically a large battery which will withstand for a period of time if there is a power failure in one or two or three or four sets, and it would basically give enough time to restart the particular engines if and when possible. It will also help to stabilise the power supply, which I think would be indeed welcomed by the majority of users.

So a whole host of reasons as to why and how these things happen. But, as far as I am told by the GEA, who are the experts, that what we are experiencing *this* year and since the commencement of operation of the new facility, it is very much anticipated and expected and being dealt with.

Hon. K Azopardi: Mr Speaker, obviously, I can see from the column and the hon. Member's explanation that indeed the reasons for various power cuts are wide-ranging. They go from technical issues to human error – there are some of those; and some faults of cables. Or that simply things trip, but you do not get an explanation beyond that as to the cause of the trip, whether that is something systemic which is related to the infrastructure, or whether it is a particular reaction to something else in the structure. *(Interjection)* Yes, there is an explanation, but it is an abbreviated explanation, Mr Speaker, and unless you are a technical electrical engineer it would be difficult to discern what cause is specifically related to that and whether it is related to the infrastructure or not.

The question I had for the hon. Member is: given that there are a number of these power cuts that have been happening every year, does the Electricity Authority analyse, when power cuts happen, whether the fault is something that is, if I can call it, 'light technical' or whether it is something that requires an infrastructural improvement? Is that an ongoing process that the Authority are involved in?

Hon. A J Isola: Mr Speaker, every time there is a power cut the GEA are required to know and understand what caused it. Indeed, in some of the instances during my time with responsibility for the GEA, this has been a significant amount of work. But of course they are simply not going to switch the power on and hope it never happens again. Each and every occasion there is a power cut, a full investigation is carried out by the GEA to understand precisely what has happened and to ensure, as far as is possible, that it will not happen again. That is exactly what they do, yes.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q215/2021

**St Martin's School –
Number of students and age ranges**

Clerk: Question 215. The Hon. E J Reyes.

340 **Hon. E J Reyes:** Mr Speaker, can Government provide details of the numbers of students currently enrolled at St Martin's School with a breakdown of age ranges?

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

345 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Thank you, Mr Speaker.

Yes, Mr Speaker, I will now hand over a schedule with the information requested.

Answer to Question 215

Age in years	Total number of children
2	18
3	11
4	14
5	10
6	4
7	5
8	4
9	6
10	2
11	3
12	5
13	3
14	4
15	3

Mr Speaker: Next question.

Q216/2021
Vocational courses –
Numbers, establishments, completion, qualifications

350 **Clerk:** Question 216. The Hon. E J Reyes.

Mr Speaker: May I interject at this moment?

If the Hon. Mr Reyes has a supplementary, or any other Member has a supplementary to make, then by all means he can do so, but he does not have to do it immediately, we can continue with
355 the rest of the questions.

Is that acceptable? Yes?

Right, let's continue with Question 216.

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

360 Yes, all I need to do is really add up the total number of children in each age range to provide a grand total, but I am very grateful for your offer in case something does crop up from there.

On 216 specifically, Mr Speaker, can Government provide details of which Vocational Courses are being delivered at our schools for the academic year 2021/22, together with details of
365 numbers of students following these courses, the educational establishment delivering the courses, the completion date of the courses and the qualifications obtainable upon successful completion of said courses?

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

370 **Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes):** Mr Speaker, there are a total of 18 students who will complete their Level 2 Hair and Beauty Course delivered at Westside and Bayside schools, this academic year. An additional nine from Bayside and seven from Westside are expected to complete the same course next year.

We have 78 students at Bayside and 23 students at Westside who will complete their Level 2
375 Digital Technologies qualification at the end of this academic year. A further 24 students from Bayside and three from Westside are expected to complete their Level 2 Digital Technologies qualification in 2023.

We must not forget that we also have 85 students at our comprehensives and 377 students at
380 the Gibraltar College who are following courses which are vocationally assessed. That is, they are in subject areas which are not traditionally considered as vocational subjects, but are being assessed in a vocational manner. This includes the four students who are now working towards the new Music Performance qualification which was introduced this year. This number of students does not include those students who at some point in their journey are completing Award Scheme Development and Accreditation Network qualifications which are vocationally assessed at Level 1
385 or Level 2 at our comprehensive schools.

In order to assist further I now hand over a schedule with a breakdown of the information requested.

Answer to Question 216

Vocational Courses & Vocationally Assessed Courses 2022			
Course	Bayside	Westside	Date of Completion
Hair and Beauty Level 2	0	18	2022
Hair and Beauty Level 2	9	7	2023
Digital Technologies Level 2	78	23	2022
Digital Technologies Level 2	24	3	2023
Vocationally Assessed Courses			
Course	Bayside	Westside	Date of Completion
Cambridge National Child Development Level 2	0	58	2022
Cambridge National Child Development Level 2		27	2023
Course	Gibraltar College	Date of Completion	
ASDAN Preparing for Adulthood (Entry Level)	4	2022	
ASDAN Certificate in Personal & Social Development (Level 1)	8	2023	
ASDAN Certificate in Personal & Social Development (Level 1)	3	2022	
Award In Health & Social Care (Level 1/2)	20	2022	
Certificate in Engineering & Technology (Level 1)	21	2022	
Award in Administration (Level 1)	26	2022	
Technical Certificate in IT (Level 2)	26	2022	
Certificate in Enterprise & Marketing (Level 2)	12	2022	
Certificate in Health & Social Care (Level 2)	22	2022	
Certificate in Engineering & Technology (Level 2)	19	2022	
Cart in Administration (Level 2)	36	2022	
Certificate In Applied Business (Level 3)	22	2022	
Extended Certificate in Applied Business (Level 3)	15	2022	
Technical Certificate in Health & Social Care (Level 3)	55	2022	
Technical Extended Certificate in Health & Social Care (Level 3)	38	2022	
Technical Certificate in IT (Level 3)	19	2022	
Technical Extended Certificate in IT (Level 3)	27	2022	
Music Performance	4	2023	

Clerk: The Hon. Edwin Reyes.

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

The Minister, in his answer, said that there were also courses that have some part of it which are traditionally vocationally assessed. I do not know at what level, but are those here in this chart, or are those over and above? Because he could have been referring to the four students at the college who are under the heading of music performance, and if that is the case he does not tell me whether it is a Level 1 or Level 2 type of qualification. It could even be a Level 3, which is equivalent to the A-level. I am not certain what standard of level qualification that achieves.

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Hon. Prof. J E Cortes: Mr Speaker, it is a Level 3. It is an A-level equivalent.

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Clerk: The Hon. Damon Bossino.

Hon. D J Bossino: I am grateful, Mr Speaker. Can I go back to the Hon. Minister's answer to question 215?

405 My total is 92. I am not sure if that is correct, if I have passed with flying colours as far as addition is concerned. Can I ask him whether he is satisfied that the new school is of a sufficient size to cater for this number of children? And at what stage does he consider, if he is not so satisfied, that there may be a requirement to build further floors and an extension to that school in order to cater for the, what is clear, rising number of children who need this special needs facility?

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Hon. Prof. J E Cortes: Mr Speaker, the school is adequate at present. There is clearly an increase in the number of children who are being identified.

415 Not all the children who are essentially in Early Bird, which is a nursery section, aged two and three, will necessarily continue in St Martin's because some of those after assessment and after assistance are likely to go into mainstream schools. But we have to keep an eye on this. If the number continues to be on the increase, then clearly we will have to assess and plan ahead for the next five or 10 years. At the moment we are fairly comfortable, but clearly the much higher number of children who have come in this year is something that we have to keep an eye on.

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Hon. D J Bossino: Does he have a number as to a maximum capacity for that school? Is that available to him, beyond which it would become nigh on impossible to cater for children above that number?

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Hon. Prof. J E Cortes: Mr Speaker, I would have to consult on a specific number.

Mr Speaker: We will have just one final supplementary on this.

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

430 I was referring to, because I think my colleague was too, with Question 215, some minor thing has cropped up in reply to the schedule the Minister gave me for Question 216, if that is permissible by you?

435 Mr Speaker, a minor clarification. On the part of the Gibraltar College there are 20 students due to complete their Award in Health & Social Care in 2022, but it says in brackets '(Level 1/2)'. It should either be Level 1 or Level 2 because they are two completely different curriculums that are being delivered. It is not one of those things where you follow a course, Level 1 has a set curriculum and Level 2 has a set curriculum. So I do not know. Are the students aiming towards Level 1 or Level 2?

440 **Hon. Prof. J E Cortes:** Mr Speaker, I think it is because they actually have the option of continuing to Level 2 and the distinction is not made here. But I will check and I am very happy to provide that information to the hon. Member.

Hon. E J Reyes: Thank you, Mr Speaker, that would help tremendously.

445 I do understand it makes a bit of sense, but if they do continue to Level 2, then the end date will probably be a year later. So for the record and for Education lists clarification, I would be grateful if the Minister could eventually give us information.

Mr Speaker: Next question.

Q217/2021
Mandatory scholarships –
Number granted, commencing 2021-22

Clerk: Question 217. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government provide details of the number of new Mandatory Scholarships which have been granted and commencing during the 2021/22 Academic Year?

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

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Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes): Mr Speaker, the Government has granted 217 new mandatory scholarships. The process is still ongoing and this number is expected to increase over the next few days.

460 Mr Speaker, some students are still processing their documentations and so on, so it is likely that there will be at least a few more coming up shortly.

Hon. E J Reyes: And obviously, Mr Speaker, my question was with the new Mandatory scholarship year, but am I correct in saying that students still have an option of not necessarily taking up the offer for a mandatory scholarship at the start of *this* academic year, but they could delay it for a year? If that option is available then those figures will appear next year.

465 In the manner I have not asked for it, but the Minister might be aware, there could be students who are taking up this year now, what could have been taken up by somebody doing a scholarship last year. If he ever does come across those details it would be interesting for statistics purposes to have them.

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Hon. Prof. J E Cortes: Mr Speaker, I do not have those details. It is possible to take a gap year. Normally, the students would advise the Department of Education *this* year about them wanting to take a gap year and then that would be considered and it would normally be allowed at that level.

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Mr Speaker: Next question.

Q218, Q225 and Q226/2021
New applications for Discretionary Scholarships –
Numbers; original success, or upon appeal; or unsuccessful, with reasons

Clerk: Question 218. The Hon. E J Reyes.

480 **Hon. E J Reyes:** Can Government say how many new applications for Discretionary Scholarships were received for the academic year 2021/22 and, of these, how many were: (1) Successful applications as per original applications; (2) Successful applications after appeals lodged by applicants; and (3) Not successful at all, together with reasons why?

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

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Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 225 and 226.

Clerk: Question 225, the Hon. Ms M D Hassan Nahon.

490 **Hon. Ms M D Hassan Nahon:** Of the discretionary grants refused, how many were successful on appeal?

Clerk: Question 226. The Hon. Ms M D Hassan Nahon.

495 **Hon. Ms M D Hassan Nahon:** Can Government provide a list of: Discretionary grant applications by subject for which funding has been sought; followed by which applications were approved/declined; and, in the case of unsuccessful applications, what reason was given for refusal?

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

Hon. Prof. J E Cortes: Mr Speaker, a total of 206 new applications for Discretionary scholarships were received; and 141 applications were successful as per their original application. An additional 39 were funded upon appeal; and 26 applications were not funded. Four of these applications were from individuals who did not meet the eligibility criteria. Another four applied for a programme which would not be funded by the Discretionary process. The unsuccessful included requests for funding for a third degree or for courses to be taken some time after completion of the previous degree, or was for a subject unrelated to the original degree.

I now hand over a schedule with the information requested.

510 **Answer to Question 226**

Course Name	Initial	Reason
Access to Nursing	Approved	
Accountancy and Tax	Approved	
Accounting and Finance	Approved	
Adult Nursing	Approved	
Advanced Computer Science	Approved	
Advanced Diploma in Accounting	Approved	
Advanced Diploma in Accounting and	Approved	
Applied Clinical Psychology	Approved	
Applied Professional Studies in Education	Approved	
Archaeology	Approved	
Architecture	Approved	
Architecture	Approved	
Architecture	Not Eligible	Applicant did not meet the eligibility criteria.
Architecture	Approved	
Architecture	Approved	
Art and Design: Secondary with Qualified Teacher Status	Approved	
Association of Accounting Technicians	Approved	
Bachelor of Business Administration	Approved	
Bar Practice Course	Approved	
Bar Training Course	Approved	
Bar Training Course	Approved	
Bar Training Course	Approved	
Bar Vocational Studies	Approved	
Batchelor of Business Administration	Approved	
Biochemistry with Molecular Biology and	Approved	
Business Administration	Approved	
Business Administration	Approved	

Business Administration	Approved	
Business Administration	Approved	
Business Administration - Maritime	Declined	
Canine & Feline Behaviour & Welfare	Declined	
Cellular and Molecular Medicine	Approved	
CITBAC LEVEL 3	Declined	
Civil Engineering	Approved	
Clinical dermatology	Approved	
Clinical Health Psychology and Wellbeing	Approved	
CMI Leadership and Management	Declined	
Comparative Literary Studies	Approved	
Composition for Screen	Approved	
Computing and Information Systems	Approved	
Computing and Information Systems	Approved	
Consumer Behaviour	Approved	
Contemporary Performance Practice Writing for Performs	Approved	
Counselling	Declined	
Counselling	Approved	
Creative Writing	Approved	
Creative writing and Journalism	Approved	
Cultural and Critical Theory	Approved	
Designing Architecture	Approved	
Dietetics and Nutrition	Declined	
Doctor of Philosophy in Materials	Declined	
Drug Discovery and Pharmaceutical Sciences	Approved	
Endangered Species Recovery and Conservation	Approved	
English Literature	Approved	
Environmental Health	Approved	
Events Management And Music Business	Approved	
Fashion Photography	Declined	
Finance	Approved	
Finance and Accounting	Approved	
Fine Art in Writing for Stage and Broadcast Media	Approved	
Fine Art: Painting	Approved	
Football Coaching and Analysis	Approved	
Forensic Science	Approved	
Forensic Science	Approved	
Global MBA	Approved	
Graduate Diploma in Law	Approved	
Graduate Diploma in Law	Declined	
Graphic Design	Declined	
HCPC Registration	Declined	Chosen course did not meet the necessary criteria with respect to the level of the qualification required for funding applications to be considered.
HCPC Registration	Declined	Chosen course did not meet the necessary criteria with respect to the level of the qualification required for funding applications to be considered.
Health Psychology	Approved	
Health Psychology	Approved	
Health Psychology	Approved	
Human Computer Interactions	Declined	
Implantology	Approved	
International Business	Approved	
International Business	Approved	
International Business Management	Approved	
International Tourism Management	Approved	
Journalism	Approved	
Law	Approved	
Law	Approved	
Leadership and Management	Approved	
Leadership and Management	Approved	
Leadership and Management	Approved	

and the first consideration clearly is in relation to the funding available. Then those that appeal are considered on their merits to see whether there is cause for making that available and clearly supplementary funds would be required for us to be able to fund those students.

525 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for that answer.

I would like to ask him if perhaps, given the sentiments that arose from so many disappointed students this year and the poor timing in which they were given this news, would the Hon. Minister agree that there could have been more done by way of support and that perhaps they will try and change their timing next year, so that students do not get left in the lurch in the last week of August as they did this year, which causes a lot of issues and heartache for them, and logistical nightmares?

530 **Hon. Prof. J E Cortes:** Mr Speaker, part of the delay was precisely in trying to assess and see how we could fund as many as we possibly could, but I have already asked the new Director of Education to work with me in reviewing the process to ensure it is streamlined and effective and efficient as from next year.

Mr Speaker: Hon. Edwin Reyes.

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

Referring to the schedule the Minister has handed out. He said in answer to my question that 26 applicants had not been successful. In this schedule he lists the subjects that have been approved and there are only *eight* identified as not being successful, mainly for the reasons that either the applicant did not meet the eligibility criteria or that the children caught did not meet the necessary criteria in respect to the level of qualification – that I take it probably because it was below a Bachelor's degree level, and that could not meet that. But that only accounts for eight. There are others missing.

545 I know he mentioned, at some stage, that one applicant seems to have been an application for a third degree, but that does not make him ineligible, it was probably because it is a discretionary award that the Board may have decided we are not going any further. But I am missing that information from this answer.

555 **Hon. Prof. J E Cortes:** Mr Speaker, the hon. Member has looked at the third column. There is in the second column a larger number of declined. The explanation specifically has not been given. They fall under the three categories that I mentioned in my answer: a third degree; time after completion; or an unrelated subject. The reason why those have not been specified is because Gibraltar, being as small as it is, if you look at the reason and then you look at the subject, you are going to identify the person.

560 If he wants me to go into further details I am happy to do that behind your Chair, but those that are declined without an entry in the third column fall under the categories in the main text of my answer.

Hon. E J Reyes: Thank you, Mr Speaker. Yes, it does make sense.

565 May I very humbly suggest, Mr Speaker – because the Minister does facilitate a lot in his answers employing the schedules – however, the size of the printout for those of us and I think, Mr Speaker, you can perhaps empathise (*Interjection*) with the hon. Members yourself, those of us who are midway through our 60s and have reading difficulties. Could the font of the print be *slightly* larger, Mr Speaker, to facilitate our reading? Because, despite reading glasses, we do struggle a little bit.

570 Then, Mr Speaker, also on a serious note, the Minister just mentioned something for which I wanted clarification. He said now that the possible reason could be the *length*. Are you referring

to the gap between when the individual graduated and is now asking for a discretionary? Is there a rule with a discretionary that if a certain length of time has passed then that applicant becomes automatically ineligible?

575 Can he clarify a bit on that point?

Hon. Prof. J E Cortes: Mr Speaker, as to the second part, it is discretionary and that is assessed on a case-by-case basis.

580 On the first, being more into my mid-60s than he is, Mr Speaker, I too struggle, but I manage because I am short-sighted to take my glasses off and bring my paper closer. But I do understand exactly what he is referring to. Sometimes there is so much information that the hon. Member requests, Mr Speaker, that I do not want to use reams and reams of A3 paper, or A1 paper even, in order to reply. But I take his point.

Thank you very much.

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

Hon. K Azopardi: Thank you, Mr Speaker.

590 Can I ask, just to pick up a point that the Hon. Minister said about a couple of answers ago, which is that I think I took an accurate note that supplementary funds would be requested to fund those additional students that had on appeal been successful. There are quite a few – I think statistically there were about 64 – presumably people who potentially could have appealed, and 39 were successful. I do not know if everyone appealed, but certainly 39 of the 64 remained there were successful.

595 I had assumed, I have to say that when the original process had been carried out on a merits-assessment basis by the independent panel, they would approve who they thought was merited to obtain it, in accordance with obviously that they may be subject to the financial cap imposed by the Budget, but it would not be the very last penny that they would be spending. But the way that the Minister answered suggested that there was at least all, or a large proportion of the additional successful applicants, who might have to require supplementary funding.

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Is that the case as I understood it? And, if so, has the Minister or the Department been able to cost the supplementary funding that would be required to enable that?

Chief Minister (Hon. F R Picardo): Mr Speaker, this engages my public finance responsibilities.

605 What the appeals process identified, Mr Speaker, was that a lot of people had been rightly rejected by the panel as applicants for discretionary scholarships, because actually they should have applied for *mandatory* scholarships. They were *not* applications for discretionary scholarships, although those were the boxes that had been ticked. Therefore, there will have to be an allocation of a large number – and I cannot give the hon. Gentleman the number of which, on my feet. A large number of those will be funded through the *mandatory* applications column, because that is what the appeal process identified. Some of the rejections were because this is not a discretionary application, it is a mandatory application.

