



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 8.46 p.m.

Gibraltar, Wednesday, 21st December 2022

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The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 21st December 2022.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 23rd, 24th and 25th November 2022.

5

Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

10

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Ombudsman's Report for the year ended 31st December 2021.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q523/2022

GSLA swimming pools – Timetable allocations

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 523/2022. The Hon. E J Reyes.

20

Hon. E J Reyes: Can Government provide details of the timetable allocations for all the swimming pools falling under the auspices of the Gibraltar Sports and Leisure Authority?

25

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

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, all information related to allocation for the swimming pools under the GSLA's remit can be found on their website, gsla.gi. If the Hon Member is unable to get the information, I am happy to provide the link via email.

30

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

35

Yes, I would appreciate it if the Minister gave me something because I did look – in fact, I even have it as a Written Question – and try to find on the statistics page the allocation of facilities by the GSLA, and they certainly were not updated on my page because it appeared to be blank, so I had no option but to pose a question. If the Minister does have something, I would appreciate it because I am lacking that information and I cannot pursue further.

40

Hon. S E Linares: Mr Speaker, just as a matter of information, the link is to the answer to the Written Question. It is there, the link, I have put it in the Written Question, but if he has any problems, I am willing to sit with him to see where he can get the information.

45

Hon. E J Reyes: May I, Mr Speaker, ask the Hon. Minister ...? I know we change from winter to summer timetables and so on, but more often than not, from one year to another most activities tend to be more or less at the same times as in the past. I am informed that recently there seems to have been a quasi-major shift in the allocation of the pools, which has changed people's routines considerably, people who had got accustomed to fitting it into their work or other schedules, including some comment made by those with children with special needs that the allocated times do not seem to be as good as they were before to allow them time to collect children from school and then go to the pool. Perhaps there are certain factors that have forced the GSLA to make those adjustments. I do not know if the Minister has any information that could help to enlighten those people as to why those changes have been necessary, rather than keeping to traditional slots as in past years.

50

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Hon. S E Linares: Mr Speaker, I am not aware of any changes that have been made, but if there have been any changes I will consult with the GSLA to see why and, if those changes have affected any sector, give me a reason why they have changed.

Mr Speaker: Next question.

Q524/2022
Government rented flats –
Publication and contents of promised booklet

Q525/2022
Review of Housing Act –
Reason for delay

Clerk: Question 524/2022. The Hon. D J Bossino.

60

Hon. D J Bossino: When will the Housing Ministry publish the promised booklet setting out the policies regarding Government rented flats, and what will it contain?

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

65

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 525.

Clerk: Question 525/2022. The Hon. D J Bossino.

70

Hon. D J Bossino: What is causing the delay regarding the review of the Housing Act?

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

75

Hon. S E Linares: Mr Speaker, I am currently reviewing the latest updates and will be presenting the Housing Act in Parliament in the early part of next year.

80

Regarding the booklet, this is the work that has not been done for many years – inclusive of the time the GSD was in Government – which I have taken on board during my time as Housing Minister. I am working in tandem to update all documents, which includes housing policies and guidelines for applicants and existing tenants. I would like to make the hon. Member aware that the booklet is not to be published but printed and provided to applicants and existing tenants.

85

Hon. D J Bossino: In relation to the Housing Act, the question is what the cause of the delay was. I think he said he has the latest draft. I am sure he has a valid reason for the delay. I think at one point during the course of his Budget address he said he expected to have the legislation ready for Parliament before the end of this calendar year and I think in the last House he said before the end of the lifetime of the Parliament; now he is saying he expects it to be done in the early part of next year. But putting all of that to one side, can I ask him to answer the specific question, which is what specifically is causing the delay, if anything?

90

Hon. S E Linares: Mr Speaker, I am really proud to be in charge of a whole team that has taken on revising the Housing Act, which has not been done since the time when the old GSLP was in government. It has been my goal, as the Minister for Housing, to review all aspects. There have been small amendments to the Housing Act during that period, but I thought it was time that we reviewed the whole of the Act. At times, I think we are near to a conclusion and when we go back to all the officials sitting round the table they bring up different issues which we have to take on board. On top of that, we have liaised with landlord, we have liaised with tenants' associations and we have liaised with many stakeholders of the Act in order to get it right. I would rather wait that little bit longer. As I have told the hon. Member, I am confident that I will be able to do it in the early part of next year and present all the amendments to the Housing Act which will bring the Housing Department into the 21st century, because the thorough look at the Housing Act that we are doing has not been done for a long time.

100

105 **Hon. DJ Bossino:** He has provided an explanation as to the reason for the delay, which I accept, and he has said he is confident that it will be ready in the early part of this year, which obviously I accept. In the early part of next year I will keep tabs on those timings because it is an issue which is raising concern. He is right and I am sure there is a lot of backlog and a lot of issues that need to be covered.

110 In relation to the booklet setting out the policies, he mentioned certain items which will be included in it. Can he be more ... how shall I put it? Not more specific, but can he say exactly what ...? Not exactly the wording, obviously, but all the various topic areas the booklet is going to be covering in terms of policies. It is not going to be available for public production but it will be available to tenants, I think he said. Can he provide a fuller explanation as to what is going to be included in this?

115 **Hon. S E Linares:** Mr Speaker, when you are reviewing all the documents pertaining to the Housing Act you have to see it in conjunction with, for example, the tenancy agreement, the policies, the booklet, the Housing Allocation Scheme. All these go in tandem, they go together, and therefore what we are doing is ... First, we go to the major one, which is the Housing Act, and from there flow all the rest going down.

120 The booklet is an idea we have had in order to give applicants who get housing – and, as I said, we will be giving it to all tenants – what is expected of them. For example, they are expected to pay their rent, not to have anti-social behaviour and keep their houses in order. All these are the specific things that will be in the booklet. It will be a normal, user-friendly booklet. The tenancy agreement might be a little bit more complex. It is a booklet you give to a housing tenant and that tenant then can follow what is expected of them.

125 I will give you one example. If there is a relocation, we are tending to see the person or the family leave the house in a state that costs a lot of money just to clean up, let alone paint, and there are tenants who do not even leave a socket behind. So we are now putting in these rules, which we can then implement and say to the tenant, 'We have given you a house in this condition and if you are going to move out of it, these are the conditions we expect you to leave the house in.' It is basically the rules. In the private sector it is done a lot, where a tenant gets a set of rules on how they can use the house or the flat.

135 **Hon. DJ Bossino:** In terms of timings in relation to the specific booklet, he has linked it, and in fairness to him I think it is a similar reply he gave in the last session of the House in relation to other questions I had – I cannot remember what it was ... in relation to parking or CCTV cameras, it may have been – and he talks about the three-pronged approach in terms of the Housing Act, the booklet and the tenancy agreement, all of which are documentation which his Department was reviewing. Can I glean from that and can I give him the opportunity to confirm that the booklet is expected, therefore, to be ready shortly after the Housing Act is ready to go and to be presented to Parliament? In other words, are the booklet and the tenancy agreement – if I can push him; I know it was not the subject of the question asked – going to be ready in the early part of the next calendar year?

145 **Hon. S E Linares:** Mr Speaker, as I have just said, I am working with them all together. That means that what I am hoping to do is once we have the Housing Act in place we present it to Parliament and thereafter will follow all the others. Timeline? I gave him a timeline last time and now he is calling back to ... that I am delayed. I can tell the hon. Member that I have already given him an indication that it will be the early part of next year and I am hoping that the rest, because we are working in tandem, should be ready together, and therefore you present one and then the other. Basically I am saying to him that it will probably be on the same lines as the Housing Act.

150 **Hon. K Azopardi:** The hon. Member gave a helpful outline on what the booklet will contain. Will it contain also the eligibility criteria, the allocation scheme rules? Will it do that? I did not

155 understand that it would. I am seeing him shake his head, so if I just move on to ask him this, if I
may: in connection with the review of the Housing Act, is it part of the review that you are also
reviewing the eligibility rules, the allocation scheme rules?

160 **Hon. S E Linares:** Yes, Mr Speaker, that has been a subject of questioning before and I said yes.
It includes, for example, the Housing Allocation Scheme. In the booklet, no, you would not have
the rules of reallocation or allocation, you have the rules of how you live in the house, how you
are supposed to be dealing with the way you live in your house, not reallocation, parking or other
things. It is basically how you live in your house.

165 **Hon. K Azopardi:** On the scheme rules which are being reviewed, will those be available online
once they have been approved by the Government as a matter of policy?

Hon. S E Linares: Mr Speaker, I am hoping that would be a public document.

170 **Hon. D J Bossino:** Mr Speaker, thank you. In relation to the booklet – just one final question –
is he able to tell the House now whether, if there were to be a breach of them, there are going to
be any teeth in them in terms of what effect any breach of any particular policy may have on a
tenant himself? Is it going to have that type of ... or is it just a guideline and an aspiration for
people to follow? He talks about how people are, in effect, if I can put it broadly and paraphrase
175 what he said ... meant to be a broad, general guideline as to how you are meant to behave. If you
do not meet the bar, the question is what happens?

Hon. S E Linares: Mr Speaker, you put the rules in the booklet and the Housing Department
can and will notify tenants that should they breach certain rules there are consequences.

180

Mr Speaker: Next question.

Q526/2022

Government rental housing stock – Number of units released when affordable flats available to tenants

Clerk: Question 526/2022. The Hon. D J Bossino.

