



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.37 p.m. – 7.50 p.m.

Gibraltar, Monday, 22nd March 2021

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The Gibraltar Parliament

The Parliament met at 3.37 p.m.

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

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

SUSPENSION OF STANDING ORDERS

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

Clerk: Meeting of Parliament – Monday, 22nd March 2021.

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

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

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

COVID update – Statement by the Chief Minister

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Minister for Health and I were delighted to note yesterday that there were no COVID patients at St Bernard’s Hospital. This was the first time since late December that St Bernard’s was free of COVID patients. This will bode well for the restart of routine GHA work, which I know is so important to so many in our community. Additionally, it is an important demonstration of the effectiveness of our lockdown and the vaccination programme. Indeed, it is now four weeks since our schools reopened, it is now three
15 weeks since our catering industry reopened, it is two weeks since we started to relax restrictions even further, and today, for the fourth day in a row, we once again report zero new cases of COVID – zero cases in hospital and zero new cases reported. This is the direction of travel we all hoped, wished or prayed to see developing.

- 20 In these circumstances, I can confirm that we will no longer have a curfew in Gibraltar. The curfew will end on Thursday, 25th March. I know this will be a blessed relief for our Jewish community in particular, who will be celebrating their Passover feast starting this weekend. I wish all members of our Jewish community I hope I have pronounced that moderately well. Additionally, it will be a blessed relief for our Roman Catholic community, whose Easter Vigil Mass on Easter Saturday also starts late – on Saturday, 3rd April – this year.

- 25 In terms of the numbers of people who can gather, we will see the football and boxing bouts in coming days. These are almost public health experiments, in great measure. We will see people gathering for these events but in a controlled manner. I expect we will also be able to greatly relax our measures as to numbers in restaurants and more generally in coming weeks. We should also hope to be able to take a different approach to areas in which masks may be necessary.

30 We are at last leaving behind us our deadliest winter; we are at last entering our most hopeful
spring. It is worth noting that we are making progress. We are all anxious, I know, to leave the
pandemic behind us, but we are wrong to think that it is all over quite yet. We must continue with
prudence, caution and care to progress safely, so that we do not have to suffer or inflict a further
lockdown in the future.

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

Hon. K Azopardi: Mr Speaker, obviously we welcome the fact that we have zero cases, which
was the platform for the Chief Minister's Statement just now, and indeed we also welcome the
40 fact of the lifting of the curfew.

As the Chief Minister indicates, the trend of cases allows the GHA to reopen in a more vigorous
way its services that had been affected by the lockdown, which is something we welcome. I
wonder whether, by way of clarification, the Chief Minister has anything to say on that, beyond
what was already indicated by the Minister for Health a few days ago. I appreciate that it was only
45 a few days ago, so the answer might be that there is little to be said, but it may be that he has
spoken to his colleague and is able to reassure people of specific steps.

In relation to other restrictions, there are fewer now, obviously, which is something that we
welcome, but can the Chief Minister give us a bit of an idea in terms of timescale, given the trend
of these cases? And while of course he is right to say that we cannot let our guard down, COVID is
50 all around us and indeed there is still a chance, even vaccinated, that you can get COVID, although
a smaller one, so we have got to be careful, can he give us an idea on timescales in relation to the
restrictions on restaurants and social gatherings in particular, and indeed the call that has been
made by some social groups and NGOs, and indeed the unions, as to the right to demonstrate in
Gibraltar?

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Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the Hon. the Leader of the Opposition's
request for clarification.

60 The GHA is working very hard indeed to start the process of returning to normal in the sense
that it is hugely important that we are able to treat all those who are suffering from ailments other
than COVID and who require attention other than in respect of COVID. That is enormously clear
to the Minister for Health and to everyone in the infrastructure of Health in Gibraltar. The
communications that will be made in respect of that are to follow. They are to follow because they
65 will be generic to each of the different areas as each of the different areas are able to come back,
but there is no desire to delay that for one moment longer than is necessary.

It is not prudent for me to give timescales in respect of restaurants and social gatherings etc.,
but we will be making announcements as soon as we are able to do so. The hon. Gentleman knows
that there are now many fewer restrictions in respect of the restaurant trade, and once the curfew
70 is gone there will be even fewer restrictions because the ability to operate later will therefore
materialise for our catering establishments. In terms of social gatherings and the number of
people who can gather not just in catering establishments or elsewhere, this is something that has
to be judged carefully. We need to be able to see the numbers of cases continuing to stay flat. We
are seeing that at the moment; we need a little longer period in order to have the confidence to
75 entirely lift the bar that there is on social gatherings being beyond the number that they are today.
As soon as we were able to, we will be making an announcement in that respect, not because
there is any particular desire to demonstrate or indeed that that is the way it has been put by the
unions that have referred to it. They have referred to the desire to hold their annual meetings etc.
I know that the hon. Gentleman ... It might be his job, he might think, as Leader of the Opposition,
80 to promote demonstrations against the Government, or indeed any demonstrations at all, but I
am very keen in particular to be able to see us all being able to return to our general meetings,

especially those of us who lead organisations that assemble more than a handful of people at the time of our general meetings.

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

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his Statement, and obviously on this side as well welcome the lifting of the curfew in time for religious festivities, but also in time for people to slowly get their lives back, which we so urgently need.

90 It is also fantastic to hear that there are no cases in hospital at the moment with COVID, and of course this must have a lot to do with the brilliant organisation and the uptake of the new vaccines.

Mr Speaker, as we leave the deadliest winter in our history, as the Chief Minister has rightly said, I think people are needing more clarification about the very high death toll in the ERS. I would like to ask the Chief Minister to let us know if and when he is looking to start this inquiry process, so that we can establish exactly why we had such a high death toll, which, compared to other countries, shows very high trends. It is crucial to understand these trends that happened in Gibraltar before, heaven forbid, we have a repeat, or a strain that comes in and ravages our community once again, so I ask the Chief Minister for clarification on timings for this inquiry.

100 Thank you.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Lady for that question. The reality is that we believe it is right to start that process only once we know we are free and clear of the pandemic. The number of hours that it will take to do this inquiry and to do it properly cannot be underestimated and so we do not believe it would be a process that would contribute positively if it were one that were taking away from the actual management of the pandemic whilst we are in it. I do believe that we are close to being able to see ourselves out of it, but as the Director of Public Health has spent a year telling us, COVID is a tricky virus, and as I have said in my Statement, we do not want to find ourselves once again having to go back into a lockdown. We have to ensure that we are well out of the pandemic before it is appropriate for us to start the process of inquiring into how we dealt with the pandemic. I do hope, having said that, that it will be fairly soon and that we will be able to at least kick off the inquiry very soon indeed.

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Mr Speaker: Does any other hon. Member wish to ...? The Hon. Elliot Phillips.

Hon. E J Phillips: Mr Speaker, just one particular area of clarification in relation to mask wearing and social distancing more generally in the Government's policy.

120 Obviously, it was received well by members of our community that certain areas were unrestricted insofar as mask wearing is concerned, but given the relative open nature of our border, and particularly given the growing misunderstanding, if I can put it like that, insofar as different variants of the COVID-19 pandemic, and indications given in the United Kingdom that mask wearing and social distance will form a very significant part of their way of life in coming years – in fact, it looks as though mask wearing and social distancing will feature very significantly in the lives of those people in that country – what is the Government's current thinking insofar as relaxing those measures in relation to mask wearing and social distancing, given the fact that we are slowly, as the Chief Minister has described, coming to a very real situation where most of our community can be unlocked and the curfew order will ease away? What is the Government's thinking on mask wearing and social distancing in the future, given the comments by many European countries and indeed the United Kingdom most recently?

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Mr Speaker: The Hon. the Chief Minister.

135 **Hon. Chief Minister:** Mr Speaker, the reality is that what we have tried to avoid in dealing with
the issues that we have faced is Government thinking. In other words, we wanted to have scientific
thinking, we wanted to have Public Health advice, and we have therefore made up our minds on
the basis of the advice that we have. That is why I have said that we will continue to keep under
review the use of masks and where they are necessary, but that will be something that is shaped
140 by the numbers of those infected in our community and outside of our community and the
numbers of people who are coming into Gibraltar to work who are vaccinated, which is part of the
regime being pursued by the Minister for Health.

We will be in a better position to make an assessment in respect of how the pandemic is
progressing in Gibraltar and around us on a weekly basis as we go and to determine these issues
on a weekly basis as we go. That is why I have always eschewed crystal-ball gazing in respect of
145 these issues.

Mr Speaker: We now proceed to the next point on the Agenda.

**Standing Orders 7(1) and 19 suspended
to proceed with Government motions**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to
suspend Standing Order 7(1) in order to proceed with Government motions.
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Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

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

Hon. Chief Minister: Mr Speaker, I have the honour to move the motion standing in my name,
155 which reads as follows:

*I beg to move, under Standing Order 59, to proceed with the suspension of Standing Order 19,
in order to proceed with Government motions.*

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

GOVERNMENT MOTIONS

**Public Services Ombudsman for Gibraltar –
William Ronald Coram appointed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour now to move the motion
standing in my name, which reads as follows:

This House:

*RESOLVES TO HEREBY APPOINT Mr William Ronald Coram to be Public Services Ombudsman
for Gibraltar under section 3(2) of the Public Services Ombudsman Act 1998, for all the purposes
of that Act and for a period of three years.*

160 It was a pleasure for me to have moved in this House that Mr Dilip Dayaram Tirathdas should
be appointed as Ombudsman in 2017. In the time that he was Ombudsman, Mr Tirathdas really

threw himself into the responsibilities of that role in a way that was, as everything I have had the experience of doing with Dilip, absolutely exemplary. As Ombudsman, Mr Tirathdas was able to assist many in our community, and because he was a retired civil servant and knew the inner workings of Government he was able to bring to that assistance also the ability to resolve disputes with the officials in the administration in a way that perhaps others who come from outside the administration might not be able to do. Having said that, he was also very forthright when he found against the administration. I think, once again, understanding the administration from the inside led him to understand, when those who were involved in the administration of a matter where the Ombudsman was not with the administration ... whether he might have identified some were being recalcitrant in their approach and were just not willing to listen to his position, and I thought that his reasoned decisions as Ombudsman therefore had that extra quality.

Now that Mr Tirathdas has indicated to the Government that he is not prepared to continue in the role any further, having done a very successful stint as Ombudsman, and delayed by the period of the pandemic, it is my pleasure to move that Ronald Coram should become the Ombudsman for Gibraltar. Mr Speaker, if I may say so just to start, one of the joys of moving this motion is finding out that the man I have always known as Ron is actually called William as I sought his full name for the purposes of the motion.

Ron's early working career began as far back as 1978, when he was employed in Gibraltar originally as a trainee technician in the former Department of the Environment with the old PSA, as it was known – the Property Services Agency – in which Ron was enrolled as a technician in an apprenticeship in electrical engineering. This really set his interest going and he went off ... In those days, when it was not common for individuals to be able to go to the United Kingdom on a scholarship, he went on a scholarship to Preston Polytechnic, now known as the University of Central Lancashire, and completed a Bachelor of Science degree in 1985 in Electrical and Electronic Engineering.

In 1986, he was recruited to the UK Civil Service as a graduate engineer, working also in the PSA, and later he was seconded to the MoD on overseas projects. There, he obtained further professional qualifications, including full membership of the Institute of Electrical Engineers, and became a chartered electrical engineer. Ron also achieved full membership of the Chartered Institute of Building Services Engineers, where he is registered as a chartered engineer. Both those routes, engineering and electrical engineering, enabled Ron to reach the grade of Senior Professional and Technological Officer (SPTO) at the young age of 29.

In 1993, PSA International was privatised and Ron then decided to take the opportunity to pursue a master's degree in Construction Project Management at Heriot-Watt University in Edinburgh, and that led Ron to a much greater personal interest in the field of management services, particularly focusing on the area of change management. That led him to enter into research and he obtained a doctorate at the University of Manchester in 1997, and after that point, Ron rightly decided that it was time to come back home to Gibraltar.

From 1998 to 2002 he was the Chief Training Officer at the Department of Education, where he was directly involved in setting up the Government of Gibraltar's training strategy for young adults and identifying the skills gap that there might have been locally. That led to the introduction and delivery of numerous training schemes, such as the apprenticeship programme at Cammell Laird, the City and Guilds qualification at the Gibraltar Construction Training Centre, and the Gibraltar Government apprenticeship scheme in the old Buildings and Works Technical Services department, the Electricity department and even in GJBS. That work involved the implementation of the framework for the UK-recognised National Vocational Qualifications in Gibraltar. Ron therefore designed the Vocational Training Scheme, which was in place for many years. He introduced management programmes – which many in the local administration decided to enrol on – through Durham University, and those were actually delivered locally for many who did not wish to leave Gibraltar because they were in employment and had already established themselves with families.

215 From 2002 to 2012, Ron then became the Principal Housing Officer, the senior officer in the Housing department, which means that he fully understands all of the issues that relate to that particular department. In that period he was charged with senior management of the general Government housing stock, the buildings and works capital housing project, including its budget, and at that time that included the development of the Waterport Terraces project.

220 Then, from 2012 to 2020, Ron was the senior officer at the Ministry for Employment and he was also Director of Employment and Principal of the School of Health Studies and Director for Economic Development. In that period, the latter period that he was employed in government service, Ron was responsible for analysing numerous employment trends and assessing the future skills gap within our economy. He was the author, also, of a comprehensive report that focused on employment patterns and movement within the local construction industry. Part of that actually led to the re-establishment of the Nursing College, and that saw Ron directly involved in the training of over 120 registered local nurses and setting up the local framework for university degrees, both at bachelor and masters level.

225 In May 2018, Ron was awarded an honorary degree, a doctorate, in recognition of his outstanding contribution to enterprise, education and employment within Gibraltar, by Kingston University.

In June of last year, Ron retired from the Civil Service after completing 22 years of service.

230 Mr Speaker, I think that is a curriculum vitae that speaks for itself and demonstrates that Ron has the understanding of the workings of the local administration that will enable him to understand, empathise, sympathise and support those who require the support of the Office of the Ombudsman, and that he is somebody who enjoys the respect of the heads of department in each of the agencies that he is likely to have to be dealing with in his role as Public Services Ombudsman in Gibraltar.

235 The Minister for Financial Services will also say a little more about the role of the Financial Services Ombudsman, in respect of which he has had discussions with Mr Coram, and where we hope to be able to see the work of the Financial Services Ombudsman also discharged by the Public Services Ombudsman in Gibraltar.

240 In selecting an Ombudsman it is important that the individual who is selected enjoys both the respect of senior officers of the public sector and the respect of the community generally, and, in the opinion of the Government, Ron Coram meets all of those key requirements. This is not an easy post to fill if you are going to find somebody who enjoys the respect of both his peers in the community and the individuals at the head of the Departments, agencies and authorities of the Civil Service.

245 Mr Speaker, I had the opportunity to speak to the Leader of the Opposition and consult him on this appointment and also to speak to the hon. Lady about this appointment, and both of them have indicated to me that they will be supporting the appointment of Mr Coram to this important role.

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

The Hon. the Leader of the Opposition.

255 **Hon. K Azopardi:** Mr Speaker, on behalf of this side of the House, certainly we support the proposed appointment of Ron Coram as Public Services Ombudsman under the Public Services Ombudsman Act.

260 Before I speak to that issue itself, can I also take the opportunity in the context of this motion to thank Dilip Tirathdas in respect of his service as the current Ombudsman, whose tenure has now expired. It is a pleasure to have seen, since I was on that side of the House, 23 years ago, when I presented the Ombudsman legislation It was embryonic at the time. There were not that many ombudsman pieces of legislation around the Commonwealth to look at, and we had looked at the Maltese model in particular and were taken by the fact that it was ... We had been

265 told it was helpful to have ombudsmen who came from a public sector services background – not
necessarily always the case, of course, and it is not a requirement, but I think the fact that
Mr Tirathdas and indeed Mr Coram come from that background is probably helpful for them in
discharging their duties. Whether they are poachers turned gamekeepers or gamekeepers turned
270 poachers I do know; it really depends on how you view it. I want to take the opportunity to thank
Dilip for his service. He had a long career in public service before he came to this post. He has
deployed his knowledge of the public service well in his role. I think it has been very useful to him,
as indeed it has been to other ombudsmen who have occupied that role, whether or not they
came from the public sector. We have had ombudsmen who have not come from the public sector
but they have had a huge degree of knowledge of the public sector, not least, of course, Henry
Pinna, who constantly had interaction with the public service, if I can put it that way.

275 So, on this side of the House we thank Dilip, and on a forward-looking basis we welcome
Dr Coram to his post. He is someone who has worked for every single achievement in his own
personal career, starting with ... I will not go through it again, the long description of achievements
that the Chief Minister has read out from the time he left Gibraltar originally in the late 1970s to
his return to Gibraltar, having already, at that stage, got a doctorate and acquired not just
280 knowledge as an engineer but in change management, which he put to good use in his Training
role and indeed in his Housing role within the Government. He joined public service when I was
still a Minister on that side, and so in that role I did have some interaction, although I was never
responsible for the Ministries that he was working in, but he was always someone who came
across as someone very polite, courteous and discreet but effective in the discharge of his role. I
285 had some interaction with him when I left Government, on a number of professional matters,
again discharging his role in a very effective way.