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The person is told that they are rejected as a discretionary applicant. Then they are advised that actually they are granted as a mandatory applicant. Therefore the column that provides under the Department of Education, the spending for mandatory applicants, will have to change also. Hon. Members will know that is a demand-led column where the best that we can do in terms of estimating is to look at the average of numbers who have had the mandatory scholarships in years before and extrapolate that forward; and that will obviously fluctuate. I believe that is the column that is going to rise the most, and that will be affected by the mechanisms that we have had in place this year for A-level results, which have not been examined and have been a teacher-led assessment. It will be affected by those who are covered by our policy of granting a first Masters as a mandatory scholarship and, indeed, of continuing to grant those who seek a professional

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qualification to bring into effect their first degrees also as mandatory applications. So that affects that calculation.

625 You are then left, Mr Speaker, with a number who are what one might describe as *proper* applications for discretionary scholarships. I cannot tell the hon. Gentleman how that column will change in terms of funding. We have said 'supplementary' here, I think that is the term of art. There may be some 'viring' between the heads in education and less supplementary, but hon. Members know that is something that is done at the level of controlling officers who will decide
630 whether they need to vire or seek supplementary, depending on how their numbers are developing in any particular financial year.

Hon. K Azopardi: I am grateful for that answer. At least it is helpful to that extent.

I think the Chief Minister said that he does not know how many of the 39 were people who
635 really should have applied for mandatory. But perhaps given that we are discussing that, if either he or the Minister could revert to us once they coalesce around the specific numbers, how many of those 39 were really people who *should* have applied for a mandatory scholarship and would be granted that?

Then, secondly, if someone can help me on this basis. As I understood the process there is a
640 sifting being done, presumably by educationalists, some kind of panel in the Education Department, and it then goes on appeal. The appeal presumably is a separate body on which it contains different people. But again I am asking; I do not know. Is it that it is different people? Who is on each of the bodies? I am not asking for specific names, but can we have an idea of who is on it?

645 Then, thirdly, if some of the 39 should have really applied for mandatory awards and the first tier contains educationalists, why was that not spotted at that stage?

Hon. Prof. J E Cortes: Mr Speaker, the original assessment is carried out by the scholarships panel, which includes some relatively junior members – I say, *relatively* junior members – of the
650 Department of Education, plus I think it is three independent members, but with a certain academic background. The appeal is done by senior members of the Department of Education. I think that there has been some confusion in that in the past the Masters have been dealt with as discretionary and not as mandatory, and that is where the confusion has been.

This is why I said to the hon. Lady I have asked the new director to completely review the
655 process so that everything can be clear and we have absolutely clear guidelines to make sure that this does not happen next time

Mr Speaker: Next question.

Q219/2021

New applications for Distance Learning Scholarships 2021/2022 – Numbers; original success, or upon appeal; or unsuccessful, with reasons

Clerk: Question 219. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government say how many new applications for Distance Learning Scholarships were received for the academic year 2021/22 and, of these, how many were: (1) Successful applications as per original applications; (2) Successful applications after appeals lodged by applicants; and (3) Not successful at all, together with reasons why?

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

Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes): Mr Speaker, we received 31 new applications for distance learning awards; 16 applications were successful as per their original application; one additional application was funded upon appeal; 14 applications were not funded.

Hon. E J Reyes: Can the Minister add something? My question said those who were not successful. Does he have any sort of general reasons why, as he did for the previous question?

Hon. Prof. J E Cortes: Yes, Mr Speaker, of course. There were a number which were not considered eligible and others which were beyond the allocated budget for distance learning.

Mr Speaker: Next question.

Q220/2021
Schools' green walls –
Replacing with artificial planting

Clerk: Question 220. The Hon. K Azopardi on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state that it will be removing the green walls at St Anne's and Notre Dame School and replacing the same with artificial planting?

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

Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes): Mr Speaker, I must say, I am really sorry that the Hon. Mr Phillips is not here because the answer is no, sir. But I would really like to know how it occurred to him that that was even the remotest possibility, Mr Speaker. *(Interjection)*

Mr Speaker: Next question.

Q221/2021
Midtown Park trees –
Name of providing company

Clerk: Question 221. The Hon. K Azopardi on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the name of the company which provided the trees at the new Midtown Park?

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

Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes): Mr Speaker, the trees for the Midtown Park were provided by GJBS as the main contractor for the project.

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

705 GJBS presumably obtains them from somewhere and, if so, which entity was that?

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

710 They were sourced via Landform Consultants who are the designers of the park and, indeed, designed Commonwealth Park. They were sourced via Majestic Trees, which is the name of the company, and the olives and the corks came from Barcelona. The remaining trees came from Lyons.

Hon. K Azopardi: Mr Speaker, Majestic Trees is a Spanish entity, or was it ... ? I am just asking.

715 Majestic Trees is presumably not a Gibraltar entity, and these trees could not be sourced via a Gibraltar operator? Why would that be?

Hon. Prof. J E Cortes: No, Mr Speaker, they are not in Gibraltar. These trees are very high quality, they are very mature. I know this market well, I used to work in it for 20 years. It is not possible to obtain that quality of trees, certainly anywhere in the surrounding area, and they were sourced – *(Interjection)* Sorry?

720

Yes, they were sourced by GJBS, absolutely. They were sourced by GJBS. There is nobody in Gibraltar who can grow these trees for us, they would not have the space; and, secondly, we had to ensure that we had the best quality trees available.

725

Hon. K Azopardi: Mr Speaker, I am sorry to hear the hon. Member say that we cannot obtain such high-quality trees in Gibraltar. That must be a real dismay to the hon. Member, given his track record *(Interjection)* as someone who works in this industry, who has got a track record as an environmentalist – that is what I meant.

730

Mr Speaker, from his – *(Interjection)* Yes, indeed! From his position as someone with knowledge in the area, why were these particular trees sourced, given that they may be difficult to grow here?

Hon. Prof. J E Cortes: No, Mr Speaker.

735

We would not be able to grow them here, and the reason why I said that is because we do not have the space to grow mature trees as a nursery. We just do not have the space. Those trees – if he happens to have walked through Commonwealth Park any time recently, he would have seen how well the trees do – but they had to be obtained elsewhere.

740

The ones in the park at Midtown will equally do very, very well. Some of them might not, there is always a slight percentage lost, but they had to be sourced from a reliable source, and that was simply not available here. But, as we were saying earlier, sourced *by* a Gibraltar company.

Mr Speaker: Next question.

Q222/2021

Removal of jellyfish nets – Which beaches; and Government replacement policy

Clerk: Question 222. The Hon. K Azopardi.

745

Hon. K Azopardi: Mr Speaker, have jellyfish nets been removed from beaches and, if so, which beaches and what is the Government's policy on their replacement?

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

750 **Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes):** Mr Speaker, all the jellyfish nets have not been removed. They are placed every year and indeed we added one in the north side of Eastern beach in 2019.

One net was removed from Catalan Bay on 24th July because the shallowness of the sea this year resulted in it not being possible for the net to be properly anchored. This resulted in it repeatedly becoming detached, thus proving a significant safety hazard.

755

Hon. K Azopardi: Mr Speaker, I am not sure the hon. Member has answered. Perhaps he can volunteer an answer when he rises again as to the Government's policy on their replacement.

Is there an ongoing programme in respect of the replacement? Is the Government committed (*Interjection*) to ensure that jellyfish nets are placed in each of the relevant beaches?

760

Will there be an ongoing programme of maintenance? And, as one has been removed in Catalan Bay, will the Government commit to ensure that it is replaced in a good way in future? (*Interjections*)

765

Hon. Prof. J E Cortes: Yes, Mr Speaker, these jellyfish nets were introduced by this Government. We have continually maintained them, we have increased the number (**A Member:** Hear, hear.) and we will continue to replace them.

770

As I explained, this year because of the shallowness of the sea there was not enough weight for them to be anchored down, they were coming loose with the slightest swell, and that was a danger. But of course they will be maintained as they are regularly, and if any should deteriorate they will be replaced.

The number of jellyfish in the sea, sadly, because of the changes due to climate change, continues to increase, (*Interjection*) and totally vindicates this policy. (*Banging on desks*)

775

Hon. K Azopardi: Mr Speaker, was the fact that it had to be replaced in Catalan Bay anything to do with the lack of maintenance of the jellyfish nets?

Has the Minister got any kind of sense of the cost of the maintenance programme of the jellyfish nets and their establishment in particular beaches?

780

Hon. Prof. J E Cortes: Mr Speaker, I would need to have notice of that question if we are going to go into a breakdown of costs. But the jellyfish net was removed from Catalan Bay because keeping it there floating about, roaming about, could have resulted in a child, or an elderly person, or a non-elderly non-child person getting entangled and drowning. So it was a health and safety measure. The maintenance is done regularly by local people with specialist support, and we are committed to continue to have this.

785

Mr Speaker: Next question.

Q223/2021

Medicinal cannabis –

Commercial party discussions and opportunities

Clerk: Question 223. The Hon. K Azopardi.

790

Hon. K Azopardi: Mr Speaker, what discussions with commercial parties have there been and what commercial opportunities has Government been approached on or is considering in relation to medicinal cannabis?

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

795 **Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes):** Mr Speaker, Her Majesty's Government of Gibraltar has been approached by two different commercial entities in respect of establishing a regulated industry for the production, import, export, marketing and sale of cannabis for medicinal purposes.

Government's plans in respect of this innovative and potentially thriving sector of Gibraltar's economy are set out in its Press Release 582/2021 and in the published Medicinal Cannabis Bill.

800 I sincerely hope that hon. Members opposite will support the Government's firm commitment to back the efforts of the private sector in establishing the appropriate legal and regulatory architecture that creates a medicinal cannabis industry robustly regulated to the highest of standards.

805 **Hon. K Azopardi:** Mr Speaker, that unfortunately gives us very little information in respect of the question that I actually asked, apart from giving us the information that there are two entities that had been approached. I asked the question of what discussions there had been and what commercial opportunities had Government been approached on.

810 The Government says that it has been approached by two entities but has not given us, in the Minister's answer, specifics about the actual opportunities in respect of the medicinal cannabis industry that those entities are discussing. So can I ask the Minister to perhaps give us a bit more detail about the precise opportunities that those entities have approached the Government on?

815 Can I also ask him, (*Interjection*) once he finishes his aside, as to these two entities? Are they Gibraltar entities or Gibraltar-established entities; and are the beneficial owners of these entities resident in Gibraltar?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman is asking a very specific question about a very specific area of policy: medicinal cannabis. The hon. Gentleman has asked us how many people have engaged with us in respect of this particular new policy area, and we have told him it is two. He has asked us what it is that they want to do in that area that they have approached us on and the answer, Mr Speaker, I think is glaringly obvious. It is to do the things which the Bill before the Parliament will permit, if the Parliament passes the Bill.

825 So it is very difficult, Mr Speaker, to see what the hon. Gentleman thinks we have been approached on, which would be beyond the writ that may go from this Parliament if we pass the Bill. Now we have presented the Bill as a Government Bill and therefore there is a very good chance it will pass, but it may be amended, Mr Speaker, etc. That is what it is we have been approached on.

830 My Ministry has been involved with the Ministry of the hon. Gentleman because there are potential public finance aspects to this, there are duties, etc., Mr Speaker, which will be of interest to the public purse. What each of them is talking to us about and how each of these entities, or indeed other entities in future, may wish to discuss with the Government, would have to be confidential because it is commercially sensitive to each of them. In other words, one may come with one proposal to do things in one particular way, which is their way of doing things and is proprietary; and ditto, another.

835 So discussing across the Floor of the House before the Bill is even an Act, what it is that we may or may not be able to see establish itself as an industry in Gibraltar is, I think, very much to create a hostage to fortune which may not enable us to see those things prosper. I am very happy to have a discussion with the hon. Gentleman and tell him what I know, and if the hon. Gentleman will happily tell me what he knows about what it is that these entities are proposing, but we do not think it would be fair to air publicly what has been put to us by two entities which may affect their ability to then do it, and there are competition issues here, etc.

840

845 So the hon. Gentleman can rest assured that there is nothing proposed which is outside what would be proposed by the existing legislation before the House as a Bill. I am very happy to give him a heads-up privately whilst we have coffee, if he wishes. But I think going into those discussions publicly now would potentially mean that those discussions do not flourish. He, no doubt, wishes to see the Government's discussions with these entities flourish, if there is a law that provides for their business to be done properly in Gibraltar.

850 **Hon. K Azopardi:** Mr Speaker, I am happy to have that conversation with the hon. Member. I do not think it is, as he put it, glaringly obvious, that we can discern what they want to do from the Bill before Parliament, because the Bill before Parliament, he will appreciate when I make this comment, is a very widely drawn Bill. It would allow a number of things to happen and really what I was seeking to ask in my question is of all the number of things that the Bill would provide if it is made law, presumably these parties might be talking about doing everything under the sun as
855 provided for by the law, or may be actually asking about something extremely specific.

Without revealing commercial confidences, is it possible for the Government to let us know the specific nature of the proposal? If the answer that the hon. Member has given is 'No, because of commercial confidence issues', then I am happy to have the conversation with him.

860 **Hon. Chief Minister:** Mr Speaker, the answer is that we will not get into specifics, but if the answer the hon. Gentleman wants is that widely drawn, in other words, from a helicopter view, what type of business is it that you have been approached to do, then the answer has been given.

The Hon. Minister for Digital Services draws my attention to the fact that we have said in the first answer that two different commercial entities have approached us to establish a regulated
865 industry for production, import, export, marketing and sale of medicinal cannabis. So if he wanted to know whether they were widely drawn proposals, or they were narrow proposals in discrete areas, then I think we have given him the answer, Mr Speaker.

I would still nonetheless be delighted to have the coffee with him and talk about last night's or this weekend's football, which was particularly good from where I am sitting.

870

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may ask the Hon. Minister, at what point in the last few years did these commercial discussions start to take place? Because from what
875 I remember, I put a motion to Parliament on medicinal cannabis four years ago and it was roundly let down by the entire House which voted against it. So from where I am standing, not in a commercial frame of mind, it could have been helping many people since four years ago.

So I would like to know at what point did the Government do a U-turn on their manifestation that it was not a good idea; and at what point did it start becoming a good idea and these
880 commercial discussions started taking place?

Hon. Chief Minister: Well, Mr Speaker, that is not the position, of course.

If the hon. Lady seeks to make memory and look back at the terms on which her motion was rejected, it would not reflect the things that she has said now, it is actually quite different. This
885 is not a question of a U-turn, but actually ensuring that what we do is in keeping with what we consider to be in the best public interest of Gibraltar, and not simply supporting a widely drawn motion which was at the time seeking to, in our view, jump on the bandwagon of something that appeared to be popular to her.

Frankly, this is a very sensitive area of policy, which will engage also importation and
890 exportation – importation of some aspects, sometimes potentially of seeds or potentially of dried leaves, the exportation of seeds potentially, exportation of oils – all of which has to be done in a

very controlled manner and which is quite different to the things that the hon. Lady was in her motion proposing, from our view.

895 So, far from a U-turn, this is more about taking the right highway and not U-turning on the same highway.

Mr Speaker: Next question.

Q224/2021

**Mask-wearing policy in schools –
Teachers warned or disciplined**

Clerk: Question 224. The Hon. K Azopardi.

900 **Hon. K Azopardi:** Have any teachers been warned or disciplined in respect of their compliance or otherwise with the policy requiring masks in schools since the beginning of the school term in September 2021?

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

905

Minister for the Environment, Sustainability, Climate Change and Education: (Hon. Prof. J E Cortes): Mr Speaker, no teachers have been warned or disciplined in respect to their compliance with the policy of requiring masks in school.

910 **Hon. K Azopardi:** Mr Speaker, is the Minister aware if any concerns have been expressed by teachers, either directly to the teaching establishment or through the unions, in respect of the policy? If so, can he provide us with some information as to the nature of the concerns?

915 **Hon. Prof. J E Cortes:** Mr Speaker, there have been no formal processes. There have been informal discussions with, I think it is about 20 members of staff, not all of them teachers, in relation to mask-wearing policy. We are just through the third week of term and the matter is being dealt with internally by discussion, without the need so far of any formal warning or disciplinary measures.

920 **Hon. K Azopardi:** Mr Speaker, does the Minister know whether, in respect of those 20 members of staff, are those members of staff scattered around different schools, or is it in a particular school?

925 **Hon. Prof. J E Cortes:** I know of at least two schools, it could be more, but I would not like to commit without being able to check those figures. I would not like to mislead this House.

Mr Speaker: Next question.

**SOCIAL SECURITY, ECONOMIC DEVELOPMENT, ENTERPRISE,
TELECOMMUNICATIONS & THE GSB**

Q210/2021

**Gibraltar Construction Training Centre and the Engineering Trades Training Centre –
Numbers; completion; qualifications**

Clerk: Question 210. The Hon. E J Reyes.

930 **Hon. E J Reyes:** Mr Speaker, can Government provide details of the number of Trainees currently enrolled at both the Gibraltar Construction Training Centre and the Engineering Trades Training Centre, providing details of the estimated completion date of such courses and the qualifications to be obtained upon successful completion of said courses?

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

Minister for Social Security, Economic Development, Enterprise, Telecommunications & the GSB (Hon. Sir J J Bossano): Mr Speaker, there are 48 trainees currently enrolled at both the Gibraltar Construction Training Centre and Engineering Trades Training Centre.

940 Estimated completion in 2022: 13 x NVQ Level 2 in Building Maintenance; and two x NVQ Level 2 in Plumbing & Heating.

Estimated completion in 2023: nine x NVQ Level 2 in Building Maintenance; three x NVQ Level 2 in Plumbing & Heating; one x NVQ Level 3 in Fabrication & Welding; six x NVQ Level 3 in Electrical training; two x NVQ Level 3 in Mechanical training.

945 Estimated completion in 2024: two x NVQ Level 3 in Fabrication & Welding; five x NVQ Level 3 in Electrical; five x NVQ Level 3 in Mechanical.

Mr Speaker: Next question.

Q211/2021

**Gibraltar twelve-sided coin –
Estimated date of issue**

Clerk: Question 211. The Hon. Ms M D Hassan Nahon.

950

Hon. Ms M D Hassan Nahon: When will Gibraltar be able to issue its own twelve-sided one pound coin, given the Minister for Economic Development said in 2017 that Gibraltar would be in a position to do so by March 2018?

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

Minister for Social Security, Economic Development, Enterprise, Telecommunications & the GSB (Hon. Sir J J Bossano): Mr Speaker, no decision has been taken yet by the Treasury on the date of the issue of the 12-sided £1 coin.

960

Hon. Ms M D Hassan Nahon: Mr Speaker, I understand that the companies who make coin machines, the parking and vending machines, no longer build machines which accept the old circular coins. For example, the parking machine at the ICC does not accept them either. *(Interjection)* Are we not getting into a complicated situation where our Gibraltar pound is on the

965 one hand legal tender, but on the other not accepted, causing difficulty for merchants and the
general economy in that sense? (*Interjection*)

Hon. Sir J J Bossano: Mr Speaker, the only bit that sounded like a question was: are we getting
into a bad situation? The answer is: not as far as I am concerned.

970

Hon. Ms M D Hassan Nahon: Mr Speaker, it was a question. We are running around without
coins that are accepted in machines. I would ask again to the Minister for Economic Development
if it is a concern if he wants to try and catalyse a process to ensure that these coins get minted
because it is causing disruption to our machines in Gibraltar? I think that this is an issue which I
975 I have had various representations on and it is a valid issue, on which I would expect a more
substantial answer from the Minister, please.