185 **Hon. D J Bossino:** Please state how many units will be released to the Government rental
housing stock, broken down to the number of rooms, when the affordable flats become available
to tenants.

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

190 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, a total of
161 flats will be released back to the Government housing stock. The breakdown is as follows:
three 1RKB, 17 2RKB, 90 3RKB, 45 4RKB, four 5RKB and two 6RKB.

195 **Hon. D J Bossino:** I am grateful for the very detailed response I have received from the Minister.
The reason why I asked the question is it follows from the question that was asked, I think, in the
last session in relation to whether the Government felt it had enough housing stock to meet the
needs of all applicants. This arises from, I think, a debate we had with Action for Housing on the
radio and it has been the subject of public correspondence. In his initial reply he said that the
release of the affordable homes 'would go a long way to tackle those who are in real need of

200 Government accommodation'. What comment can he make in relation to this number? It does
not seem a particularly high number when one considers that, I think, the sum total of the
affordable homes that are going to be coming on stream is in the region of 1,500 in relation to the
three developments that are being or will be shortly constructed. Does he have any comment to
make in relation to that?

205

Hon. S E Linares: Yes, Mr Speaker, I am really delighted that I will have 161 houses once one
part of the affordable homes ... because this is only encompassing the affordable homes. There
are many other aspects which will take people off the housing list – for example, people who are
buying are still on the housing list. For example, someone who is living in Varyl Begg or Humphreys
210 and is still in the housing reallocation but they want to buy. So we have suspended that, but they
are still on the housing list. That will help. That is another aspect. We are also doing pensioner
flats. We are also concentrating on pensioners giving us even more flats back, so that we can have
more of the stock to give. Basically, this is only one aspect of the whole argument when we say
we do have enough housing stock currently.

215

Hon. D J Bossino: He needs to forgive me, because I have not understood the Minister's reply.
I am willing to give way to the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the other point is that when the hon. Gentleman
220 sees the numbers of homes that are coming back, he should not think that that will represent the
numbers of people who will be able to get a home who are waiting on the housing list, because
of course if you have 160 you might have a three-bedroom, that three-bedroom will become
available to somebody who is in a two-bedroom and the two-bedroom will become available to
somebody who is in a one-bedroom. So there is a connection, there is a domino effect.

225

Properly managed – and the hon. Lady was magnificent at properly managing the stock in the
way that she did it during the last allocation of affordable homes – 160 properties coming into the
hands of the Government through this route, and as the Minister said, this is just one route, can
result in multiples of that being allocated to people on the housing waiting list as the domino
effect is seen through.

230

In most instances you see up to three or four movements in respect of one property. So, if you
have a four-bedroom, that four-bedroom will go to somebody who is in a 3RKB and waiting for a
4RKB, the 3RKB will go to somebody who is on the list in a two waiting for a three, the two will go
to somebody who is in a one who is waiting for a two, and then you will have a bedsitter available.
So you can move up to four people in respect of one. If you then have 60-odd 3RKBs, you can
235 multiply that three times as you move people from the other lists, and so the 161 is multiplied
sometimes by up to three or four. That is in addition to the other routes that the hon. Gentleman
has identified result in different properties becoming available, like the development of pensioner
flats or people moving in to elderly care etc. That is why we take the view that we take.

240

Hon. D J Bossino: If I can give the other side the opportunity to confirm whether I have
understood ... In other words, the 161 is not an absolute number. It is going to have, as the Hon.
Chief Minister said, an overall cascading effect and therefore ends up in an overall reduction in
the list. So the answer – the information I have requested – is that he is satisfied that 161 will be
a number which will have a positive effect on the reduction of the housing waiting list?

245

Hon. Chief Minister: Mr Speaker, I find it very difficult when the hon. Gentleman gets up and
says 'Can he confirm ... as the Hon. the Chief Minister has said?' because the answer to that is yes,
the Chief Minister and Minister can confirm, as the Chief Minister has said, exactly what the Chief
Minister has just said, and therefore – (*Interjection*) Yes, but ... Mr Speaker, Question Time is not
250 a question of the Government correcting the comprehension by the Opposition of the
Government's answers.

Yes, we believe it is a consequential number for the purposes of allocation of homes to those waiting for homes, for all the reasons we have already explained.

255 **Hon. K Azopardi:** Can I just ask on this number of 161 – the Minister has given the reply 161 in relation to the question in respect of the affordable flats coming online, but of course the affordable flats coming online will span a number of years, indeed maybe until 2026. Does he have a sense of the 161 being correlated in terms of time? Does he have a sense of that?

260 **Hon. S E Linares:** Mr Speaker, the first lot will be coming very soon, in July, so it is not going to be three or four years like he is suspecting. *(Interjection)* No, this is it. As we build, houses will be returned. The 161 will not come all on one date. For example, Hassan Centenary Terrace will be allocated in July. As from then, from the 161 we will get a batch back and we will then start, like
265 the Hon. Chief Minister has just said, the chain process. So one flat might solve four, five, or even six turnarounds. Somebody who wants to move from one estate to another and wants a three for a three is on the list for reallocation, and it even includes them. So there is quite a lot of movement and the first lot will be as from July.

Hon. K Azopardi: But can I ask very specifically, of the 161, how many are going to be delivered
270 as part of this first phase in 2023? Does he have a sense of that?

Hon. S E Linares: No, Mr Speaker, I do not.

Hon. K Azopardi: Okay, but if there has been a calculation of 161, officials must have done that
275 assessment, so it must mean that the number is available but not with the hon. Member. Is that right? And if that is the case, could he provide us with that number?

Hon. S E Linares: Mr Speaker, I do not have that number here because the question has not
280 been asked, but yes.

Hon. K Azopardi: Let me repeat the question because perhaps it has not been understood. The
officials have calculated that 161 flats will be released as part of the affordable flats being bought,
over a number of projects over a number of years. Clearly, those will be released over a number
of years. I appreciate he may not have the specific number of flats that will be released as part of
285 the July 2023, or whenever it is, first batch of housing being allocated at Hassan Centenary, but I
am asking him if he does have that number – not with him today, but if the officials have that
number – could he provide us with that number?

Hon. Chief Minister: Mr Speaker, the short answer is yes, but not because anything has been
290 calculated. The hon. Gentleman needs to understand this is not something that we calculate. We
do not *think* that we are going to get 161 properties, we are *going to get* 161 properties. This is
an empirical figure. We are given the information against an allocation, the individual will
surrender a figure. So it is not something that is calculated. It is not a guess that we will get about
161. We do have the figures against which flat, each property will be handed over, but the hon.
295 Gentleman does not have them here today. That is the point. But it is not calculated. That is why –
(Interjection) Yes, that is the point. That is why the first answer I gave was yes – *(Interjection)* and
that is why ... What I am saying is that this is not a figure that is calculated. *(Interjection)*

Mr Speaker, the hon. Gentleman says from a sedentary position we are at Christmas.
(Interjection) Yes, we may be, but that does not mean that I want the hon. Members to go away
300 under a misapprehension. I am trying to assist them. When somebody says something is
calculated, they are perhaps thinking that we are reaching an approximation of what we think.
That is not the case. Here, you have an empirical number; you know what the number is. What I
am saying to them is that yes, we do have the breakdown of what we will get in respect of each

305 phase of which estate, but we do not have it here, because I think that has not been provided to the Minister, and therefore we will happily give it. If the hon. Gentleman writes to the Minister or to me, we will provide it.

Mr Speaker: Next question.

Q527-28/2022
Mid Harbours estate –
Water penetration in garage; illegal parking of motorbikes

310 **Clerk:** Question 527/2022. The Hon. D J Bossino.

Hon. D J Bossino: When will Government fix the significant issue faced by users of the Mid Harbours garage regarding water penetration?

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

315 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 528.

Clerk: Question 528/2022. The Hon. D J Bossino.

320 **Hon. D J Bossino:** How does the Government propose to deal with the ongoing issue of motorbikes which illegally park at the Mid-Harbours estate parking?

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

325 **Hon. S E Linares:** Mr Speaker, in answer to Question 527, the Mid Harbours podium, the source of the water penetration into the garage, has had issues since it was built by the GSD Government. The development was handed over to the Gibraltar Government circa 2010 under their watch. Since then, 338 reports have been registered related to the podium issues and water penetration in the garage. Approximately £120,000 has already been spent due to the inherited GSD problem.
330 In recent days, over 10 reports have been received in respect of water penetration in the garage. Unfortunately, when issues such as leaking podiums are encountered, there is no manner of repair that will eradicate the water penetration completely, other than having the whole podium membrane replaced. This will cost the taxpayer in excess of £1 million, when this, in truth, should have been done properly at the time the estate was constructed. Despite this, we will be moving
335 the playground again, at a cost, which will alleviate some of the created problem which has been subject of various questions by the hon. Member. This will then allow us to tackle some of the problematic works that were done by the GSD when in government.

In answer to Question 528, in respect of illegal motorbikes, the Tenants' Association brought this to my attention when we last met, and the Housing Department is liaising with Gibraltar Car
340 Parks Ltd in order to have them reissue the necessary permits. The Tenants' Association will be informed about the enforcement of these permits in due course.

Hon. D J Bossino: Mr Speaker, in relation to the first point, we can have a rather futile exercise blaming each other, as if the GSD was there building things themselves. It would have been,
345 presumably, the contractor and the experts who did it wrong. I do not know whether there was any litigation considered or embarked upon against the contractor when these problems arose. But I think as far as the residents are concerned ...