We think Ron Coram will make a very good Ombudsman. I say little about the latter part of the
Chief Minister's contribution in relation to the financial services role. That is something that I was
unaware of, and indeed we may take a different view there. We will hear what the Minister has
290 to say on that. That is a specialised area, and so we would want to be persuaded as to that, and
we reserve our position on that. But in relation to the wider role of the Public Services
Ombudsman himself, the traditional role that the Ombudsman has had, he has our full support.
We think he will make a very good Ombudsman for Gibraltar, given his intimate knowledge of all
these areas, and in particular, of course, because ombudsmen tend to deal with complaints that
295 come from certain areas, and one of the more popular areas, if I can put it that way, for the
Ombudsman role is housing, and Ron has a lot of experience in that regard. So, we welcome the
appointment and we will support it fully.

Mr Speaker: The Hon. Marlene Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to take this opportunity to firstly thank
Mr Dilip Tirathdas for his work as Ombudsman, welcome the new Ombudsman, Ron – William –
Coram, and express my relief, in that this appointment is long overdue.

305 The last year has been a difficult one and the challenges of the pandemic have seen our
Government implement restrictions to people's civil liberties of the kind we have never seen
before in Gibraltar. These restrictions were necessary to protect our community. However, not all
of our citizens responded to them with solidarity and resignation. Many citizens have become
distanced from their institutions and from those who run them, particularly us, the politicians
sitting around this Chamber. It is a real pity that throughout this episode of great tension between
310 freedoms and restrictions, one of the symbols that best represents the protection of those civil
liberties was left to one side, because the Act demands that in the absence of a suitable candidate
for replacement, an interim Ombudsman must be implemented, and this did not happen. In fact,
we have been without an Ombudsman since June 2020, something that I believe has been sending
our people the message that Government is not particularly bothered about protecting these civil

315 rights at a time in which the destructive potential of these kinds of messages has grown exponentially.

It was also disappointing to see messages coming out of Government at the time about how excruciating it was to limit people's freedoms to protect the health of the most vulnerable. Effectively, the clash between individual liberties and the common good will be one of the great issues of our time, throughout the pandemic and beyond, and I expect our new Ombudsman to have a lot to say in this debate because politicians must be seen as trustworthy custodians of freedom and able judges of the common good.

320 So, I take this opportunity to welcome Mr Ron Coram as our new Ombudsman and wish him the best of luck for his new role.

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

Minister for Digital and Financial Services (Hon. A J Isola): Thank you, Mr Speaker.

330 I think the first point to make is that this motion is not in any regard about the appointment of Mr Coram; in fact, there is no requirement for a motion before this House for that to happen. I think the Chief Minister was just alerting the hon. Members opposite to the fact that this is the direction we are going in, simply because we will be able to have a central ombudsman service that will give far more efficiency to the delivery of our work that he has to do both in respect of the Public Services Ombudsman duties and the Financial Services Ombudsman's duties.

335 As the Hon. the Leader of the Opposition has indicated, the Financial Services Ombudsman will require specialist advice and specialist assistance, and that is what we intend to provide him with, so he will have access to the technical people that he will need in respect of each area. That could be an area on pensions, it could be an area on banking ... It is a very wide area that the Financial Services Ombudsman legislation covers, and consequently we have come to the view that it is far more efficient to enable the Public Services Ombudsman to have access to that advice, rather than try to find one person who has all of those qualities, which is not easy to find. Consequently, the thinking on this side of the House is that Ronald Coram has all the attributes that he will require, with the benefit of the advice that he will have available to him, to be able to carry out these functions in the manner that Parliament intends. I am grateful to Mr Coram for having signalled

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345 by his acceptance to carry out that function with the support of the specialist services that he will require from within the offices of the main Public Services Ombudsman.

I would like to also say a huge thank you to Dilip for his work, not just here but obviously before. He has given many years of excellent service to our community. I am grateful to him and add my thanks to the other Members who have spoken before me.

350 I would also like to wish Ron every success in his new endeavours. I think he will do Gibraltar proud as he does these different functions and I have every confidence in his ability to deliver, both in respect of the Public Service Ombudsman service and indeed the Financial Services Ombudsman service.

Thank you, Mr Speaker.

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Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, just to pick up on what the Hon. Minister has just said, as he is fully aware, this has come, as the Leader of the Opposition has said, as a complete surprise to this side of the House and I would have hoped that he would have had at least the courtesy to advise us that that was the Government's thinking. He knows as well as I do that the Financial Services Ombudsman, certainly in its incarnation in the United Kingdom, does require a huge amount of skill and knowledge of the industry, even at a very basic level. Personally, I remain to be convinced that you can combine that skill set with the skill set that the proposed Ombudsman has, which is not to denigrate it, but financial services is a very different creature to the public service and it is meant to mediate disputes in financial services. Some of these disputes could be quite significant

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and you require a significant degree of knowledge of financial services. It is all very well to say you can buy in the services, but you could do that in anything. You could appoint anyone you want and say you will just buy in the services, but it is also about a signal you send to the public in terms of how the Financial Services Ombudsman is structured and what expertise they themselves have, that the public have confidence that they can approach a Financial Services Ombudsman who knows exactly what the issues are or has a better idea than somebody who is uninitiated in the arts of the world of financial services as opposed to somebody who is completely unsighted. And so I remain to be convinced that this is in fact the best approach. It might be cheaper, for sure – that I do not doubt – but I do not think it necessarily is what was intended when the Minister introduced the legislation for the Financial Services Ombudsman.

In terms of the Ombudsman in general, I think I have said before in the House that personally I would like to see the post be advertised in future. That may require a change in legislation in due course, but a role as important as this I think should be open to invitation for application. On the Financial Services Ombudsman angle to this, I really am surprised and remain to be convinced that this is the best course of action.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Thank you, Mr Speaker.

It is a very small point. Obviously, I endorse and back everything my hon. Friend Mr Clinton has just said. I think he makes fair points and I am sure the hon. Member will agree with me, but there is one specific question that I ask and it is this: how are those resources going to be provided in terms of the advice that Mr Coram will absolutely need to rely on? Most of us know Mr Coram personally. We have heard the long list of his achievements as set out by the Hon. the Chief Minister. None of them include financial services and he is not known as an individual who has had any experience in that world, so clearly he is an individual who will have to rely a lot on advice, so what type of resources are going to be made available to him within the office to provide that advice? If he could answer that question.

Hon. A J Isola: Will the hon. Member give way, please?

Hon. D J Bossino: Yes, I will give way, of course, Mr Speaker.

Hon. A J Isola: Mr Speaker, clearly the appointment of Mr Coram is only being done on the basis that he will be given the specialist advice in whatever area of law it is he requires. That will come from the private sector through the creation of a panel of appropriate people on pre-agreed rates. They will be asked, if they are not conflicted to be able to support the work of the Ombudsman, if they wish to.

Mr Speaker: If no other Member wishes to speak, I will call on the Hon. the Chief Minister to respond.

Hon. Chief Minister: Mr Speaker, I am grateful for the Hon. the Leader of the Opposition's support, which he had already indicated privately, and for joining me in thanking Dilip Darayam Tirathdas for the magnificent work he has done in the time that he was Ombudsman.

I just wish to reiterate that I was informing the House of the fact, out of courtesy, that we had asked Mr Coram to also do the work of Financial Services Ombudsman. The reason I thought it appropriate to inform the House out of courtesy was because this is the motion appointing him Public Services Ombudsman. There is a word in common between Public Services Ombudsman and Financial Services Ombudsman, but not a role in common. The role is completely different. It is for that reason that once I had informed the Hon. the Leader of the Opposition and discussed with Cabinet colleagues, the Minister for Financial Services pursued for himself, after having

420 cleared it with me, whether or not Ron Coram was prepared to also do the work of Financial
Services Ombudsman, something which he said he was definitely prepared to do. I very much
welcome that, and I will speak generally to the points made in that respect by hon. Members by
saying that I think it is absolutely right that the person who is Financial Services Ombudsman in
Gibraltar should be a lay person – in other words, a layperson to financial services. Why? Because
425 the interests being represented are the interests of lay people. In other words, it is lay people
seeking to have their issues dealt with in the context of financial services, and I think the most
important nexus of empathy that should be provided for in the context of a Financial Services
Ombudsman should be the nexus of empathy with the persons who are seeking to have their
issues determined, and with advice. Sometimes it is not easy for people to establish relationships
or approach those who are lawyers, accountants or senior financial services professionals, and
430 therefore I think it is going to be more useful and helpful – and I agree with the Minister for
Financial Services – to have a layperson to financial services leading that role in a way that will
enable that person to communicate to those he is dealing with on those issues. Of course, he will
be dealing with financial services firms, he will be dealing with financial services operators, but he
will have the necessary advice in doing so.

435 But this motion is not about that; this motion is about the appointment of Ron Coram as Public
Services Ombudsman, and that is what the House is dealing with, although the House was
informed as a courtesy, a courtesy that Mr Clinton believes should have been extended to him in
private or earlier. Well, Mr Speaker, we considered it appropriate to inform the people and the
House at the same time in courtesy in this respect.

440 Of course, the Hon. Mr Clinton will forgive me for not putting much store by what he says about
the appointment of an Ombudsman, because on 26th July 2017, when we were dealing with the
appointment of Dilip Darayam Tirathdas, what Mr Clinton told us was that it was not appropriate,
in his view, necessarily to appoint a senior public service veteran to the post of Ombudsman.
Indeed, in that debate, what Mr Clinton believed was not just that we should have an external
445 competition for the post of Ombudsman but that somebody who had been a senior civil servant
was not best suited to deal with these issues. We have today heard the exact opposite, rightly,
from the Leader of the Opposition, who reminds us – because, of course, in the context of this
motion it is convenient that he has sat on this side as a Member of the GSD when this particular
Act was designed and that one of the areas that they looked at was Malta, where senior civil
450 servants had done the post in the past ... The Leader of the Opposition has rightly said it does not
have to be a former senior civil servant who does the role. It has not always been. He gave the
excellent example, with which I agree wholeheartedly, of Henry Pinna, a man who had interacted
greatly with the public service, in particular in his field of expertise, if I may put it that way, which
was housing, because of Action for Housing, but it would be very difficult to find somebody who
455 understood the inner workings of Government in the way that you need in order to be able to
deal with the issues that an Ombudsman is faced with, and a former senior civil servant is actually
very well suited to do that role. Now Mr Clinton tells us you cannot have a layman doing a Financial
Services Ombudsman post, so I will take his criticism of the appointment of Mr Coram to the post
of Financial Services Ombudsman with the very large pinch of salt with which I took his very
460 personal support for Mr Tirathdas but his political complaint of Mr Tirathdas' appointment way
back in 2017.

It is also true that Ron Coram was away from Gibraltar for 20 years in the time he was obtaining
his qualifications before coming back the senior Civil Service posts that he held in Gibraltar, and I
think that is also an important feather in his cap, in the sense that he has seen how other
465 administrations work and we may be able to see that reflected also in the views that he brings to
his findings as Ombudsman.

Mr Speaker, I do not accept for one moment the suggestion from the hon. Lady that we have
sent out any destructive message in the time that we have been dealing with the pandemic, far
from it, but she is right that the question of individual liberties versus the general public interest
470 has been a key factor of the past year in our community. She, however, is one of the people who

475 have been urging us constantly to impose *more* restrictions. That is to say she was erring on the side of less civil liberty and more restrictions because of the general public interest, so she will forgive me if I detected a slight turn in the approach that she is taking now, as if she were suggesting that that has been a balance that we might somehow have got wrong. I hope I am misinterpreting her.

480 The Hon. Mr Clinton said that he remained to be convinced that Ron Coram could do a good job as Financial Services Ombudsman, but he was sure that it would be achieved and of that he had no doubts. I do not know whether he was arguing against himself there, or whether he was just recognising that we have been able to demonstrate, contrary to some of the assertions that he has made from those benches, that the proposals that we make are successful. I hope that is what he was suggesting, because of course that would be in the interests of all of us.

485 The Hon. Mr Bossino made some points about how resources will be provided, which I think have been more than adequately answered by the Minister for Financial Services. I do not want to go any further in respect of the role of financial services, because this is not what the House is considering under the motion. I will simply round up by saying that despite those, if I may put it this way, relatively technical issues that have been raised by hon. Members opposite about not the role that Mr Coram is to discharge as a result of this motion, I am very pleased that we are going to be able to see this appointment supported unanimously across the floor of the House. Mr Darayam Tirathdas did not enjoy the benefit of unanimity across the floor of the House and it did not stop him doing a magnificent job, but I do believe that the appointment by unanimity of the House is a fairer wind for the beginning of the role that Ron Coram will discharge as Gibraltar's Public Services Ombudsman by resolution of this House.

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

**Mayor and Deputy Mayor of Gibraltar –
Christian Santos and Carmen Gomez appointed**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

HEREBY APPOINTS Mr Christian Santos to be Mayor of Gibraltar and Ms Carmen Gomez to be Deputy Mayor of Gibraltar as from 1st June 2021.

500 Mr Speaker, it is an honour to rise, two years almost to the day since the motion appointing John Gonçalves as Mayor and Christian Santos as Deputy Mayor, to reflect on a period under John Gonçalves where he has done an absolutely magnificent job as Mayor – a time cut short, of course, this time last year by the COVID pandemic, although John continued some activity in the mayoralty and was able to re-establish some activity in the interim period during the summer months. I know that John still has a lot of what he wants to do as Mayor. For that reason, I am moving that the House should appoint Mr Christian Santos to be Mayor of Gibraltar from 1st June, to ensure that Mr Gonçalves still has 60-odd days in order to be able to bestow some of the Mayor's awards which have been granted in his time and carry out other activities to which he has become committed in the period of his mayoralty. I have no doubt that, knowing John Gonçalves, this will not be the end of his contribution to public life in Gibraltar and there will be much more for us to see John Gonçalves do.

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Mr Speaker, in the time that he has been Deputy Mayor, Christian Santos has already been extraordinarily supportive of John Gonçalves and he has continued his excellent work in the Gibraltar Academy of Music and the Performing Arts. He has lost none of the *joie de vivre* that characterised him by his appointment as Deputy Mayor, and indeed I very much look forward to him bringing that style, panache and flair to his role as Gibraltar's next Mayor. You will know, Mr Speaker, that his work can go from the extraordinarily sensitive, which will bring tears to your eyes, to the extraordinarily funny that will split your sides and will bring other sorts of tears to your eyes. I am sure that he will bring all of that talent to the role of Mayor of Gibraltar, and I am sure that he and his husband Samuel will do Gibraltar very proud indeed as they take the mayoralty forward from 1st June.

Mr Speaker, I cannot pretend to stand here and introduce Carmen Gomez and what she represents. Carmen Gomez is somebody those of my generation have all grown up seeing representing Gibraltar internationally or on our own local television screens, and those of an older generation saw her trajectory as a great Gibraltarian talent who started in Gibraltar Drama Festivals, went through the early days of GBC and ended up on the West End stage, produced by Andrew Lloyd Webber himself. Who can't forget the image of Carmen dressed as Carmen Miranda, with that fantastic fruit-filled hat she wore in that performance on the West End stage? This is a Gibraltarian who has travelled the world, who has brought art to the world internationally and who has consistently been a defender of Gibraltar, wherever she has been. I was honoured to be asked by Carmen Gomez to write a foreword to her autobiography and I reminded readers then that she was known to have taken on none other than Sir Robin Day on one occasion when he was said to have spoken unkindly about Gibraltar. He was unfortunate enough to come across Carmen Gomez and she gave him a right old talking to and put him in his place. So, it is my pleasure to see that Carmen Gomez has agreed to take the post of Deputy Mayor and become Mayor after Christian Santos, and I am very pleased that, having consulted with the Leader of the Opposition, he agreed that this would be a position that they could support her for. I also spoke to the hon. Lady, who indicated that she would be supporting this appointment.

It is not lost on me that we will go from a sportsman today in John Gonçalves who has represented Gibraltar internationally in sport, to a Mayor in Christian Santos who has represented Gibraltar internationally in the arts, especially in the musical arts, to a Mayor, after Christian Santos, in Carmen Gomez, who has represented Gibraltar internationally in the arts, in particular in drama. That, I think, is a demonstration of the depth of Gibraltar beyond its politics and beyond the headlines that so often are about Gibraltar relating to the politics of our relationship with our neighbour etc., and demonstrating a cultural and sporting depth in our community which I think is very well suited indeed to our representation in the mayoralty and the municipal representation of all Gibraltarians.

I commend the motion to the House.

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

The Hon. Edwin Reyes.

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

On Thursday, 21st March 2019 this House unanimously supported the Government motion presented by the Hon. the Chief Minister appointing Mr John Gonçalves as Mayor of Gibraltar, which he did as from 4th April 2019. The motion also noted that Christian Santos be appointed as Deputy Mayor, to take over the role of Mayor after John Gonçalves. It therefore follows that, with the greatest of pleasure, the GSD Opposition will today confirm that it continues to support the appointment of Christian Santos to take over as Mayor from John Gonçalves.