Hon. Sir J J Bossano: The hon. questioner has asked, am I in a position to tell them when it is
going to be done, and the answer that I have given is the answer I got from the Treasury, that they
980 have not yet decided on a date. We have got millions of the existing coins in circulation. We have
not yet figured out what we will do if they all start coming back, which could mean a considerable
cost to the Government.

I have not had the representations the hon. Member has had. Perhaps she can tell the people
who went to see her to come and see me.

985

Hon. Ms M D Hassan Nahon: Mr Speaker, if they do come and see him, is he going to give them
the same answer that he has given me in this House, as a representative of these people; or will
he give them another different answer?

Hon. Sir J J Bossano: Mr Speaker, the answer they will get is dependent on the question that
they ask; and since the Hon. Member is here, not as somebody that makes a living out of machines
but makes a living out of a collective vote, I imagine it will not necessarily require the same answer.
990 (*Interjection*)

Mr Speaker: One final and then we –

Hon. Ms M D Hassan Nahon: Mr Speaker may I just rectify, I am not here to collect votes, I am
here to represent people as I was elected to do. But, given that I have asked the Minister in my
question, he said that he would be in a position to advise on the minting by 2018. Can he now give
1000 us a reason why, three years later, he is not in a position to give us an answer that he said he
would be in a position to do so four years ago, a year later?

Hon. Sir J J Bossano: Mr Speaker, I have just given her the information, although probably it
was too complex for her to understand it. (*Interjection*) So I will simplify it for her.

1005

That 2018 was the point at which the coins were expected to be made available for those who
wanted the blanks because, at the beginning, the United Kingdom Royal Mint was taking all that
was being supplied and not allowing any of the overseas territories – those that have coins similar
to the UK or the Channel Islands – to use the blanks. So the blanks were expected to be available
from 2018. I do not know whether they were or not, since then.

1010

But the decision on changing what we are doing here – which will be done when a new set of
coins is made for the whole, not just for the pound – is dependent on the consideration of the
costs involved. Not in having the coins, but in taking back all the ones that are in circulation. That
decision has not been taken by the Treasury and it is not a decision that I will take.

Adjournment

Mr Speaker: The Hon. the Chief Minister.

1015

Chief Minister (Hon. F R Picardo): Mr Speaker, I propose that the House should now adjourn to Thursday, 23rd September at 3.30 p.m. in the afternoon, when we should all come back to represent the people that elected us, the majority of which decided we should sit here.

1020

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 23rd September 2021 at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 23rd September at 3.30 p.m.

Those in favour? (**Members:** Aye.) Those against? Passed.

1025

The House will now adjourn to Thursday, 23rd September 2021 at 3.30 p.m.

The House adjourned at 5.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.33 p.m. – 6.38 p.m.

Gibraltar, Thursday, 23rd September 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*]

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

Questions for Oral Answer

CHIEF MINISTER

Q259/2021

**Caleta Hotel redevelopment –
Government loans**

Clerk: Meeting of Parliament, Thursday 23rd September 2021. Order of Proceedings. Answers to Oral Questions continued.

Question 259, the Hon. D J Bossino.

5

Hon. D J Bossino: Can the Government advise if it or Credit Finance Company Ltd or any other Government owned or controlled entity, including the Gibraltar Development Corporation, are providing any loans in respect of the redevelopment of the Caleta ... it should actually be the Caleta Hotel in fact, rather than the Caleta Palace Hotel as it is set out in the Order Paper.

10

Clerk: Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no loans are being provided in respect of the redevelopment of the Caleta Hotel – we had picked up the mistake in the Question.

15

Hon. D J Bossino: I cannot immediately think of any, but can the Chief Minister apprise this House as to whether there is any other form of financial assistance coming from Government or Government-owned entities at all, other than loans?

20

Hon. Chief Minister: Well, Mr Speaker, I do not know whether the hon. Gentleman is asking me because he thinks that we should be providing some other form of financial assistance and he is disappointed we are not, given that they often ask us to follow with their Hotel Assistance Scheme, which was something that they introduced to provide substantial assistance to hotels. But, Mr Speaker, given the fact that there are payments being made in respect of BEAT to businesses in Gibraltar and that those at some instances have extended to hotels, from memory I seem to recall that there are no longer any benefits being paid to hotels but I do not know whether, given when the hon. Gentleman is asking me, the rates concessions extended to this quarter or not. But other than that I cannot think of anything, Mr Speaker, and I assume that he just does not want us to help and therefore that is why he is digging to ensure that we are not.

30

Hon. D J Bossino: Not at all, Mr Speaker, it is just by way of clarification. The question is directed at the redevelopment, not generally hotels, but the redevelopment of this particular hotel.

35 **Hon. Chief Minister:** Mr Speaker, the Question is directed to the redevelopment but his supplementary was wider. His supplementary was about any financial assistance being provided and so I cast my net wider also to ensure that, as ever, the Government is fully transparent, fully accountable in this House, providing more information than ever and therefore ensuring that the net is cast as wide as possible to be able to give the widest possible answer to the hon. Gentleman,
40 who seems to be intent in ensuring that the Government do not provide assistance for the redevelopment of this hotel (*Interjection*) and I assume others, unless he is being particularly partisan – I know that he was brought up in a hotel, Mr Speaker.

Q260-62/2021

Victoria Keys reclamation rubble –

Moving costs; private lease of northernmost side; £50 million loan to developers

Clerk: Question 260. The Hon. K Azopardi. (*Interjection by Hon. D J Bossino*)

45

Mr Speaker: No, the recording is fine, we have listened, your voice is very clear.

Hon. D J Bossino: [*Inaudible*] ... not embarrassed at all!

50 **Hon. K Azopardi:** Mr Speaker, can the Government advise the projected or contracted cost of moving rubble from the Eastside mound to the reclamation site of Victoria Keys and how long that project is expected to take?

Clerk: Answer, the Hon. the Chief Minister.

55

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question together with Questions 261 and 262.

Clerk: Question 261, the Hon. Keith Azopardi.

60

Hon. K Azopardi: Mr Speaker, given the costs of supplying the Victoria Keys reclamation material are being borne by the Government, is it still the Government's intention to grant the developer a lease for 50% of the northernmost side of the reclaimed plot; and if so, why?

65 **Clerk:** Question 262, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can the Government advise if it still intends to lend £50 million to the developers of Victoria Keys?

70 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, under the present arrangements the extraction of the rubble from the East Side and its placing at Coaling Island is under the Victoria Keys developer's remit. It is therefore not possible to provide an indication of the estimated costs for doing so, other than the Government's own internal view of what that cost might be. As was
75

indicated in the environmental impact assessment for the project, it is anticipated that the creation of the land will take two years to complete.

80 In relation to Question 261, the answer is yes. The reason is because under the present arrangements, the lion's share of the investment required is suffered by the developer and that far exceeds the estimated value of Government's contribution in rubble.

Her Majesty's Government of Gibraltar does not intend to lend £50 million to the developers of Victoria Keys. As hon. Members will know, the reclamation of the Victoria Keys site is now being carried out in two separate phases. The first phase of the reclamation is being carried out directly by Her Majesty's Government of Gibraltar at Her Majesty's Government of Gibraltar's cost. This phase will allow the Government to move part of the Eastside rubble mound in order to make way for the continued development of Hassan Centenary Terraces, the affordable home scheme that is set to house close up to 700 Gibraltarian families.

85 Mr Speaker, this step has been taken by the Government in order to expedite the development of Hassan Centenary Terraces, given the importance of this project to our community and the prospective homeowners who are clearly awaiting their new affordable homes. The remainder of the reclamation of the Victoria Keys site will be carried out by the developers of Victoria Keys at the developer's cost and on the terms that were previously announced. These terms envisage that Her Majesty's Government of Gibraltar will lend an amount to the developers that is equivalent to the costs of the remaining reclamation and this lending will be on a fully secured and interest-bearing basis. Clearly this reclamation will be smaller, given that phase one will be undertaken by the Government and the amount envisaged to fund this will therefore be significantly reduced.

Hon. K Azopardi: Mr Speaker, I have a number of supplementaries, if I may, because the Chief Minister's answer is quite wide ranging.

100 In relation to Question 260, which is about the projected or contracted cost and he said, 'I can't really estimate what the cost will be because it's at the developer's cost, but I can only give a sort of guesstimate in the context of the Government's own internal cost of it', what is the Government's internal costing of it?

105 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman will forgive me for not wanting to share that information widely. I am very happy to have a conversation with him about it, but this is part of the commercial negotiation between us and the commercial party that we are negotiating with, and we have tenders ... different parties have different tenders out to ensure that we get the best prices available for the parts that we are each going to be moving and it would not be in the best interest of the taxpayer at this stage to give out the Government's own internal costings of what that would be, but I am very happy to have a conversation with him about that. He will understand, Mr Speaker, that I think it would not be in the interest of the taxpayer at this stage, for the reasons I have shared, that I should give out that figure.

115 **Hon. K Azopardi:** I accept that. He has mentioned a couple of times 'at this stage', so it may be that the point comes in future when tenders are awarded where the Government can share, perhaps not just privately, but publicly its own assessment of a cost and so on. So I would be grateful if the hon. Member can confirm that. But moving on, I will just roll it up with another question, if I may, because I think hopefully the answer to that question is uncontroversial.

120 In terms of Question 262, which is I asked that the Government confirm whether it is going to lend £50 million, and the Government said, no, because it is in two phases. The first phase is going to be done by the Government, the second phase is going to be done by the developers and the Government is going to lend an equivalent amount to allow that to happen. The last time we asked a question about this the answer was that the Government was in discussions with the developers. I take it from the answer the Chief Minister has given that those talks have concluded. Am I right in making that assumption, that the talks have concluded, so that the Chief Minister has been able

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today to advise the House that in fact there is this notional agreement to split up the reclamation in two phases? I would be grateful to have his confirmation of that. And does he have some kind of idea of the cost of the second phase?

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Hon. Chief Minister: Mr Speaker, I am happy to deal with those two questions in turn. The first was whether the Government would agree that in future we would be able to publish the cost or the estimate that we have of the movement of rubble. I am very happy to confirm that we would be prepared to do that once we have finalised the arrangements with the commercial parties that

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will be relevant here, both for us and for the Victoria Keys consortium, and have arrangements already agreed with contractors. That is not controversial and I am very happy to have a discussion, as I have said already before, before that time with the hon. Gentleman on the basis that the information I would give him is commercial-in-confidence information of the Government at this stage.

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On the second question that he has asked, Mr Speaker, which is whether the negotiations with the Victoria Keys partnership or consortium have already been finalised and can I give an estimation of what the second phase of Victoria Keys will now cost, given that it is now split into two phases. The answer is that the conversations are ongoing, but they are not yet concluded and therefore there is not yet a final determination of the figures that the hon. Gentleman would wish me to be able to share with him today, because the *pro rata*-ing of the exercise between phase one and phase two is not yet something that is complete.

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Hon. K Azopardi: Mr Speaker, in relation to Question 261, where we asked that given that the costs of supplying the reclamation material were being borne by the Government, is it still the Government's intention to give the developer a lease of 50% of the northernmost side of the reclaimed plot? I am not really sure – given the wide-ranging answer that the Chief Minister gave, and the fairly generic way that he described it – we understand on this side of the House the rationale that he explained, and I would invite him to perhaps give a more extended explanation of it.

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As we see it from this side of the House, the Government is taking on board supplying the reclamation material and indeed doing the first phase of that, as he explained in the subsequent question. Why is it then that we are still stuck on the original arrangements that the Government published in April 2019, which would result in the developers being granted a lease of 50% of the northernmost side of the reclaimed land, not having done what the Government had explained in 2019 the developers would do?

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Hon. Chief Minister: Well, Mr Speaker, I do not think the hon. Gentleman has understood my answer. Let me try and see whether I can take his invitation to explain in a slightly fuller way the concept that I was trying to get across.

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In Question 261 the hon. Gentleman says, 'given the costs of supplying the Victoria Keys reclamation material are being borne by the Government', that is the first phrase of the Question that we are answering. That needs to be understood, Mr Speaker, to represent what it means. The cost of supplying the Victoria Keys reclamation material means having rubble available which can be taken by the developer from the site where it is to Victoria Keys and dumped in the sea to create Victoria Keys. So the costs of supplying the Victoria Keys reclamation material means simply having rubble available that we need to get rid of. So the Government is not being put to cost in respect of supplying the Victoria Keys reclamation material.

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But of course I am always reminded of the fact, Mr Speaker, that this, now referred to as, 'reclamation material', is also 'the rubble from the Eastside mound', that is described by the hon. Gentleman in that different way in Question 260, is the rat-infested reclamation on the East Side, which hon. Members used to refer to in 1996 and also, of course, Mr Speaker, Sovereign Bay, which is how they used to describe that rat-infested reclamation on the East Side, although it

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looked exactly the same but the only difference was that they were in Government and of course the halcyon spectacles were on, the rose-tinted spectacles were on.

180 So in trying to answer the hon. Gentleman as honestly as I can, what we are saying is, Mr Speaker, what the Government is doing is saying, 'Oh for goodness sake, take the rubble', what the developer is doing is *suffering*, and I use this word in my first answer and I imagine the hon. Gentleman has understood now why I use that word, suffering the cost and work of collecting that rubble, processing that rubble, because you cannot just put rubble into the sea these days, 185 transporting it to the area of Coaling Island, dumping it in the sea with all of the cost that is involved in a dumping of processed rubble into the sea and thereby creating the reclamation which will be known as Victoria Keys.

So the Government, Mr Speaker, is inanimate. We have got the rubble, we have now stopped more rubble from arriving, other than from small personal works in homes, but constructors' 190 rubble now has to be dealt with by constructors, and the developer is the one that has to suffer all of the steps that I have described.

So that was the thinking that I explained to the House, Mr Speaker, when we first announced Victoria Keys. The fact that it is now in two phases, Mr Speaker, means that there has to be a renegotiation. I have told the hon. Gentleman that there has to be a renegotiation. I will tell the 195 hon. Gentleman *my* starting point in the renegotiation: the reclamation that we create is 100% ours. It is our rubble, it is our water, it is our work. They do another part of a reclamation – okay. We have arrangements in respect of that reclamation. But I prefaced my answer, Mr Speaker, by saying 'under the present arrangements' and I told the hon. Member that we were in the process of renegotiating the arrangements for all of those reasons and I hope that he will agree with the 200 reasons that I have given the House why we should be renegotiating and why, Mr Speaker, the original arrangements were the ones which were relevant when the whole reclamation was being created in that way and now there might be different arrangements.

Hon. K Azopardi: Mr Speaker, I think the last time we had an exchange on the rubble mountain, 205 as last time I spoke I described it as a rubble mountain, the hon. Member made pretty much similar comments on Sovereign Bay, and I think we agreed across the floor of the House, because I tendered to him the offer I would describe it as Sovereign Mountain in future, and may I say I take the barbed comments he has made in relation to Sovereign Bay under advisement, but I suppose the same could be said about the times that the Government that he leads presented *glorious* 210 projects in relation to the East Side which have not come to fruition either and still remain a rat-infested rubble mountain. (**A Member:** Bluewater!) Bluewater comes to mind of course as a sterling example of that.

Mr Speaker, I am grateful for the hon. Member's explanation. As I understand it, really, if I can put it this way, the fetching and carrying of the glorious rubble mountain that will at last be put to 215 some kind of commercial use and will lay the foundations of Victoria Keys is going to be paid at the cost of the developer. Does the Chief Minister and the Government have an idea of the costs of transportation per tonne of rubble, or is this something that is part of the tendering process in relation to the first of the three Questions?

Hon. Chief Minister: Mr Speaker, I of course recall that the hon. Gentleman tendered an olive 220 branch and said that from now on in order to ensure that we did not have to have these exchanges, he would refer to this area, if I might call it that neutrally, as Sovereign Mountain, but then his Questions did not refer to Sovereign Mountain. His Questions, despite his entreaties that we might settle our differences in respect of this area on the basis of that nomenclature, his 225 Questions refer to different things. One referred to the rubble from the Eastside mound, the other one to the reclamation material, perhaps there recognising a value to it, Mr Speaker. So he was not true to his word that he would refer to it as Sovereign Mountain, and even now, Mr Speaker,

he is once again moving the goalposts, as only he knows how to do, by suggesting that he will now refer to it as the Bluewater Mountain or the Bluewater Mound or whatever it is.

230 I am very keen, Mr Speaker, to ensure that as soon as possible, that area becomes a usable area, that we are able to find a tenderer that is able to deliver a project there for Gibraltar, not least for the residents of Catalan Bay who have only seen that area grow in accumulation and not seen it flatten as they would wish to see, because it is of course a nuisance to them. And, Mr Speaker, the Government continues to work as hard as previous Governments to make that project a real deliverable. I have no doubt, Mr Speaker, that I have the support and encouragement of Members opposite to make that project a reality, particularly now in these difficult economic times, as that would be something very good indeed for Gibraltar.

240 Mr Speaker, in terms of the context of the movement of that rubble, the Government does have an indication of the cost of the movement of rubble. Hon. Members I think will know that we had tenders out for movements of rock to make the rock armour in the area of Coaling Island sufficiently robust to be able to take the dumping of the rubble that would be made available there for the purposes of starting phase one of Victoria Keys and delivering the flat land that we need to deliver phase two of Hassan Centenary Terraces, but, Mr Speaker, those tenders are not yet fully awarded. We are still negotiating and the difficulty of course with sharing information about an unawarded tender across the floor of the House is that it impedes the Government's ability to negotiate the best deal for the taxpayer. Again, I am very happy to obtain the exact detail of the tender submitted from the Chief Technical Officer and to share that with the hon. Gentleman, at this stage confidentially and in future to make the final awarded price known publicly.

250 **Hon. K Azopardi:** Mr Speaker, a final question on this. The Chief Minister indicated in relation to the first question, and indeed he has now said again that they have an idea of the length of the project. In relation to the Question that I asked at 260, how long is the project expected to take in relation to the reclamation, I think the Chief Minister said two years. Can I ask him two questions, which is two years from when – does the Government have an idea of ... has it got information as to when the project will start? And can we make the assumption that when he says it is two years, it is two years in respect of the transport of the rubble to the reclamation site at Victoria Keys, but that is the removal of the mountain, without a descriptive nomenclature of whether it is one project or another, also going to be two years or is it going to be a longer period? I think probably the people of Catalan Bay would be interested in that answer.

265 **Hon. Chief Minister:** Mr Speaker, I imagine the people of Catalan Bay and the people of the rest of Gibraltar would be interested in that answer and that is why that information was already put into the public domain in detail with method statements attached in the EIA proposal that went before the Development and Planning Commission. And, Mr Speaker, it is two years to create the reclamation. So that is the period that is envisaged under the present arrangements for the footprint that is presently envisaged for Victoria Keys.

Mr Speaker: Next question.

Q263-65/2021

Applications for ID cards –

Details of pending; ‘self-sufficient’ policy issue; Blue ID card application numbers

270 **Clerk:** Question 263, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many pending applications for ID cards are there at 13th September 2021 broken down by nationality of applicant and by length of time since the application was submitted?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 264 and 265.

280 **Clerk:** Question 264, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what policy issue is Government considering in relation to so-called ‘self-sufficient’ applicants that is delaying the issue of blue ID cards?

285 **Clerk:** Question 265, the Hon. K Azopardi.