350 It is the kind of reply I expected from him, but I felt duty bound to raise it fully cognisant and knowledgeable of the fact that he was going to raise it. We can talk about other things that they have done wrong in terms of building estates, going back as far as the mid-to-early 1990s with Harbour Views, but I repeat I think it would be a futile exercise. In terms of seeking information from the hon. Member, which is what we are here to do – and that was the subject of various comments and rulings made by the Hon. Speaker at the last session – I am going to focus on that today.

355 He says that just to get a sense of what can be done in order to alleviate the problems, the Government's position is that, in effect, it will cost £1 million in order to fully 'eradicate' – using his word, I think – the problem, but then presumably the 338 reports that he has been receiving, some of which presumably have been attended to and have been fixed, have cost around £120,000, and now, hopefully, as a result of the movement of the positioning of the playground,
360 it may also alleviate further. Is he able to say, at least in percentage terms, how far he thinks he will be able to go without going down the route of the significant expenditure of £1 million to fix the problem in relation to the podium? And secondly, if I may ask as well, is he completely discarding the possibility of fixing the problem even at that price?

365 **Hon. S E Linares:** Mr Speaker, you cannot have the cake and eat it. In one breath he accuses us of spending money like confetti, and in another he is now encouraging us, or at least hinting that we might be able to spend £1 million on something which ... Yes, and I mention it again because I have been in this Parliament for nearly 22 years, and I can remember when the GSD used to hammer people in Gibraltar about the state of other estates that the GSLP used to build.
370 Even 16-20 years after, they still remind us. Well, I am going to remind the hon. Member that in this case it is under their watch that the podium is in the state it is.

In answer to his question would we spend £1 million, unfortunately we do not have £1 million to spend at the moment and therefore what we will do is try to mitigate, like we are doing now ... I have stated and he has said that I have had 338 reports and we have spent – yes, I said, but you
375 repeated that we had had 338 reports and we have spent circa £120,000.

We will try to continue, slowly and as we can, to fix it. The playground will go a long way, we are hoping, because if you move the playground ... Some of the inherent problem came from where the playground was placed because they made holes to put in the equipment, and that, apparently, we are hoping, is filtering elsewhere, and probably by putting a membrane on top of
380 that one, we will go some way. But we do not know that. We know that there is an inherent problem in the whole of the podium, but that might fix part of it.

Hon. D J Bossino: Again, focusing on the issue at hand, I understand that presumably it is a suck-it-and-see situation. In other words, until the move is done – not presumably, he has actually
385 said that – he says it will go on. I have been shown photos of the flooding that there has been in the garage, and it seems quite extensive as a result of the heavy rains we have had. But is he able to tell me – and he may have answered this question in previous sessions in the House – when he thinks he will be in a position to carry out those repairs which would have to be carried out as a result of moving the playground?

390 **Hon. S E Linares:** Mr Speaker, it is Christmas, so I do not think many people are going to do the playground now, but I am hoping that during the first two or three weeks of January there will be movement. What we want to do is, first, move the playground down. When you are moving the playground down, you have to prepare where the playground is going to go. That is the first thing you do, and I am hoping that in January that will be the first move, where you prepare where the
395 playground is going, and then the move of the playground, and then the fixing of the water penetration.

400 **Hon. D J Bossino:** And if he would be so kind, by way of assistance in relation to the ongoing issue of motorbikes – he, as well as I, has visited the estate and I am sure we both have regular meetings with the Tenants’ Association, who have raised this in the past. It was certainly raised with me on the last occasion I visited. Can I ask him when he thinks ...? I think he said he was going to be issuing badges, so some sort of licensing system. That presumably will lead to greater control. Does he have an idea of a timeline as to when that is going to be concluded?

405 **Hon. S E Linares:** Yes, Mr Speaker, because as I understand it, there were not any motorbike permits and people used to just go in. Only a few people had permits and with a motorbike it is easy to go in and out. We had the barrier fixed only this week. People just break the barrier and go in, so we are having these issues. But basically, we should not take too long in issuing permits to households. We have to make sure who we issue the permits to, as well, and when it is motorbikes, it can be a little bit more problematic because of the logbook, who owns the motorbike, who is allowed. It is a process where you have to make sure that the person who gets the permit is a person who is living in the estate and has a motorbike.

415 **Hon. D J Bossino:** Just so I can formulate it in order to keep within the rules, is he aware that the point was made to me that what is happening is that because bikes, as he rightly points out, are able to easily access even when the barrier is working, what happens is, because there is a slow movement of the whole operation, they get in. The main issue there – which could be resolved with the issue of the permits, hopefully, because there will be greater enforcement – is 420 the fact that it is being used, I am told, by many of the construction workers, because there is so much construction going on in the area and they are the ones who are abusing the system. Is aware of that?

425 **Hon. S E Linares:** Yes, sir, I have been made aware of that.

Mr Speaker: Next question.

**Q529/2022
Arengo’s Palace –
Refurbishment**

Clerk: Question 529/2022. The Hon. D J Bossino.

430 **Hon. D J Bossino:** Does the Government have any plans to refurbish Arengo’s Palace?

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

435 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, yes, an in-depth external refurbishment of Arengo’s Palace is scheduled to commence as part of a programme to refurbish other buildings such as Tankerville House, Macmillan House and Willis House, etc. Until then, works to improve parts of these estates will commence in the New Year.

440 **Hon. D J Bossino:** And presumably those works are going to impact on all of the various blocks he has referred to, because the question was in relation to Arengo’s Palace but the Minister has been kind enough to widen the answer to include the ambitions that the Government has in relation to the other blocks.

He says next year. Can he give us a precise timeline – he did say, I think, next year – as to when he thinks that is going to be happening?

Hon. S E Linares: Yes, Mr Speaker, during the time of this Parliament.

445

Hon. D J Bossino: Of course, the timeline of this Parliament is going to be in the gift of the Hon. Chief Minister as to when he decides to call the election. As he may know, there are many rumours that the election is going to be called sooner rather than later, but that is a matter for him. Let's say the House is dissolved in January and we have an election in February, is he optimistic that he will be able to fix those blocks within a period of a month, especially when one considers that we have the Christmas period intervening? Maybe the Hon. Chief Minister can add some further information to elucidate this House.

450

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, I too hear many rumours about when I am going to call the election, but there was a huge clue in the answer that the hon. Gentleman gave. We have told him that we are going to start a lot of work during the lifetime of this Parliament. That is to say an election is not going to be called before those works start, despite the fact that people are acting as if it were.

455

Hon. D J Bossino: Mr Speaker, he talks about an in-depth refurbishment. I think in relation to Arengo's he was talking about the external façade, but what does he mean by an in-depth refurbishment?

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Hon. S E Linares: Mr Speaker, you can have a refurbishment where you just do a coat of paint and you can have an in-depth refurbishment, which is exactly what we have done to the estates forgotten by the GSD, which we have built and we have done. We have cladded Glacis estate, Moorish Castle, Laguna estate and we are in the process of doing all the other estates. That is what is meant by an in-depth refurbishment.

465

Q530/2022
Chilton Court Committee –
Outstanding replies to correspondence

Clerk: Question 530/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Why does the Minister for Housing not reply to letters sent to him by the Chilton Court Committee?

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

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, could the hon. Member be more specific and advise what letter he is referring to? Neither the Housing Department nor my Ministry appear to have any outstanding replies in relation to Chilton Court. May I add that the Housing Works Agency and the Housing Department engage with the committee and tenants of Chilton Court frequently to attend to their needs and concerns.

480

Hon. D J Bossino: My late father used to tell me never answer a question with a question, but I am more than happy to elucidate for the purpose of the Minister's assistance. I have the letters here and the various emails, if it does indeed assist him.

485

I am surprised, actually, that he should have given the reply he has given. Something, somewhere, is not going right if, by the answer he has given, he is, in effect, confirming that he – and not just him personally, but he and his entire Department are ignorant of the correspondence which I am told by the committee remains without any response.

490 I can tell him that I have seen a letter In respect of this particular letter, and I can give him
a full audit, but in respect of this particular letter I do not have the cover email and I do not have
any other evidence that I can show to the House which confirms that he or his Department, or
indeed – let’s widen it further – any other relevant Government Department, if it receives a letter
or an email addressed to the Hon. Mr Linares, would at least ... I would have thought the
machinery of Government is sufficiently fine-tuned to pass the letter on to him.

495 There is one dated 10th July 2022 which refers to a meeting on 18th January 2022, where they
say that they had a meeting in his office and that the Chairman says he attended with another
committee member, and he copies, by way of distribution, the letter to the Chief Minister and
another individual whose name I do not need to mention, but I imagine he is a civil servant.

500 Then there are emails. I will not bore the House with all the details, but there is another email
here which goes to this individual and it says, in brackets, ‘HSE’ – presumably it is Health and
Safety Executive – but also there is another one with an acronym which says ‘MHEYS’, which I
understand is the Ministry for Housing. I asked my hon. Friend Mr Reyes for assistance, given his
experience, and he tells me it is the Ministry for Housing, Employment, Youth and Sport, which is
his Ministry. It does not have a name, it just says MHEYS. It was sent to him on 7th October 2027
505 and the letter introduces itself by saying, ‘I am writing to you hoping I can obtain a reply this time,’
and at the bottom it says, again, the Hon. Mr Linares. So if he has not received it at that particular
address, surely the individual who describes himself as ‘HSE’ would have passed it on to him. I do
not know if he can ...