At this stage, I would like to take the opportunity to thank John Gonçalves personally for his exemplary service as Mayor over the last two years. John has certainly discharged the required mayoral duties to the best of his abilities, and had this last year not forced upon us strict

565 restrictions due to the COVID 19 pandemic, I am sure John would have carried out even more
public duties, which ultimately promotes and benefits our community as a whole. I personally
thank John for his companionship at the events we have both attended in our official capacities.
Although best known for his outstanding contributions, both locally and internationally, in the
sport of basketball, I fear that Gibraltar as a whole should also be made aware of John's knowledge
570 and passion for the game of football. Having sat for 90 minutes at a time at Victoria Stadium jointly
cheering with our distinguished Mayor for our national team, I can honestly say that I thoroughly
enjoyed those football matches even more than normal, thanks to John's positive animation and
encouragement of our players' performances. I dare say if ever any TV sports channels should find
themselves looking for new commentators I would have very little hesitation in recommending
our soon-to-be Mayor emeritus for such a job.

575 Mr Speaker, referring now specifically to Christian Santos, the Opposition notes his personal
background and experiences, which we sincerely hope will serve him in the discharge of his
forthcoming duties. Christian holds a Bachelor degree in Contemporary Art from the University of
Nottingham Trent, as well as a Postgraduate Diploma in Acting and Musicals. He has worked in
the entertainment industry and performed for companies such as Openwide International, the
580 English Theatre Company, Sun Cruises and even Disney. His training was in musical theatre and he
has worked mainly as a vocalist. He returned to Gibraltar after four years with Disney in Tokyo and
in this relatively short period of time he has already become a local household name. After
founding Santos Productions, he has produced several shows, including the Miss Gibraltar
pageant. It was during my tenure as Minister for Culture that I got to know Christian as a very
585 efficient professional, and we shall forever treasure the memories of a particular Miss Gibraltar
pageant from where the beautiful Kaiane Aldorino went on to be crowned Miss World 2009 in
Johannesburg, South Africa. It seems Christian will have a very hard act to follow to catch up with
his mayoral predecessors. Christian is well known on the Rock for his original comedies, including
household names like *el suston*, *Ms Ilanita International*, *El Cuento*, or the comedy and audiences
590 with Rock Masters. As the vocal preparer and director of the Santos Choir, he has become a
favourite of the local public and has achieved international successes in competitions both locally
and abroad in the UK and Barcelona. He leads a young choir at GAMPA and usually presents the
most relevant public events in the cultural agenda on the Rock. We hope his duties as Mayor will
not curtail his contributions to and ever-popular successes in local performing arts. As rightly
595 highlighted by the Chief Minister himself during his contribution to the motion in respect of the
appointment of the Mayor in 2019:

it is important that the mayoralty continues to be open to young people and that our City Hall and our civic
representative, the Mayor, is not alien to young people and is somebody who young people consider approachable.
With John [Gonçalves] we achieve that in the context of sports and with Christian Santos we achieve that by dint of
him being a younger man and indeed somebody who is involved in teaching of young people and involving them in
the performing arts.

Our City Hall will certainly be a prestigious place of entertainment in the future.

Mr Speaker, we equally welcome the proposal of Carmen Gomez as Deputy Mayor to succeed
Christian Santos upon completion of his tenure. The ever beautiful Carmen Gomez was crowned
600 Miss Gibraltar in 1970, when she was 21 years of age. After her reign as Miss Gibraltar, Carmen
ventured to London in order to pursue an acting career. Whilst in London, she performed in
various West End productions and had an opportunity to work with Andrew Lloyd Webber.
Carmen started her acting career with a part in *Buddy*, but most unfortunately that show wrapped
up in London to return to Broadway. However, she persevered with her acting career and went
605 on to feature in the science-fiction popular series *Dr Who*. Other notable performances were
playing the part of Ferula in Isabel Allende's *The House of Spirits* and she also ran her own dazzling
West End production of *Carmen Miranda*. It is an established tradition that when military units
that hold the Freedom of the City of Gibraltar exercise their right to parade through the city with
bayonets fixed and colours flying, it is the Mayor who takes the salute on behalf of the citizens of

610 Gibraltar at the Main Street entrance to this prestigious House. Those of us who have had the
privilege to form part of a contingent marching up Main Street exercising such rights will know at
the highlight of this march past is the salute given to the people of Gibraltar through their Mayor
just outside Parliament House. It does not take much imagination to foresee the delight which will
615 be experienced in the future by military personnel when they follow the words of command 'Eyes
right' and their eyes immediately feast upon such beauty as that radiated by the delightful Carmen
Gomez.

With these words, and before I get into any trouble, I have the privilege and pleasure to once
again confirm that the GSD Opposition will be supporting the Government motion laid in this
House by the Hon. the Chief Minister.

620 Finally, thank you, John Gonçalves for your service to Gibraltar and we wish all the best to both
Christian Santos and Carmen Gomez for the future in the fulfilment of their mayoral duties.
(*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

I would like also to thank John Gonçalves for his tenure as Mayor of Gibraltar. His time as Mayor
has not been the easiest of times for our community, or for the world indeed, but he can rest
assured that he leaves with the community's respect, affection and gratitude towards him firmly
630 in place.

The appointment of my friend and remarkable artist Christian Santos as Mayor of Gibraltar is
great news for the community. It will provide another impulse to Gibraltar's burgeoning artistic
and cultural scene, and it will dignify an institution in great need of a little weight and substance.
Since our days as teenagers, the larger than life Christian Santos has been contributing to our
635 community with song, dance, drama and entertainment in reaching our cultural agenda with his
vision and professionalism in a way that has taken culture in Gibraltar to new levels, inspiring the
young and the elderly in equal measure. It is also worth mentioning that Christian will be
Gibraltar's first openly gay Mayor, something that will go a long way to further the equality agenda
and make people understand the value and beauty of diversity. I congratulate him on his
640 appointment and I thank him in advance for the hard work I am sure he will put into his role.

Of course the appointment of Carmen Gomez as his deputy also constitutes a positive step in
this respect, as this will mean that yet another woman will be Mayor of Gibraltar, of which there
have been few, as we all know. These symbolic yet important steps bring us closer and closer to a
world free from bigotry and discrimination, and this is something that I am sure we can all
645 celebrate.

I extend mine and my party's heartfelt congratulations to these two candidates on their
appointment as Mayor and Deputy Mayor.

Thank you, Mr Speaker.

650 **Mr Speaker:** Does any other Member wish to speak? The Hon. Prof. Cortes.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E
Cortes):** Mr Speaker, the Hon. the Chief Minister has already expressed the Government's views,
but it would be remiss of me, as Minister for Culture, not to just add a few comments, firstly to
655 thank John Gonçalves, with whom I have worked very closely over the last year and a bit, this
difficult year for everyone, to thank him and congratulate him for the work that he has done, and
also to welcome with enthusiasm both Christian and Carmen, who not only have I known for many
years but are part of the world of the performing arts that I have long been a member of, or have
been in the past. I look forward very much to working closely with them.

660 I think that this reflects the cultural richness of our community and will reflect also the
importance of culture in the recovery of Gibraltar from the tribulations of COVID, so I am very

happy with these appointments, and if I may use theatrical jargon, which Christian and Carmen will both appreciate: Christian, Carmen, break a leg.

665 **Mr Speaker:** I now ask the Chief Minister if he wishes to respond.

Hon. Chief Minister: Mr Speaker, thank you to all hon. Members who have spoken to support the proposed appointments.

670 I think the appointment of Christian Santos will definitely involve the continued presence of young people in the City Hall. John Gonçalves has attracted a huge number of young people through his connections with sport, and Christian I am sure will attract a huge connection with young people also because of his connection to the performing arts. The one thing I promised myself I would say in the context of this debate is that this motion sees Rock Masters beat that other guy to a post in our civic representation – those who follow Christian’s plays will know
675 exactly who I mean.

I am delighted with the support that we have heard from hon. Members opposite for the appointment of Carmen Gomez. I would just say that, a little in the vein of what the hon. Lady said, these days when soldiers turn their eyes right one should not make any assumptions as to what they might consider to be eye candy, and indeed they might not just be desiring to look at
680 Carmen Gomez, whatever one’s view of her heavenly endowed attributes may be, so I think we need to leave those concepts a little behind.

I want to end by saying that Carmen Gomez is a woman who broke glass ceilings before it was fashionable, and I think that is the best way to think of her epitaph, and I want to thank John Gonçalves for the excellent work he has done in the two years he has been appointed. Although
685 in one of them he has been so severely challenged, he has nonetheless continued to discharge the mayoralty as well as he has.

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

**Crimes (Amendment) Act 2019 –
Referendum re commencement –
Amended motion carried**

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE:

1. NOTES the motion passed unanimously by this House on Friday, 20th December 2019, to hold a Referendum that the question of the commencement of the Crimes (Amendment) Act 2019 would be put to the people of Gibraltar in a Referendum.

2. ENDORSES the text of the said motion.

3. RECALLS the Order for a Referendum on the 19th March 2020 was revoked on the 12th March 2020 as a result of the then developing Public Health emergency arising from the COVID 19 pandemic.

AND THEREFORE RESOLVES that an Order for a referendum under Section 3 of the Referendum Act 2015 now be made convening the referendum to be held on Thursday 24th June 2021.

695 Mr Speaker, this motion is simply the motion that is required for the purposes of re-establishing the referendum and setting the date for it.

The House had an opportunity in December 2019 to debate the merits and demerits of that referendum, and the motion was nonetheless passed unanimously because of the mandate that we had from the General Election to hold that referendum. The motion before the House at the moment does no more than bring back that motion and provide a new date for the referendum.

700 I am advised and I have circulated a proposed amendment to the effect that it would be helpful, to ensure that there is no lack of understanding of what it is that the House is doing, that we add a new paragraph 3 to the motion, which reads as follows:

APPROVES the neutral information document for the Referendum on the amendment to the Crimes Act that had previously been approved by this House on 20th February 2020, subject to the appropriate change of dates.

705 All this does is include a specific reference – as there is in the notice, I understand, convening the referendum – to that neutral information document, which in fact had already been approved by all of us and had already gone out, I believe, at the time that the referendum was last suspended, to make sure that it is clear that there will be no change to that neutral information document other than the date of the referendum, which will now be fixed by this House for 24th June.

710 Mr Speaker, I commend to the House this motion, which, in effect, just re-dates the referendum and gives us the opportunity to have that exercise in democracy on the decision of whether or not to commence the Crimes Act. I commend the motion to the House.

715 **Mr Speaker:** I now propose the question in terms of the motion, with the amendment – we can deal with this as a combined motion – as moved by the Hon. the Chief Minister.

720 **Hon. K Azopardi:** Mr Speaker, we will support this motion. It does little more than reinstate a referendum that was barely seven days away when it was cancelled because of the COVID situation, which made it impossible for that referendum to be held safely, which was, I think, the paramount consideration at the time. We had spoken on the issues of detail at the December motion and indeed fully ventilated those questions. We had come to that kind of scheme and, indeed, as the Chief Minister says, the House had already viewed and approved the booklet that was subsequently sent out by the referendum administrator, so we think it is appropriate that the motion should also reflect an additional paragraph to do that, so that the referendum administrator does not need to seek the House's new approval for something that the House has already seen. I think that is important. So, we will support it, and the referendum will then be back on track as had been intended, given the Government's mandate that it had obtained at the last election, and people can then make a decision and decide how they wish to exercise their votes at the time, on 24th June.

730 Can I just ask the Chief Minister, in the context of the motion, when he replies if perhaps he can address these points? I had understood from his public statements that there will be no new additional finance in respect of the funding of the campaigns, as far as – at least, I speak for myself – I assume that we are going to proceed on the basis of the mechanics that had already been approved by the House. In other words, there was already an approved campaign for the yes and no sides, so I am not sure what the logistics of that would be if new approval needs to be sought. There would have been expenditure already. I think the Chief Minister has said that there would be no new finance given, and that would be a position that of course we would support, so that there is no new finance in relation to that.

740 Secondly, in relation to the logistics of the day itself, obviously this will be in June, so three months hence, and it may be that it is a completely controlled COVID situation – and I hope that it will be exactly that – but can the Chief Minister perhaps outline any thinking that there may have been already in terms of the logistics of the day itself and the voting process, so that people

can know and have confidence that when going to exercise their vote on the day, public health precautions will be taken? The Public Health authorities will no doubt be advising as to how the day should be carried out.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

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

As much as I welcome the long-overdue rescheduling of this referendum, I cannot but express my disappointment at the way this announcement has come about.

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Firstly, I would like to remind this Chamber, in which I am firmly convinced that there is a small yet clear majority that respects women's right to reproductive freedom, that in the past year a significant number of women have suffered enormously as a result of this postponement. Given the restrictions imposed on the other side of the border, where women have been accessing abortions for decades now, it is probable that the lives of several women have been affected forever for lack of access to what is widely considered a human right. This means livelihoods have been jeopardised, dreams stolen, mental health compromised and abusive relationships cemented behind this piece of legislation. There are personal problems unfolding that need to be recognised.

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The three-month window between the referendum announcement and the referendum date itself will have a divisive effect on the community, which this community does not need after one of the toughest years in our history. While bars and restaurants are now open and the curfews are slowly being lifted, and while Government is encouraging and putting the wheels in motion for the option of postal voting, a three-month-long campaign has the potential to divide this community all over again. It is a concern, and I would like the Government to explain whether they have considered the impact that three months of de facto campaigning will have on Gibraltar's social fibre.

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It seems like a lifetime away, but only a year ago we had a full campaign. We rallied, we debated, we went to several public and televised debates and we argued aggressively on social media platforms. The product of this was torn families and broken friendships, and this is no exaggeration. How personal and profoundly divisive this issue is cannot be understated. Polarisation is ripping western societies apart, creating the perfect backdrop for populism and extremism. It is causing pain, violence and unhappiness, and it is undermining our democratic institutions. In Gibraltar, we are far from seeing the episodes witnessed in the US and other countries, for example, but we must remain vigilant and pre-empt these grievances. We have just survived a year of COVID debates that have also been entrenched and divisive, and tensions remain high.

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On the matter of funding, it is also particularly worrying to think that at this moment in time, when it is clear that there are big pressures on our public purse after a year like no other, the same funding budget will continue to apply and either side of the campaign can still draw the balance of funds from their £50,000 apiece allocation for the campaign, which, as it was, was a ludicrous amount at almost twice the size per side of what is allowed to be spent in an electoral campaign, which does not comprise of a single issue but numerous issues spread across 10 candidates. This could have been more modestly adapted in these times and would have gone a long way to minimise also the potential for more extravagant campaigning fuelling further the division I have highlighted.

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We have already campaigned, we know how we want to vote and we need to vote now. I look forward to getting this referendum out of the way as soon as humanly possible and seeing an end to our women being viewed as criminals in our own home. Despite my reservations on the delay of the referendum date, I will be supporting this motion, given that, as things stand in terms of announcements and decisions already taken, it is now the fastest and only road to this unnecessary ordeal.

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Thank you.

Mr Speaker: Does any other hon. Member wish to speak on the motion as amended?

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Hon. D J Bossino: Mr Speaker, thanks – just a few words.

I must say that I am astounded at what the hon. Lady has just said. I am glad that she will be supporting the motion, but everything she has said as a prelude to that would lead anybody listening to her to the conclusion that she would be against a referendum, (**Hon. Ms M D Hassan Nahon:** I am.) which, in fact, is her position, as she has said so already.

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But she must accept and realise two things: first, that as a matter of principle her position is totally, utterly and inherently undemocratic, and for somebody who espouses democratic views, she cannot in her own mind think that that position is in any way defensible. Basically what she is telling us is let's get on with this, let's change the Crimes Act, let's allow abortion to go through without allowing the people of Gibraltar to have a say. I think that position is utterly unacceptable and, quite frankly, remarkable for anybody who describes herself supposedly as a democrat.

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The other point to make is that it is conceivable, is it not, and does she not accept this proposition, that people in Gibraltar, expressing their views in the ballot box in the referendum, may reject this law, so that this law, passed by this House in a previous Parliament, is not commenced? That is within the realms of possibility, and I certainly, as an individual who will be campaigning as a matter of conscience for no votes, hope that that will be the result. There is a voice that has to be given to individuals who think that way, and if another three months, two months, or whatever it takes to persuade a majority of the plebiscite out there to vote in favour of no on this position in relation to this referendum ... that opportunity should be there and should be given to individuals. I think that is the inherently democratic position, which the vast majority of us have taken in this House, and I think it is for that reason that I am wholeheartedly, from an individual perspective ... and I am proud that the GSD is supporting the Government in supporting this motion. People need to have their say and reject the idea that this needs to be proceeded with and the law changed.

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Mr Speaker: Does any other hon. Member wish to speak on the motion? Then I will ask the Hon. the Chief Minister to respond.

Hon. Chief Minister: Mr Speaker, can I start by just thanking all hon. Members for indicating their support for the motion from their different perspectives of logic.

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I will start with an issue that I think has been raised by both the Hon. the Leader of the Opposition and the hon. Lady, which is a funding one. The position of the Government has been that we are not changing the position taken by the House, which was to provide £50,000 of campaigning funds for both sides of the referendum campaigns. We were just one week away from the final vote when the referendum was suspended last time, and what I am proposing is that the campaigns should be able – not that they have to, but they should be able – to draw the unexpired residue of the amounts that they had available to them. So, the draft of the regulations which would be promulgated would set out that those who are campaigning for the coming into force of the legislation would still have available £19,580 and those who are campaigning against the coming into force of the Crimes (Amendment) Act would have £14,090 available. That is the unexpired amount from the original £50,000 that would be available.

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The Hon. the Leader of the Opposition also asked me whether there would be any more funding available. We do not think that any more funding should be available, and I think that is what we agree should be the case.