Hon. K Azopardi: How many applications for blue ID cards have there been since 1st January 2021 and of those how many have been granted or refused and how many were pending at 13th September 2021?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, as at 13th September 2021 the Civil Status and Registration Office have 129 pending applications for identity cards, which are all in the process. Normally the turnaround for these types of applications is 10 to 12 working days after submission, but due to the great influx of applications received post-Brexit, coupled with new entry requirements imposed by the Spanish authorities with regard to the non-stamping of passports of registered Gibraltarians, this has resulted in delays in the process. Therefore, these are now taking approximately 15 to 20 working days.

300 Government has detected a possible abuse of the self-sufficiency rules since the end of the Brexit transitional period. This concerns notably persons who seek self-sufficient status merely or principally to be able to avail themselves of free education, including tertiary education funding without payment of both or either of Social Insurance or Income Tax, as well as qualifying for permanent residency and naturalisation. Government is seeking ways to tighten the system in the post-EU context whilst being mindful also of ongoing discussions with the EU for a future treaty.

305 Mr Speaker, there is no such thing as a ‘blue ID card’. The Civil Status and Registration Office identity cards are issued to persons eligible under Schedule 1 of the Civilians Registration Act. The remaining residents are issued with civilian registration cards. There have been 3,697 applications received for civilian registration cards from 1st January 2021 to 13th September 2021. Of these
310 2,737 have been granted. There are 503 applications which have been refused, mainly as a result of online applicants who have either applied for the incorrect card type, supplied incorrect supporting documentation or submitted photographs that do not meet the required standard. There are currently 457 pending applications for civilian registration cards. Normally, the turnaround for these types of applications is 20 to 22 working days after submission. As I have
315 already stated, however, Mr Speaker, our departure from the European Union has resulted in an increase in the number of persons applying for residency in Gibraltar. The processing of these

applications is more complex, given that the applicant's eligibility to residence needs to be determined and certain checks have to be carried out in relation to accommodation, employment, etc. These applications require careful scrutiny.

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Hon. K Azopardi: Mr Speaker, I am grateful for that information. If I can just ask a number of questions in respect of that.

325 First, I hear what the Chief Minister says about the post-Brexit effect on delays in the processing of ID cards going from a normal turnaround of 10 to 12 working days to 15 to 20 working days. I have to say that that may be the case with some, even many of the cards, but there are a number of people who come and speak to Members on this side of the House where they suffer greater delays. So I think people out there might be surprised to hear that the information being given by the Chief Minister and to the Chief Minister by the Department is that within 20 working days things are being processed. There are examples of people waiting *much*
330 longer, even when it does not give rise to the policy issue that the hon. Member has alluded to.

335 So I do not know if the hon. Member has information ... Can I ask him does he have information of a more detailed nature in respect of the breakdown of the length of time of the processing of those applications? I am not sure that the Question that we asked specifically, first of all was answered in terms of nationality of the applicant and, secondly, we would be interested to have more information, if the Chief Minister has it to hand, in respect of the processing of these applications.

Hon. Chief Minister: Well, Mr Speaker, let's try and break down what the hon. Gentleman is asking about. The hon. Gentleman says that he has people visit him who say that they are waiting longer than 15 to 22 working days for ID cards, and I wonder whether that is now. Certainly earlier in the year we went through a very difficult period because we were in a lockdown, in the second lockdown, which went into this year. I understand that at one stage these machines which print our very secure identity cards needed upgrading and there was a period when we could not get the upgrades carried out because the German engineers from Mühlbauer could not travel to Gibraltar. The upgrades could not be done remotely. So if the hon. Gentleman was spoken to by a constituent in May, that may have been true because there may have been periods where we were labouring under the inability to print identity cards.

345 It may be, Mr Speaker, that we are dealing with some cases where people are disappointed that they have not had their cards, but they are being told that they need to submit a new photograph because the photograph they have submitted does not comply with the requirements or another piece of information required is in the problem category. So what I described to the hon. Gentleman were the difficulties that were being experienced, not the policy issues, and I urge the hon. Gentleman not to confuse the policy issues with the problems with an application which can be fixed with some submission of new photographs, etc. Because the hon. Gentleman said those who are not in the policy – those who are not in the policy are not granted. They are told they are not going to get their ID card or their ID card is in a category that is being reconsidered. So those are not going to be issued.

350 But to give him a little bit more information, Mr Speaker, the total number of cards that have been produced from 1st January, to take a barometer, to take a benchmark, because that is the benchmark in his question, to 13th September, which I believe is the date on which questions were submitted, the total number of cards, both ID cards and civilian registration cards, has been 7,421. That is probably more than in any year since we introduced the identity card and they were then produced, obviously the 32,000-odd were produced at that time.

360 To give him another piece of data, the number of cards awaiting collection at the moment is 917. So Mr Speaker, I think that it is not that the Department is failing to produce them in the time that is available.

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To give him another piece of information which has been shared with me, and I am very happy to share with the hon. Gentleman, the number of applications received in that period, the 7,421, relates in part to applications received before 1st January, but I am giving him the number of cards produced since 1st January. The number of applications received since 1st January, for both ID cards and civilian registration cards, is 6,617; 4,790 have been granted, 1,698 have been refused, and 129 are pending because of problems that have arisen.

So Mr Speaker, in the context of the turnaround, yes, there was a delay earlier in the year. There is not a delay now for those that submit the documentation that is required from them in keeping with the requirements. There are policy areas – those are separate – but the turnaround of cards I think is something for which the Department should be commended, given the numbers that they have had to deal with in this extraordinary year.

Hon. K Azopardi: Mr Speaker, in relation to the issue of the self-sufficient policy point, which the Hon. Chief Minister has answered, I take it that the 129 that are pending, some of those might be affected by the policy issue. I do not know, but I am asking does he have an idea of how many applications are affected by the policy issue, firstly. Secondly, when will the Government be able to determine the policy issue and, thirdly, insofar as the way that he described the policy issue, which is that the Government have detected a potential abuse, that people might be seeking ID cards better to obtain certain benefits but are not paying tax and Social Insurance, to the extent that people are paying tax and Social Insurance is it expected, therefore, that those people who are paying tax and Social Insurance will obtain an ID card because they are within the policy the Chief Minister described loosely in his original answer?

Hon. Chief Minister: Mr Speaker, I know that the hon. Gentleman wrote to me about somebody who had gone to see him about this. I am not going to say a constituent, because I do not think somebody can be a constituent, properly so called, unless they are resident and eligible to vote. I do not know whether the word constituent includes those who are not in the franchise. If they are not in the franchise they cannot really formally be a constituent. That does not mean that we should not all each be available to people who find themselves in Gibraltar and who have an issue. I just ... I do not think I can properly call them a constituent.

Mr Speaker, I do not have the exact information of how many of the 129 that have been refused are refused on the self-sufficiency basis. I can get that information I am sure. If somebody is paying tax and social security, and that is the question that the hon. Gentleman asked me, then they would not come within the head of the self-sufficiency policy. Somebody who wants to take residence on the basis that they are self-sufficient will tell us that they do not pay tax, and they may also tell us that they should not pay Social Insurance, whatever their personal circumstances may be; their age etc.

So the answer, Mr Speaker, I believe to the hon. Gentleman's question, without delving further into the detail of immigration law, is that if somebody *is* paying tax and social security they will have their civilian registration documentation issued, despite the consideration that the Government is giving to the self-sufficient status because this person would not come within the criteria that the Government is trying to better determine.

Hon. K Azopardi: Mr Speaker, I am grateful for that answer, because it does provide that reassurance. The Chief Minister is right that I have written to him about a particular family facing that situation. It is not appropriate to discuss the case across the House, but certainly to the extent that there are people out there who feel or have been advised perhaps that a policy issue is somehow affecting their application, but to the extent that those people are paying tax and Social Insurance the Chief Minister has clarified, and I think it is welcome to hear, that that is not the issue that the Government are concerned about. The Government are concerned about people who are not paying tax and Social Insurance, as I understand it. *(Interjection by Hon. Chief Minister)*

Yes, I will give way. Sorry.

420 **Hon. Chief Minister:** Yes, Mr Speaker, that is right, but I just want to make sure that he has understood the nuance that I have introduced into the answer. Tax *and* Social Insurance. So there is a difference, Mr Speaker, if somebody is just purporting to pay Social Insurance because then there is not employment. With tax there is employment or self-employment *and* Social Insurance. Yes? But without tax there may be just voluntary contributions of Social Insurance; then there is not employment. And that is an area which is being considered and therefore he needs to see that that conjunctive element that he has introduced, tax *and* Social Insurance, is what takes the application out of the problem category for the Government. When you are left with no tax and voluntary contributions of Social Insurance that is when you are in the field of self-sufficiency and then, Mr Speaker, the issue is whether you are creating the concept of free movement as under 430 the European treaties, where somebody has the right to establish themselves, even though they will not be in employment, and that is the key issue which the Government is considering.

Hon. K Azopardi: Okay, Mr Speaker, I get the nuance. Let me ask it in this way to see if I have understood how the Government are landing on the policy issues.

435 To the extent that someone is registering as self-employed and paying tax *and* Social Insurance, even though they are working *from* Gibraltar, but not perhaps *in* Gibraltar, such a person presumably would not fall within the self-sufficiency policy concern. Is that correct?

Hon. Chief Minister: Mr Speaker, if a person is not working in Gibraltar they cannot register as self-employed in Gibraltar. Gibraltar's registration for self-employment is for employment *in* Gibraltar, and there would be taxation from the income derived *in* Gibraltar. So if somebody is employed outside of Gibraltar, even on their own account, (*Interjection*) it is different to being self-employed in Gibraltar because they would have to be registered for that employment in that other place.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to put to the Chief Minister whether perhaps he concurs that it is actually the operational and logistic arrangements right now at Sir Joshua Hassan House where the Office of Civil Status and the applications has been moved as a result of COVID, not Brexit, and I would like to ask him why the normal area has not reopened and if he has any projections as to when they will, because my experience while I have been going quite often recently for personal reasons, and my experience is that there are more crowds, not less, and that the staff seems very crowded-in effectively and that perhaps that could have something to do with these delays.

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Thank you.

Hon. Chief Minister: Well, Mr Speaker, the advice the Government has is that that has absolutely nothing to do with the delays and that a collection counter has been made available at the northern entrance to Joshua Hassan House open on Monday to Friday from 8.30 a.m. to 3 p.m., which I assume is the area that the hon. Lady is referring to, and this is what we had done on the advice of that Department.

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Mr Speaker: Next question.

Q266-68/2021

Border control –

Spanish passport electronic reading pilot; Frontex discussions

465 **Clerk:** Question 266, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, did Spain discuss the pilot project on electronic reading of passports it is currently running on its side of the frontier with Gibraltar?

470 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 267-68.

475 **Clerk:** Question 267, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, are the Government aware of any discussions that Spain have had with Frontex in relation to the Gibraltar frontier?

480 **Clerk:** Question 268, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, has the Government had any direct discussions with Frontex or have there been any indirect discussions with Frontex via the UK in which the Government have participated or of which the Government are aware?

485 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, neither Spain nor Gibraltar discussed with the other our respective projects for the electronic reading of passports at the frontier between Gibraltar and Spain. Of course, Mr Speaker, just as an aside, those relate to what would happen in the context of a no negotiated outcome.

In relation to the Spanish project, we understand that this is a project that is being conducted at all Schengen external borders throughout the entire Schengen Area. The treaty that we are seeking to negotiate with the EU will mean that the land border we share with Spain would not be treated as a Schengen external border for immigration purposes.

495 The Government are aware that informal discussions have taken place between Spain and Frontex, not in relation to the Gibraltar frontier as the question asks, but as to a Frontex operation at the port and airport. Informal and very preliminary discussions with Frontex involving Gibraltar representatives have also taken place. As hon. Members will have seen, Frontex officials have made statements publically also.

500 **Hon. K Azopardi:** Mr Speaker, when the Chief Minister says that he is aware of informal discussions as to the Frontex operation at the port and airport, he is aware in terms of he has received a direct briefing on that by, say, the UK or from information via Spain, or from official circles, or is this a more informal kind of trickle down of information?

505 **Hon. Chief Minister:** No, Mr Speaker, we have been formally advised by Spain that she has undertaken those preliminary discussions with Frontex for the purposes of teeing up the possibility that we are seeking to negotiate in the UK/EU treaty.

510 **Hon. K Azopardi:** Mr Speaker, the nature of these discussions is to do with what? Is it to do with structure and mechanics of potential Frontex operations were there to be a treaty? Is the

Government content with the potential involvement of Frontex as it has been described to it; was in turn discussed with Spain at these informal discussions?

515 **Hon. Chief Minister:** Mr Speaker, as I think I have told the House before, it was the Government of Gibraltar that proposed Frontex instead of Spanish law enforcement agencies. And the information that we have been provided with by Spain in the context of our discussions alongside the United Kingdom has been that they have been informally ensuring that the arrangements that would be proposed would be ones that Frontex would be able to undertake. Both in terms of
520 structure, jurisdiction, in terms of legal jurisdiction and what might have to be done in order to ensure that if there were a treaty along the lines of the New Year's Eve agreement, which is the only treaty that the United Kingdom and Gibraltar will countenance, that the work that Frontex it is envisaged would be doing there is work that they could effectively discharge.

525 **Hon. K Azopardi:** Mr Speaker, all these discussions with Frontex, obviously as the Chief Minister has himself said are in the context of a potential development along the lines of, what he aspires to is something along the lines of the New Year's Eve agreement and a possible treaty. I appreciate that this is a rather more extended supplementary, but given what he has said and the nature of the importance of that to Gibraltar is he in a position today to give any further
530 information as to the possible start of those discussions which I know were awaiting the approval of the mandate, but does he have any further information that people might want to hear as to that progress?

Hon. Chief Minister: Well, Mr Speaker, I note that the hon. Gentleman says that this is the treaty that I aspire to, on the terms of the New Year's Eve agreement. I thought we all aspired to it on the basis of it being safe and secure, which are the statements that he has made before.
(Interjection) Exactly.

So Mr Speaker, I am afraid I am unable to give any information to the House which I believe is reliable enough to want to share publicly at this stage. There is a lot of work going on behind the
540 scenes to try and now bring to a head the potential commencement of negotiations. Yesterday, the Minister for Europe, Wendy Morton, gave evidence before the European Scrutiny Committee and the House of Commons in London and put in the public domain the information that is available to both the United Kingdom and Gibraltar, which I have already shared I think widely in Gibraltar. We anticipate that it may be possible to see the European Union formally adopting its
545 mandate in coming weeks. We will have to see what its formal mandate when adopted says, in particular in relation to Frontex. Then, Mr Speaker, I imagine that we will be able to also, if the mandate is as we anticipate it will be, then we will see whether we can also soon see a timetable for negotiations agreed between the United Kingdom and the European Union so that we can start to formally take forward the attempt to ensure that we have a New Year's Eve agreement
550 translated into that safe and secure treaty that we all wish to see.

Questions for Written Answer

Clerk: Answers to Written Questions.

Hon. K Azopardi: Mr Speaker, (Mr Speaker: Yes?) just on a point of order, so I am clear, because I was having a look at the Rules. So there are a number of – before the Chief Minister lays on the
555 table answers to written questions, for clarification perhaps – outstanding oral questions that

were tabled. As I understood the Rule, but I am looking to Mr Speaker for guidance, obviously questions can be converted into written form. As I understand the Rule, if we wanted to deal with oral supplementaries, we would need to retain them as oral for the next session of the House unless Mr Speaker is going to rule that written answers can be delivered to us and we then have an ability to ask supplementaries should we choose to do so in respect of some of the questions. I do not mind which format we follow. As I read the strict rule, I thought we had to have a reflection over three days as to whether or not we wish to convert, but we are in your hands, either would work for us.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may assist the hon. Gentleman. The Government is not going to pretend to give hon. Members written answers to the questions that they have not been able to ask orally but which they submitted as oral questions. We are going to now lay on the table the written answers only to the written questions that were asked. They asked some questions which were for written answer, and so we will lay on the table now those answers to written questions.

The remaining questions, which remain as oral outstanding questions but Ministers are not here to answer them because of the Commonwealth Parliamentary Association and other ministerial travel, and in one instance Mr Bossino has been in touch with the Deputy Chief Minister also about other circumstances, they then have the choice of deciding whether they wish to have as oral questions next time or written questions and we will then send the written questions. They are not tabled, I think. I think they are sent through the House so that they then have them as written answers if they wish. But I was not pretending to give written answers to all the outstanding questions at this stage.

Hon. K Azopardi: Mr Speaker, nor was I suggesting that the Chief Minister was about to do that. All I was saying is that because we were on the oral questions part of the agenda, before we go to tabling of written answers, can I clarify this issue? I was not suggesting that the Chief Minister was about to ambush us with written answers to oral questions. I have accused the Chief Minister of many things, but not of that; certainly not today.

Mr Speaker: Yes, absolutely. The hon. Member has a choice: either you accept for written answers to the oral questions which have not been answered or you have within three days of the end of this session to exercise an option whether you want to put those questions back into the system for the next Meeting of the House.

Hon. K Azopardi: Sorry, can I just clarify that, Mr Speaker, in the context of what the Chief Minister said at the end. In the context of that, it is not that we are going to get advanced notice of the written answer, presumably? (**Mr Speaker:** No.) No, exactly. That is how I understood it.

Mr Speaker: You have an option (**Hon. K Azopardi:** Correct.) [*Inaudible*] ... that once you take a written answer to an oral question, you cannot then say, 'Oh no! I am going to change my mind.'

Hon. E J Reyes: But –

Hon. Chief Minister: So Mr Speaker ... Oh, sorry ... [*Inaudible*]

Hon. E J Reyes: Sorry, I was just trying to get a clarification because I often have to seek Mr Speaker's advice in respect of the time span between questions. An example, Mr Speaker, some of the questions I have tabled which the Minister is not present obviously to answer, if I accept those as written and should I have any question arising out of that, which would, had it been taken orally, have been a supplementary. Would Mr Speaker allow me to pose those

questions or I have to wait the certain timespan before I can ask further clarifications on the written answer he is given. What I am trying to calm myself with, if I accept the written answer and I then want a supplementary that I fall foul the Rule.

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Mr Speaker: Yes, I understand. I think although I sometimes exercise some discretion, once you accept a written answer, it means that it is a complete answer, because you have the option to ask the question next time round. But once you accept the written answer then the six-month rule kicks in.

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Hon. Chief Minister: Mr Speaker, in legal terms the hon. Gentleman is put to his election whether he wants an oral or written answer.

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Mr Speaker, your ruling is your ruling. I would simply ask that perhaps we reflect a little on whether if an answer is given in writing it is caught by the six-month rule, because I believe that that rule is for oral questions, and it would be an oral question, but the minute it is converted to writing then written question rules might apply to that question and the answer. I am conscious that the six-month rule is in order not to have the same debate across the floor of the House all the time, but when we introduced written questions, with your assistance in your time as Clerk, you will recall that we sometimes ask the same written question all the time in order to avoid the statistical questions and those questions were therefore passing in writing, sometimes, in the very few seldom occasions that hon. Members when they were here on this side of the House actually had a meeting of the House within six months, we would ask the same question twice. So perhaps it is an issue on which Mr Speaker might exercise some discretion if appropriate, and – Sorry, yes.

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Mr Speaker: I am quite happy to accept the Chief Minister's guidance, in which case, if there are a reasonable number of referrals to the written questions given handed out this time round, I am prepared to accept. Right? This is what the Chief Minister has just said.