510 It seems that he replies to all letters. He says he replies to letters from Action for Housing and
Mr Pinna, he says he meets constituents whenever they ask for meetings, so everybody is wrong
except him, and now he almost challenges me to come up with the goods. I am surprised that he
has answered in this way.

515 **Hon. S E Linares:** Well, don’t be so surprised because I do answer all the emails. I checked
when the hon. Member sent me this question and I went through all the emails, all of them, the
MHEYS, which, you are right, is the Ministry for Housing, Employment, Youth and Sport. That is
the generic email that we have. People can write to me via that email because my officials get it.
I do not know, because we will probably need to check which email the person is either sending it
to, or which email has been put. The person who is supposed to be receiving that email is not
520 receiving it, because these are individuals and sometimes the emails are not correct – they change
emails or whatever.

All I can say to the hon. Member is I was surprised when he asked this question because he
knows that I do answer all my emails. I answered it as a question in relation to Action for Housing.
I do answer all my emails, and in fact we answer emails really quickly. The response is very quick.
525 The least anybody would get is a holding reply – that is the least, and then there is a substantial
reply.

530 If the hon. Member wants to pass to me all those emails, because if somebody in my
Department or the Housing Works Agency, or somebody within the agency ... because there are
many aspects of the Housing Department and there are many emails in the Housing Department
and if that person is writing to an email which somebody is not answering, I would like to know
who is the person not answering those emails because we do take a lot of trouble and we are very
conscientious in answering emails. So if the hon. Member wants to give me the list of all the emails
that he says somebody within the housing institution has not answered, I would appreciate that
because I will go back and say, ‘Why hasn’t this email been answered?’
535

Hon. D J Bossino: Various points arise from that, Mr Speaker. The first thing is it is slightly
worrying at various levels and I think we need to get to the bottom of it. We may not get to the
bottom of it across the floor of the House. Maybe it is just a question of having a discussion with
him and showing him the emails.

540 But he has not addressed one point. Before I get to it, he says that he answers letters. He knows that there was a further letter sent in by Mr Pinna on behalf of Action for Housing, which was made public and published in the letters column of the *Gibraltar Chronicle* after I raised this issue with him in the last session, where he says ... This is a letter addressed to him but published in the *Chronicle*, so we were all able to read it:

On the first issue, you said

545 – in other words, the hon. Member –

that you always answer letters.

Mr Pinna says:

Our reply to you is that you do most of the time, but not always. You did not reply to our open letter of 26th October.

Maybe he can comment on that, and also on the fact that ... Let's say mheys@gibraltar.gov.gi, which I think he has implicitly confirmed is his Department, is not reaching not just him but his Department ... He has said that nobody in his Ministry has received any correspondence from Chilton Court, but it has also been sent to somebody else – I will not mention his name – who is 'HSE', it is the same individual. It has also been sent to the generic email address of another HSE in brackets, and it says 'SMST', and then another one, again I will not mention his name but it is different to the HSE individual, which has 'EMP', which I assume is the Employment Department. Does he not understand that I find it very difficult to understand how it is that other Departments are not passing this information to him when these are letters on at least two occasions that are addressed to him?

Chief Minister (Hon. F R Picardo): Mr Speaker, the last time I checked, this was the Parliament of a nation that is negotiating its way out of a relationship with the European Union after 50 years, that has just come through a pandemic and is dealing with very challenging circumstances. If a Minister is saying he has not seen an email and he has confirmed that the email address is his correct email address, the hon. Gentleman is right, the resolution is to, behind your Chair, give us the address from whence it is coming, so that we can check on our servers whether potentially the email is being rejected by all our addresses because it may be coming from a POP server that is not working – not for us to go through, across the floor of the House, the email address at which it is supposed to be received and the email address from which it has come. We are very happy to assist the hon. Gentleman to assist his constituent in order to determine where that letter is. Full stop.

Mr Speaker, we have got through eight questions in an hour. That would be abnormal for any Parliament in the world because if what we are going to do is check the email address of every email that every Minister is alleged to have received, we are not going to be getting anywhere. We are very happy to work with the hon. Gentleman to address that point.

Mr Speaker, I think if the Hon. Minister has not been able to reply to a letter from Action for Housing, which happens to be an open letter – which then is not a letter, it is more in the way of a press release – we will address that too, but I think we need to start understanding what the role of Question Time in the Parliament is and start to move on. But very happy to work with the hon. Member to see if there is an issue with email addresses.

Hon. D J Bossino: Can he please comment on why it is that different Departments are receiving these emails, unless there are difficulties in the sending aspect of it? I do not know, maybe that is the issue – it has just occurred to me.

585 These are important issues. The Hon. the Chief Minister rightly points out that Gibraltar has gone through a pandemic and is in the midst of negotiating a very important deal with the EU, but the reality is there are 10 ... well, now nine Members in the Cabinet, and these are still very live and important issues that people come to us and raise, and it is important that ... It gets to the point that they are so desperate that one feels the need to raise these issues – which for them may not be that important – across the floor of the House.

590 I take the olive branch that the hon. Member has just extended, and in fact I suggested to him when I posed the question or in one of my supplementaries that I will sit down with him and show him the email addresses.

595 **Hon. Chief Minister:** Mr Speaker, that is the point, isn't it? There are 10 Members on the Government side; there are nine Ministers. The hon. Gentleman is saying we think we have replied to all the letters, we just do not appear to have received that one. I am not saying that I should be replying to it, that the Deputy Chief Minister and I, who are dealing with the negotiations, should be replying to it. The person who has responsibility for replying to it, who is the alleged addressee of the email, is the one who is saying, 'I did not get it.'

600 Of course he is entitled to come here and, across the floor of the House, ask as he has asked, but usually you would do that after you have picked up the phone, called your parliamentary colleague and said, 'Look, I've got an issue with an email that it is alleged you haven't replied to. Have you got it?' And then we might say, 'Oh, yes, it slipped through the net,' or, 'There is a difficult issue that we are trying to deal with.' Here, the hon. Gentleman is saying, when confronted with the issue across the floor of the House for the first time, so clearly done for a political purpose, a partisan purpose, not to resolve the issue – (*Interjection*) That is fine. You can do as many partisan purposes ... If you want to achieve a response to something, if you want to resolve an issue, you can resolve it in any way you want as a parliamentarian. You can pick up the phone and try to fix it, you can write a letter and try to fix it, or you can ask a question in this House, but the reality is that for the past hour this Parliament has been dealing with issues of this sort. Therefore, I am very pleased that the hon. Gentleman has said he is going to take our olive branch and I invite all of them, in the event that somebody ever comes and raises with them the fact that we may not have answered a particular communication ... Of course, if they wish, they can first raise it in this House, but if they first raise it with us directly by picking up the phone, by emailing us directly, by WhatsApping us directly – God knows they do enough of it when they want to – we may be able to solve the problem for the individual sooner. That is all I am saying.

615

Mr Speaker: Next question.

Q531-32/2022

Chilton Court youth club –

Source of funding for proposed development; intended membership

Clerk: Question 531/2022. The Hon. D J Bossino.

620 **Hon. D J Bossino:** Who is funding the proposed development at the Chilton Court youth club?

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

625 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 532.

Clerk: Question 532/2022. The Hon. D J Bossino.

Hon. D J Bossino: Is the development of the Chilton Court youth club exclusively for residents of Chilton Court; and if not, who will be able to access and use its facilities?

630 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Hon. S E Linares: Mr Speaker, there is no youth club at Chilton Court.

Hon. D J Bossino: Mr Speaker, I have taken that information, I think ... I would need to go through it very quickly now, but I thought it was in relation to the ... If the hon. Member wants to be unhelpful in his response, that is fine, but the ... In fact, I have just come across it. I am assuming he is not being partisan, I am assuming he is not being political, I am assuming he is not just being nasty in his reply, but can I just point out to him, so that we can get over this hurdle as to the identification of the development, that there is a notice, which was presumably published on site and then certainly published as part of all the planning documentation, which talks about proposed development at ... And there are two. When I drafted these questions I did not appreciate that actually there are two. I thought there were competing developments, but in fact, as I understand it, there are two projects which are going to be conducted in that area. One is where the playground currently is and one is what I thought was the existing youth club, because it says here 'Proposed development at existing Chilton Court youth club site and Chilton Court estate playground site'. That notice was filed on 2nd December on behalf of – yes, there it is again – Community Supplies and Services Ltd. Can he assist me and can we agree that we really both know what we are talking about here?

650 **Hon. S E Linares:** Mr Speaker, first of all, he asks a question which he already knows the answer to. Yes, because you have just said that it has been filed by ... I have it here as a supplementary because I wanted to answer and be helpful, because the hon. Member has asked the wrong question. That is the issue. He has asked about the youth club. There is not a youth club there. There has not been a youth club there. Anyway, if that is being called 'the youth club', it is being done by CSS, where the funding is coming from. What I am saying is we can talk about the project, but he got the wrong place, so I have to correct it.