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I do not agree with the hon. Lady that that would have been too much funding or too little funding. I do fear that if we had set for the figure lower she might have attacked us for not providing enough. I think here it is important that we provided not as we do in a general election campaign, where the calculation is done per candidate, but we provided for an issue which can be described as divisive or can be described as one which raises passions.

845 I was asked by an international newspaper this week whether I considered that this issue was
a divisive one, and my view was that division is the essence of democracy. The fact that there may
be a difference of opinion does not mean that this is an issue which is therefore dangerous for
society. This community can be described as having been divided on many issues on which we
850 have passionately debated different points of view. Indeed, general elections have in the past
been referred to as having divided families and broken friendships. Passionately pursuing a point
of view I do not think is something that is just divisive, unless you take the view that if somebody
disagrees with you they are being divisive.

The issue of how we will deal with voting on the day is one which is a live issue with Public
Health Gibraltar. We want to ensure that everybody is as safe as possible, not least our polling
855 staff and our civil servants, and so we will be bringing an amendment – on which I will consult with
the Leader of the Opposition and the hon. Lady – on postal voting, so that you will be able to
postal vote in this referendum even if you are in Gibraltar. Our current postal rules are quite
different to postal rules in other countries. You have to be out of the country to be eligible for a
postal vote or believe you are going to be out of the country to be eligible for a postal vote. Here
860 we are going to ensure that people are able to postal vote, even if they are not going to be out of
the country, if they do not wish to go to a polling station.

We will not, however, have absentee voting. Absentee voting provides for a roving ballot box,
which would involve our civil servants going into people's homes, and what we are going to
propose is that, for the purposes of this referendum, there should not be a roving ballot box where
865 civil servants go into people's homes, there should just instead be the option of more postal
voting, and of course there will be polling station procedures, etc.

Those are not issues that the House is dealing with in this motion, they are issues on which I
will consult before I promulgate the regulations, but, as the Hon. the Leader of the Opposition has
raised it, I think it is important that I should deal with that.

870 The hon. Lady should not think that we are for one moment, therefore, in any way trying to
fuel division and that £50,000 is too much money in the context of the campaign. These days, you
can fuel division with an advertisement on Facebook that costs \$70, and in a community the size
of Gibraltar that goes very far indeed. This is about ensuring that both campaigns were able to set
out their positions as clearly as they wished to be able to do so.

875 In terms of referring to this referendum as an unnecessary ordeal, I have to say to the hon.
Lady that she went into a general election campaign saying that there should not be a referendum
and that the law should be passed immediately to make abortion legal in Gibraltar without
anything further. We had passed the law that made abortion legal in Gibraltar but we had not
commenced it, and it is the commencement that was going to the people. She told people in the
880 general election campaign that there should not be a referendum for that purpose and if she were
elected she would commence the law, and she lost the election. Therefore, I do not consider this
as an unnecessary ordeal. This is giving effect to the will of the people, because this is what the
people chose in the general election campaign.

Mr Speaker, although I would gently say that to the hon. Lady, I would say to the Hon.
885 Mr Bossino that his remarks are, frankly, unbelievable and they are in the tenor of the sort of thing
that one has to get used to hearing from him. He will get up to say whatever it seems to him is
going to garner him a headline, these days. He is really quite unrecognisable. I do not know
whether he has gone from pigeon to pugilist, because these days he seems to want to be picking
a fight. As I say to the hon. Lady she said in the general election campaign that if she were elected
890 she would commence the law, he said in the general election campaign and his party said in the
general election campaign, 'We will not have a referendum, we will not commence this law.' Now
he says to her, to boot, that it is contrary to democracy and an affront for the hon. Lady to say
that we should have a referendum being a bad thing, and that the referendum is a very good thing
and that we must have it in order to be able to hear the will of the people. Mr Speaker, he is
895 adopting our position in doing so. She is still in the position that she was, saying that the
referendum should not be done, and that is how she failed to persuade the majority at the General

Election. He has moved from a position where he did not want a referendum to a position where he is saying he is defending a referendum because he is going to use every day that passes to persuade people to vote the way that he believes they should vote. It is such a fundamental U-turn on an issue that is so central to the decision making in our community that I have to put it to him that he is demonstrating that he is the person I have always known. He is for one thing one day, for one other thing the other day, and just not quite able to make up his mind. I suppose if there is one thing that I have to be grateful for, it is that he is entirely predictable in that respect, because if anybody thinks that the noises he is making these days are because he wants to perhaps be leader of his party, one might just refer him to the fact that at least his current leader had the gumption of putting the post up for competition after the last General Election, and he did not have the gumption to take the step forward, but now he decides to go for the hon. Lady because she has said that she does not want a referendum. I disagree wholeheartedly with the hon. Lady, but I welcome the fact that she is sticking to the position that she defended in the general election campaign. He is not able to pray in aid that assistance that he is at least saying the thing that he was saying in the general election campaign, because he went to the people saying no referendum.

Finally, Mr Speaker, he says that when we hear the voice of the plebiscite ... No, Mr Speaker, people are not plebs. He needs to remember that. The plebiscite is the referendum, the exercise of voting. It is the people who vote, and it is really quite unfair – and he may regret it when he looks back at how he expressed himself in *Hansard* – that he referred to the people as the plebiscite. They are not, and they will see through his change of position today and many of his changes of position to date.

I commend the motion to the House.

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

Hon. Chief Minister: Mr Speaker, it is with great pleasure that I rise to now recess the House for 20 minutes.

Hon. Members will want to join me in wishing Mrs Irene Featherstone, the widow or Mr Maurice Featherstone, a very happy 100th birthday. One of the great honours that the Chief Minister of Gibraltar is called upon to perform is to be Her Majesty the Queen's postman and deliver her postcard and telegram to those in our community who reach their 100th year. As the widow of a former Member of this House, I have no doubt that I go to deliver that card with the well wishes of this House whilst all the rest of you enjoy a cup of tea. (*Banging on desks*)

Mr Speaker: This House will know recess until 5.30.

The House recessed at 5.10 p.m. and resumed its sitting at 5.30 p.m.

SUSPENSION OF STANDING ORDERS

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

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

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

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

Questions for Oral Answer

CHIEF MINISTER

Q804, 819 and 843/2020

Sports facilities –

Staffing levels; Lathbury construction costs;

Sale and/or management of Europa facility and accommodation blocks

940 **Clerk:** We continue with Questions. We commence with Question 804 and the questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports update this House on any progress made in determining staffing levels at all the newly built sports facilities?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 819 and 843.

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Clerk: Question 819. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what are the anticipated total gross construction costs of the Lathbury sports facility's completion?

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Clerk: Question 843. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, has there been a sale of the Europa sports facility or of the accommodation blocks that were used for the Island Games, or an agreement for the management of the facility or of the accommodation blocks; and, if so, what are the main terms of any agreement and who are the parties?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there has been no sale of the Europa sports facility. In respect of the accommodation blocks, I am assuming that the hon. Member is referring to the student accommodation block. In relation to this, the tender for the management of the student block went out as an expression of interest in July and August 2019, with seven parties showing an interest. The successful applicant was G & JB Hotels Ltd.

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Regarding the hon. Member's question on staffing levels, Her Majesty's Government of Gibraltar is negotiating terms with the sporting bodies who have formed a trust with a view to the management of the facilities at Europa. Therefore, we are not in a position at this moment in time to determine the staffing levels of these facilities. The other newly built facilities, at Lathbury, will be managed by the GSLA, and the staff complement will be determined once the venue is complete. The Special Olympic sports complex is operated by Special Olympics Gibraltar.

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In relation to the construction costs of the Lathbury sports facilities, this is subject to agreement of the final account once the project is completed. However, the expected gross construction cost is of the order of £28.9 million.

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980 **Hon. K Azopardi:** Mr Speaker, can I ask, on the accommodation blocks in Europa, if I can just roll up my questions altogether for the Chief Minister, to make it easier, if I may?

He refers to the tender for the management and the main expressions of interest process, and the successful party being G & JB Hotels. Am I right in thinking that that is the same party that runs or owns the Caleta Hotel? Can he confirm that to the House? As he said they have been successful, has the management of the accommodation block started? If so, when did it start and what are the financial terms of the agreement and indeed the purpose that the Government sees for that management? Will the blocks continue to be used for accommodation of presumably the University, or other purposes? Can the Chief Minister perhaps give us a better idea of the scope of the management agreement?

990 **Hon. Chief Minister:** Mr Speaker, I can confirm to the hon. Gentleman that G & JB Hotels Ltd are the managing entity behind the Caleta Hotel. I cannot give him an exact date when they started the management of this facility, but it was shortly after the Island Games, I believe, or during ... I believe it was during the Island Games, because I think the expressions of interest provided for that.

I am afraid I do not have the exact financial terms. Looking at the hon. Gentleman's question – and hon. Members know that this has been a very strange meeting; we have had questions from October etc. – it would not have been unfair for me to have those terms with me today, but I do not have them today, for that I apologise to him. If he wishes – and those listening, make a note – I am quite happy to write to him setting out the financial terms on which that arrangement has been done. I do recall at the time that it was the most financially attractive of the options that we had.

The provision of this arrangement does provide, of course, for the University to have access to this accommodation on preferential terms and to have more of this property made available to them exclusively as they have a requirement to fill it with students. We would expect that the short- to medium-term position in respect of this property was that it would slowly be filled by students from the University, and as that happened then the University could make its own arrangements for the management of the property, which could be to take over the arrangements that we have with G & JB Hotels or to make its own arrangement for the management of the property. But I am quite happy to set out those terms for the hon. Gentleman in a letter in the coming days, or indeed to hand it to him tomorrow when we are back in the House.

Mr Speaker: Does any other hon. Member wish to pose a question? Next question.

Q805-07 and Q872-73/2020

Affordable housing schemes –

Houses sold and remaining to be sold; construction completion and handover dates; concessions for purchasers on reduced incomes; progress re allocation;

1015 **Clerk:** Question 805. The Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 304/2020, can the Minister update the House with details in respect of the number of homes sold and the number of homes still to be sold at (a) Hassan Centenary Terraces, (b) Bob Peliza Mews, and (c) Chatham co-ownership projects?

1020 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question together with Questions 806, 807, 872 and 873.

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Clerk: Question 806. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide this House with updated details in respect of estimated construction completion dates and handover dates for purchasers in respect of the following housing projects: (a) Hassan Centenary Terraces, (b) Bob Peliza Mews, and (c) Chatham Views?

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Clerk: Question 807. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of any special financial concessions granted or arrangements made with purchasers at any of the affordable housing projects who may not have been able to keep up with the monthly payments due in respect of purchases whilst they were on reduced income and receiving only BEAT payments?

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Clerk: Question 872. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: On the new affordable housing schemes, can the Government confirm whether all these have now been allocated; and, if not, how many are left?

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Clerk: Question 873. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Are Bob Peliza Mews and Chatham Views developments still on track?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, before I start answering this question, can I just caveat my answer by saying that these numbers could change on any day. What I have tried to do is ensure that these numbers are correct today and I have had them updated this morning. For reasons that I will come to, these numbers can change.

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The number of homes sold and still to be sold is as follows. At Hassan Centenary Terraces we have sold 657 and we have eight still to be sold. The unsold homes will be allocated within those who originally applied to Hassan Centenary Terraces.

The allocation process for Bob Peliza Mews and Chatham Views resumed on 22nd February 2021, shortly after the lockdown was lifted. At Bob Peliza Mews we have sold 258 and we have 141 still to sell.

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At Chatham Views, we have sold 179 and we have five still to be sold.

Mr Speaker, the reason I entered that caveat in relation to the numbers is that when I had the numbers for a previous session where I might have been able to provide answers, there were only two properties to be sold at Hassan Centenary Terraces. Inevitably there are people who feel that they do not wish to proceed with purchases, very often as a result of the breakdown of relationships, and at this stage of the proceedings they hand back properties. That is why I had cause today to ask that this number be checked. Eight had been returned to the Government because the two that I had down on my list as still to be sold had been sold, and then, in the period between the second week in January and now, another eight have come back, and those will, I have no doubt, very soon once again be sold from the pool of those who were not successful originally.

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There have been concessions of non-payment or reduced payments to those purchasers who have been on reduced income and receiving only BEAT payments.

1075 The first phase of Hassan Centenary Terraces is progressing steadily and completion is expected during the first quarter of 2023. The second phase will start once the rubble on that site is fully cleared. Completion of the second phase will follow 30 months after it is started.

The construction of Bob Peliza Mews is programmed to take 35 months from when it is started. The latter is, however, linked to the clearance of the site which is currently occupied by the
1080 Waterport power station and the AquaGib reverse osmosis plant, both of which need to be decommissioned and demolished.

The construction of Chatham Views estate is programmed to take 27 months from when it is started. This too is linked to the clearance of the site currently occupied by the old Westside School buildings and the Westside Mews.

1085 The start of Bob Peliza Mews and Chatham Views estates are delayed, as this is dependent on the respective sites being cleared for the reasons I have already given. The Bob Peliza Mews site is currently occupied by the Waterport power station and the AquaGib reverse osmosis plant, both of which are in the process of being decommissioned and demolished. The Chatham Views site requires the clearance of the Westside Mews buildings, followed by their demolition and that
1090 of the old Westside School, which is also in the process of being done. Needless to say, the past 12 months of disruption have occasioned unavoidable delays to progress.

Hon. E J Reyes: Thank you, Chief Minister, for that information. I may have missed something the Chief Minister said. In respect of the construction and completion dates for Hassan Centenary
1095 Terraces, I think the Chief Minister said that the scheduled date for completion of the first phase was during the first quarter of the year 2023. What did he say in respect of the other phases? I did not fully capture the correct detail.

Hon. Chief Minister: Thirty months from the start of works.

1100 **Hon. E J Reyes:** From the start of works, and that would happen after completion of phase 1? Am I correct in that logic, or not?

Hon. Chief Minister: No, the second phase is dependent only on the removal of the rubble.
1105 That is when the second phase can start.

Hon. E J Reyes: Okay, and I suppose, Mr Speaker, in the same way as the Chief Minister said that Bob Peliza Mews would take 35 months from when the site is available – for reasons he explained, like the old generating station – and the same with Chatham Views, 27 months, does
1110 he have at least a rough estimate of in which quarter, this year or next year, we would expect, hopefully, that they will be handed over to the developers, who would then start the 35 months countdown?

Hon. Chief Minister: Mr Speaker, I am going to tell him that we are going to do everything possible to ensure it is as close as possible to this calendar year, because all of those issues which might delay us in respect of demolitions have hopefully now been put behind us. The pandemic is not an excuse; it is a reality which has made it impossible to contract and see works commence if you had not already contracted. Hon. Members need to understand if you contract in the middle
1115 of a pandemic, the difficulty you have is you are contracting and you do not know when works will be able to start, so that created a great difficulty.

The commissioning of the LNG facility is now complete and therefore the decommissioning of Waterport is now complete also. I was very pleased to see the Hon. the Minister for the Utilities and the Minister for the Environment shaking hands before a decommissioned Waterport power station. That is now a process of decommissioning, which is not an easy process, because, of
1125 course, as the hon. Gentleman knows, it involves polluted materials which need to be removed from the site with care. That is a process that is already commencing. When you can have a clean

site is an issue which will, we hope, be something that during the course of this year or next year we will be able to hand over to not the developer, but the contractor. Here, the developer is the Government, so it is the contractor that we are handing over to.

1130 On the Westside School, the issue has been related to the demolition of the two other schools which were alongside, which required sensitive removal because there was asbestos etc., which meant working on site was complicated in the rest of the site. We will now be able to start what I hope will be a phased demolition. I am looking forward to the completion, at the other end of that plot, of the St Martin's School site, which will then hopefully have its own ring-fenced area, and
1135 we would then start to be able to see the works in the context of Chatham Views and the other two schools there.

Mr Speaker: The Hon. Marlene Hassan Nahon.

1140 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with reference to Question 873, can the Chief Minister explain why those who have been allocated homes at Chatham and Bob Peliza have not signed a purchase agreement yet, despite having signed the reservation agreement and put down a deposit of £500?

Thank you.

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Hon. Chief Minister: I have absolutely no idea, Mr Speaker. I assume because it is not something that has ever been an issue that the purchasers have been keen to progress. Here, the developer is the Government. We do not permit people to gazump each other. We do not take something that we may have sold to someone and say, 'Oh, I am so sorry, I made a mistake, I have sold it to somebody else.' Here, purchasers usually want to delay that process because I think there is a payment on signing of the purchase agreement. We are dealing with these contracts through LPS, I believe, who was dealing with all of them, and LPS will be simply catching up. Remember that we have just reopened after the shutdown of January and February, and so people are agreeing the purchases but the documents are catching up. There is absolutely no delay that
1150 is going to be occasioned or any potential loss that is going to the purchasers. Indeed, they would probably be advantaged if they needed to withdraw for any of the reasons that we repeatedly see; they would be better off if they had not yet signed the purchase agreement.
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Hon. Ms M D Hassan Nahon: Mr Speaker, can I just ask the Chief Minister again if, given that I
1160 have made him aware of this now, he would be looking to expedite this process? Or is he happy with letting it run, as it has been, for now, with this perceived delay on my part anyway?