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Hon. Chief Minister: Mr Speaker, let's be clear. What we are talking about is the tabling of questions, not supplementaries. There would be no way for hon. Members to ask a supplementary on a written question. What I am saying is that it would in our submission not be outside the Rule for an oral question to be submitted by hon. Members for the next session which dealt with the same subject matter on which they had had a written answer because the Rule about six months does not formally apply to the written questions and the oral questions when converted to written questions become written questions subject to written questions' rules. *(Interjection)* But perhaps we can take this all offline before we lose all the audience that we might have left! *(Laughter)*

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Hon. K Azopardi: Mr Speaker, if the hon. Member gives way and before your ... Mr Speaker finally rules on it, I certainly understand what the Chief Minister is saying and what we understand on this side of the House is we have the option of either tabling it again as an oral question or accepting a written answer. To the extent that we accept a written answer, we will then be able to table oral questions at the next sitting of the House –

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Hon. D J Bossino: Arising from the written answer.

Hon. K Azopardi: – arising from the written answer. *(Interjections)* As I understand, that is what we are saying and it will not be caught by the six-month rule, subject to your – *(Interjections)*

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Hon. D J Bossino: *[Inaudible]* ... that is the clarification we need.

Mr Speaker: Because they are not supplementary questions, they are new questions. *(Interjection)* Correct, but this will only apply for this occasion in respect of this difference.

660 **Hon. K Azopardi:** Mr Speaker, if it applies, it applies because written answers are not caught by the oral answer rule, (**A Member:** Exactly.) so whenever a question that is submitted as an oral question is converted into a written answer, that is when it applies as a matter of general course.

A Member: Yes, and not just on this occasion.

665 **Mr Speaker:** Absolutely, yes.

Hon. Chief Minister: Thank you, Mr Speaker. The Opposition and the Government are in violent agreement on this. (*Laughter*)

Mr Speaker, I now have the honour to table the answers to Written Questions W23/2021 to W35/2021 inclusive.

Order of the Day

BILLS

FIRST AND SECOND READING

Petroleum (Amendment No.2) Bill 2021 – First Reading approved

670 **Clerk:** Order of the Day. A Bill for an Act to amend the Petroleum Act to provide for an increase in certain penalties and for connected purposes. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

675 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act, (**A Member:** Hear, hear.) (*Banging on desks and laughter*) to amend the Petroleum Act to provide for an increase in certain penalties and for connected purposes be read a first time.

680 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Petroleum Act to provide for an increase in certain penalties and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Petroleum (Amendment No.2) Act 2021.

Petroleum (Amendment No.2) Bill 2021 – Second Reading approved

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

Mr Speaker, in February we brought a Bill which increased the penalty available for contravention of the Act and amended the Petroleum Rules in order to prohibit the keeping, storing or conveying of more than 20 litres of petrol without a licence or permit. We responded

690 at the first opportunity after we were informed by the Commissioner of Police of a worrying new
activity which is connected to the drugs trade and which had to be stamped out as soon as
possible. As you all know, Mr Speaker, the activity being carried out concerns the supply of fuels
for RIBs used for illegal activity. Since then, however, the number of persons identified as being
illegally in possession of large amounts of fuels has increased. The Government has therefore been
in contact with the Commissioner of Police and as a result this Bill proposes a very considerable
695 increase in the penalties due for the possession and transporting of fuel canisters and makes those
offences indictable-only offences.

The Bill amends the rule-making power in section 7 of the Petroleum Act to allow the Minister
by rules to create offences and provide for penalties. There is a consequential amendment to
disapply two provisions of section 23, Interpretation and General Clauses Act, which together
700 provide a limit on the size of fine and length of imprisonment that can be included in subsidiary
legislation and which makes all offences in subsidiary legislation triable summarily. It amends
section 9 of the Act so that it continues to provide penalties for breaches of the Act itself but will
no longer apply to breaches of the rules.

The Bill then amends rule 38 of the Petroleum Rules. Currently, rule 38 states that breaches of
705 the rules are to be prosecuted under section 9 of the Act. Accordingly, this rule is replaced in its
entirety and in its new form rule 38 continues to apply the current level of penalty to breaches of
the rules that are not concerned with the key offences which are being targeted. However, new
rule 38(2) provides that in respect of a breach of rules 24, 26A, 31 and 32A the prosecution of an
offence is triable on indictment only.

710 Rule 24 prohibits the keeping of more than 100 litres of petrol in an unlicensed garage.

Rule 26A prohibits more than 20 litres of petrol to be kept, used or conveyed in a vehicle,
except with a permit issued under the rules.

Rule 31 prohibits the storage of more than 100 litres on any premises unless they are licensed
to do so.

715 Rule 32A closes the gap between the storage of 20 litres and 100 litres on premises by
prohibiting the storage of such amounts on any premises unless licensed.

The fine that the court may impose for a breach of these rules is increased to a fine not
exceeding the greater of 10 times Level 5 on the standard scale, which amounts to £100,000, or
50 times the value of the fuel. The term of imprisonment is also increased from six months on
720 summary conviction, or five years on conviction on indictment, to 10 years and in addition where
there is loss of life or serious injury the term is life imprisonment.

Mr Speaker, we have previously highlighted, quite apart from the support that such an activity
lends to the drugs trade, the storage of petrol is a dangerous activity which requires suitable
premises and suitable containers. The nature of petrol and the fumes it omits presents a real
725 danger of an explosion and fire. The storage of petrol in unlicensed premises exposes not only the
persons concerned but also the occupants of the adjoining premises at risk. The transportation of
significant quantities of fuel carries grave risk and even a minor traffic accident may turn into an
explosion.

For these reasons, Mr Speaker, the Government is responding swiftly and appropriately to deal
730 with this problem. Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

Mr Speaker: Before we proceed any further on this Bill, I would just like to advise hon.
Members that the Hon. the Chief Minister wrote to me explaining that this particular Bill needed
to be certified because it was being taken ahead of the six weeks, in accordance with section 35(3)
735 of the Constitution.

Before I put the question, does any hon. Member wish to speak on the general principles and
merits of the Bill?

740 **Hon. D A Feetham:** No, Mr Speaker, the Opposition will support the Bill, essentially because we agree with the purpose of the Bill. We agree that this type of activity has got to come within a bracket that is potentially punished with a higher penalty. What we are grappling with is with the scheme, which is an existing scheme, and perhaps if the Minister could just – we are going to support it, but if the Minister may actually clarify this for us. I know that the Minister is not a lawyer, but perhaps he has been briefed in relation to this.

745 Clause 4 of the Bill essentially provides that, 'The Petroleum Rules are amended in accordance with the provisions of this section.' So what this Act does is it amends rule 38 of the Petroleum Rules which contain the offences. So the rules contain the offences and within those rules obviously the offences are punished to a certain degree in the rules at the moment, what the Government is essentially doing is increasing the penalty. Can the Minister explain why does the
750 Government have to bring a Bill to essentially amend what is secondary legislation? We are just grappling with that. We do not understand that.

Hon. K Azopardi: I think the point is why is the offence being created in the rules and not in the Act ... (*Inaudible*)

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Hon. D A Feetham: Well, no, the – we are having a debate here even amongst our own ... on our own! (*Laughter*) As I understand it, all the offences are in the actual rules. In fact, there are many regulations that contain offences in a wide variety of areas of the law. That contains the penalty, but why does the Government have to essentially amend the penalty by way of primary
760 legislation when all of this is in secondary legislation?

Hon. D J Bossino: There is an enabling provision, there is a creation of offence provision here in the Act ...

765 **Hon. D A Feetham:** Yes. That is what we are grappling with in relation to this.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government was very concerned, as the Hon. Minister has set out, to see that despite having passed legislation to criminalise an activity, to make that a deterrent against that activity, the instances of that activity being pursued in Gibraltar actually increased at the time that we provided for that criminalisation. So there was
775 therefore an extraneous circumstance that was driving this activity in the region and in particular in Gibraltar, and Gibraltar wants to ensure, as the Government said publicly at the time that we published this Bill, that we form no part of the logistics chain of the nefarious business of drug trafficking. Therefore that is why we are taking this step and that is why we are ensuring that the penalties that are provided are penalties which will demonstrate that this House will not tolerate
780 that this activity should be carried out from Gibraltar in support of the drug trade.

Now, in order to do that, Mr Speaker, we have to amend what is a very old Act. The Petroleum Act dates back to 1931. As a result, Mr Speaker, rather unconventionally, we are providing in this amending Act the provision for the change of the Rules. The reason for that, Mr Speaker, is that the current section 7 of the Act does not allow for rules to be made that provide for penalties of
785 this sort. For that reason, hon. Members will see that we are doing two things. We are amending section 7 of the Act and we are then also doing the thing that we would consequentially do as a result of that amendment. We need to disapply now section 23 of the Interpretation and General Clauses Act, which together with the existing clause 7 provides a limit on the size of the fine and

790 the length of imprisonment that can be included in subsidiary legislation and which makes all offences in subsidiary legislation triable only summarily.

Mr Speaker, I hope that explains to the hon. Gentleman why it has been done in this way. I confess that I was not aware of this level of detail when we asked for the legislation, the draftsman provided us with this explanation, and so when the hon. Gentleman has got up I knew that I had in my inbox that detailed analysis from the draftsman as to why we were doing it quite this way, and I hope that is of assistance.

Mr Speaker: Does the mover of the Bill wish to respond?

800 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, just to say that I am grateful to the Hon. Chief Minister for providing the legal explanation and I am grateful to the Opposition for supporting this Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Petroleum Act to provide for an increase in certain penalties and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

805

Clerk: The Petroleum (Amendment No.2) Act 2021.

COMMITTEE STAGE AND THIRD READING

Petroleum (Amendment No.2) Bill 2021 – Committee Stage and Third Reading to be taken at this sitting

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

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

Members: Aye.

FIRST AND SECOND READING

Register of Property Occupation Bill 2021 – First Reading approved

815 **Clerk:** A Bill for an Act to make provision for the establishment of a Register of Property Occupation, the appointment of a Registrar responsible for maintaining the Register of Property Occupation, the creation and appointment of an appeals board and for connected purposes. The Hon. Minister for Digital, Financial Services and Public Utilities.

820 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the establishment of a Register of Property Occupation, the appointment of a Registrar responsible for maintaining the Register of

Property Occupation, the creation and appointment of an appeals board and for connected purposes 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 make provision for the establishment of a Register of Property Occupation, the appointment of a Registrar responsible for maintaining the Register of Property Occupation, the creation and the appointment of an appeals board and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Register of Property Occupation Act 2021.

**Register of Property Occupation Bill 2021 –
Second Reading approved**

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I beg to move that the Bill for the Register of Property Occupation Act 2021 be read a second time.

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Mr Speaker, before I move onto the substance of my opening in respect of the Bill, I must say that I have engaged with the Members of the Opposition following the last sitting of Parliament and in between. I am grateful to the Hon. the Leader of the Opposition for his detailed comments, which he has emailed me and he will have seen a letter of amendment consequential upon that, which deals with some of the points, and I will in my response after I assume he will speak deal with the remaining issues that are not covered by that amendment to the legislation.

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Mr Speaker, the Bill creates a registration regime in relation to residential property, which for the purposes of the Act is defined as relevant property. A person in occupation in residential property in Gibraltar will be required to make an application to the Registrar in order to have the said property in his name as the occupier entered in the Register. Such person shall be required to provide details of occupation as requested by the Registrar, including the names of all persons in occupation of the property in common with him and allow the Registrar to inspect the property if so requested.

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If, however, property falls under the definition of ‘special housing’ as designated under a legal notice, for example, Government housing or elderly care living arrangements, the obligation to register falls on the competent authority appointed in the said notice. For example, for the purposes of Government housing, referred to as public housing in the Housing Act 2007, the responsibility to register pursuant to this Act shall lie with the principal housing officer who in turn shall provide details to the Registrar of all occupied properties together with the names of the occupiers. If on the other hand property is rented privately, for example, via an estate agent, and an application is made by an occupier, the landlord shall be required to provide the Registrar with details of occupation upon request within a specific timeframe; a system of verification. Failure to register occupied property pursuant to this Act within three months, or provide details of occupation or knowingly provide false information or allow inspection of property when requested by the Registrar is a summary offence with a fine of up to Level 4, £4,000, on the standard scale.

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I will now move to the particular clauses of the Bill. Clause 6, Mr Speaker, sets out the appointment of the Registrar by the Minister. The Registrar shall consider applications and shall also be responsible for maintaining the Register so an accurate and detailed record of property occupation is portrayed.

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Clause 7 lists the Registrar’s general powers and duties pursuant to the Act and these include the different items that are listed therein.

Clause 10 sets out what happens if there is a change in occupation. In such cases, the occupier must within one month commencing on the date of change notify the Registrar who shall then exercise his powers under clause 7.

870 Clause 13 establishes the Property Occupation Appeals Board who shall hear and determine appeals under the Act. The constitution, composition and powers and proceedings of the Board are contained in the Schedule to the Act. The Schedule may be amended by legal notice.

Following from clause 13, clause 14 grants an aggrieved applicant the power to appeal. If he wishes to challenge a Registrar's decision an aggrieved applicant may appeal the decision of the
875 Board to the Magistrates' Court.

Mr Speaker, an addition to the above, I would further state that Gibraltar enjoys comprehensive social benefits such as healthcare and education. Following the Chief Minister's Budget address of 2019, we must be vigilant to ensure that such social benefits are not taken advantage of by non-entitled individuals. For example, individuals who rent Gibraltar properties
880 under sham tenancy agreements to engage in the benefit of healthcare and education.

It is expected that the Act shall assist the relevant Department in monitoring and containing this abuse, as its aim is to identify individuals genuinely residing and in occupation of property in Gibraltar. The Register may, for example, highlight cases where there is an attempt to register a tenancy against a property that already has an occupier claiming those benefits. The Register may
885 also serve other purposes, for example, assisting the Income Tax department with confirmation of tax residency in Gibraltar.

It must be emphasised that the Register is not a public register and is totally GDPR compliant in relation to the confidentiality of the information that the Registrar may hold.

I commend the Bill to the House.

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

The Leader of the Opposition.

895 **Hon. K Azopardi:** Mr Speaker, indeed the Hon. Minister and I did engage. He tabled the Bill before the summer break and we had a discussion after the Budget as to certain ... or at least I flagged with him that we had a number of concerns in relation to the Bill and we agreed that the Bill would not be taken before the summer to give us an opportunity to engage with Government in respect of those concerns, and certainly he, true to his word, has provided me with an
900 opportunity to send him a list of the points. What I would say, though, having done that and engaged with him in respect of that, certainly from our perspective, having seen the proposed amendment letter that is going to be tabled at Committee stage, we certainly do not see that that amendment letter goes sufficiently far enough to deal with the points that we had raised.

I appreciate that the hon. Member did say to me in an email that he would reply in his original
905 Second Reading contribution or indeed in reply to me on the points, and I certainly look forward to hearing him speak to the points that we raised because the points that we raised were quite wide-ranging, at two levels, really. First, they were granular in respect of certain provisions of the Bill in relation to privacy and confidentiality. We wanted to understand the scope of the Bill, how it would work in the private sector, whether it would affect MoD housing, how it would affect the
910 private sector, does it place the primary obligation on the landlord or the occupier, what impact does it have on the landlord. We mentioned a whole number of detailed issues in respect of the Register itself, the confidentiality provisions in respect of the flow of information.

But, Mr Speaker, we also raised, quite significantly, the issue of underlying policy, which for us, there can always be improvements to any Bill, but we needed to get comfortable with the
915 underlying policy. And I did share with the hon. Member before the summer break that when this Bill was first published, certainly on first reading of it, I thought it was not immediately obvious what the purpose of the Bill was and it seemed to encroach quite significantly on what were

920 traditional freedoms that people would have – commercial freedoms and, indeed, private freedoms in terms of the information that they needed to give the state on the ownership of private property.

925 Then, of course, the rumour mill began to cascade that it might have something to do with the curtailment of abuse and the hon. Member did send to me, one of the things he did, was he did send me the draft speaking note that he delivered today. But what I did say in reply to him, and it is perhaps something that he needs to expand on, is that the speaking note contains a pretty condensed paragraph in respect of the curtailment of abuses.

930 Now, we support the principle, clearly, that people should not be abusing the system and be obtaining benefits when they are not entitled to those benefits. Let me make that absolutely clear. That is where we stand and if this is essential and necessary, and if there are essential and necessary things that need to be done, well, then they should be done. But the explanation so far has fallen well short of persuading us at that level. I have asked the hon. Member are there other mechanisms. Why are the other mechanisms in place already deficient? What else can be done to make sure that we do not need to legislate in a way that is intrusive, because clearly this Bill is quite intrusive in respect of the flow of information and management, the obligations that are placed on people and is there any other way that we can make sure that people do not abuse the system short of this Bill.

935 As I said to the hon. Member, I appreciate that this is a philosophical point, philosophical purpose, but it would have been helpful to have a better understanding of the grounding and objective of the Bill in that way and why the Government feels that this is the only way that these abuses can be curbed. Certainly from the standpoint and explanations that we have had so far, the ground on which we are right now, so the Minister understands where we are, is that having engaged constructively and proactively with Government and having shared the points, first of all, we are not sure ... well, I am quite sure that our points have not been dealt with, just looking at the amendment letter that is proposed. Not all of them have been dealt with and we have not had explanations in respect of other points; there may be explanations in respect of other points. 940 But in respect of the most important, macro point as to the purpose and objective and whether it can be achieved in a different way so that we do less to encroach on people's freedoms, then we fall short of understanding the objective, and at the moment are not persuaded to support the Bill and would intend to abstain on it.

950 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits the Bill?

The Hon. Marlene Hassan Nahon.

955 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I will be voting in favour of the Bill, as in principle I agree with the merit of the Bill, but I have to highlight that I do not quite like the idea of granting ministerial powers of exemption by statute, not for this Bill and not for any other Bill. Even if the subsequent clause in the amendment tries to steer the scope of the exercise of this discretion, we all know that granting political discretion means opening up the door to abuse and corruption.

960 If this Register is designed to provide accountability and detailed knowledge of exactly who resides in Gibraltar and how properties are occupied, I do not see the need for granting powers of exemption by statute and definitely not with the wide grounds set out by this amendment.

Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

965 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Hon. Minister has explained the general principles and purposes on which the Government has been motivated to bring this Bill to the House, and indicated also some of the elements of the discussion that he has held with the Leader

of the Opposition and our response in the amendments that we are moving. I know they will now
970 be issues that he takes up in respect of the response that the Hon. the Leader of the Opposition
has given.

But in terms of the overwhelming importance that this Bill has and the purpose of it, this is
about joining up a lot of the issues that we find in Government, we can see abuse happening in.
So in terms of how somebody is asked to give information, the Hon. the Leader of the Opposition
975 has talked about a curtailment of freedoms and I think he really is completely barking up the
wrong tree here. Gibraltar operates already a system of registered land and so ownership of land
in Gibraltar must be registered in order to be effective. If one's ownership of land is not registered
under the property register, then any assertion that a person may make in respect of ownership
of that land can only be provided for by trust and can only be enforced by a court in equity. It
980 cannot be enforced otherwise. So requiring people to register their interest in land, such as it may
be, is already a provision of our law. We already operate a register in respect of ownership of land.
So the first point that he made I think, Mr Speaker, is not a point that on reflection he would wish
to pursue very vigorously.

The second point, Mr Speaker, is that to require someone to tell us where they are living is also
985 something that is provided for in our law because our law in respect of civil registration requires
that people who are resident in Gibraltar provide an address to the Civil Status and Registration
Office and therefore both the issue of registration of ownership of real property and the issue of
registering for residence in Gibraltar is provided for in our law.

So I say to the hon. Gentleman he is wrong to suggest that there is any issue here which curtails
990 individual freedom. What we are doing here, Mr Speaker, is joining up those things so that both
ownership, and registration of it, and residence and registration of residence is joined up also in
the property where a person purports to be living.