To be helpful, I can say to the hon. Member that the facility will be for the use of all registered clubs and associations. This will be free for the Government to allocate to the list of all clubs and associations. The project is funded by CSS. Also, the Tenants' Association and the tenants would have a specific social club there, so it is incorporating a social club. It is incorporating parking, may I add, because it is in the project. He has got it there, Mr Speaker. He knows what the project is all about because he has told us about it, so I am now answering what he has got in front of him, which begs the question: why is he asking the question? But never mind, I am trying to be helpful, and in view of being helpful I have already stated that there will be a social club for the tenants, there will be parking spaces, there will be stores, which we have already consulted on, together with the Tenants' Association, and they are really happy about the whole of the project.

Hon. D J Bossino: Mr Speaker, this information that I have asked for ... He says I asked the wrong question. If it is information that was publicly available, how could I have asked the wrong ...? It just does not make sense, anything he is saying.

670 He says that the funding is going to come from Community Services and Supplies. That was his answer. In relation to the youth club, can he comment on this: in the planning application it says the full planning design statement has been prepared following the principles of approved outline planning developed by GBIC, which I understand is the Chinese joint venture, if I can put it in those terms, on behalf of Community Supplies and Services Ltd. So can I dig further and can he provide further information to this House as to whether any funding has been drawn from GBIC Ltd?

680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not a question that is relevant to the work that the Minister is doing. That is a question that is relevant to the individual who is going to be involved in the development. We had this discussion last time, in almost exactly the same terms, in relation to Laguna estate and the youth club there. So the answer in relation to Chilton Court is the same as the answers were in relation to Laguna estate, which I seem to recall took us about an hour last time.

685 **Hon. D J Bossino:** Mr Speaker, it takes a long time because the answers that we are given are not satisfactory. *(Interjection)* If what he is telling us is that it is – *(Interjection)* Once again, I agree with him, we went through the same thing. Let's try not to take as long as we did in relation to Laguna estate with this one.

690 He said it was the Hon. the Minister for Economic Development who would need to answer these questions, but again I need to repeat the point I made last time. The question is posed. Then I assume they decide, under the leadership of the Chief Minister, who answers which question. The Hon. the Minister for Housing has decided to answer this question and it is highly relevant. It is the question itself. It says very simply 'Who is funding the proposed development at Chilton Court youth club?' I think that is deserving of an answer.

695 If the answer is that the answer is best supplied by the Hon. Sir Joe Bossano, well, I suppose we will have to live with that and he does not have the information. Once again, none of the Hon. Ministers, or none of the Government Members who are opposite – it is the entire Government, save for two; one notable absence being the Minister for Economic Development – can answer this question, which is rather surprising because at the end of the day the Chief Minister is also
700 the Minister for Finance.

Hon. Chief Minister: No, Mr Speaker, the hon. Gentleman seems, to me, to simply want to make particular statements, probably for the purposes of extracting them out of context and seeking to take some political benefit from them, which is a matter entirely for him. I do not
705 complain; I am just analysing.

The question the hon. Gentleman has put is who is funding the proposed development. The Hon. Minister has answered that question. He has said it is CSSL. The hon. Gentleman has then asked us about the detail of that funding and whether there will be another, additional source of funding from a subsidiary or from another entity. As we told him during the course of the
710 discussion in relation to the Laguna estate, these are projects which come under the National Economic Plan. The National Economic Plan is being run by the Minister for Economic Development, so if he wants more detail about particular funding, that is what he has to ask the Minister for Economic Development. Not because we are not aware; we run something called a Cabinet Government and it is a collegiate Cabinet Government, which means that on Mondays we
715 meet – and we miss Mr Licudi a lot because he no longer attends, but the rest of us meet – we discuss what we are doing and we share the information. So I have, as hon. Members have from the discussions we have had, a lot of information about that, but it is not my responsibility and therefore, when I refer to that here, I want to ensure that the House gets accurate information, and to ensure that the House gets accurate information we usually ensure that the Minister with
720 direct responsibility for a particular area is the one who provides that information. For that reason, we are not going to venture to give information which may be accurate but not precise in respect of a particular area.

I hope that is helpful to the hon. Gentleman and that he does not think we are doing anything other than providing the information in the proper way, because the answer has been given by
725 the Minister in respect of Chilton Court and in respect of the funding, clarifying that this is a much wider development than just a youth club and explaining that he has consulted with the tenants of that estate and they are very happy with that.

Mr Speaker, I hope that – which is all the information we have and which we think is helpful – will assuage the hon. Gentleman and that he will, in future, if he wants more detail about the

730 National Economic Plan and how it is funding its projects – in particular this project – ask the Minister with responsibility for the National Economic Plan. The answer may not be one the hon. Gentleman wishes to hear – because it is accurate and it may not enable him to be as combative as he appears to want to be in relation to answers – but it is the truth.

735 **Hon. D J Bossino:** But he is not being helpful. (*Interjection*) No, he is not being helpful. With respect to him, he is not being helpful.

Two points: the first one is we file the questions, we do not decide who answers them. The question is very simple. The question is: who is funding the youth club? (*Interjection*) The answer is not a full answer. I then raised with the hon. Members GBIC Ltd, and then immediately we get
740 the answer that it is the Hon. Sir Joe Bossano who needs to answer. That is not a matter for us, it is a matter for them.

And then, secondly – it gets worse – he says, ‘It is not because we are not aware.’ Well, it begs the question – if you are aware, then why didn’t you provide the answer now? It cannot be for the Opposition Member to determine who is going to answer the question. You have to come fully
745 briefed, prepared with answers. It is clear that there has been an obstructive approach from the first moment I asked the question.

Mr Speaker: Can we ask a question?

750 **Hon. D J Bossino:** Who is funding the proposed development at Chilton Court youth club and what comment can he make in relation to GBIC Ltd? That is a question which, with the greatest respect to the House and to you, Mr Speaker, has not been answered by the Hon. Ministers – in the plural.

755 **Hon. Chief Minister:** Well, Mr Speaker, in fact the question has been answered. (*Interjection*) The hon. Gentleman, in his first answer to a supplementary, provided him with the answer.

The hon. Gentleman says we are not being helpful. It is clear that whatever we do, we will be deemed by the hon. Members not to have been helpful. We answer more questions than any Government has ever answered. We publish more information than any Government has ever
760 published. The response we get from hon. Members for publishing all of that information without prompting and providing all of the answers that we provide here in more question and answer sessions than have ever been held in this House is that we are not transparent.

I understand that they want to create an impression and that is why they will say that in response to anything that we say, and that the only thing they think would be helpful is if we were
765 simply to ask them to take over government, because that is what they want. For us to provide the answers to the questions they ask, however full and proper our answers may be, is not helpful to them because what they want is to be able to take over government. I understand that, but in fact the answer was helpful, the answer did give the information. In fact, the answer has been provided by the hon. Gentleman in answer to the hon. Member’s first supplementary. The further
770 breakdown that the hon. Gentleman now seeks is what we are telling him he should refer to the Minister with responsibility for the Economic Plan. And it is not that, because we are aware of aspects of this, we should therefore now provide the information, failing which we are either falling at the hurdle of unhelpful or falling at the hurdle of lack of transparency. That is not correct, Mr Speaker. The individual with ministerial responsibility is the individual who would provide the
775 detail of this answer. However much we may be aware of things, we may fall at the hurdle of inaccuracy because it is not our specific ministerial responsibility, and out of respect for the House and for hon. Members we would therefore ask, if he wants more detail than has been provided directly in answer to the question that he sought the answer to, a further breakdown, he should seek it from the Minister with responsibility for that particular area, for the National Economic
780 Plan. That is what we are saying.

785 In any other Parliament, Mr Speaker, that would be considered to be a more than forthright, more than open, more than transparent answer. Here, one is subjected to various layers of cross-examination, which is perfectly proper – it is the practice in this House. We are not for one moment seeking to avoid that, and we are not for one moment seeking to be anything other than entirely transparent and open.

Mr Speaker: Let's have this as the final supplementary from you, and then we will allow the Leader of the Opposition to ask a question.

790 **Hon. D J Bossino:** Mr Speaker, it is very difficult because we have spent ... I appreciate that a sense is created that we spent a long time on one particular supplementary, but at the end of the day it is really one supplementary on two formal questions which have been put, so in terms of supplementary numbers, one has not been given the opportunity to ask that many. It is just that we feel obliged to continue to press the Government because, despite everything he says – and
795 the manner in which he says it comes across as reasonable – the fundamental substantive truth is that he is not being helpful and that this is a perfectly legitimate question to which an answer – and we maintain that position – has not been provided.

Moving on, and I know that the Hon. the Leader of the Opposition will have a supplementary arising from the exchange we have had now, but in relation to I think it was the second question,
800 where I asked about exclusivity as to availability of the facilities at the Chilton Court youth club, which he initially said does not exist, has he answered that question? In other words, is he telling the House – because I may have missed it – that all the parking spaces, all the storage facilities etc., office spaces included, are going to be for the exclusive use of Chilton Court, or is it going to be shared?

805 And in relation to that question – it is not a second question, but it arises from the same point, just extending it and to give him the opportunity – I think, according to the planning papers that have been filed in relation to the youth club, specifically it refers to 26 parking spaces. He told me, in answer to a question in relation to the playground one, I think it was, where there were 50, 80% of which were going to be made available to the residents ... What is the position in relation to the
810 26 parking spaces?