Hon. Chief Minister: It is not a delay, Mr Speaker. It is not as if there is any issue that arises to the purchasers. If anything, it is an issue that arises to the administration because, as developer,
1165 we do not have the purchasers bound in by their agreement. If the hon. Lady is saying that purchasers are not to be trusted and they are to be bound into the purchases by agreement, then she does not trust the people of Gibraltar, like I do, to see a good deal when they have one and to want to complete on an affordable property. There is absolutely no loss whatsoever to the purchasers here. There is no appreciable delay. None has been brought to my attention and I do
1170 not perceive that there is any issue whatsoever to be pursued.

Mr Speaker: Next question.

Hon. K Azopardi: Sorry, Mr Speaker, I was just letting the principal questioners get their
1175 questions in first.

Mr Speaker: Right. The Leader of the Opposition.

1180 **Hon. K Azopardi:** Just one question. Obviously I understand the issue of the pandemic, everyone does, but what does the Chief Minister have to say to those prospective purchasers in these developments who were told in 2017 that some of the homes would be available in 2019 and in early 2020?

1185 **Hon. Chief Minister:** Mr Speaker, the people who were told that have fully understood why it is that we have not been able to complete and that there has not been any desire by the Government to delay completion, that there have been events beyond the control of the Government that have delayed completion.

1190 The hon. Gentleman can be forgiven for forgetting the world before COVID – many people do – but there was another small matter, called Brexit, that happened too, which made contracting particularly difficult, especially when it came to doing deals with the preferred tenderers who might be seeking to contract in euros and who might be looking for assurances of what would happen in respect of the movement of goods across the Frontier.

1195 I think people have fully understood that the delays that are being occasioned are not being occasioned for any reason which is in the control of the Government and the Government has failed to deal with with all due alacrity and with a desire to be able to provide to every Gibraltarian the home that they wish to purchase as soon as we are able to provide it.

Mr Speaker, I really do not think that there is more than I can add to that.

Mr Speaker: Next question.

1200 **Hon. K Azopardi:** Mr Speaker –

1205 **Mr Speaker:** I do not really want to return to the situation on Friday, but I said I did intend to allow the Leaders of the Opposition a further supplementary for the purpose of elucidating any matter arising out of an oral questions posed by an Opposition colleague.

1210 **Hon. K Azopardi:** Mr Speaker, I think it is important, and I thought I had understood your ruling not to be dogma, in the sense that there would be a degree of flexibility given the public interest in different questions. We have been told that there are prospective purchasers of more than a thousand homes out there. There is a big proportion of people out there who will have interest in these questions. I was going to ask one follow-up question and I think it is right that I should do so.

Mr Speaker: I will allow it, then.

1215 **Hon. K Azopardi:** Mr Speaker, the Chief Minister says that in the context of the small matter of Brexit, as he puts it, agreeing arrangements with contractors in euros and so on, but of course all that was known already when the Government set out its timetable in 2017. It was after the Brexit referendum. It knew we were having to negotiate, it knew that in parallel it had those things, yet it did stay it set the timescale and it set the timescale clearly, that people would be able to move into their homes in early 2020, and that was before the pandemic. Does he not accept that in setting that timetable the Government knew the backdrop of Brexit and therefore those timetables really will have disappointed a lot of people out there who were prospective purchasers and thought that by now, in 2021, they would already be in their homes?

1225 **Hon. Chief Minister:** Mr Speaker, on 7th December 2018, when we launched Hassan Centenary Terraces, we talked about the closing date for returns of applications being 31st January 2019. That year, we went to a general election. We set out what we thought then would be the likely periods for completion, and the vast majority of people who voted in that general election decided

1230 that we were doing a good job and should be returned to continue doing the job that we were doing in relation to inter alia the building of these affordable homes.

1235 Will people be disappointed because they have not got their homes yet? Well, Mr Speaker, some people who are living in cramped accommodation will be very disappointed and will wish that we had been able to have superhuman powers to deliver these homes. Some people who are saving up will consider an extra few months in order to be able to save up a blessed opportunity to be able to make more payments towards their home. So, do I recognise what the hon. Gentleman says are a number of people who are disappointed about our inability to have kept to our original timetable? What I would say is that we have revised the timetable when we have had to. He refers to 2017. I am referring to December 2018, to applications closing in January 2019. He cannot be referring to the people who are buying now at Hassan Centenary Terraces, at Bob Peliza Mews and at Chatham Views, because they know what the timetable is – I have set it out.

1240 The only thing that I will do is say that I am not the sort to pretend that things have gone entirely according to plan when they have not, and we would of course have wished to have been able to do more sooner, and no doubt that would have availed some people of some relief in terms of their housing situation, but others will have been relieved that we have not been able to complete in time. I would not think that it is really as dry and clear as the hon. the Leader of the Opposition makes out.

Mr Speaker: Next question.

Q808/2020
Pedestrian safety –
Review of crossing points

Clerk: Question 808. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state that it will publish its review of crossing points and set out the solutions it has identified for the proper protection of pedestrians consistent with its policy to promote walking in Gibraltar?

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Mr Speaker: Answer, the Hon. the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

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Hon. E J Phillips: Mr Speaker, can the Chief Minister explain, and maybe amplify his question from a one-word answer, when that will be?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman's question did not seek a date when that might happen. It asked for a negative or positive answer to a question about publication, and I have given the answer that the hon. Gentleman sought. I do not know whether he sought the negative or the positive, but I gave one of the two answers that were possible. I am not able to give him, on my feet, any indication as to what the timing of that is, but I see absolutely no reason once it is clear to the Government what our review of crossing points sets out and what our solutions are in respect of encouraging walking and the proper protection of pedestrians, I see no reason why that should not be published.

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Mr Speaker, if I may say so with respect to my fellow Gibraltarians, the easiest way to promote a healthier lifestyle is to walk. Sometimes in the mornings I am unable to walk because I have commitments which require me not to walk, but most mornings I walk its salutary I see more of

the geography of our nation, I see some things that need my attention, and I really recommend it to everyone.

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Hon. E J Phillips: Mr Speaker, whilst I agree with some of the sentiments that the Chief Minister has made in relation to walking more generally, the reason why we asked this question was so that we could ascertain where the Government was in the commitment in its manifesto to this particular point. I think I was eliciting a response within the lifetime of this Parliament, but I understand from his answer that that review of crossing points has been conducted and therefore they are in the final stages. Or is it the fact that we have not even got to that stage yet?

1280

Hon. Chief Minister: Mr Speaker, I do not have all of that information here, so I do not want to mislead the House by saying something that might inadvertently be incorrect. The question I am answering is only about whether we would publish or not publish, and I am happy to give the hon. Gentleman the confidence that we will publish.

1285

Mr Speaker: Next question.

Q809/2020

**Holy Trinity children's play park –
Rationale for motorbike bay**

Clerk: Question 809. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the rationale for placing a motorbike bay next to the children's park adjacent to the Holy Trinity Church?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, exactly the same rationale that hon. Members employed when the GSD established the motorbike bay next to the children's park adjacent to the Cathedral of the Holy Trinity.

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Hon. E J Phillips: Mr Speaker, I think there are two parking zones. The newest one that was created post ... has been described as a fantastic idea to close Line Wall Road, one of which we said was an utter failure. The Chief Minister knows which side I am talking about. It would be helpful to know what the rationale for closing that part of the road is, and now motorbikes are placed on that road at the junction with Lovers' Lane.

1305

Hon. Chief Minister: Mr Speaker, hon. Members, when they were in government, included a parking bay to the north of this park, and obviously they must have thought it was a very good idea. We have added a parking bay to the south of the park. In doing so, we have stopped the park becoming a roundabout, in effect, which is what it was. We thought that having the park as a roundabout was not in the interests of the children who use it. In fact, one of the things we tried to do with the closure of Line Wall Road was to stop the park being surrounded by traffic, but hon. Members thought that was not a good idea. We are going to keep the southern parking bay, which is identical to the northern parking bay that they put in themselves. At least that insulates the park a little from being no more than almost a de facto roundabout for traffic.

1310

1315

Hon. E J Phillips: Just one further question, Mr Speaker. Doesn't the Chief Minister accept, given the exchanges that this side of the House has had with their side of the House in relation to

1320 highly polluting 50cc motorcycles, that the huge build-up on the north and south sides of the park is creating a health problem for many of the children and parents who frequent the park when it is open? That is the reason why we have asked this question and why we have asked questions previously in the House as to the dominance of polluting 50 cc motorcycles on both sides of the park, north and south.

1325 **Hon. Chief Minister:** Mr Speaker, as ever, the hon. Gentleman's question is riddled with assumptions. At the times when I have driven past that area or walked past that area, I have not seen it predominantly loaded with parked 50 cc bikes. I have seen bikes, but these days bikes are 400 cc bikes, 200 cc bikes or 100 cc bikes, and none of those are two-stroke engines. But the thing that is predominantly the characteristic of the vehicles in those parking bays is that the vehicles are parked. In other words, they are not polluting when they are parked. What we have done, 1330 therefore, is remove the possibility that many more 50 cc two-stroke engines, or indeed large three-litre V6 engines of the diesel variety, would be idling on the southern side of the park, on the give way to the road that crosses from Duke of Kent House to make its way towards the Bristol Hotel in Line Wall Road.

1335 So, the hon. Gentleman, in my view, is entirely wrong to say that what we have done is creating more pollution in the area of the park. First of all, our plan to close Line Wall Road would have entirely eliminated pollution in the area of the park, and they did not support that. Second, their proposal to add a parking bay to the north of the park did not add to pollution and the identical southern parking does not add to pollution. And finally, if the hon. Gentleman were to take a photograph on any given day, I put it to him he would not be able to make out his case that the 1340 vehicles parked there are 50 cc vehicles. I think the hon. Gentleman will find that there are very few what we would call mopeds these days that are 50 cc two-stroke vehicles. The answers that he has been given in this House during the lifetime of this particular Question Time actually demonstrate that none have been registered this year, I seem to recall, and therefore I think he is wrong to believe that there are that many stationery vehicles to the north or south of this park, 1345 either in the bay developed by the GSD, which he seems to take no issue with, or in the bays developed by the GSLP Liberals, which, for some reason, seem to be so much more damaging, in his view.

Mr Speaker: Next question.

Q810/2020

Spanish authorities' impounding of Gibraltar-registered vehicles – Investigation into claims

1350 **Clerk:** Question 810. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state whether it has investigated or conducted inquiries into reports being received as to Spanish authorities impounding Gibraltar-registered vehicles?

1355 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I refer the hon. Gentleman to Government Press Release 160/2021.

1360 **Hon. E J Phillips:** Just for clarification, Mr Speaker, this was a question that was posed before the press release, well before. Quite clearly, the Government took the view that it was in the

public interest to release a press release before answering my question, but that is the reason why it was asked and I did not withdraw it.

1365 **Mr Speaker:** So you are withdrawing the question?

Hon. E J Phillips: I am not, no.

1370 **Mr Speaker:** You are not withdrawing it? Okay.
Next question.

Q811/2020
Tax refunds –
Amount outstanding and whether delays in making repayments

Clerk: Question 811. The Hon. R M Clinton.

1375 **Hon. R M Clinton:** Mr Speaker, can the Government advise the amount of tax refunds outstanding at 30th June 2020, split between personal and corporate; and can it further advise if there are currently any delays in making repayments?

Clerk: Answer, the Hon. the Chief Minister.

1380 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as at 30th June 2020 the total due to taxpayers in respect of refunds for completed assessments not yet issued was as follows: in respect of personal taxation, £13.93 million, and in respect of corporate taxation, £6.09 million.

1385 In the period to 30th June 2020 there were no delays in making repayments. Indeed, quite the opposite is true, as I will explain. In the period 1st May 2019 to 31st March 2020, the Income Tax Office paid out a record total of £17.88 million to taxpayers under its refund programme as part of Her Majesty's Government's ongoing initiative to eliminate the backlog on repayments owed. This is the largest annual amount ever paid in tax rebates in the history of our community and is in keeping with our policy of seeking to be as up to date as possible in respect of the amounts repaid to taxpayers. I believe the earlier record had been set by us the year before.

1390 Mr Speaker, as you will know, historically the amount owed by Government in tax rebates has been very significant and we embarked on a policy of seeking to catch up and bring things up to date. Doing so requires rebates that are larger than those arising from adjustments in any given year, to make proper inroads into the historic balance. This is why these figures noticeably increased post 2015-16, as we embarked on a determined programme to address these historical issues. To put this in context, let me set out the amounts that have been paid every year so far: in
1395 2010-11, £4.7 million; in 2011-12, £5.7 million; in 2012-13, £6.6 million; in 2013-14, £10.6 million; in 2014-15, £6.6 million; 2015-16, £6.5 million; in 2016-17, £11.1 million; in 2017-18, £15.3 million; in 2018-19, £16.7 million; and in 2019-20, £17.88 million.

1400 The COVID pandemic naturally impacted on our ongoing assessment and rebates programme. A new refund programme plan is to be incorporated into Consolidated Fund charges funding levels for the forthcoming financial year, 2021-22, in order to restore some normality to the annual process following this pandemic. Nevertheless, as an additional assistance measure following the lockdown earlier in the year, and to continue to ease the financial burden individuals faced as they navigated those difficult and uncertain times, tax refunds were accelerated in line with and on the basis of the OECD recommendations and wider tax administration policy responses to the
1405 COVID-19 pandemic. In the period from April 2020 to date, approximately £1.1 million has been rebated to individuals.

1410 Finally, as has been the case with individuals, and as an additional assistance measure to local corporates feeling the downturn in business as a result of the COVID-19 restrictions and lockdown, approximately £1.65 million has been paid out in the period from April 2020 to date in order to ease the continuing financial burden as the pandemic evolved.

Mr Speaker, when we lay the Estimates Book for 2021-22 we will set out our calibrated thinking as regards these refunds for the financial year ahead.

1415 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his comprehensive Answer – (*Interjection*) I will get one later; I think that is fine – and I fully appreciate what the Chief Minister is telling the House, that the Government appears, from the numbers he has given us, to be making inroads into, as he said, a historic amount of tax refunds. In that respect, I note that the number that he quoted of £17.88 million is very close to the estimated amount for revenue repayments in the Budget book for 2019-20.

1420 But I would ask him whether there was in fact not a policy but perhaps an instruction issued to the Tax Office during the COVID pandemic not to issue any new assessments, in effect freezing the mechanism for assessments. The reason I say that is because I have had a number of constituents come to me – some professional, others individual – who have been told by the Tax Office that that is the case, and I would ask the Chief Minister whether that instruction or policy has been rescinded or will be rescinded.

1430 **Hon. Chief Minister:** Mr Speaker, there is no such instruction to rescind, certainly not from my office, and I believe my office is the one that would give it. Whether or not at an office level, if people have been redeployed to do COVID work – I am literally speculating on my feet – somebody has said, ‘Leave the assessments because you are going off to do a, b or c’ ... I do not know whether people from the Tax Office have been assisting in that way or whether they have been deployed otherwise during the COVID period. Certainly no instruction has been issued by my office in that respect which might be rescinded.

1435 **Mr Speaker:** Next question.

Q812/2020

Rooke site –

Expressions of interest received and notification of preferred bidder

Clerk: Question 812. The Hon. R M Clinton.

1440 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many expressions of interest it has received for the Rooke site, and has it notified any preferred bidder?

Clerk: Answer, the Hon. the Chief Minister.

1445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government received eight expressions of interest for the Rooke site. A combined proposal has been selected. Notifications have recently been sent to the applicants setting out the terms and conditions of the proposed grant. The Government is not yet in a position to make an announcement about the preferred bidders for this expression of interest, but we are confident it will be one which will be very welcome by the community.

1450 **Hon. R M Clinton:** Mr Speaker, I am obviously pleased to hear that. Is there anything he can tell the House further in terms of the combined proposal, in terms of what it is likely to include?

1455 At the time of the General Election I think we were all talking about police stations, fire stations, other things as well. Can he advise the House whether that is still envisaged within the site? I think Sir Joe last week tangentially referred to the possibility of a park area. Can he give the House any sense of what might be on the site?

1460 **Hon. Chief Minister:** Certainly, Mr Speaker, I can tell him that the conditions that were set out in the expressions of interest will be complied with by those who have expressed an interest in having the site, and those things which the hon. Gentleman referred to in respect of fire and police were conditions.

1465 I do not want to say more at this stage; we have not finished the negotiations. The hon. Gentleman knows that in relation to this site he was the one who gave me advice that I should not make statements until the ink is dry on the paper, and so I cannot answer his question and follow his advice at both times. I am going to assume that his advice was tendered in good faith and I am going to follow it.

1470 **Hon. K Azopardi:** Mr Speaker, can I just ask, on the phrase that he used, 'the combined proposal', was he talking about the elements of the proposal being combined as a sort of menu being thrown back to someone who was selected as the preferred party from the list of eight, or did he mean combined in the sense that actually there is a proposal, a view that the Government has as to what it was, but they are choosing more than one of the preferred bidders and combining the proposed applicants, if you see what I mean, rather than the purpose?

1475 **Hon. Chief Minister:** Mr Speaker, I confess that I was a little taken by his reference to combinations and menus. These are not *platos combinados* that we are proposing to the community. What we are saying, and I think it was quite explicit, is that a combined proposal has been selected. That means more than one bidder put together – bidders, not people who are extraneous to bids but bidders the Government has put together – in order to try and see whether in that way we can come up with a proposal that is the in the best interests of the community. We found that the bidders are prepared to have that discussion, and they are now negotiating with the Hon. the Deputy Chief Minister that combined proposal and the terms of the grant from the Government.