The issue, Mr Speaker, that he will understand is an important one for us, in particular given
the moment in which we live, but even despite the moment in which we live, is that very often,
995 and he will have come across this when he was in Government no doubt, people are using
addresses where they are not actually resident for the purposes of enjoying benefits in Gibraltar,
and the whole gamut of benefits in Gibraltar. Whether it is health benefits or whether it is
scholastic benefits for children or the funding of tertiary education for their children, to give him
just an overview, is done on the basis of, 'I've got my civil registration card', or, 'I've got my identity
1000 card, there's the address I've given, they've accepted it.'

Now, different Government Departments seek to check with each other against the
information that is provided. There is another Bill on the Order Paper that we will be dealing with
now, which will enable us, despite the General Data Protection Regulation, to share information
between Departments, something which we cannot do until we legislate for, right? But all of that
1005 information does not yet provide us with a full picture of what may be happening.

So for the hon. Gentleman to understand, somebody in one Department diligently pursuing
these matters can call somebody in another Department to say, 'Look, Mr X has come and told
me that he is registered at this address as being resident, and I therefore am going to give him his
identity card, which will then unleash all of the benefits – is that right? Registered as living at this
1010 address.' The answer is that we have no requirement that anybody be registered as living at an
address and so if you were to call LPS, for example, in respect of private property, the maximum
that you would be told is who is the owner of that property. The registered legal owner of the
property, not whether they have rented it, because if they have rented it, that does not have to
feature in what is presently registrable.

So they might tell us, 'Well, look, Mr Azopardi, a well-known landlord in Gibraltar owns a
1015 hundred apartments and they're all in his name. I don't know whether Mr Cortes is actually
resident in Azopardi Towers apartment number 1', right? (*Interjections*) Therefore, Mr Speaker, if
Mr Cortes is resident in Azopardi Towers number 1, he might not be able to connect his electricity,
well, if he produces his contract he might be able to but he might not be able to register his

1020 children in school etc. If he is not resident in Azopardi Towers number 1, and in fact 50 other
people are claiming that address as the place where they are resident, we might also not be able
to see that there are 50 other people there. So this is what we need to do in order to ensure that
we stop the abuse and corruption that there is, because abuse and corruption is not something
1025 jurisdictions. There is abuse and corruption of the system by people who seek to come to Gibraltar
to take advantage of benefits which are provided for the people of Gibraltar and residents of
Gibraltar and unfairly take the advantage of them. So this is the way that we get all of these
systems to join up and we have a very clear understanding of who is in what property, because it
will be a legal requirement that they provide that.

1030 The hon. Gentleman can rest assured that after 10 years in Government we have tried every
other possible way to achieve this and it is not possible to achieve it in any other way, and for that
reason, Mr Speaker, I am sure he will agree with me that this is a purpose that we should pursue
where no liberty is at stake whatsoever and if the hon. Gentleman were to take the view that
there is a liberty and a freedom at stake, then he would have been the class of people who would
1035 think that it is an infringement upon one's liberty and freedom be required to have an identity
card, a position which many people take in other jurisdictions, in particular in the United Kingdom,
but which we have never taken here. We have always thought it was useful to have an identity
card and it was administratively important for us to have an identity card for the purpose of
registration of employment and all other benefits, etc.

1040 So Mr Speaker, we do not agree that this is intrusive, we do believe that it is necessary and
then the hon. Lady, in my view, is entirely wrong to suggest that a ministerial discretion somehow
creates an opportunity for abuse and corruption. Our laws are full of ministerial discretions
because, Mr Speaker, Ministers are the repositories of the public trust, of the trust of the
electorate, and ours is our sacred obligation to deploy that discretion and those rights which we
1045 are given by the people in a way that is not abusive and is not corrupt. There are laws that would
prevent abuse and corruption already in our criminal statute.

But, Mr Speaker, the hon. Lady needs to understand that the creation of a discretion would be
entirely irrelevant in the context of curtailing abuse and corruption, because once one is elected
by the public to public office in this House, already, because one can abuse the privileges of this
House and corrupt the principles of this House, or indeed to ministerial office, one has the ability,
1050 if one were corruptible and abusive, to become involved in abusive and corruptive practices. The
law giving you a discretion to determine something would be irrelevant almost in the context of
somebody who is ready to abuse and corrupt the system. Mr Speaker, although it may be common
in chit-chat to talk about abuse and corruption, let's be very clear: we are here doing a very serious
act, which is legislating, creating a power for a purpose which is a good and noble purpose, which
1055 is to protect the public purse, to protect the interests of Gibraltarians and ensure that the benefits
that our society gives to its residents, of whatever nationality, are given only to its residents of
whatever nationality and not to others.

The exemption power, Mr Speaker, is in fact designed to exempt, for example – and the hon.
1060 Gentleman will be able to give a better example, but – the fact that the Governor, who represents
Her Majesty the Queen and who therefore is exempt from certain aspects of the laws that apply
to most people might actually have to register because in a widely drawn Act, and it has to be a
widely drawn Act to ensure that people who are seeking to abuse do not find a loophole, he might
have to register. And the individuals who might otherwise come within the category of persons
1065 that everybody in this House would agree should not be subject to this registration requirement,
individuals, for example, who are serving members of the Armed Forces of the United Kingdom in
Gibraltar who are under different categories and who are here in a way that is defined and we
have information of, but are not under the civilian systems, are not provided for. But otherwise,
the map of Gibraltar is provided for.

1070 So I would encourage the hon. Lady not to see this issue through the filter of potential abuse and corruption as she has, and to support this Bill wholesomely and not less fulsomely, as she has suggested she will nonetheless support it.

1075 Mr Speaker, it is important, whether it is in relation to schools, whether it is in relation to the Gibraltar Health Authority, whether it is in relation to scholarships etc. that everyone who is entitled to those benefits should have them and that no one who is not entitled to those benefits should abuse or corrupt the system to take those benefits away from those who should have them and we must protect the public purse by passing this Bill to finally ensure that all the information necessary is available to Departments for that purpose.

1080 **Mr Speaker:** Does the hon. mover wish to respond?

Hon. A J Isola: Thank you, Mr Speaker.

1085 Just expanding on the point that the Chief Minister has made in respect of whether this is an intrusive system or Register, I think that the Chief Minister has already referred to, for example, the land titles, where there is an obligation to register. Similarly, CSRO if you want a civilian registration card or an ID card. But then there is the Health Department, the Education Department, the Employment Ministry, the ETB forms, Tax Office, Social Security, DVLO for car licensing or car registration or car ownership, registry of births, deaths and marriage. Every single interaction with a Government Department requires you to give your address. Every single one.
1090 So for us to do a registry of occupation, how can that possibly be intrusive? When what we are actually going to be doing is centralising it into one place where each of those Departments I have just mentioned will be able to verify that that person actually lives where they tell us they live because it will be checked at source. There will be a formal register which will enable us to know exactly who is occupying what property, and that is the one source that you will go through when
1095 you are using Government eServices because when you register for eServices, the eServices system will check your address against the Registry of Property Occupation. That is the reason why we are going to be able to use this so effectively in enabling us to police the areas that we have talked about in a far more efficient and a far more beneficial manner for the taxpayer.

1100 Mr Speaker, the Chief Minister also referred to the exemption. The ability to exempt an individual or a group of individuals – the Chief Minister has mentioned the Governor or, indeed, for example, the Ministry of Defence were we to choose to. Without this power we would not be able to do that and therefore to give us the scope should the need be, there could be security reasons as to why somebody does not want to declare their occupation, if that is something that is satisfactorily in the public interest then an exemption is able to be granted. But it would be a
1105 very limited scope because the intention is that this is a complete register. It would be incomplete if exemptions were given nilly-willy. But we have to have the ability to do it to stop, for example, for security reasons somebody failing to comply with our legislation and breaking the law and being eligible for committing an offence.

1110 Mr Speaker, as the hon. Member has mentioned, he did send me a long and detailed list of questions, and I am very happy to take him through these now, because they all have quite simple answers which will explain to him why in fact there was no further need to amend. I will explain those briefly, as I take you through them.

1115 Mr Speaker, the legislation does cover all residential properties, public and private. The public side, the Government housing – the public housing as defined in the 2007 Act – what will happen is the Principal Housing Officer will give the Register a full list of all Government housing. And that will not be just at the beginning, which is one of the questions the hon. Member asked me, but there will be a weekly or biweekly, or however often is needed, update if there is any change. So individuals who live in Government housing will never have to go and register. The Principal Housing Officer will do that. Likewise with the other classes; the elderly care homes will be done

1120 similarly. So there is no need for anything else or any other interaction. It will be done by the Principal Housing Officer.

The obligation is on the occupier and only the occupier. So section 4(2) which the hon. Member refers me to – section 4(4), I beg your pardon – is basically the occupier registers, the Registrar has the ability to engage with the landlord to check. That is it. There is no other obligation on the landlord. The landlord does not have to file each and every occasion. But the Registrar needs to have the ability when he receives information ... let's say, for example, he gets two applications for the same property. The Registrar will engage with the landlord and say, 'Hang on a minute, who's there, this one or that one?' Perfectly possible and we know that has been part of the problem in the past. So the sole obligation of the landlord will be to confirm to the Registrar any questions he may have in respect of who the person is. So it is always the occupier.

1130 'Who would have the registration obligation in terms of 50-50 housing?' Again, the occupier. There is one person in occupation. The Government does not occupy them, the occupier who is living there will have the principal obligation of registering.

1135 'Who will the Government intend to appoint as Registrar?' Mr Speaker, it will be an official of Land Property Services, it is the intention to have as the Registrar.

'Is there an information gateway post-registration to other Government authorities?' As the hon. Member knows and the Chief Minister has just mentioned, on today's Order Paper is a Bill enabling us to do precisely that without breaching GDPR. There is a very similar piece of legislation in the UK, enabling the UK government to have communication within government departments without having on each and every occasion to have data-sharing agreements between each of the government departments from the same unit. So there will be a gateway which is in the legislation that is about to be passed shortly.

1140 This is not a public register. For it to be a public register the legislation would have to say it was a public register and so the fact that it is not a public register, not liable to inspection, means that there is no need to state anything other than it is a register and therefore not open for public inspection.

1150 'The Bill could do with provision specifying the confidential information': the advice we have received from both the draftsman and the Government's Data Protection Officer is that the provisions of GDPR apply fully to this Bill, as you would expect, and therefore that deals with all the obligations that the Registrar will have in respect of confidentiality and breach of that confidentiality. Those are all ... the powers in GDPR, as we all know, are significant and extensive, so there is no need to go any further and that is what in fact we are doing.

1155 'The period of three months perhaps is short under section 4(5)': we do not agree. We believe three months for registration is ample time for anybody to register. This is not just now at the beginning, but ongoing. So somebody will be required to register within a period of taking up the property.

1160 'I assume, but please confirm, that section 7, its scope, does not prevent rental of private property if not registered': no, it does not prevent the rental of private property, but that person will be committing a breach of this Act if they do not register. So it does not prevent, but it creates an offence, if you understand what I mean.

1165 'How can an application be approved on a temporary or conditional basis?' Well, if somebody comes with a rental contract for three months or six months, the Register would accept and issue a temporary certificate for that period of time. We are not going to issue a 12-month or 18-month certificate for someone who has got a three-month rental agreement, which is something we are very conscious of and alive to. So they would be given a temporary registration.

1170 'In what circumstances would non-registration take place if a property has been rented?' Well, if it has already been rented out to someone else, that is precisely what we are seeking to do. That would be a non-registration. We would not accept it. Or if the applicant is in occupation of other property at the same time.

Hon. K Azopardi: Would you give way?

1175 So the purpose of my question – I am grateful for the hon. Member going through all my questions because they need answers – the reason for my question is because it was not immediately obvious when you read this Bill precisely what circumstances are being envisaged for this non-registration. So it is if someone does live there – obviously, I get that – but it certainly should not be something that ... So if someone does live there, to me it is inconceivable that it would not be registered. Presumably, this is not the purpose of the Bill. Does the hon. Member accept that?

1180 **Hon. A J Isola:** If somebody does live there, then it is a question of the Registrar getting to grips by asking, for example, the landlord as to who in fact is in occupation. But look, the system is going to send an alert to the Registrar. For example, there are 10 people –

1185 **A Member:** Thirty people in a one bedroom?

Hon. A J Isola: Well, that is where I am going. If there are 10 people and a 20-m² studio apartment, the system triggers an area of square metres which it allocates per person. So if we get 10 people within 20-m² flat it will signal saying there is something wrong here, you need to look at this further. So that could be one of the examples of a non-registration –

1190 **Hon. D A Feetham:** Can he give way a minute ...

I mean bubbling in my mind I have got this example, which is actually in fact based on an example a number of years ago, right? The person that came to see me never accepted these were the facts, but it appeared to me that these were the facts. So what I want to ask the Minister is who has the obligation to register and exactly what is the extent of the obligation? It will become clear when I explain.

1195 So if you say, for example, you have somebody, a family of three, a married couple and a child, they live in Spain. They want their child to go to school here and what they do is they come to an arrangement with somebody who owns a flat here in Gibraltar, it is a three-bedroom flat and essentially they say, 'Well, they are renting out to me one of the rooms in this flat', that is another family which has maybe another child. Now, when you come to register, presumably, the head of the family that owns the flat will register his wife or partner and the child. Does he have an obligation as well – and I will explain why it is important – to also say, 'Well, actually, there is this other couple with their child in one of my bedrooms'?

1205 If you do not impose that obligation, the problem of course is that they could both say ... so the couple number 1 that owns the flat, they register, husband, partner, child, the others will register husband, partner, child, but you are never going to be able to catch one out, do you understand what I mean? You would if there was an obligation on the owner of a flat to also register and say, 'Well, in occupation there is only me, but there is also this other couple and their child that are also in occupation.' Does the Act contemplate that kind of situation? It appears to me that unless there is an obligation on the actual owner of the flat to tell the truth in terms of who occupies the flat, not only the people that he is responsible for, his household, but somebody else that is also in occupation of that bedroom. You are still going to have the same problems in identifying fraudsters that you have at the moment.

1215 **Hon. A J Isola:** Mr Speaker, the onus is clearly on the occupier and the occupier has to register every single person that lives in that property with him.

1220 **Hon. D A Feetham:** With him, that is the point!

Hon. A J Isola: Not the owner – or her. Yes.

1225 So let's say somebody is not registered. They cannot claim being resident in Gibraltar, so they would not be able to claim the benefits without which you need an address. So if the occupier does not put a friend's kid down in his form and we would obviously scrutinise that in the registration process, then there is no problem because you cannot claim education, health or any of the benefits that residency brings, which is what we are trying to address.

1230 **Hon. D A Feetham:** Yes, but is there – can he give way? – an obligation on the owner of that flat to not only register his partner and his child, but also the fact that there is this other couple with another child also within that property purportedly living in that one bedroom?

Hon. A J Isola: Mr Speaker, the occupier has to register everyone that lives in that apartment. (A Member: Right, okay.) Everyone that lives in the apartment. It is an obligation and if you do not, you are breaching the legislation.

1235 What will happen is that the Registrar will have to be alive to the risks of the examples that you have, but not in not registering them, in registering people that have got nothing to do with them, which is a greater risk. That is obviously where the trigger of how many square metres per person in each apartment will throw up the question for the Registrar to then enquire of the landlord and others. But it is the occupier, not the owner, that requires to do that.

1240 If I can just finish off the questions that the Leader of the Opposition has asked: 'The impact of non-registration'. Well, that is obviously: if somebody does not register, they are in breach.

'Would a fee be payable?' There will not be a fee payable at the first registration stage, but we envisage that we will be charging a fee for changes and renewals subsequent to that. There is provision within the legislation –

1245 **Hon. K Azopardi:** Would the hon. Member give way? Sorry, because it is an important point. So the Government intend to charge a fee for renewals. Say, for example, you register your occupation of the property that you are living in, I do not know how often you have got to renew that. Is that an annual registration? Is it until you change your address?

1250 **Hon. A J Isola:** Mr Speaker, changes. If you make a change or you have lost your certificate and you require a new certificate, then there is provision for us to introduce fees for that. That decision has not been taken yet. We are dealing with the initial registration process, so that is not something that we are considering at this moment.

1255 This encompasses any method of occupation; licence, tenancy, rental agreement? Yes, it includes all of them.

'If an owner has vacant possession is anyone in occupation?' That person I assume would be the owner already registered on the Land Titles Act, would not require to register again.

1260 If the purpose of the registration is to curb any abuse ... Well, that is more of a policy statement and I think we have explained the reasons for that.

So Mr Speaker, the reason why we brought the changes that we have, because from the points raised by the hon. Member, both in the last Parliament in the Budget Session and in his correspondence, we believe we have picked up the changes that we needed to make to cover those points and the ones we have not, I hope I have explained and answered to his satisfaction to enable him to support the Bill.

1265 Thank you, Mr Speaker.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for the establishment of a Register of Property Occupation, the appointment of a Registrar responsible for maintaining the register of property occupation, the creation and appointment of an appeals board and for connected purposes be read a second time. Those in favour? (Members: Aye.) Those against? Are Members of the Opposition voting? In favour. Carried.

Clerk: The Register of Property Occupation Act 2021.

COMMITTEE STAGE AND THIRD READING

**Register of Property Occupation Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

1275 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1280 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

FIRST AND SECOND READING

**Data Sharing (Public Authorities) Bill 2021 –
First Reading approved**

1285 **Clerk:** A Bill for an Act to provide for the regulation of the sharing of information, including personal data, between public bodies; to provide for the regulation of the management of information by public bodies; and to provide for related matters. The Hon. the Minister for Digital, Financial Services and Public Utilities.

1290 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the regulation of the sharing of information, including personal data, between public bodies, to provide for the regulation of the management of information by public bodies, and to provide for related matters be read a first time.

1295 **Mr Speaker:** I now put the Question which is that a Bill for an Act to provide for the regulation of the sharing of information, including personal data, between public bodies, to provide for the regulation of the management of information by public bodies, and to provide for related matters be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Data Sharing (Public Authorities) Act 2021.

**Data Sharing (Public Authorities) Bill 2021 –
Second Reading approved**

1300 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, public service delivery is changing, due to increasing acknowledgement that services are more efficient and effective when they are joined up. This joining-up of services

1305 requires the sharing of information. For a public authority to access information held in another part of the public sector it requires appropriate legal powers which are often provided by express legal gateways to disclose information. The current set of data-sharing powers for public service delivery are complex. This lack of a clear framework of rules risks hindering the ability of public authorities to offer citizens timely and appropriate interventions and to respond quickly to a changing social and policy environment. This Act therefore creates a mechanism for establishing clear and robust legal gateways that will enable public authorities to share relevant information on the individuals and families they are working with.

1310 Part 1 simply deals with the commencement and interpretation clauses. Whilst we consider the terms 'information' and 'data' to have the same meaning, it is important to note that 'personal information' in this Act has a slightly different meaning to 'personal data' in the Gibraltar GDPR, as it extends to body corporates as well.

1315 Part 2 of the Bill addresses the disclosure of information between specified persons for the purposes of public administration, delivery of public services, reducing public sector debt, combating fraud against the public sector and for research. The purpose of the debt paragraph at clause 5 is to allow a public authority to share data to enable better debt management, including debt recovery, in connection with debt owed to a public authority. It is also in all of our interests to prevent fraud, ensuring that taxpayers' monies are spent appropriately and are not taken out of the system fraudulently. For this reason, the (4) paragraph at clause 6 allows a public authority to share data to enable better detection and prevention of fraud against the public sector, as well as recovery of public sector monies.