Hon. S E Linares: Mr Speaker, as I said last time, from the first project ... I did not say 80%. I said that the parking spaces would be offered *first* to the tenants, and the same is the case here. If there are 27 parking spaces, the parking spaces will be offered first to all the tenants.
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Hon. D J Bossino: Maybe that was in his brain, but it was not set out here. I suppose it is open to that possible interpretation. What he said was there will be approximately 50 extra parking spaces, and I would ask him to confirm that he was talking about the project which is going to be built on the playground area, as opposed to the where we understand – although he objects to
820 it – which is where the current youth club is, of which 80% will be made available to Chilton Court residents for rent and the rest will be for the use of the clubs and associations, just to clarify that point. But what is going to happen to the 26 parking spaces?

And has he answered the point about exclusivity of facilities which are being provided in the new youth club into the future, once it is built?
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Hon. S E Linares: Mr Speaker, I do not think he has noticed what he has just read. He has just read that 80% was for what? For the club users, therefore it was not for part of the playground. *(Interjection)* Yes. Where?

830 Mr Speaker, I could go on and on answering this question. I have answered the question. I feel satisfied that I have answered the question. If the hon. Member does not like what I have answered, he does not like the answer. All I am saying is the answer that I have given remains and

I will not engage in answering the same question again because he does not like the answer. That is my answer, and I stick to my answer.

835 **Mr Speaker:** The Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, thank you.

The Chief Minister spoke about addressing questions to the appropriate person and my hon. colleague has made the point already that we are not in control about the Members on that side. 840 He talked about respect to the House and the accuracy of the information and so on, but of course, out of respect to the House we could see it the other way, which is that perhaps if they knew and it was reasonably foreseeable – we had this exchange last time – perhaps the hon. Member would have been present today to supply the information.

845 My hon. colleague asked from the perspective of other companies being involved; I want to ask about the other perspective, arising from the original answer, which is, I think, where the supplementaries need to be directed to. He says that the funding is going to be provided by CSSL. Is the Government or the Savings Bank going to provide funding to CSSL so that CSSL does the project? At the end of it we know that CSSL is owned by a company that is in itself a charity, so what is in it for CSSL? Is CSSL getting the funding indirectly from the Government or the Savings 850 Bank?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman starts by saying that if we knew – because we control who answers the questions – that the supplementary was going to be about the further breakdown of the funding, why isn't Minister Bossano here today, or why didn't we 855 ask Minister Bossano to answer the question? Well, we do not put ourselves in the minds of hon. Gentlemen to determine where their supplementaries are going to take them, because of course we can have an element of likely-to-arise information for supplementaries, but not all of it. That is why the Hon. the Minister for Housing was charged with responding to the questions, which actually, when taken together, from the Hon. Mr Bossino, appear to be about use, not so much 860 about funding. That is why the Hon. Mr Linares provided the answer. The Hon. the Minister for the Savings Bank and with responsibility for the National Economic Plan is finalising answers to his questions, and for that reason is not here. He is continuing to attend to his parliamentary responsibilities by finishing the answers to hon. Members' questions.

The issues which relate to the funding of CSSL are issues that were ventilated during the course 865 of the last Question Time in this House, which is merely three or four weeks ago. In that context, the Hon. the Minister with responsibility for the National Economic Plan and for the Savings Bank gave hon. Members quite detailed answers, so if the hon. Members want to ask supplementaries about this issue, they should direct them to the Hon. Minister when he is answering his questions, if they arise in the context of one of his questions in this session of the House – I believe they 870 probably would – or at the next session of the House, which will be in January, when they can then file other questions specifically about this subject.

Hon. D J Bossino: By way of –

875 **Mr Speaker:** Excuse me, no, we are not going to continue, with respect to the Hon. Damon Bossino.

The Leader of the Opposition.

880 **Hon. K Azopardi:** I was just going to ask, Mr Speaker, and I am not sure whether I am directing this at you or the hon. Member; it partly is both, if I may. Given what he has just said, and in light of the six month rule, is the Government accepting and would Mr Speaker accept that we file questions in January if we are not going to –?

Hon. D J Bossino: Not just January, but –

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Hon. K Azopardi: Well, there are two options he has put: first, that when Sir Joe is in the Chamber we can put supplementaries and it may be possible to do so in connection with other questions. I have not memorised all the questions Sir Joe will have, but if that is possible, clearly we are happy to do that, but if that is not possible because it does not fall under any of those questions, then of course we would be free to file a question in January, notwithstanding the six month rule.

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Hon. Chief Minister: Mr Speaker, what I have said is that if they arise in the context of Minister Bossano's questions, they may be able to ask supplementaries, which is my interpretation of the rule, but it is a matter entirely for you. From my knowledge of the questions they have asked Sir Joe, it would appear to me that they are on the same set of issues and therefore are likely to be covering the same set of questions and supplementaries, but that is a matter for you, for them and for Sir Joe when he is answering his questions.

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The rule as to questions and whether they can be repeated in respect of any six months I have never understood to be in relation to supplementaries; I have always understood it to be in relation to questions filed. The question we are dealing with at the moment in respect of what Mr Bossino is seeking information on is not a question that has been filed. The question that has been filed has been answered. He is seeking to go beyond that and obtain information about the sources of funding that CSSL itself will be pursuing. That is not the question that was on the Order Paper. In my interpretation, that is a matter for you, and luckily, Mr Speaker, I only have to concern myself with Government business, not with the interpretation of *Erskine May* and all those issues. But in my interpretation it would not be a question that would fall foul of the six months rule if what he was seeking as a supplementary were to become his first question next time.

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Mr Speaker: The situation the Chief Minister has explained will be my position too, in that if the Hon. the Father of the House is unable to answer, or rather if a question does not have information which will allow supplementaries on the basis of those outstanding queries that the Opposition have ... If those questions cannot be posed when the Father of the House is here tomorrow, then I will permit further questions to be asked in relation to the topic of unanswered supplementaries. Is that clear? (**A Member:** Next time?) Next time, yes.

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TRANSPORT

Q534-35/2022

Active Travel Strategy –

Cost of commissioning Strategic Document for Mobility; cost to deploy Cycling Strategy

Clerk: Question 534/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Question 461/2022, can the Government state how much the Strategic Document for Mobility cost to commission?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 535.

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Clerk: Question 535/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Question 461/2022, can the Government state how much money it will place at the disposal of the Ministry for Transport in order to deploy its cycling strategy?

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

Hon. P J Balban: Mr Speaker, the Gibraltar Active Travel Strategy has been prepared in house by our technical team and has therefore come at no cost. As I have explained to the hon. Member ahead of Government officially publishing the document, there have been aspects of the strategy
935 which have been outsourced to specialist engineering companies. As of yet, we are unable to provide a final figure in respect of the aspects of the strategy that have been outsourced.

The strategy has been conceived from the Sustainable Traffic, Transport and Parking Plan. We therefore intend to charge any associated costs from the said head and item of charge. As the hon. Member will know, the question of the money available for this purpose will not be decided
940 by the Government but by the Parliament when we consider the next draft Estimates of Expenditure.

Hon. E J Phillips: I am grateful for the answer to that question. I am also grateful for the presentation that the hon. Gentleman gave us in relation to the plan that the Government has in
945 relation to cycling. I know he offered it to the Leader of the Opposition and the Hon. Lady as well, and I think it is fair to say that we all found that project to be one that might well change the way in which our people move around our city and we look forward to working more closely with him in respect of that; certainly from my perspective, I do.

Just in relation to the presentation itself, if I may, because I know it formed part of the answer
950 to Question 461/2022, the Minister confirmed that that presentation will be put before the Cabinet for approval. Is it the case now, and subject to what he has obviously said about the outsourcing of certain aspects of this project ...? Has that presentation, that three Members on this side of the House have seen, gone before the Cabinet, and has it now been approved by the Cabinet?
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Hon. P J Balban: Mr Speaker, yes, the whole point was that this had to be approved by Cabinet first, and it was as a result of the decision made in Cabinet that I said I would present this to the hon. Members across the House.

Just to come back to the first point the hon. Member made, I appreciate the comments made,
960 and as I said to them all when they did come and visit us to see the presentation on the strategy, this is something that will only work for Gibraltar if we see eye to eye in that respect, because it is extremely important for the environment and for the future in Gibraltar, and so I am very happy with the comments made by the hon. Member. Thank you.

Hon. E J Phillips: Just one further question that arises from this very helpful and constructive exchange in relation to the Cycling Strategy for Gibraltar. Not to disclose too much of what we discussed, but we are very keen for this project to escalate. I know he has a time in mind and we are, I think, joined on the question of this particular strategy. We might have differences of opinion
965 as to where certain lanes go, or in terms of the rollout, and there may be disagreements in the future, but when does the Minister believe we might start rolling out these particular lanes in Gibraltar? I know we have had a general discussion, but I think he will pique the interest of our community once this presentation is released to the public, particularly those who use different modes of transportation and those who know our streets well. They will have their own queries and questions about that, so it will be very helpful if he could perhaps elucidate a timeline for us
970 and, indeed, the population.
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980 **Hon. P J Balban:** Mr Speaker, the intention, once we have shown the strategy to the Members across the floor of the House ... We have now shown the strategy and we are showing sections to certain stakeholders who have shown interest in it. The idea is, now, that we will be rolling out, as we explained, pop-up cycle infrastructure, especially in certain areas where there is bound to be imminent development, so at least we can start seeing how the strategy works vis-à-vis users and cyclists getting used to the infrastructure.