1485 **Hon. K Azopardi:** Just so I understand it, is the Chief Minister saying that there have been bidders and the Government has introduced bidders to each other, they have had a conversation and then come back to the Government confirming a sort of marriage of bidders?

1490 **Hon. Chief Minister:** That is not an unfair way to present it, Mr Speaker. That is what has happened, yes.

Mr Speaker: Next question.

Q813/2020
Parking spaces –
Numbers sold at St Anne's School and the comprehensives

Clerk: Question number 813. The Hon. R M Clinton.

1495 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many parking spaces it has sold under each of (a) St Anne's School and (b) the comprehensives, as at 31st August 2020?

Clerk: Answer, the Hon. the Chief Minister.

1500 **Chief Minister (Hon. F R Picardo):** Mr Speaker, 75 parking spaces have already been sold under the comprehensives. There are no parking spaces for sale under St Anne's school.

Hon. R M Clinton: Mr Speaker, just for clarification, would I be right in saying then that the one that had parking spaces underneath it was Notre Dame School?

1505 **Hon. Chief Minister:** That is correct, Mr Speaker.

Hon. R M Clinton: Mr Speaker, perhaps pushing my luck here, I do not suppose he would have the information on that school?

1510 **Hon. Chief Minister:** Mr Speaker, I believe that the Hon. the Minister for Transport and the Deputy Chief Minister are in contact with the tenants' associations at Laguna about the best way to manage that parking.

Mr Speaker: Next question.

Q814/2020
Government vehicle fleet –
Arrangement with Bassadone Motors

1515 **Clerk:** Question 814. The Hon. R M Clinton.

1520 **Hon. R M Clinton:** Mr Speaker, given that the Government, in Press Release 879/2020, advises that Bassadone Motors were the only ones to apply in response to the invitations for expressions of interest in December 2016 to move the Government's entire vehicle fleet to a leased basis, can the Government advise, other than the Post Office vehicles, what current or future vehicle lease agreements have been entered into with Bassadone Motors, and what is the total value and duration of the lease arrangements envisaged?

Clerk: Answer, the Hon. the Chief Minister.

1525

Chief Minister (Hon. F R Picardo): Mr Speaker, there are no other fleet arrangements entered into with Bassadone Motors.

1530 **Hon. R M Clinton:** Mr Speaker, is the Chief Minister advising the House that Bassadone Motors' interest is only in respect of the Post Office vehicles and that there are no other such arrangements that are being negotiated or envisaged? For example, I just heard today that Buildings and Works might be having electric vehicles too. Is the Chief Minister saying that the Post Office vehicle arrangement with Bassadone Motors is the only one that is envisaged and there will be no others?

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1540 **Hon. Chief Minister:** No, Mr Speaker, I am answering his question, and his question is 'What current or future vehicle lease agreements have been entered into with Bassadone Motors, and what is the total value and duration of the lease arrangements envisaged?' I cannot answer that question about something that is prospective. I can only answer it once it has been done, because he is asking me for calculations, etc. If a lease arrangement is done in respect of any other Department, then it will have been entered into, and then I will be able to give him the total value

1545 and duration of the recent lease arrangements envisaged under the agreement, but I cannot give it to him otherwise. The hon. Gentleman knows we have given it to him in respect of the one that has been done, which is the Post Office arrangement, and we have had a detailed discussion about the numbers there, but I cannot give him an arrangement that has been entered into if it has not been entered into. Even if it has been discussed or considered, I can only give it to him once it has been done.

1550 **Hon. R M Clinton:** Mr Speaker, I am sorry to come back to this, but obviously the advert that appeared back in December 2016, which I happen to have a copy of, was quite comprehensive in the terms of 'Her Majesty's Government of Gibraltar's fleet, including over 400 vehicles and motorcycles'. It was quite a comprehensive expression of interest. Is it the Government's intention still that Bassadone Motors would be covering the entire vehicle fleet of the Government?

1555 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman knows, for example, that the G1 vehicle at present is not a Bassadone vehicle. It is a vehicle from another provider – from Gedime, I think, or Capurro; I do not know which of the two relevant entities it would be – but that is not a fleet arrangement. The hon. Gentleman is asking us about a fleet arrangement done, so in terms of a done deal, this is the only one I can disclose to him. But, as he knows, and he has indicated that he is aware of it, we are discussing other Departments entering into these arrangements, and if other Departments enter into those arrangements, which are the fruit of the advertisement that we are dealing with, then once those arrangements are done they will be advertised. The hon. Gentleman asked about the Post Office fleet because there was a press release that set out that we had done those arrangements. If we do those arrangements in respect of any other Department, we will say that we have done them and then the hon. Gentleman can ask us for any detail that we may not have put into our press release about those arrangements when they are done. But there are not any other arrangements in place at the moment that I can give him an answer for.

1570 **Mr Speaker:** Next question. (*Interjection*) I think he asked two supplementaries to his question.

Hon. K Azopardi: On that issue, has the Government entered into or is in discussions on an umbrella agreement in relation to those matters?

1575 **Hon. Chief Minister:** Mr Speaker, I think I have already answered that question. The answer is no. We are looking at this on the basis of Department by Department. The Hon. the Minister for Transport already gave an indication that there has been a successful test for some electric buses. The buses will be dealt with under their own agreement. There will be different terms in respect of each Department in some areas, because a bus is not the same as a fleet for the Post Office, but a fleet for a Housing Works Agency might be the same as a fleet for the Post Office and therefore there may be parity of terms between certain arrangements, but not an umbrella agreement. That is not what is being considered at this stage.

Mr Speaker: Next question.

Q815-818/2020
Bassadone Automotive Group –
Parking spaces at Lathbury sports facility and Europa Business Centre

1585 **Clerk:** Question 815. The Hon. R M Clinton.

1590 **Hon. R M Clinton:** Mr Speaker, further to its Press Release 498/2020, can the Government advise how much the Bassadone Automotive Group is paying for (a) the underground parking at the Lathbury sports facility and (b) part of the Europa Business Centre, individually, and the lease terms of each?

Clerk: Answer, the Hon. the Chief Minister.

1595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 816 to 818.

Clerk: Question 816. The Hon. R M Clinton.

1600 **Hon. R M Clinton:** Can the Government advise how many parking spaces the Bassadone Automotive Group is acquiring at the Lathbury sports facility and what annual service charges are to be paid on these?

Clerk: Question 817. The Hon. R M Clinton.

1605 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that the delay to the construction of the Lathbury sports facility was due to a late change in specifications adding an extra floor of underground parking spaces?

Clerk: Question 818. The Hon. R M Clinton.

1610 **Hon. R M Clinton:** Mr Speaker, can the Government advise why there was no tender for the sale of the Lathbury sports facility parking or the Europa Business Centre?

Clerk: Answer, the Hon. the Chief Minister.

1615 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Bassadone Automotive Group is not acquiring any parking spaces at Lathbury. They have acquired a total surface area.

The Group is paying a total amount of £12.5 million for the Lathbury lower level parking area and part of the upper level parking area, and a total amount of £7.5 million for the dockyard site. The lease terms are 149 years and a number of months to be determined once the head lease is entered into.

1620 The annual service charges to be paid by the Group have not yet been concluded by Land Property Services.

1625 The provision of underground parking levels was included in the scope of works for the Lathbury sports facility tender package. It was therefore part of the project before construction began.

As already explained in my interview on GBC on 29th July 2020, in this context we are dealing with a relocation of the Bassadone Group, from an area which the former administration sold to them but could not deliver, to a new area where they can have the space promised but not delivered to them by the GSD, and consolidate what they are doing. They can do more and they can add to the economic activity of Gibraltar.

1630 **Hon. R M Clinton:** Mr Speaker, I will just go through each, one by one.

In relation to Question 815, can the Government advise whether these amounts have actually now been paid to the Government?

1635 **Hon. Chief Minister:** Mr Speaker, I believe we have not yet completed, and the money is paid on completion. That may not be correct as to both amounts, but I believe it is because I know the different completion dates were set for different parts of this process and those completion dates

1640 have shifted because of the pandemic and the ability of people to come in and sign documents,
etc. So I cannot tell him that the moneys have been paid or not paid yet in respect of each of the
two sites.

Hon. R M Clinton: Mr Speaker, in respect of Question 816, the Chief Minister has talked about
1645 a total area rather than parking spaces, but he must know how many parking spaces would have
fit in that area. Does he not have that information with him?

Hon. Chief Minister: Mr Speaker, I was reminded by the Hon. the Minister for Financial Services
when I sat down that in fact we have not yet been able to provide vacant possession of one of the
1650 sites in question, and that is why we have not been able to complete. We are just finishing off the
vacant position issue now. I hope that is helpful.

In terms of parking spaces, it is not possible to give the hon. Gentleman the answer that he is
seeking, because this area could be marked out in many different ways. There was one proposal
to mark it out for garages, which produced one number. There was one proposal to mark it out
1655 exclusively for saloon-style vehicles, as you might see in any public parking, which produced
another number. It is quite a different number if you sell it to a vehicle importer of the sort that
we have two very successful vehicle importers in Gibraltar, where they park back to back, in effect,
subject to the vicissitudes of their business. This area is worth one thing as one type of parking,
another type as garaging and another type of commercial parking, and so the answer is not one
1660 that can easily be given to the hon. Gentleman, because he would have to ask me how many
parkings you can fit for normal NCP-style parking in that area, and that will be one answer, and
then there would be different answers for any different style of parking.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. Can I perhaps
1665 phrase the question in a different way? How many vehicles is it envisaged will be parked in that
space?

Hon. Chief Minister: Well, Mr Speaker, if they imported the lovely and snazzy new Honda Civic
the answer would be one number, but that would probably double if they import in the larger
1670 four-by-four vehicles for which they are known and stored them there. The hon. Gentleman will
know that this company is selling different types of vehicles. There are some which are what you
might call the four-by-four variety, there are some that you might call the commercial vehicle
variety which are converted to ambulances, and there are some which are more the cheap style
variety which are almost, I would have thought, two-thirds or half of the length of the four-by-
1675 four varieties. So, it depends which vehicle it is that you want to park there, because some of these
vehicles are very long and very high and others of these vehicles are much shorter.

Hon. R M Clinton: Mr Speaker, I move on to Question 818. The Chief Minister referred to a
relocation, but I believe he has used that explanation for the original dockyard site that was
1680 tendered to the same group, and that was, I presumed at the time, the end of it. But what he is
suggesting to the House is that there was also a need for parking spaces as well and that would
not have been covered by the original, if I remember correctly, reclamation there would have
been of the runway. Was it in fact the intention that the site would have covered not just the
offices and a showroom but also the parking spaces? It would have been quite a large site for all
that. And can the Chief Minister advise the House whether, in fact, the group is actually
1685 surrendering their site on Devil's Tower Road to the Government?

Hon. Chief Minister: Mr Speaker, I have not used anything as an excuse. I have set out the
information to the House.

Let me go back for the hon. Gentleman to understand. The former administration sold to this
1690 group the land to be reclaimed from the windsock to Western Beach. For that deal, this group

1695 paid an amount. From memory, it was between £4 million and £5 million and I think we found
that it was impossible to do the reclamation for less than £12 million or £20 million. And so the
deal that had been entered into was probably the worst deal in history – another one of the golden
legacies that Mr Bossino sometimes likes to refer us to of the GSD – because it was going to lose
1700 us money from the word go. In the context of that deal, this group did not hand over its showroom
on Devils Tower Road and all the other properties it had in Devil’s Tower Road; those are in the
ownership of the group and they bought this new area on Western Beach. The area on Western
Beach included offices, showroom and a huge parking for thousands of vehicles. So, what we had
to relocate was exactly that, the showroom facility, the facility to do the works on the vehicles,
1705 and parking, and that is why in the designing of these sporting facilities we wanted to ensure that
we provided for that which had not been provided.

We were able to renegotiate with the group, who actually had a signed agreement with the
Government. I believe they may even have paid. I cannot remember exactly, so I would have to
1710 check that, but they had a signed agreement with them, so we had to honour that agreement but
we renegotiated the cost, because we explained to the group, ‘Look, this is the difficulty that we
have.’ We considered with the group – because they were not the Government, and sometimes
the Government is unable to do things at the best available rate – whether they could create the
reclamation for that money, and even they could not create it for anywhere near that money. And
1715 so, for that reason, we are providing in the dockyard and in this facility the equivalent of the facility
that hon. Members’ former administration sold to this group. They did not require that they hand
over the possession of the properties they had on Devil’s Tower Road, Flint Road and in that area,
and we could not require that, but we have required them to pay a lot more, either double or four
times what hon. Members had secured from them in the context of the reclamation at Western
Beach.

1715 **Hon. K Azopardi:** Can I just ask on that, given the explanation, is the price that he has spoken
about at Lathbury and the dockyard site over and above the price negotiated for that Western
Beach area, or is that price incorporated in the figures he has given?

1720 **Hon. Chief Minister:** These are the free-standing prices of those two. In other words,
£20 million is the amount payable.

1725 **Hon. K Azopardi:** Perhaps the hon. Member has not understood my question: £20 million is
the price payable, but are you taking into account, given the relocation, that they have already
paid £4.5 million, or is it that it is over and above the £4.5 million? In other words, that the
Government took the view that the whole deal is worth £25 million, but they have already paid
£4.5 million?

1730 **Hon. Chief Minister:** No, Mr Speaker, I think the hon. Gentleman has not understood that I
told him that I cannot recall whether the amount that relates to Western Beach has been paid or
not paid but was committed to be paid, but what I am telling him definitely is that the
consideration payable is £12.5 million for one and £7.5 million for the other. If £4 million or
£5 million has been paid already and that is deducted from the consideration payable or not is
1735 different. The sum fixed for sale and the value given for sale, which will appear on the leases, will
be the £12.5 million and the £7.5 million.

Mr Speaker: Next question.

Q820/2020
Government borrowing –
Terms of any new arrangements

Clerk: Question 819 has already been asked and answered, so we move to Question 820. The Hon. R M Clinton.

1740

Hon. R M Clinton: Mr Speaker, can the Government advise if it intends to enter into new borrowing; and, if so, for what amount and on what terms if these are being negotiated?

Clerk: Answer, the Hon. the Chief Minister.

1745

Chief Minister (Hon. F R Picardo): Mr Speaker, since this question was asked in September, any new borrowing that was being considered has been laid before the House, these being the Gibraltar International Bank loan for £150 million and the NatWest facility, with the sovereign guarantee of the UK Government backing it, for £500 million.

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Whilst no other new borrowing is being considered by the Government, we are considering extending the Gibraltar International Bank facility for a few extra months as they assist the bank with its capital ratios.

Mr Speaker: Next question.

Q821/2020
Victoria Keys development –
Signing of loan agreement and drawdown

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Clerk: Question 821. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the £50 million loan for the Victoria Keys development has been signed; and, if so, on what date and has any amount yet been drawn?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has not signed a £50 million loan for the Victoria Keys development.

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Hon. R M Clinton: Mr Speaker, my question did not actually say has the Government signed it, it says can it advise if it has been signed, and if so, on what date and if any money has been drawn. Specifically, we know that a Government-owned company would be involved. I would like that information in respect of that Government-owned company.

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I believe, if I may remind the Chief Minister, that in a previous session he did not want to give an answer unless he checked whether or not the contract had been signed or the amounts had been drawn, which is why this question is on the Order Paper.

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Hon. Chief Minister: I have checked, Mr Speaker, and the answer is as true for the Government as it is for a Government company.

Hon. R M Clinton: Finally, Mr Speaker, is it still the Government's intention to proceed with this loan?

1780 **Hon. Chief Minister:** Mr Speaker, it is certainly the Government's intention to proceed with the project.

1785 **Hon. K Azopardi:** But in relation to the announced structure, financing and so on which the Chief Minister set out, or the Government set out when it first announced the Victoria Keys project, he does not need reminding by me that there was a facility that was spoken about through a structure. Is it the intention for that still to proceed?

1790 **Hon. Chief Minister:** Mr Speaker, the Government wishes the project to go ahead, and elements of what was already considered will likely still be part of how this project goes ahead, but it is now, I think, some 12 months since that discussion. A lot of water has gone under the quay, and it may indeed be that the Government is not the most attractive lender at this time, given that interest rates are even lower now than they were before. So, what I want to do is leave open the possibility that there may be other financing opportunities on the table. I would be very happy to see the Government pursue this option. I think it is a very good option for the Government. It produces a very good return for the taxpayer, probably the best return on investment the taxpayer has ever seen in Gibraltar, so it is very good for the ordinary Gibraltarian to see this process go ahead and this funding model go ahead, but it may be that there are more attractive funding models available to those who would be the developers here.

1800 **Hon. K Azopardi:** Would I be right in thinking, given that explanation, that this matter is under active consideration between the Government and the developers?

Hon. Chief Minister: In active gestation, Mr Speaker.

Mr Speaker: Next question.

Q822-23/2020
£500 million loan guarantee –
Commitments made to UK government; plans for use of moneys

1805 **Clerk:** Question 822. The Hon. R M Clinton.

1810 **Hon. R M Clinton:** Mr Speaker, further to the written statement by the Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom on 19th November 2020, can the Government advise what commitments it has made to the UK government in respect of 'transparency and information sharing' as regards the provision of the £500 million loan guarantee?

Clerk: Answer, the Hon. the Chief Minister.

1815 **Chief Minister (Hon. F R Picardo):** I will answer with Question 823.