1320 Mr Speaker, Part 3 of the Act covers general obligations and includes a restriction on disclosure where this is expressly restricted by any other enactment. There is also an obligation in clause 10 for the public authorities to have regard for any code of practice issued by the Information Commissioner. The Gibraltar Regulatory Authority has recently published a Data Sharing Code of Practice and before using the legal gateways available under this Act, the public authorities must take this Code into consideration as well as carefully consider whether disclosure is consistent with this Act, the Gibraltar GDPR and the Data Protection Act of 2004.

1330 It is intended to ensure, clause 11, that personal information may only be disclosed onwards in narrowly defined circumstances. The limited circumstances when such information can be disclosed without committing an offence are set out in subclause (2).

1335 The Act also contains regulation-making powers specifically to allow the Minister to amend the list of specified persons at Schedule 1. Only those persons listed in this Schedule are able to disclose information under the Act. The data-sharing powers are permissive powers, which means that those persons who are potentially able to share information can choose whether or not to do so.

1340 Mr Speaker, the well-being objective is intended to allow the sharing of data for the purposes of assisting, improving or facilitating a specific public service delivered to an individual household. This includes assisting them with their physical, mental and emotional well-being and their social and economic well-being, and their overall living conditions. Both of these objectives give public authorities the ability to gain access to data that they need in order to respond more efficiently and effectively to current and emerging social and economic problems.

1345 Mr Speaker, I commend this Bill to the House.

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

Hon. the Leader of the Opposition.

1350 **Hon. K Azopardi:** Mr Speaker, we will support this Bill. As I understand it, this is not a Bill that is allowing for the first time the sharing of information between Departments, I would have expected Departments to be speaking to each other, but this is providing a regulatory framework

for the communications which actually is clear, transparent and with confidentiality safeguards which are embodied in the Bill and as the Hon. Minister has described.

1355 So it is a welcome piece of legislation in that sense, so that the sharing of information that one would have expected in the delivery of public services will be conducted against a statutory framework which safeguards key principles of confidentiality and so on.

So for that reason we will support it.

1360 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill.

I now ask the mover to respond.

1365 **Hon. A J Isola:** Mr Speaker, very briefly, the sharing of data today, since the introduction of GDPR, requires different Departments to enter into data-sharing agreements, which basically dictate the holding and the process which you adopt in how you hold and how you pass information on. What this does is provide for that, but within one Government Department, provided there is satisfaction on those same processes being adopted which are enshrined in GDPR.

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Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the regulation of the sharing of information, including personal data, between public bodies, to provide for the regulation of the management of information by public bodies, and to provide for related matters be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1375

Clerk: The Data Sharing (Public Authorities) Act 2021.

COMMITTEE STAGE AND THIRD READING

Data Sharing (Public Authorities) Bill 2021 – Committee Stage and Third Reading to be taken at this sitting

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

1380

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

Members: Aye.

FIRST AND SECOND READING

Traffic (Amendment) Bill 2020 – First Reading approved

1385

Clerk: A Bill for an Act to amend the Traffic Act 2005. The Hon. Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 be read a first time.

1390 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic (Amendment) Act 2020.

**Traffic (Amendment) Bill 2020 –
Second Reading approved**

1395 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The Bill, Mr Speaker, amends the Traffic Act 2005. The Bill changes the duration of a learner's licence from three months to six months and the increased duration of the licence is extended through an additional provision to licences that were issued after 1st December 2020, and this will be dealt with in an amendment to this Bill. All of these changes are in response to the coronavirus pandemic and have been in keeping with Government's social distancing policy.

1400 Finally, Mr Speaker, going forward the Bill also allows for the dates extending the validity of a learner's licence to be amended by notice in the Gazette, and this too will be dealt with via an amendment at the Committee Stage.

1405 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? Does the hon. Member wish to respond?

I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1410 **Clerk:** The Traffic (Amendment) Act 2020.

COMMITTEE STAGE AND THIRD READING

**Traffic (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Transport (Hon. P J Balban): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1415 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

FIRST AND SECOND READING

**Medicinal Cannabis Bill 2021 –
First Reading approved**

Mr Speaker: Need to lower the mace. (*Interjection*) I beg your pardon, I was not aware this was going to be taken. Sorry.

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Clerk: A Bill for an Act to make provision for the regulation of the production, import, export, marketing and supply of cannabis for medicinal purposes; and for connected purposes. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

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Mr Speaker: Mr Clerk?

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the regulation of the production, import, export, marketing and supply of cannabis for medicinal purposes, and for connected purposes, be read a first time.

1430

Mr Speaker: I now put the question which is that a Bill for an Act to make provision for the regulation of the production, import, export, marketing and supply of cannabis for medicinal purposes, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1435

Clerk: The Medicinal Cannabis Act 2021.

**Medicinal Cannabis Bill 2021 –
Second Reading approved**

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

1440

Mr Speaker, in discussing the general principles and merits of the Bill, it is important to note at the outset that the Government has spared no effort in ensuring that this new potential industry is regulated fully in compliance with the United Nations Single Convention on Narcotic Drugs of 1961, as amended from time to time, and I will refer to it as 'the Convention'. As a result, Part 2 of the Bill contains regulatory objectives drawn directly from the Preamble to the Convention. Clause 4(a) and 4(b) make it clear that whilst the medical use of narcotic drugs continues to be indispensable for the relief of suffering and that adequate provision must be made to ensure narcotic drugs for such purposes, effective measures must be implemented to prevent the abuse of narcotic drugs in accordance with the Convention.

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Part 2 defines cannabis in accordance with the Convention and in keeping with the Drugs (Misuse) Regulations 2005 and sets out the different activities that are licensable, including the production, import, export, marketing and supply of medicinal cannabis.

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Part 3 delineates the relationship between the Bill and the misuse of drugs regime under the Crimes Act of 2011. In effect, the Bill takes the licensable activities in relation to medicinal cannabis out of Part 21 of the Crimes Act and establishes a separate regulatory regime. In this way licensable activities carried out under the Bill's licensing regime are exempt from the Crimes Act. It is important to note, however, that any activities that are not carried out in accordance with the

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Bill's provisions, for instance because an entity does not comply with the conditions of a licence, reactivates the penal provisions of the Crimes Act.

1460 Part 4 of the Bill establishes the Medicinal Cannabis Commission, which I will refer to as 'the Commission', which in the exercise of its functions has the duty to regulate the licensable activities in such a way as to ensure that commercial activity in relation to medical cannabis is carried out in accordance with the regulatory objectives in clause 4.

1465 By virtue of clause 16, part of the work of the Commission will be to prepare a statement setting out the principles that the licensing authority and it should apply when exercising their respective functions.

1470 Pursuant to clause 17, the Commission is also responsible to issue one or more codes of practice in respect of the exercise of licensing powers and the manner in which licensable activities are undertaken. In particular, a code or codes must establish criteria to be applied to ensure that, for example, measures are adopted to prevent misuse and illicit traffic in the cannabis plant in accordance with Article 28(3) of the Convention which deals with the control of cannabis and that the licensing system achieves the objectives of the Convention relating to manufacture, Article 29 of the Convention; and trade and distribution, Article 30 of the Convention. Further, pursuant to clauses 19 and 20, the Commission is tasked with ensuring compliance with the licensing regime, investigating whether an offence has been committed and referring cases to the Director of Public Prosecutions for him to consider whether to institute criminal charges in respect of any offence.

1475 Mr Speaker, I now turn to Part 5 of the Bill, which provides for the licensing authority. Firstly, by virtue of clause 23, it is established that the licensing authority is the Collector of Customs or such other fit and proper person that the Minister may appoint. At this stage, Mr Speaker, it is important to highlight that the relevant Minister for the purpose of the Act is the Minister with responsibility for finance. Given that in sum and essence the Bill regulates the domestic and international trade in medicinal cannabis, it makes sense for the Minister with responsibility for customs to also exercise the various functions as set out in the Bill.

1480 Under clause 24(1) before taking any decision in the exercise of a function under this Act, the licensing authority must give the Minister notice of the decision that it proposes to make. Under clause 24(2) if the Minister considers that the proposed decision would be prejudicial to the economic or other public interest or good reputation of Gibraltar, the Minister may direct the licensing authority not to make the decision proposed and to reconsider the exercise of its functions having regard to any relevant directions under clause 25.

1490 Pursuant to clause 24(3), if the Minister is satisfied that it is necessary, having regard to the economic or other public interest or the good reputation of Gibraltar, the Minister may: (a) direct the licensing authority to make a specified decision; or (b) if satisfied that the licensing authority has failed to comply with clause 24(2)(b) may exercise that function. Under clause 24(3), the licensing authority may establish and operate a procedure for the giving of decisions in principle as to the exercise of any function under the Bill once enacted. Further, under clause 25(1), the licensing authority must have regard to the general policy of the Government and comply with any general directions that the Minister provides pursuant to such a policy. It is important to note, Mr Speaker, that subject to clause 24(2) and 24(3), nothing under clause 25(1) is to be construed as authorising the Minister to give any direction in respect of a particular licence application or any other particular decision of the licensing authority.

1500 Part 6 makes provision for the circumstances in which a person commits an offence, including, but not limited to, when a person carries out a licensable activity without holding an operating licence or in breach of the terms and conditions of a licence. A person guilty of an offence under clause 26 is liable on conviction on indictment to imprisonment for 14 years or to a fine, or to both, and on summary conviction to imprisonment for 12 months or to a Level 5 fine or both.

1505 Mr Speaker, Part 7 provides for matters relating to operating licences, including but not limited to: the form of the operating licence, clause 31; the matters that an application for an operating

licence must contain, clause 32; the general principles that apply in the consideration of an application, clause 33; and the procedure for considering an application, clause 35.

1510 Clause 37 makes clear that the Commission may specify conditions that the licensing authority must attach to each operating licence or to each operating licence falling within a specified class. Clause 39 provides that the Minister may also provide by way of regulations for specified conditions to be attached to operating licences.

1515 Part 7 provides for the requirement for personal licences, clause 41, and sets out that operating licences may include conditions relating to the premises in which licensed activities will be carried out, clause 43; the methods by which anything is to be transported in the course of the licensed activities, clause 44; and the equipment used, clause 45.

Clause 47 provides that all operating licences are automatically subject to the condition that it does not permit any activity that is not directed solely at medicinal cannabis.

1520 Part 7 also provides for: the variation, clause 53; renewal, clause 61; lapse, clause 63; and forfeiture of operating licences, clause 64.

Part 8 sets out the nature of personal licences and makes different provisions relating to personal licences, including the process of application, duration and fees.

1525 Mr Speaker, clause 88 of Part 9 establishes the Medicinal Cannabis Licensing Appeals Tribunal to hear and determine appeals against the various decisions listed in clause 87 paragraphs (a) to (r). Such decisions include, but are not limited to, a decision of the licensing authority in respect of an application for an operating licence under clause 32, clause 87A, and a decision of the Commission, the licensing authority or the Minister in respect of conditions of operating licences under clauses 37, 38 or 39. Under clause 90, a party to a case before the Tribunal may appeal the Tribunal's decision to the Supreme Court.

1530 Part 10 deals with the designation and appointment of enforcement officers and the powers of police and enforcement officers to assess compliance with the provisions of the Bill once enacted.

1535 Part 11 contains miscellaneous and general provisions of the Bill, including provisions relating to data protection and the power of the Minister to make regulations that are considered necessary or expedient to give full effect to the Bill once enacted.

Schedule 1 defines relevant offences and Schedules 2 and 3 make provision for the Medicinal Cannabis Commission and the Medicinal Cannabis Licensing Appeals Tribunal respectively.

1540 Mr Speaker, generally it is predicted that medicinal cannabis as a global business will continue to expand for the foreseeable future, so that we are of the view that this new industry, comprehensively regulated to the highest standards, could well create an innovative and thriving sector of Gibraltar's economy that could lead to quality employment and export opportunities to different jurisdictions. It is vital that we remain open to such new opportunities to maintain our economic growth. This has underpinned our firm commitment to private industry and this Bill seeks to establish the appropriate legal and regulatory architecture to create a robustly regulated medicinal cannabis industry in Gibraltar.

1545 Mr Speaker, on having discussed the general principles and merits of the Bill, I note that it is the Government's strict policy, and I *emphasise* this, that only the most reputable businesses should be licensed under the proposed new regime and that licensed businesses will need to conduct their operations fully in compliance with the licensing framework.

1550 Mr Speaker, hon. Members will have received a copy of the letter, and I apologise that there have been two copies – the latter copy obviously supersedes the first; there was a minor error in the first – that it sets out various amendments for the Bill which I will take at Committee Stage. Whereas the draft Bill that my office sent for publishing was correct, save for two minor typographical errors, including the lack of insertion of a comma, the Bill when published contained a series of errors in the numbering, and I will seek to correct this at Committee Stage, as set out in the letter.

Mr Speaker, I commend this Bill to the House.

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

1560 The Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, for the Members that I speak for on this side of the House, we will support the principles of the Bill. As the Minister says, it is recognised I think that there are opportunities in this area, if the industry is properly regulated. Indeed, I tell myself, as someone who clearly sees the distinction between medicinal cannabis and cannabis and drugs generally, that precisely the key is in the word 'medicinal' and that the difference between prescribed drugs and drugs that are illegal is the control and proper use of drugs. So if there are any medicinal properties that can, channelled and regulated properly, improve the quality of life of persons, administered by lawfully regulated practitioners in the field, then clearly that is something that needs to be looked at and favoured. And if there are commercial opportunities that can be developed in Gibraltar on that basis, then also they should be.

1575 My cautious side, of course, says that it is important when the Government consider opportunities that come its way that it should properly scrutinise them and indeed make sure that only the highest quality and most reputable proposals that it receives are given the green light.

1580 This Bill, of course, does not talk to the issue of who should get a specific licence, but it provides a regulatory framework. I certainly welcome what the Minister said towards the latter half of his contribution when he was talking at a more general level in relation to the attitude of the Government and the architecture that is before the House today. That we agree that whenever you are going to look at an opportunity, a commercial opportunity, and regulate it, that regulatory framework must be robust.

1585 I think the lesson has been learnt in the area of financial services that in fact the more robust and the better your regulation, the more it attracts quality business to financial services. I am not saying that this is the same, but certainly in terms of regulation it is certainly better whenever we place ourselves, in little Gibraltar, in any stream of competition, never to expose ourselves to reputational damage. There are plenty of people outside our shores that would want to point to Gibraltar to accuse us and to tarnish our reputation, so it is certainly important that when we consider these opportunities, it should be against the backdrop of a robust regulatory framework.

1590 So we welcome and support the principles. Once the robust regulatory framework is in place, it is then incumbent on those people who are going to administer the regulation, be they in the committees, or indeed the Government itself, to ensure that only high-quality business arrives in Gibraltar and that when it arrives it is properly supervised so that we do not have abuse of this industry in a way that is not the design and intent of this particular Bill, which we welcome, which is to allow people's quality of life to be improved through the proper commercial use of a particular ingredient, Mr Speaker.

1595 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

1600 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to reiterate yet again my support for the legislation of medical cannabis and remind everyone of the scorn and mockery these ideas were subjected to only four years ago, when this Member brought them to this House. Mr Speaker, the arrogance and short-sightedness with which these ideas were treated as well as the disdain for the suffering of the patients who could have been benefiting all this time from the implementation of this legislation should serve as a lesson in humility for the many Members in this House. Let's hope that these kinds of embarrassing episodes do not happen in the future, Mr Speaker.

1605 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

In which case, I will ask the mover of the Bill to respond.

1610 **Hon. Prof. E J Cortes:** Mr Speaker, I am grateful for the support of the Opposition, the whole of the Opposition, to this initiative.

1615 I can assure, Mr Speaker, the Hon. Leader of the Opposition that no effort has been spared in order to ensure the robustness of the regulatory framework and the discussions that have gone on in arriving at this Bill have been very thorough. I think that Gibraltar's track record, which the Hon. Leader of the Opposition referred to himself, in the regulation of financial services has stood us, as he has said, in good stead and our reputation has been upheld. There is every intention that this should be managed seriously, robustly, in order to ensure that Gibraltar's reputation in this area, where we hope we will be able to flourish, will be just as thorough and robust.

So thank you, Mr Speaker.

1620 **Mr Speaker:** I now put the question which is that a Bill for an Act to make provision for the regulation of the production, import, export, marketing and supply of cannabis for medicinal purposes, and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1625 **Clerk:** The Medicinal Cannabis Act 2021.

COMMITTEE STAGE AND THIRD READING

Medicinal Cannabis Bill 2021– Committee Stage and Third Reading to be taken at this sitting

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

1630 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

FIRST AND SECOND READING

Environmental Protection (Trees) (Amendment) Bill 2020 – First Reading approved

1635 **Clerk:** A Bill for an Act to amend the Environmental Protection (Trees) Act 2014. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

1640 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Environmental Protection (Trees) Act 2014 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Environmental Protection (Trees) Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Environmental Protection (Trees) (Amendment) Act 2020.

**Environmental Protection (Trees) (Amendment) Bill 2020 –
Second Reading approved**

1645 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, in the Order Paper, because this has been on the Order Paper for some time, the Act reads 2020, clearly at Committee Stage, I will be moving that we change that to 2021.

1650 Mr Speaker, in moving that this Act be read a second time, I want to explain that the purpose of the Act that we initially passed in 2014 was to regulate the management of applications for works relating to trees, positioning the Development and Planning Commission as the competent authority for such matters.

1655 Before setting out the purpose of this particular Bill, I think it is important to explain how in practice, within the legal framework currently in place, the application for works to a tree is administered. Any application relating to trees is filed with the Department of Town Planning via the e-Planning portal. The application is highlighted by the Department of Town Planning for the attention of both officers from our horticultural section and officers from our technical section at the Department of the Environment who will deal with this in one of two ways. If the application relates to simple routine works involving a tree reduction not exceeding the recommended 20%
1660 of the canopy, it will be dealt with in-house by the horticultural section. For any matters of more significance, such as a request for pollarding or even for felling, the Government's tree specialists are instructed to consider and conduct an assessment of the tree, or trees, subject to the proposed works.

1665 Once the tree assessment has been carried out, it is documented and submitted for consideration of the Minister for the Environment. The Minister then reviews the application in conjunction with the tree assessment and then grants consent or refuses consent and refers it back to the applicants through the Department of Town Planning for further consideration. Ultimately, once a determination has been made on the application, the Department of Environment advises the Department of Town Planning. The matter is then raised at DPC at
1670 subcommittee level that meets every two weeks and then added in the DPC's agenda, which meets once a month, as a subcommittee matter for the Commission to ratify the determination. Once the determination is confirmed in writing by the Commission, the application process is considered to be complete, Mr Speaker, save for any appeal that may be pursued by the applicant.

1675 Mr Speaker, this is a very complex and convoluted way of dealing with it, going back and forth between Departments. Mr Speaker, it is our duty in public office to continuously build on the efficacy of our working practices for the best betterment of the customer and their dealings with us. The Commission, although named as a competent authority for the purpose of this Act, have in effect merely been serving as a postbox for the Department of the Environment. The amending Bill will therefore serve to, by way of clause 3, invoke the Minister for Environment as the new
1680 competent authority and have the surrounding text adjusted to read in gender neutral language across the entire Act.