985 The stakeholder consultation has already happened. This will be made public. It will all be in public. It will also be presented to the DPC for their information so that they know about it, because remember, this is not a project like a building, as such, which would need planning permission; mainly it is improvements to the road. For us, it is important to let the stakeholders know, and there will be that process.

990 Once we are satisfied that we have managed to do these things, it will be announced, and the plan is to roll out pretty soon, at least in certain sections. As we explained, Bayside Road will be the first section to be tackled in terms of pop-up infrastructure, and we are hoping that very early in the New Year the people of Gibraltar will be able to see the fruits of that work in that respect.

Mr Speaker: Next question.

Q536/2022
1.5m rule re cyclists –
Representations received re level of fine

995 **Clerk:** Question 536/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Question 463/2022, can the Government state how many representations were received and by which group, organisation or agency?

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

1000 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I refer the hon. Member to Press Release 695/2022, which states that representations were made by the Commissioner of Police stating that the current penalty levels had become insignificant, as they had not been increased with the rate of inflation and as a result had lost their value as a deterrent to persons committing traffic offences.

Q537/2022
Vehicles in Gibraltar since 2016 –
Total number registered; number of new vehicles registered since 2016

1005 **Clerk:** Question 536/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many registered vehicles were there in Gibraltar each year since and including 2016, and how many new vehicles have been registered each year since and including 2016?

1010 **Clerk:** Answer, the Hon. the Minister for Transport.

Minister for Transport (Hon. P J Balban): Mr Speaker, I now hand over a schedule with the information requested.

Answer to Q537/2022

	Registered	New
2016	35,247	2,331
2017	37,569	2,322
2018	40,080	2,511
2019	42,269	2,189
2020	44,746	2,477
2021	46,769	2,023
2022	48,641	1,872

1015 **Hon. Ms M D Hassan Nahon:** Mr Speaker, seeing as the trend seems to be that there is an increase of about 37% in the last seven years, of registered vehicles, would the Minister say that his STTP Plan, which was launched almost six years ago, has been a failure?

1020 **Hon. P J Balban:** Mr Speaker, I do not think we can say that because numbers have increased – I am assuming 37% is the right figure – it has been a failure. It just means that Gibraltar has grown. I would say Gibraltar has got busier. There is more commercial activity in Gibraltar. Remember that the figures I am presenting to the hon. Lady are not just cars, but they include motorbikes, lorries, vans and all sorts of vehicles of a commercial nature. I would love to see fewer vehicles in Gibraltar – that is something we all know – but the fact that we have increases maybe shows that there is more commercial activity and maybe the population has grown as well, so it is a result of that.

1025 I will not accept that it is a failure of the STTPP because we are trying as much as possible to encourage people to adopt other sustainable modes of transport and the Cycling Strategy will be just one of those ways that we will try to encourage people to walk more and cycle.

1030 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker. The Minister says many ‘maybes’ – it could be this or it could be that. Is the Minister able to give us any more information, or does his Ministry seek more information to find out why the trend has gone up so sharply, so that he can provide remedies and different trends in the future?

1035 **Hon. P J Balban:** Mr Speaker, one thing that also has to be looked at in terms of this data, and it is something which is extremely difficult for us to provide ... This does not give any idea of how many vehicles have been disposed of. In fact, this just shows registered vehicles in total. But a number of these vehicles may not be there at the time. I cannot say why there is no ... ‘Maybes’ – I can only assume and give the best possible answer to the question, but I would not be able to say that this is a result specifically of one or more of those things.

1045 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may just ask the Minister for Transport: there is a spike in the new vehicles in 2020, quite a big spike – would he attribute this to the Government’s anti-green policy, during COVID, to sell vehicles at 0% tax?

1050 **Hon. P J Balban:** Mr Speaker, the result of the initiative was that there was an increase. In fact, there should have been a displacement of vehicles that were more polluting with vehicles that are hybrid and electric at the time, but more so hybrid, because of the fact that more new vehicles came on to the market. If you look at the pattern, 2018 saw a greater spike in new vehicles, but then if you look at the years after 2020 and look at 2021 and 2022, there is a decline. What seems to have happened here is that, obviously because it was attractive to buy vehicles at that time,

those who perhaps felt that their vehicles were getting older and wanted to move them on did so, and now you see the reverse happen. So if you look at the average of all these, I think Gibraltar generally has remained fairly constant, regardless of the policy at the time in 2020.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I could just ask for some clarity on that – in 2020, with the COVID deal that customers had of 0% duty for any vehicle, be it diesel, unleaded or hybrid, is the Government Minister telling me that the 2,477, which is a high number, and a peak number, had nothing to do with this zero duty incentive?

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Hon. P J Balban: Mr Speaker, if you look at the figure for 2018, you see that it was higher. Clearly – let's be realistic – if there was 0% Import Duty, those people who were thinking of purchasing a vehicle would have done so, I would assume. But then it reflects that, after, there has been a decrease. If you look at 2018 and 2020, had this been such a great thing that everybody rushed out to buy a car, why was 2018 even higher? I could agree with the hon. Lady if we had seen 3,000 being sold a year when the peak was above every other, but there is this other peak in 2018 which cannot be attributed to any decrease in Import Duty.

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Hon. E J Phillips: I am grateful, Mr Speaker. That was an excellent question by the hon. Lady insofar as this is concerned. It builds on a question we asked in relation to hybrid cars and electric vehicles.

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Just one question I have for the Minister. We are looking at a difference of 13,000, from 2016 to 2022, with the same road infrastructure. The Government was very proud, during the 2019 election, of their Green Gibraltar and Child-Friendly City. Would he not agree with me that these numbers show that we are moving, as a community, in the wrong direction? And whilst I will praise him for his efforts in relation to cycling, because he and I are joined on this question, would he not agree that that vision for the future is looking very shaky indeed?

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Hon. P J Balban: Mr Speaker, if we look at the actual results published recently by my hon. colleague the Minister for the Environment, we see that air quality has improved as a result of purchasing newer vehicles – and people have been purchasing newer vehicles, Euro 6-plus, hybrids and electric. The result of this is that emissions have reduced and, in terms of tailpipe emissions, have been cut down statistically. Those results do reflect that reduction in emissions in Gibraltar.

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When it comes to looking at vehicles, whether the increase seen in Gibraltar is something which shows any trends as the hon. Member has mentioned, unfortunately this is happening in many cities. We do see more people buying cars throughout. It is not just something which is typical of Gibraltar. We have a certain population. This does not mean that there are more cars on the road because Joe Bloggs with one driving licence can only drive one vehicle at one given point in time. I think people are buying or have bought vehicles or are failing to get rid of vehicles, and that is something that does happen in Gibraltar. You have a vehicle and it has sentimental value and stays on the road, but it is not being used. But the cars of choice being used tend to be the newer ones, and hence emissions do come down.

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Again, yes, I would have liked to have seen a reversal, but I think it is going to take us a lot longer. I am hoping that with this initiative and trying to encourage more people to walk and cycle, and having the infrastructure actually laid down physically, we will see a trend and see people adopting those other modes of travel, be it walking or cycling. Again, this cannot be seen short term in what is going to happen, this needs to be looked at in the long term and that is what I aspire to and am hoping for.

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Mr Speaker: Next question.

BUSINESS, TOURISM AND THE PORT

Q538/2022

Coach park –

Refurbishment of toilets

Clerk: Question 538/2022. The Hon. D J Bossino.

Hon. D J Bossino: When does the Government intend to refurbish the toilets at the Coach park?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, this is currently in progress.

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Hon. D J Bossino: Is he able to give us more particularity as to timeline? This is an issue which has been brought to my attention and it really runs through the various questions I have filed for this session of the House which deal with the various entry points. I think I have identified one which is not going to be answered by him, which relates to the Frontier; I suspect it will be answered by the Chief Minister.

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He did say in relation to a question that I previously posed in relation to the entry points more generally, that all efforts are being made to maintain our entry points. From the photographic evidence I have seen, it is not just one toilet, it is various toilets. It is an entry point because it is possibly one of the first things that people see when they get off the bus here, and they are in a really bad and dire state. It is not the welcome one would expect to be met with when you come to a destination. So can he answer the question? I am sure he agrees with the comments I made. I encourage him to make sure that this is done as soon as possible, but I ask for the further information.

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Hon. V Daryanani: Mr Speaker, I have informed the hon. Member that the refurbishment is in progress. When they will be fully refurbished ... I cannot really give him an exact date, but they will be refurbished. They are being refurbished as we speak.

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Hon. D J Bossino: By saying 'in progress', he is saying it has started already. Is he seriously telling me that he is not able to tell me when he expects that refurbishment to be done, dusted and completed? Is that what he is telling this House? Does he have no indication whatsoever as to when this is going to be completed?

1130

This ought to be dealt with as a matter of urgency. He has been in office now for a number of years, in excess of three, and this is a matter which has not been there the last few weeks; it must be an endemic problem that has been there before and needs to be sorted out as soon as possible.

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Hon. V Daryanani: Mr Speaker, if it makes him feel better, I will inform him that it might take anything between four and eight weeks, when the project will be fully refurbished.

Hon. E J Phillips: It does make me feel a lot better.

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Mr Speaker: Thank you. Let's move on.

Q539/2022

Wizz Air –

Minister's meetings and expected date of return to Gibraltar

Clerk: Question 539/2022. The Hon. D J Bossino.