Clerk: Question 823. The Hon. R M Clinton.

1820 **Hon. R M Clinton:** Mr Speaker, can the Government advise how it intends to utilise any moneys raised under the £500 million loan guarantee, and what third party loans does it envisage refinancing?

Clerk: Answer, the Hon. the Chief Minister.

1825 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the information with regard to the loan guarantee has already been laid in Parliament and the information is in the public domain now.

Hon. R M Clinton: Mr Speaker, I am not talking about the loan guarantee. In fact, I am specifically referencing the statement by the Secretary of State, and he says:

The Government of Gibraltar has made commitments on transparency and information sharing and has ensured compliance with all relevant international standards in this respect.

1830 This is in a paragraph where it is talking about the contingent liability checklist being approved, the Government identifying a bank etc. I am just asking has the Government made any commitments to the UK government on transparency and information sharing; and, if not, perhaps he could enlighten the House as to what the Secretary of State was intending by this statement. I appreciate, Mr Speaker, that it is not for him to interpret the mind of the Secretary of State, but certainly in such an important written statement I would have thought that there
1835 was a lot of thinking that went into the words.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman can find similar statements from the former Chancellor of the Exchequer, George Osborne, and the former Prime Minister, David Cameron, in relation to Gibraltar, talking about Gibraltar's commitment to transparency and
1840 information sharing and ensuring compliance with all relevant international standards in this respect. In the time that I have been Chief Minister there was what was known as the 'Cameron transparency agenda', which the hon. Gentleman will recall, when the United Kingdom took the chair of the G20 and I was invited to the UK alongside other leaders of Overseas Territories. At that time, Mr Cameron said in the House of Commons something which I am sure we are all very
1845 proud of, that Gibraltar led the way in terms of commitment to transparency, accountability and global standards. This is a very similar remark.

The hon. Gentleman will know that we have now entered into a Double Taxation Agreement with the United Kingdom. We have a public Register of Beneficial Ownership in line with the EU's Fifth Anti-Money Laundering Directive, a commitment that we have given in respect of global tax
1850 standards and compliance with all applicable EU directives and regulations for financial services, taxation and money laundering, which is demonstrated by Gibraltar's membership of the OECD G20 Inclusive Framework on BEPs. These are the standards that we are dealing with and the way that Gibraltar is rightly, I think we all agree, regarded not just by the United Kingdom but generally internationally, and indeed, despite the controversy that has been elicited in this House, there are
1855 even voices in Spain that refer to us now in these halcyon terms.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the clarification, because certainly from a cold reading of the paragraph in which it sits it seemed a bit out of place.

1860 Would the Chief Minister then agree that effectively that particular sentence could have been omitted without detracting from the essence in terms of the loan, because it obviously has no rebuffing to do with the grant of loan? Or is the Chief Minister implying that, for the UK, in their mind, there was some conditionality attached to the loan that had nothing to do with COVID?

Hon. Chief Minister: Mr Speaker, I do think that there was conditionality. The hon. Gentleman needs to understand that we are ... I hesitate to say the only, but probably the only Overseas Territory that has had the benefit of a sovereign guarantee. We were the first Overseas Territory that committed to and delivered an open register of beneficial ownership in respect of companies. As the leader of one of Her Majesty's Overseas Territories, I do not want to refer to other Overseas Territories in terms that are anything other than referring to our own kith and kin, but this sort of
1870 facility has been sought by others and indeed has been in negotiation by others for some years, but they have not been granted.

1875 The things that I am saying to him are the things that would be considered to be normal, if I
may say so in that respect, in membership of the European Union – you could not be in
membership of the European Union and not commit to the things that I have just read to the hon.
Gentleman – but there are others who are not in the same situation, and so I have no doubt that
if Gibraltar were not at the advanced stage of development as a financial services centre, and
indeed in the development of its commitment to transparency and accountability generally, we
would not have fared so well in the context of the negotiation of something quite as complex as
a sovereign loan guarantee and something might have been dangled before us as something that
1880 we might have so long as we complied with any of these. But we comply with these, and that is
why I think the Rt Hon. Secretary of State – although you rightly say I do not know his mind, I do
know what led to the statement being made – has used words which have been used before in
relation to Gibraltar, not in respect of this £500 million loan guarantee. That is why I referred to
him the statements of the Prime Minister, David Cameron – and I think the former Chancellor,
1885 George Osborne, but certainly the Prime Minister, David Cameron – who had spoken in equally
glowing terms about Gibraltar at a time when Gibraltar was under attack because the then Foreign
Minister was the one we all know has recently published a book about Gibraltar and therefore is
keen to get his name in the headlines in respect of those comments. So, I would say that this is
something to be read very positively.

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Mr Speaker: Next question.

Q827-29/2020

156 Main Street –

**Net annual values of Units 1-4; compensation agreed with tenants of Piazza;
consultation with Opposition re works to Parliament building**

Clerk: Question 827. The Hon. R M Clinton.

1895 **Hon. R M Clinton:** Mr Speaker, can the Government advise the current net annual values of
the following units at 156 Main Street, i.e. the Parliament building and kiosks, namely Unit 1,
Unit 2, Unit 3 and Unit 4?

Clerk: Answer, the Hon. the Chief Minister.

1900 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 828 and 829.

Clerk: Question 828. The Hon. K Azopardi.

1905 **Hon. K Azopardi:** Mr Speaker, what financial or other compensation has been agreed to be
paid or has been paid to the tenants of the premises at the Piazza, 156 Main Street, adjacent to
or that forms part of the ground floor of the Parliament building?

Clerk: Question 829. The Hon. K Azopardi.

1910 **Hon. K Azopardi:** Why wasn't the Opposition consulted on the prospective works to Parliament
when they were announced by the Government last year, and why was the Opposition not
consulted when the Government cancelled the prospective works earlier this year?

Clerk: Answer, the Hon. the Chief Minister.

1915 **Chief Minister (Hon. F R Picardo):** Why didn't you tell me you were going to do it? Why didn't you tell me you weren't going to do it?

Mr Speaker, the net annual values are as follows: Unit 1, £1,650; Unit 2, £1,875; Unit 3, £16,596; Unit 4, £9,362.

1920 The Government has agreed to pay the tenants the sum of £885,000.00 for the surrender of the two cafeteria units and one kiosk on the ground floor of the Parliament building at 156 Main Street.

Hon. R M Clinton: I am grateful to the Chief Minister for his answer to Question 827.

1925 Can I ask the Chief Minister: were the net annual values used in any way in a formula for calculation for the compensation amount that would normally be set out under Schedule 5 of the Landlord and Tenant Act, or some other methodology used, and, if so, what?

1930 **Hon. Chief Minister:** Mr Speaker, this was a negotiation between the parties. The operators of the two cafeterias approached the Government and said that they wished to retire, in effect, and they asked for a price. We negotiated against that price and we were able to reach this arrangement, which we were advised by our land agents was actually a very positive result. I do not know whether that is related to net annual values, because here what we are doing is taking the land back for the Government. We are not allowing it to be let again. We were not looking at an assignable value where two commercial parties were negotiating; we were looking at taking this back for the Government.

1940 **Hon. R M Clinton:** Mr Speaker, the Government will be aware that both leases expired on 1st January 2021, and given the length of the previous leases the tenants would have had, if the Government had just issued a notice under the Landlord and Tenants Act wanting to recover the premises it would be a multiple of the NAV that would have been used by way of compensation. The sort of calculation I would come up with, based on the years, would be something more like £283,000. Again, the valuation of the businesses themselves ... In the last published financial information that I can find, these businesses ... If you will bear with me ... They are not what I would call a huge international business ... I seem to have lost it, which is strange, but certainly the balance sheets would have ... Here they are. The balance sheets are pretty limited in terms of size. Certainly the holding company only has funds of £1,000 and the other entities certainly would not have come to more than a couple of hundred thousand pounds – and I am being generous. So, again, I ask the Chief Minister how is the calculation arrived at – it just seems to be a lot higher than what had been calculated on a termination basis, where the Government, in its right as landlord, would have asked for the termination of the lease, which it would appear would have terminated in any case in January of this year. Can the Chief Minister provide any information?

1955 **Hon. Chief Minister:** Well, I must say, Mr Speaker, that a Government led by him or which includes him would not provide Government tenants much certainty. The way that I understand this would have worked is quite different, actually. Hon. Members would know that a tenant has the right to renew his lease and would have been able to renew their leases, and perhaps would have had to pay a premium in that respect, but they would have been able to renew their leases and then just renew for the continued rent, and then would have been able to assign their leases. These were two businesses that the hon. Gentleman refers to as not enjoying great international repute, but I must tell him that the pain that we have suffered since we entered into this transaction has been simply because we have closed these businesses where people want to continue to see them operating. I know that he was a frequent patron of one of them, Mr Speaker. The reality is that the tenants would have been able to renew, and then the issue of the lease expiry would not have been relevant at all, and they could have assigned to third parties for the continued operation of the restaurants and cafeterias there. So, I do not agree with him that the Government could simply not have renewed at the end of the year. That is not how we consider

that it is possible to provide certainty into the market in which we do business, and it would be very strange indeed to see a Government act in that way.

1970 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Thank you, Mr Speaker.

I think the question is why couldn't the Government get a better deal, because if these gentlemen approached the Government to say, 'Look, I want to retire,' the Government could have said, 'If we were to recover the premises under Schedule 5 of the Landlord and Tenant Act, our right to recover business premises for ourselves, we would pay compensation of £283,000.' So, why is it that the Government then felt driven towards the £885,000, which is a very big difference indeed, of £600,000, in relation to the compensation that would have been payable if the Government had initiated the discussion and that at which they arrived? The point is that, yes, of course they could have attempted to assign those leases with Government consent. Government would have been in the driving seat as to whether to consent or not. They could have done that, but why is it that the Government, instead of, in the discussions, raising the issue that they could have paid £283,000, felt the need to be driven to a position where the taxpayer had to pay an additional £600,000? Why is that commercially the right thing to do?

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Hon. Chief Minister: Mr Speaker, the £283,000 is not a figure that is relevant other than in the calculations that have been put here today by hon. Members. It is not relevant in any other way. The hon. Gentleman knows that value is not worked out on that basis. These are statutory tenancies anyway, Mr Speaker, which were protected. He understands that we cannot do the thing that his hon. colleague is referring to.

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The Government was asked for a lot more money in the negotiation. The Government went in a lot lower and we negotiated a figure which we were advised by our land property agents was the right figure at which to settle. The Hon. Mr Clinton has said £283,000 and he said a few hundred thousand more for the other units, so the Hon. Mr Azopardi is not being fair at all – not that he sets out to intend to be fair. It is £283,000 plus a few hundred thousand more. A couple of hundred thousand more is £200,000 more. A few must mean £3000,000, so that is £583,000 more. That is not a number that is relevant in any way because, as far as the Government is concerned, hon. Members are making it up. They could just as well have said, 'The value of this is £100,000 and you paid £800,000,' or 'The value is £50,000 and you paid £800,000 and we would have negotiated a better deal because you have permitted yourself' – to use his language – 'to be driven into paying £885,000.'

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This is just an attempt to pretend that hon. Members are better negotiators than the Government. Well, Mr Speaker, given that we have just been debating a question in which they landed us in a situation where we have had to make good a deal that they did for a reclamation where they undersold the land for less than it could be produced, there is hardly any evidence that hon. Members are better negotiators than we are. It is true that the Hon. Mr Azopardi gets up and says, 'I would have negotiated a better Tax Treaty, I would have negotiated better MoUs, I would have negotiated a better New Year's Eve agreement. I would have always negotiated better than you.' But the reality is that when he comes to doing a contract with the people for the job of leadership of this community, he never manages to seal the deal. We have sealed the deal with the people and we have sealed the deal at the right price in respect of these units, as far as we are concerned, based on the advice that we have. We do not think that is an unfair place to be.

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Hon. K Azopardi: Mr Speaker, the other day you did say to us that we should try to keep our questions short and concise, but I think the same is sauce for the gander, because –

Mr Speaker: I agree. I must ask the Chief Minister to be more concise in his answers.

2020 **Hon. K Azopardi:** It is the issue of being concise, Mr Speaker, but in the wide-ranging issues of the Tax Treaty or the election ... We can do this every day, but it will make it much longer. I am not going to stray, but in the same way as I am not going to stray, Mr Speaker will understand the point that I am making that the Chief Minister should not stray.

2025 **Mr Speaker:** I accept the point.

2030 **Hon. K Azopardi:** Mr Speaker, the point is this. We are not making it up. These are protected tenancies and they had the right to seek a renewal, but under the same framework that gives them the right of renewal there is a legal provision that says that if the landlord wants the premises back there is a mechanism for compensation. The mechanism for compensation under the same Act that protects these tenants takes you to the point that if you do the maths, as the Hon. Mr Clinton has done, they would be entitled, if the Government were to recover the premises, to compensation of £283,000. Instead, the Government has paid £885,000 on the request of retirement, which is no more than an offer: 'I want to retire. Do you want it back? Do you want to recover it?' If the Government has a statutory mechanism that says that compensation should be £283,000, why was that not a factor in the negotiations? Why did you not tell those tenants, 'Of course I am interested in taking it back, but the maximum entitled compensation that you would be given under the law is £283,000, so why do you think you are entitled to any more money?' And if so, why does the Government think it is a commercially correct decision for the taxpayer to pay an additional £600,000?

2040 **Hon. Chief Minister:** Mr Speaker, I am afraid I must say that I think that if I am asked about our ability to negotiate, for me to refer to other negotiations and the result thereof – negotiations which the Hon. the Leader of the Opposition seeks to impugn – and to refer to them in my answer, with respect, I do not think is straying too far, but I will follow your advice and try and stick to this negotiation.

2045 Everything the hon. Gentleman has said is wrong. He is saying it because he wants to go from this place to pretend that we have overpaid for a hereditament, in order to try and make politics. He is completely wrong. I will tell him why he is completely wrong.

2050 First of all, what he is referring to is, in effect, a compulsory purchase. A compulsory purchase has not been done in the history of our Constitution. Yes, Mr Speaker, it is a compulsory purchase, because if somebody does not want to release land and you force the price on them, that is a compulsory purchase. What would have happened in that situation, in the negotiation run, as the hon. Gentleman has suggested, is that the individuals who used to own these properties would have assigned them to other individuals, who would now own these properties and who would be running them now as those businesses and we would not have a chance of getting them back. If we did not have a chance of getting them back, we would not be able to do the lift for disabled people to access the building without having to do it on the outside, which raises the heritage issue etc. We would not be able to add the spaces we are hoping to discuss with hon. Members we are going to be able to add for the Parliament to be able to discharge its functions etc.

2060 We started – I have told him, but he chooses to ignore it – from a much lower figure. They started from a much higher figure. We negotiated to a figure that we were advised by our land property agents, who have no candle in either the party politics of it or anything else – £885,000 – was the right sort of figure at which to settle because of the opportunity. It is not very often that the Government has the opportunity to get back units like this. The retirement of these individuals was the opportunity. This is not just that they came and asked us to retire and we decided to fund it, which seems to be what the Hon. the Leader of the Opposition wishes to suggest for the purposes of making out his political theory of this, which is based on his own imagination and nothing else. This was a negotiation around a value.

2070 Is the calculation set out in the statute likely to produce a figure of the sort that the hon. Gentleman is talking about? Perhaps. Is that the figure at which these properties would have been

assigned in the open market? Of course not. Somebody would have bought these properties, probably at a higher price than we have paid for them, and continued to trade very handsomely indeed from there, whatever it is that their balance sheets say. We think this was the right decision at the right price for this community to develop this building and to develop our democracy, because we think that we need to do more in our Parliament and we need to do it in a more accessible way.

When I say that, the Hon. the Leader of the Opposition laughs. When the camera is on him, he will go poker faced and he will pretend that he is a champion of accessibility, disabilities and a more open democracy, but when it comes to putting his money where his mouth is, he will not. Well, Mr Speaker, we think we have done the right thing. We have spent taxpayers' money in the right amount, in the right way and for the right reason.

Mr Speaker: I think this will be the last question.

Hon. K Azopardi: Mr Speaker, we have not got to Question 829 yet, but we will....

I am laughing because I do not believe that the Chief Minister is a champion of democracy. I do not believe that he actually is committed to the cause of democracy and I do not believe that he actually wants to make the changes that need to be made. Actually, I think the Chief Minister has also been the Chief Minister for so long he has forgotten his law, because he says I am wrong on the compensation regime and that this is a compulsory purchase, and it is not a compulsory purchase. Compulsory purchase would be made under the Land Acquisition Act. That is where a compulsory purchase takes place. The compensation scheme that I am talking about is the one under the Landlord and Tenant Act when the landlord wants the property back. They would have been entitled to £283,000. The Government instead paid £885,000. Nothing the hon. Member has said has justified the basis of it or the calculation for the basis of it. That is the point.

Mr Speaker, can I ask, on Question 829, which is the question I had tabled, why wasn't the Opposition consulted on the prospective works? I do not believe the Chief Minister gave an answer in his original answer on the issue.

Hon. Chief Minister: Mr Speaker, for a simple reason: because, as I understand it, we are still waiting for him to respond to a message sent to him in recent days to consult with us in the context of the plans that we are going to put. If we are not champions of democracy, what are we doing consulting with him on how we want to develop the Parliament building, now that we have acquired these units?