1685 Thirdly, Mr Speaker, and by way of clauses 7, 10 and 13, the amendments serve to clarify the Government's position in scenarios where applicants nominate a contractor to undertake works relating to trees on their behalf. The applicants shall continue to bear the responsibility for any works carried out in contravention of this Act. This is true whether the works are ultimately carried out by a contractor or not. In such cases as this, Mr Speaker, where the applicant has been granted consent to carry out proposed works, the Department of the Environment has undertaken to serve a copy of the determination in writing to the nominated contractor as well. The purpose of this

1690 new undertaking is to ensure that all parties understand what has and has not been granted. Trees cannot be saved once they have been cut down, Mr Speaker, and it is important that we minimise the risk of dreadful mistakes like this from occurring.

1695 The Department of the Environment now assumes more responsibility as an enforcement body. As part of this endeavour, Mr Speaker, from now on any summons to be filed in court on behalf of the Government to initiate proceedings for offences committed under this Act shall be filed by the Department of the Environment. By assuming full enforcement control and containing the application process from commencement to completion, it allows the Department to be in a better position when carrying out these functions. Furthermore, Mr Speaker, this new structure not only makes the application process swifter; it serves to make it safer by minimising the risk of accidental distortion to any conditions that may be attached to a consent order and almost lost in translation.

1700 I trust, Mr Speaker, that these additional measures will assist to protect and preserve trees in Gibraltar, and I now commend this Bill to the House.

1705 **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.

1710 **Hon. K Azopardi:** Mr Speaker, the Hon. Minister has given a long explanation but it was not present, as he understands, in the explanatory memorandum. Of course they never are, in great detail, but he will forgive me for saying that I am not sure we can support this Bill because there is a lot to take in in what he said. But one of the things that struck me was where he said well, in practice, the power is vested in the Development and Planning Commission which, even though the power is with the Development and Planning Commission, it has really been acting as a postbox for the Minister for the Environment.

1715 Now, it may be that whenever there is a Minister of Environment who is environmentally friendly or who is very keen at safeguarding heritage or trees, and the incumbent I am sure, given his track record, is such a person, (*Interjection*) but I am not sure that the principle of removing the Planning Commission as the guardian of trees is a good one. And giving it to the Minister for the Environment himself, who may be someone who does not have all the wider considerations that the Planning Commission and the people who staff the Planning Commission have from time to time. Rather than it acting as a postbox, the question that was going through my mind when I was listening to the hon. Member is why did the Planning Commission act as a postbox, and why is it not the case that the Planning Commission properly fulfils its function?

1720 Even though I accept that there was an element of bureaucracy in everything that the Hon. Minister was saying, and I am certainly in favour of streamlining and making processes more effective so that trees are preserved and our heritage is protected – so all of that I agree with – but is it achieved through the method of the underlying principle, transferring the formal power to the Minister for the Environment? I am certainly not convinced listening to what the hon. Member has said, and in that regard we find it difficult to support the Bill, although we certainly support some of the things that the Minister has said.

1730 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

1735 **Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you.

Similarly to the Leader of the Opposition, I have my own concerns that I wish to highlight, which is that moving the responsibilities for the protection of our trees from one politically controlled body to another is not really the change that we need, Mr Speaker. Should we not be looking at independent bodies to be established to protect our trees, our air, our wildlife? Should we not be moving towards more collaboration with environmentalists and NGOs on this matter?

1740 Mr Speaker, these changes might make the running of our affairs more logistically easy and smoother, but I do not believe they will provide the protection that our environment really needs, especially as the Leader of the Opposition says now, today we have a Minister for the Environment who himself has a lot of experience and skill in environmental matters, but that might not always be the case.

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Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not believe it is possible to allow a remark to pass that suggests that the Development and Planning Commission is a politically controlled body. (Interjection) Mr Speaker, if it is, somebody might like to tell me where the button to control it is, (Laughter) because the Government subjects its own projects to the DPC and suffers and enjoys the views of the DPC in ensuring that we comply with the guidance and advice we were given when we submitted projects for guidance and advice, and today the requirements that may be imposed on the Government. Indeed, so do other developers, Mr Speaker, whose ideas might have been put to the Government, and the Government might support, but nonetheless find that the DPC requires them to change those projects, which is what the DPC as an independent statutory body is designed to be.

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1760 So Mr Speaker, I think it is a little unacceptable for the hon. Lady to refer to the DPC as a politically controlled body and to say that to go from the DPC to a Minister as a guardian of the horticulture, the trees, is to go from one politically controlled body to another. Indeed, Mr Speaker, then one might argue that there is no need or relevance in having elections, because you just go from one set of politically elected people to another set of politically elected people, all of whom, in the context of the things that we have heard from the hon. Lady today, are susceptible just to abuse and corruption, unless of course it happens to be her.

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1770 So Mr Speaker, the hon. Lady will understand that the Government is not going to be persuaded by the arguments that she has put, which are devoid of any merit that anybody that might give any thought to what she has said might be able to alight on. Those things may be popular to say. Politicians, apart from lawyers and one-time bankers and real estate agents are probably the people who are easiest to hit. But they are also, Mr Speaker, *inter alia*, some of the people who work hardest for our community, whichever side of the House we may be sitting on.

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1785 Going back to the idea, Mr Speaker, that Tony Blair shared on the day that he left politics that, yes, of course politics can be 'the place of low skulduggery', he said, but it is also the place of the pursuit of the noblest purposes. Otherwise, why are we here, Mr Speaker? Those of us who believe in those noblest purposes and who believe, Mr Speaker, that a Minister of the Environment, whoever he or she may be, in particular John Cortes, but whoever he or she may be, who is charged with an oath to ministerial office, and that ministerial office is the protection of the environment, would be undoubtedly the best person to be the guardian of that part of the horticulture which the hon. Gentleman has sought to take.

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1795 Mr Speaker, if hon. Members think that is not the case, they have to ask themselves what animus *they* would bring to the office of Minister for the Environment. Is it that they are saying that they do not trust themselves with this power, Mr Speaker? Let's be clear: how can a Minister for the Environment do anything other than protect the trees which the hon. Member is suggesting should come under his jurisdiction? And given that hon. Members have said that they believed that Mr Cortes is a person with experience, that they believe he is a person who does have the best interest of our wildlife, our environment, our horticulture and our trees in mind, do they change their view if I tell them that this is entirely a Bill of the making of the Minister for the Environment? In other words, he who has that concern seeks that the Government should move this Bill as a Government Bill and give him the responsibility and his successors the responsibility.

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1795 So the person they say they respect as having that concern for the environment is the mover, indeed, he is the originator, not just the mover, of the Bill for this purpose. Mr Speaker, therefore,

1795 I must put it to hon. Members that they should, for one moment at least, park their cynicism. I am
afraid I do not think the hon. Lady can, but I invite hon. Members, other hon. Members who have
not approached this debate as the hon. Lady has, to for one moment challenge themselves to park
their cynicism. To believe in themselves and in noble purposes that are the ones that must have
propelled us to be in this profession for one moment and to realise that giving a Minister a power
to protect something is not a licence to not protect those things – quite the opposite. Unless, of
course, Mr Speaker, their cynicism is deeper than I imagine, and they do not ever believe that they
would be able to appoint a man to be Minister for the Environment who would do the job that
this man would do, or any woman who might be appointed to that job in the future.

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Mr Speaker: The Hon. John Cortes.

1805 **Hon. Prof. J E Cortes:** Mr Speaker, there must be some inconsistency somewhere in that not
that many minutes ago the Opposition supported a Bill for medicinal cannabis which in fact gave
another Minister wide powers. If they are going to question every time a Minister is given
responsibility, then I do not know; I question the motive. I am in fact disappointed in a way but
encouraged in another.

1810 Mr Speaker, I can assure the House that this will streamline the process in order to protect
trees. I know that I have the support of the Hon. Minister for Town Planning and his Department.
There will be an independent professional assessment of every tree, so there is that
independence. The Town Planning Department, and indeed the DPC, do not have the expertise
required and therefore have to call upon the Department of the Environment to carry out these
assessments and to make these recommendations, and indeed to supervise that the trees are
being dealt with in the way that it has been decided they should be, following the expert
consultation.

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Mr Speaker, I do take this, though, as a vote of confidence on behalf of the Opposition in my
office and if they want to ensure, therefore, that trees continue to be protected in this way, I urge
you to ensure that I continue as Minister for the Environment for many years to come, (**A Member:**
Hear, hear.) together with the rest of my colleagues in Government. (*Interjection*)

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Mr Speaker, I therefore propose once again and I commend the Bill to the House.

Clerk: I now put the question, which is that a Bill for an Act to amend the Environmental
Protection (Trees) Act 2014 be read a second time. Those in favour? (**Several Members:** Aye.)
Those against? (**A Member:** No.) So the Opposition is voting against this Second Reading.

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Does the Hon. Marlene Hassan Nahon ... would she be voting in favour or against? In favour.

Clerk: The Environmental Protection (Trees) (Amendment) Act 2020.

COMMITTEE STAGE AND THIRD READING

Environmental Protection (Trees) (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting

1830 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E
Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill
be taken today, if all hon. Members agree.

Clerk: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be
taken today?

Members: Aye.

COMMITTEE STAGE AND THIRD READING

1835 **Clerk:** Committee Stage and Third Reading.

Mr Speaker: Need to lower the mace.

You need to prompt him.

1840 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause, namely: the Petroleum Amendment – *(Interjection by Mr Speaker)* The three? So the Environmental Protection (Trees) (Amendment) Bill 2020, the Medicinal Cannabis Act 2020, the Petroleum (Amendment No.2) Bill 2021, the Register of Property Occupation Bill 2021, the Data Sharing (Public Authorities) Act 2021, the Traffic (Amendment) Bill 2020; and that is it.

Thank you very much, Mr Speaker, for your assistance.

In Committee of the whole House

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**Environmental Protection (Trees) (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Environmental Protection (Trees) Act 2014.
Clauses 1 to 3.

1855 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Chairman, just to reiterate that it will be the Act 2021 and not 2020, as it appears in the Order Paper.

Mr Chairman: Clauses 1 to 3, as amended, stand part of the Bill.

1860 **Clerk:** The long title.

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

**Medicinal Cannabis Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to make provisions for the regulation, the production, import, export, marketing and supply of cannabis for medicinal purposes; and for connected purposes.

1865

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Once again, Mr Chairman, I refer to my letter of 22nd September requesting that some

minor amendments, in one case, and the introductory 'Arrangement of clauses' section be amended.

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Mr Chairman: Are the Members of the Opposition content with the amendments?

Clerk: Part 1, clauses 1 to 3.

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Mr Chairman: Part 1, clauses 1 to 3 stand part of the Bill.

Clerk: Part 2, clauses 4 to 8.

Mr Chairman: Part 2, clauses 4 to 8 stand part of the Bill.

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Clerk: Clause 9, as amended.

Mr Chairman: Clause 9, as amended, stands part of the Bill.

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Clerk: Part 3, clauses 10 to 13.

Mr Chairman: You have omitted clause 10. Do you have to read out clause 10 stands part of the Bill in the arrangement?

Clause 10 stands part of the Bill.

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Clerk: Clauses 11 to 13.

Mr Chairman: Clauses 11 to 13 stand part of the Bill.

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Clerk: Part 4, clauses 14 to 22.

Mr Chairman: Part 4, clauses 14 to 22 stand part of the Bill.

Clerk: Part 5, clause 23.

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Mr Chairman: Part 5, clause 23 stands part of the Bill.

Clerk: Clause 24, as amended.

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Mr Chairman: Clause 24, as amended, stands part of the Bill.

Clerk: Clause 25.

Mr Chairman: Clause 25 stands part of the Bill.

1910

Clerk: Part 6, clauses 26 to 29.

Mr Chairman: Part 6, clauses 26 to 29 stand part of the Bill.

1915

Clerk: Part 7, clauses 30 to 73.

Mr Chairman: Part 7, clauses 30 to 73 stand part of the Bill.

- 1920 **Clerk:** Part 8, clauses 74 to 85.
- Mr Chairman:** Part 8, clauses 74 to 85 stand part of the Bill.
- Clerk:** Part 9, clauses 86 to 90.
- 1925 **Mr Chairman:** Part 9, clauses 86 to 90 stand part of the Bill.
- Clerk:** Part 10, clauses 91 to 105.
- Mr Chairman:** Part 10, clauses 91 to 105 stand part of the Bill.
- 1930 **Clerk:** Part 11, clauses 106 to 113.
- Mr Chairman:** Part 11, clauses 106 to 113 stand part of the Bill.
- 1935 **Clerk:** Schedule 1.
- Mr Chairman:** Schedule 1 stands part of the Bill.
- Clerk:** Schedule 2.
- 1940 **Mr Chairman:** Schedule 2 stands part of the Bill.
- Clerk:** Schedule 3.
- 1945 **Mr Chairman:** Schedule 3 stands part of the Bill.
- Clerk:** The long title.
- Mr Chairman:** The long title stands part of the Bill.

**Petroleum (Amendment No.2) Bill 2021 –
Clauses considered and approved**

- 1950 **Clerk:** A Bill for an Act to amend the Petroleum Act to provide for an increase in certain penalties, and for connected purposes.
Clauses 1 to 4.
- Mr Chairman:** Clauses 1 to 4 stand part of the Bill.
- 1955 **Clerk:** The long title.
- Mr Chairman:** The long title stands part of the Bill.

**Register of Property Occupation Bill 2021 –
Clauses considered and approved**

1960 **Clerk:** A Bill for an Act to make provision for the establishment of a Register of Property Occupation, the appointment of a Registrar responsible for maintaining the Register of Property Occupation, the creation and appointment of an appeals board, and for connected purposes. Clauses 1 and 2.

1965 **Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

Clerk: Clause 3, as amended.

Mr Chairman: Clause 3, as amended, stands part of the Bill.

1970 **Clerk:** Clause 4, as amended.

Mr Chairman: Clause 4, as amended, stands part of the Bill.

Clerk: New clauses 16 to 18.

1975

Mr Chairman: New clauses 16 to 18 stand part of the Bill.

Clerk: The long title.

1980

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

**Data Sharing (Public Authorities) Bill 2021 –
Clauses considered and approved**

Clerk: A Bill for an Act to provide for the regulation of the sharing of information, including personal data, between public bodies; to provide for the regulation of the management of information by public bodies; and to provide for related matters.

Part 1, clauses 1 to 3.

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Mr Chairman: Part 1, clauses 1 to 3 stand part of the Bill.

Clerk: Part 2, clauses 4 to 8.

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Mr Chairman: Part 2, clauses 4 to 8 stand part of the Bill.

Clerk: Part 3, clauses 9 to 15.

Mr Chairman: Part 3, clauses 9 to 15 stand part of the Bill.

1995

Clerk: Schedule 1.

Mr Chairman: Schedule 1 stands part of the Bill.

2000

Clerk: Schedule 2.

Mr Chairman: Schedule 2 stands part of the Bill.

Clerk: The long title.

2005 **Mr Chairman:** The long title stands part of the Bill.

**Traffic (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Traffic Act 2005.
Clauses 1 and 2.

2010 **Minister for Transport (Hon. P J Balban):** Mr Chairman, there are just minor amendments. One
of them is the date of the Bill – 2020 to 2021 – and there is also an amendment originally made
by the then Minister for Business, Tourism, Transport and The Port, and that was to insert the
following subsection after subsection 3(a), and it is 3(b): a learner’s licence issued under
subsection (1) that was valid on 1st December 2020, with an expiry before 31st March 2021, is
2015 deemed to be valid until 31st March 2021. Because of the time it has taken to bring the Bill to
Parliament, that is no longer applicable. So only the two amendments after that are still
applicable, not the first.

Mr Chairman: Could you go through that once again? In the memorandum which was signed
2020 by Minister Daryanani, we are asked to insert, after subsection 3(a), 3(b). What are we saying
here? That 3(b) is ...?

Hon. P J Balban: We are saying, Mr Chairman, that 3(b) is no longer applicable because time
has passed beyond 31st March 2021, so it is deemed unnecessary to include the amendment as
2025 part of the Bill.

Mr Chairman: Right, so 3(c) becomes 3(b)?

Chief Minister (Hon. F R Picardo): Yes.

2030 **Hon. P J Balban:** Yes, Mr Chairman.

Mr Chairman: And so on; 3(d) becomes 3(c)?

2035 **Hon. P J Balban:** Yes.

Mr Chairman: Are Members of the Opposition content with the amendments? (*Interjection*)
Fine.

Clerk: Clause 3, as amended.

2040 **Mr Chairman:** Clause 3, as amended stands part of the Bill.

Clerk: The long title.

2045 **Mr Chairman:** The long title stands part of the Bill.

**Medicinal Cannabis Bill 2021 –
Environmental Protection (Trees) (Amendment) Bill 2021 –
Petroleum (Amendment No.2) Bill 2021 –
Register of Property Occupation Bill 2021 –
Data Sharing (Public Authorities) Bill 2021 –
Traffic (Amendment) Bill 2020 –
Third Readings approved: Bills passed**

Clerk: The Hon. the Chief Minister.

2050 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the following Bills have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed, namely: the Medicinal Cannabis Act 2021, the Environmental Protection (Trees) (Amendment) Bill 2020, the Petroleum (Amendment No.2) Bill 2021, the Register of Property Occupation Bill 2021, the Data Sharing (Public Authorities) Act 2021, the Traffic (Amendment) Bill 2020.

2055 **Mr Speaker:** I now put the question, which is that the Environmental Protection (Trees) (Amendment) Bill 2021, the Medicinal Cannabis Act 2021, the Petroleum (Amendment No.2) Bill 2021, the Register of Property Occupation Bill 2021 and the Data Sharing (Public Authorities) Act 2021 be read a third time and passed.

2060 Those in favour of the Environmental Protection (Trees) (Amendment) Bill 2021? (**Several Members: Aye.**) (**A Member: No.**) Those against? (**Three Members: No.**) The Hon. Marlene Hassan Nahon is a yes for the Trees.

Hon. Ms M D Hassan Nahon: Yes.

2065 **Hon. Chief Minister:** For the trees.

Mr Speaker: Those in favour of the Medicinal Cannabis Bill 2021? (**Members: Aye.**) Those against? Carried.

2070 Those in favour of the Petroleum (Amendment No.2) Bill 2021? (**Members: Aye.**) Those against? Carried.

Those in favour of the Register of Property Occupation Bill 2021? (**Members: Aye.**) Those against? Carried.

Those in favour of the Data Sharing (Public Authorities) Bill 2021? (**Members: Aye.**) Those against? Carried.

2075 Those in favour of the Traffic (Amendment) Bill 2021? (**Members: Aye.**) Those against? Carried.

May we go back and ask about the Register of Property Occupation? I think at Second Reading stage the hon. Member said that he would, or his party would be voting, or abstaining, sorry.

2080 **Hon. D A Feetham:** But we were persuaded by the arguments.

Mr Speaker: You were persuaded? Fine, thank you. That clears it up. Thank you.

**Procedural –
Mental Health Select Committee motion**

Clerk: The Hon. the Chief Minister.

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am going to move the adjournment *sine die*, but I give way to the hon. Gentleman. I think he wants to make a mention of a motion.

2090 **Hon. K Azopardi:** Yes, Mr Speaker. We have still pending on the Agenda the motion in my name on the Mental Health Select Committee, but I had agreed with the Minister for Health, and discussing it with my colleague Ms Hassan Nahon, who also supported the motion, that we would await and consider the mental health strategy that the Government was published and that we would take the motion at the next sitting of the House. The Minister for Health is not here, so we would be grateful to take it at the next sitting of the House.

2095 **Hon. Chief Minister:** Mr Speaker, that was my understanding as well, and I know that the Hon. Minister for Health and the hon. Gentleman have spoken and are speaking about the matters that he has raised in that motion.

ADJOURNMENT

2100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn *sine die*.

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 6.38 p.m.