Whether the proposal that he is putting is under the Landlord and Tenant Act or the Purchase of Land Act, it amounts to the same thing: the forced sale by Government of property that is in the hands of private individuals. That is what the hon. Gentleman is saying to us is the regime that would provide for if he were Chief Minister of Gibraltar. He would take any tenancy that the Government holds, if he were Chief Minister, and at his whim he would say, 'This is what the legal calculation is. Get out of the tenancy.' That is what he says as a champion of democracy he would do. I must tell him that it is not an environment which would provide the certainty that men and women of business need in order to be able to enter into transactions with Government. It is not going to be the issue whilst I am in government. We will always pay the right commercial rate. We will not pay a penny more, but neither will we pay a penny less.

I am very pleased that we have been able to get these properties back, so that we can do the refurbishments that we are going to do, which will provide ... Indeed, it should be now. One of the reasons we are doing this is to provide offices for Members of the Opposition and more offices for the Clerks etc. Ministers have offices. This is about providing more for them because I believe they are going to be in opposition for a very long time, and I want to make them even more comfortable whilst they are there.

Mr Speaker: Next question.

Hon. K Azopardi: Mr Speaker, he had not given me an answer on Question 829 and he has just given it for the first time, so I think I am entitled to come back to him on this issue.

2125 Mr Speaker – (*Interjection*) No. The Chief Minister makes a mockery of the questions that we ask on this side of the House, and he knows that. The government that we would be is not a government that would ... He says he is a champion of democracy. We would be the champions of democracy and of the taxpayer. If there is a regime in the law that talks about the compensation, it is not being overly difficult to say to people that is the basis and we would need
2130 to compensate. If you are going to champion the taxpayer, where have you championed the taxpayer by paying over the odds by £600,000? That is the point.

In relation to the question, for him to say that the answer to the question that I asked months ago ... I asked months ago why wasn't the Opposition consulted on the prospective works to Parliament when they were announced and why was the Opposition not consulted when they cancelled it, and he says the reason he has not answered it is because he is waiting for us to come
2135 back to him. It makes a mockery of this Parliament, because the email that he is talking about was sent to us on 17th March, four days ago, and we have had an intervening weekend. That is the email where the Deputy Chief Minister has asked to see Mr Bossino and myself to discuss the plans. It makes a mockery of it for that to be his answer.

2140 The works on Parliament were announced in September 2020. We were not consulted. They were cancelled subsequently, months later, and we were not consulted. The point is not about whether we wish to be consulted or not on the mechanics or the detail. The point is that the hon. Members opposite treat this Parliament as an extension of the Government, as if they can do whatever they want with the Parliament. They can decide the business, they can decide when the
2145 businesses is heard, they can decide every single thing. They can even decide on how the refurbishment of the building –

Mr Speaker: I think the hon. Member is digressing. Let's keep it to –

2150 **Hon. K Azopardi:** I hope I am not digressing from the question. The point is if the Chief Minister is really committed to democracy and the reform of Parliament, as he says, it needs to start not just with the refurbishment but with everything that follows after that.

Hon. Chief Minister: And if the Hon. the Leader of the Opposition wants to say that he is the
2155 one who follows the rules, the least he could do at Question Time is ask a question when he gets up, I would have thought, Mr Speaker, because what he has done is get up and deliver a political soliloquy of the sort that really should not be clothed as if it were a question, because it is not, even with an interrogatory at the end.

Let me deal with all of the issues that he has raised, Mr Speaker. First of all, I have answered
2160 on 36 occasions, since I had the honour of becoming the Chief Minister of Gibraltar in December 2011, the questions of the public directly on public television, or of the editors of newspapers, without having any notice of the questions I would answer. Apart from that, and apart from the last three years because of the terrible situation of Brexit and COVID, I have been here as Chief Minister every month to answer questions. He was a Member of an executive who answered
2165 questions on one, two or three occasions maximum a year. I am not going to take lessons on democracy from a man who was a pillion rider on dictatorship in the GSD; a pillion rider on somebody sitting here deciding exactly what they wanted and when they wanted it, and not even telling us what we were dealing with. (*Interjection*) Elected dictatorship, Mr Speaker.

Second, what has got to be very clear is that if there is a regime in law about the calculation of
2170 the value of land, then I would say why is it that that was never used when they were in government? Or is it that we have forgotten the amount that they paid for the Theatre Royal, a piece of land ...? I know that Mr Phillips sinks every time he is reminded of the record in government of the party that he joined, because he used to fully denigrate them when he was the acolyte of the Hon. the Leader of the Opposition in the PDP, and now he forgets how much

2175 denigration he used to do of the GSD when they helped us to win the election in 2011 by defeating
them. But what about the Theatre Royal, where that user clause had been completely failed for
decades and they paid £10 million? Where was the calculation then? Where was the negotiating
skill then? And what about – I am just going to put it very lightly, Mr Speaker – the units at the
2180 market that were paid for by hon. Members when the market stalls could have had their licences
determined by a letter? A licence is determinable at will. The street amount for distinction did not
apply. These were licences determinable at will with a letter with a 5p stamp, and if they do not
know, Mr Speaker, they paid hundreds of thousands of pounds. Where was the calculation then?
They were not doing the calculation then.

They have never done in government what they are preaching from opposition now. They have
2185 done the opposite, and we have done the right thing. But imagine a world in which a government
tenant goes to a bank to seek lending and the security of the property, and the banks says, 'No,
we cannot lend you money now. Keith Azopardi is Chief Minister and Keith Azopardi says that the
value of your property is not this commercial valuation that we have. Let me have the Act. Oh,
yes, the value of your property is £200,000. It is not £800,000. You cannot have this borrowing,
2190 you cannot create the jobs, you cannot continue to run your business.' That is the regime that we
are facing if the hon. Gentleman were ever to form a government, so this makes absolutely no
sense, other than just trying to play politics.

In the context of the consultation, I did answer. I got up and I said, 'You complain that we do
not consult you when we are going to do something and you complain that we do not consult
2195 when we are going to stop doing that which we did not consult you we were going to do.' We
stopped that plan and the Deputy Chief Minister has had been in touch with him and Mr Bossino,
the leaders of the GSD, in order to start a consultation, because we now have the bottom units
and we want to do something different. We have been in touch with the hon. Lady as well. This is
an issue for parties because we do not see ourselves as an executive making all the decisions. We
2200 see ourselves first and foremost as parliamentarians elected by the people of Gibraltar to this
House, and from this House we form the executive in Gibraltar. We form it to always do the right
thing by the Gibraltar taxpayer, but not to flirt with the Gibraltar taxpayer and pretend that we
would do one thing when, in fact, your record in government says the complete opposite. Let the
facts stand on their own and be the indictment of hon. Members opposite.

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Mr Speaker: Next question.

Q830/2020

Music festival –

Government support for event in 2021

Clerk: Question 830. The Hon. K Azopardi.

2210 **Hon. K Azopardi:** Mr Speaker, will the Government support the holding of a music festival in
2021?

Clerk: Answer, the Hon. the Chief Minister.

2215 **Chief Minister (Hon. F R Picardo):** Mr Speaker, due to the uncertainties of the COVID-19
pandemic and the need, in organising an event of this magnitude, to plan and commit funding
many months in advance, the Government has decided that it will not proceed with a music
festival in 2021 on the scale of previous ones. Should the situation change, there will be the option
of organising other events, albeit on a smaller scale.

2220 **Hon. K Azopardi:** When the Hon. the Chief Minister adds 'on a scale not like the previous ones', is he alluding to the press release that was, I think, issued a few days ago, after we tabled this question, in relation to a local type of music festival? Is that what he is talking about?

2225 **Hon. Chief Minister:** Mr Speaker, I am referring to the press release that was drafted, I think, some three weeks ago, or in fact four weeks ago, but was not issued until 15th March because we wanted to ensure that all of the logistical issues that the Hon. Minister for Culture was providing for were in place, and which was not prompted at all by this question. In fact, when I saw this question, which was after the press release had been issued, I realised that I should expect him to refer to it and that I hoped to see him there.

2230 **Hon. K Azopardi:** Yes, all of that waffle up to the point ... We filed this question months ago. Whether you saw it the other day or not after 15th March is neither here nor there. He should have seen it, because we filed it months ago.

2235 If he was alluding to the more local music festival, has he got in mind the kind of financial commitment that would represent?

2240 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Gentleman considers everything which is not to praise him as waffle. I am surprised that he thinks that in the months that have passed, which I have described today as, I think, our darkest winter, I would be sitting on the edge of my seat in No. 6 Convent Place waiting to read the questions that he and hon. Members had filed. In fact, I have not turned my attention to them at all until it has come to the time to answer them, because I knew, for example, that if we spent time compiling data, we would simply have to recompile it, as was the case in the context of those who provided me with the information relating to Hassan Centenary Terraces and the other estates, where they have had to go back and re-do the data this morning in order that I could give the House the most up-to-date data.

2245 And yes, Mr Speaker, I was referring to that local concert, and the outlay in respect of that concert will be exactly as it has been every National Day since National Day started and there has been a National Day concert and a stage provided for that purpose.

2250 **Mr Speaker:** Next question.

Q831-32/2020
Telecom providers' dispute –
Government intention to broker a solution;
TV channels –
Continued availability in Gibraltar

Clerk: Question 831. The Hon. K Azopardi.

2255 **Hon. K Azopardi:** Will the Government seek to broker a resolution to the dispute between telecoms providers?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Question 832.

2260 **Clerk:** Question 832. The Hon. K Azopardi.

Hon. K Azopardi: Will the Chief Minister seek agreement or assist to ensure that TV channels enjoyed by consumers continue to be shown in Gibraltar?

2265 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is working with the telecoms providers to find a solution to this problem.

2270 The Government is seeking to do all that it can to ensure that legally available content is enjoyed by consumers in Gibraltar. As the hon. Gentleman will know, this is not about what we can achieve but rather what licensing rights the content holders have to transmit these channels outside geographic areas. Changing these licensing rights is not a matter in the Government's gift. However, Government is seeking to work with the content holders to encourage them to obtain such rights.

2275 **Hon. K Azopardi:** Again, I tabled this question some time ago when there was a bit of a public furore, just to get a feel for the Government's position, especially as the Chief Minister had also intervened publicly. I appreciate that he probably had not read it until Saturday because of the explanation he gave in relation to the earlier answer, but given that this more recent manifestation of the controversy – because the controversy goes back some time; it surfaces from time to time – is a few months ago, can he give us a bit of an insight into the discussions he has been holding and the kind of breakthrough there would be? We fully appreciate the difficulties and complexities around the issue of the licensing of rights.

2285 **Hon. Chief Minister:** Mr Speaker, last Thursday, actually, I think I saw this question. I am afraid I cannot give any of the indications that the hon. Gentleman has suggested, at least not across the floor of this House, but I am quite happy to have a conversation with him. I forget whether, in his time as a Minister, he was Minister for Telecommunications at any stage or whether he otherwise held the chairmanship of Gibtelecom, but I am quite happy to have a discussion with him behind
2290 the Speaker's Chair to tell him what is going on. There is ongoing discussion and negotiation, but I think it is sensitive enough that we should not be airing it across the floor of the House.

Mr Speaker: Next question.

Q833/2020

Commonwealth Day public holiday – Retention on second Monday in March each year

2295 **Clerk:** Question 833. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, will the Government consider retaining the Commonwealth Day public holiday on the second Monday in March every year?

2300 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

2305 **Hon. K Azopardi:** Mr Speaker, why not? Can we understand the thinking there? It is not as if there is not a public holiday. The Government has moved it, at least this year. I do not know what its intentions are for next year, but it moved it on the basis that the public holiday we got – I think it was 24th February – was Commonwealth Day, but it is actually not Commonwealth Day

anywhere in the Commonwealth. It is a bit like celebrating Boxing Day on 28th December. Nobody else celebrates it as Commonwealth Day, and yet we are given the public holiday on that day. It would be quite different to say there will not be a public holiday at all, which is, I think, the explanation given by the Deputy Chief Minister in a more recent interview, that it is not removed, it has been transferred. We just do not understand the thinking. If it is going to be celebrated as a public holiday, why not celebrate it on the day that it is celebrating?

Hon. Chief Minister: Well, I think that is the position, Mr Speaker. Commonwealth Day does not move. Commonwealth Day is not fixed in Gibraltar. It is a day fixed by the United Kingdom and the other heads of government of the Commonwealth as the day on which we celebrate Commonwealth Day. What we did was move the bank holiday that was given for Commonwealth Day to a bank holiday given in February. The reason for that is to create a mid-term for our schoolchildren, so that they have a mid-term in the spring term. And so there is a mid-term in the autumn term and there is now a mid-term in the spring term as well, which is usually the longer of the two terms. This creates the opportunity for children in public schooling in Gibraltar to have the opportunities that have been available to children in private schooling in Gibraltar and elsewhere to have that week for skiing, for example, and we wanted to give parents the opportunity of having also a day off around that time, so we moved the Commonwealth bank holiday to this bank holiday. But it should not be referred to as the Commonwealth Day bank holiday, and I think that has been the error. The error has been to refer to that holiday as the Commonwealth Day bank holiday in February. It is not the Commonwealth Day bank holiday. It is a bank holiday in February for a spring mid-term to be enjoyed by schoolchildren in public schooling in Gibraltar and their parents.

Hon. K Azopardi: I am grateful for that explanation. Just to give a bit of background, the reason for my question was because ... I do not know if the Chief Minister will recall, but this came up in a question and answer exchange that I had with the Hon. Mr Licudi when he was on the Government front bench, where he was explaining that this Monday bank holiday would be done in a transfer of arrangements. I asked him is it possible to, in effect, transfer this Commonwealth Day bank holiday, and he said yes, or words to that effect. Hence my subsequent question, as I then went back and confirmed the view that I had taken when I was on my feet – but of course I did not have the resources – that Commonwealth Day is Commonwealth Day, it is an immovable day, and therefore it does not change, so it could not be celebrated in February.

The Chief Minister has, I think, clarified, as I understood his explanation, that in fact this should no longer be viewed as the Commonwealth Day bank holiday; it is an additional bank holiday. Is that the position? Not additional in the sense that you are exchanging one for one, but as I understand it, it is additional in the sense that ... The Government has taken the view that it removes the Commonwealth Day bank holiday and it is now bestowing a new bank holiday, without a tag to it, on the Monday when people are having mid-term. Is that correct?

Hon. Chief Minister: Yes, Mr Speaker, that is correct: Socialist Liberal mid-term bank holiday.

Mr Speaker: Next question.

Q834/2020
Select Committees –
Resumption of meetings

Clerk: Question 834. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when will the Select Committees on the Environment, Parliamentary Reform and Constitutional Reform that were due to meet in March – I should add 2020, because that is how long this question was outstanding – now meet?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the meetings in March of the Select Committees were cancelled as a result of the COVID-19 pandemic. It is intended to convene meetings of all Select Committees as soon as it is possible. This is likely to be in April, even though that is not a month when the Parliament would otherwise meet.

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Hon. K Azopardi: Mr Speaker, I need not remind the Chief Minister that in the Unlock the Rock document it says that there was a desire for those meetings to take place. The Unlock the Rock document allowed us a relative working period after the end of May right through to the end of November. While I accept that there have been important challenges, business also has gone on in a number of areas and these meetings are now well overdue given the projections that there had been. Will the Chief Minister be able to fix those meetings with specific dates in April, or are they loose commitments?

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Hon. Chief Minister: Mr Speaker, given that the Select Committees on the Environment, Parliamentary Reform and Constitutional Reform were established by my Government, he can understand that I am very keen to see them meet and start to do their work. I am very keen that we should start the process of having those meetings, and I really do not think it is fair to pretend that there has only been a slight bump in the road and that we surely could have met to deal with the Select Committees. I think that what we have gone through as a community is far from just a bump in the road and that there have been many issues to deal with. It is not just COVID, it is COVID with the negotiations of the New Year's Eve agreement on top, and I think people are being baited by the Hon. the Leader of the Opposition to forget the complexity and the difficulty and frustrations the Government has been through.

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Nonetheless, I am very much looking forward to convening these meetings. I am looking forward to convening them for April. I have not said that we should wait until May, which is the month in which Parliament will come back, and I expect that we will be able to meet probably in the third week, which is the week in which I was anticipating to hon. Members we would meet in Select Committees, usually the Tuesday of a week in which the Government was in session.

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I hope that is sufficient information for him to consider that we are serious about convening the Select Committees that we ourselves have brought motions to this House to create.

Mr Speaker: Next question.

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Clerk: Question 835.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I am conscious that it is already 10 to eight in the evening, and I would now therefore move that the House should recess to continue with questions tomorrow, to return tomorrow at 3 p.m.

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Mr Speaker: I now propose the question, which is that this House do now adjourn to Tuesday, 23rd March at 3 p.m. (*Interjections*)

2400 **Hon. Chief Minister:** Mr Speaker, my mistake. I understand that the Hon. the Leader of the Opposition is the questioner on the Order Paper that I am dealing with. I thought I had questions from other Members. He, I understand, is available at 5 p.m. tomorrow, so given he is not available at 3 p.m., I am happy to adjourn the House until 5 p.m. tomorrow afternoon.

2405 **Mr Speaker:** I now re-propose the question, which is that this House do now adjourn to Tuesday, 23rd March at 5 p.m.

I now put the question, which is that this House do now adjourn to Tuesday, 23rd March at 5 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 23rd March at 5 p.m.

The House adjourned at 7.50 p.m.