1145 **Hon. D J Bossino:** Who, precisely, is the Minister for Tourism meeting when he refers to the 'wider Wizz team' when is he meeting with them, and when does he expect to welcome the airline back to Gibraltar?

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

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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I am meeting with senior executives of the airline. A first meeting was held virtually on 14th December and discussions are ongoing.

1155 **Hon. D J Bossino:** Can he say which senior executives? I do not expect him to give me names, but what positions do they hold, and how many?

Hon. V Daryanani: I am not willing to provide that information at this moment in time.

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Hon. D J Bossino: Is it because he does not really have that information, Mr Speaker? As usual, he comes up with these press releases and a lot of drivel, quite frankly, but he is unable to provide (*Interjections*) particulars that are highly relevant. He should have had this information.

1165 **Hon. V Daryanani:** Mr Speaker, as you can see, he has found it very difficult to control his language, but anyway, if he looks at my press statement on Wizz, he will see that I met with the CEO of Wizz, the highest senior executive of the fastest-growing airline in Europe. There is no more I can tell him.

1170 I am meeting different levels. We are trying to see whether we can we convince Wizz to come back to Gibraltar. I would like to think that that is what he wants too, but that is not the case because we know that the hon. Member is only interested in scoring cheap political points when it comes to airlines.

1175 I have told him on many occasions and I will keep on repeating it. The people understand the work that I am doing and the people understand the work that he is doing – the negative work that he is doing – so all I will say is that every time he speaks about airlines, instead of ... I am playing up Gibraltar and he plays down Gibraltar and damages Gibraltar every time he opens his mouth.

Hon. D J Bossino: Mr Speaker –

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Mr Speaker: This is the final supplementary.

Hon. D J Bossino: Mr Speaker, I have asked two supplementaries. It may – (*Interjections*)

1185 **Mr Speaker:** I know, but I think the hon. Member has answered the question. He has told you that he has met with the CEO. If you can be brief and keep your supplementaries to the minimum ... Thank you.

1190 **Hon. D J Bossino:** Mr Speaker, the supplementaries are being kept to the minimum. We have not reached a point where I think it calls for an element of control on me, because all I have done is ask two supplementaries. The hon. Member makes what are clearly barbed party-political

comments, which he seems to be entitled to make, but it seems that I am being controlled. I have no intention –

1195 **Chief Minister (Hon. F R Picardo):** Mr Speaker, will the hon. Gentleman give way on a point of order? The hon. Gentleman said to the Hon. Minister that his press releases and his statements were a load of drivel. That is what led the hon. Member to respond in the way he did.

1200 **Hon. D J Bossino:** Mr Speaker, it is because they are a load of drivel, because they say nothing, (*Interjections*) and this is why I need to ask the questions. (*Interjection*) This is why I need to ask specific questions. (*Interjection by Hon. Chief Minister*) No, he needs to grow up and he needs to calm down. (*Interjection*) He has been getting up at every possible opportunity because his Ministers are not able to defend themselves. (*Interjections*)

Mr Speaker, the question – (*Interjection*) and I will continue to ask it –

1205 **Mr Speaker:** All right, let us have the supplementary. As I said before, keep the supplementaries to the minimum because we are just dragging on and on and not getting very far. So with respect, just ... (*Interjection*)

1210 **Hon. D J Bossino:** Mr Speaker, it is true that he met the CEO. There is photographic evidence to the effect. I must say the body language is not particularly impressive. It looks like a photo opportunity, which presumably ... There is another question on the Order Paper to find out how much it cost the taxpayer to bring this gentleman over. He met him in Gibraltar presumably as a result of an invitation by the Government of Gibraltar, but he will answer the question.

1215 Mr Speaker, just as the Hon. the Chief Minister used to bandy about, as he used to describe it himself, a tatty, yellowing *Gibraltar Chronicle* article on the cost of the Airport, which he was very keen to wave around when he was in opposition, I also have one which I keep in my office because I do want the hon. Member to succeed, but in respect of this particular airline – there have been many and he has presided over many things which have failed, and this is one of them – it says:

Gibraltar hotels at full capacity as Wizz Air cancels August flights.

1220 At the time – this is the *Gibraltar Chronicle* edition of 14th July 2021 – he said, and it is a very short quote:

This is an unprecedented situation for Gibraltar to be in ...

which it was, and I fully acknowledge that; what I do not acknowledge is that ... He pretended he was bringing all these airlines as a result of his efforts. They were coming here because the airlines needed to be in the air in order not to lose money, and Gibraltar was a perfect opportunity because we had the green corridor. He goes on to say:

I will continue working

1225 – this was in July 2021 –

with Wizz Air and all other airlines to maintain capacity to Gibraltar. I look forward to the return of the flights in September 2021.

Why didn't it happen? Why is he still, I am afraid to say, imparting the drivel and nothingness that he thinks he can invite them to come to Gibraltar again? Why does he think he is being more optimistic now than he was in July 2021?

1230 **Hon. V Daryanani:** Mr Speaker, first of all, the only drivel that we are hearing is that which is coming out of his mouth. He speaks of 2021: 2021 was an unprecedented time. We managed to convince Wizz to come to Gibraltar and they took the decision, after a year of being here, that it did not make commercial sense to them. That is fair enough. They are a business; they are entitled to take these decisions. We have now engaged with them once again. We have been doing this for the last few months, and now at a higher level, to see whether we can convince them to come back to Gibraltar, and they are interested in doing so.

1235 Instead of supporting us – supporting Gibraltar ... It is not a question of supporting us, because at the end of the day this is about Gibraltar. Instead of supporting Gibraltar and Gibraltar's intentions, he plays down Gibraltar. I do not know what the speech he has given has to do with the question he has actually asked.

1240 **Hon. D J Bossino:** It is a very specific question: why did the –? (*Interjection*) No, why did the airline not come in September 2021, as he said it would? And why is he more confident that they are likely to come in the future? He has not answered that question. He has come up, again, with a party-political point, just to criticise me.

1245 **Hon. V Daryanani:** Mr Speaker, first of all, he should do his homework when he comes to Parliament, because he is absolutely wrong. Wizz did come back in September, so you need to get your facts right. Wizz did come back in September and then they pulled out at the end of the year.

1250 **Mr Speaker:** Next question.

Q540/2022
Expected flight disruption during Christmas period –
Update

Clerk: Question 540/2022. The Hon. D J Bossino.

1255 **Hon. D J Bossino:** What update can the Government provide in connection with the expected disruption in flights from the UK due to industrial action in the UK over the Christmas period?

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

1260 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the industrial action will affect inbound flights to the UK. This disruption is aimed at the UK market. We have no updates from the airlines, only that of extended queueing times on arrival in the UK.

1265 **Hon. D J Bossino:** Yes, Mr Speaker, and in fact what prompted the question was an article which appeared. I then could not locate it. It has actually become topical again because there was an article Monday's *Times*, talking about airport strikes and Border Force walkouts. In fact, there is a full entry on the UK government's website which talks about the planned industrial action which is being conducted by the Public and Commercial Services Union. It talks about the dates in respect of which there will be disruptions experienced, and unfortunately it is from this Friday, the 23rd, all the way through to the 31st, which is basically the Christmas period. It does affect a long list of airports and two of them are ones that we travel to, Gatwick and Heathrow. There is a comment both in this document that I have just referred him to and also in the *Times* article, which says:

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Flights impact of industrial action

We will work with operators and ports to understand the impact of industrial action on inbound flights.

I wanted to know whether there had been any contact with Gibraltar and, in particular, with his Ministry in relation to this. What are the operators telling him in relation to this? And is there information that he can then pass on to travellers and be of general assistance to travellers here on the ground?

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Hon. V Daryanani: Mr Speaker, the delay that is expected, as I said, is really in queuing inbound into the UK. We have not been approached by the operators and we have not been approached by the airports, so there is no information that we have been given that we can pass on. Really we are just privy to what we read in the press, like he does. I read in an article that the UK government was drafting in military personnel to see whether they could speed things up at airports, but we have not heard anything directly.

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Hon. D J Bossino: I understand that in very large measure this is action which is being undertaken that is going to be outside of his hands, clearly, but what I am really focusing on is what dialogue he can embark upon – and I would encourage him to do so – in order to then try to basically provide information to users, because the article also refers to the potential ... It is not just long queues, which seems to be the main effect of the industrial action, but potentially also – which is where the danger comes, as far as Gibraltar Airport is concerned – flight disruption. I think it is important ... I would have thought that the Minister can use his influence and his position to pick up the phone and speak to the operators and any other relevant authorities, so that information can be imparted to users when the time comes, which is now in the next 48 hours.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the information that the Government has suggests that it is unlikely to be Gibraltar that is affected by the flight disruptions, because those who are going to be on flights that are disrupted have received notices telling them that their flights are disrupted and those who are on flights to Gibraltar have not received such notices.

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The government of the United Kingdom appears to have averted the possibility that people will have to wait in aircraft, which could then have knock-on effects delaying aircraft. For that reason, as the Minister has already told him, we have no information to impart to travellers and we have not had to pick up the phone to try to assist, but we would if we felt it was necessary. It has not been necessary yet to do that, because no such information has been brought to our attention.

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Hon. D J Bossino: I am grateful for that helpful reply from the Hon. the Chief Minister.

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I appreciate that the Speaker may not allow this question because it may not directly relate to it, but does he have any comment to make in relation to there not being on-ground staff, I am told? It is slightly related because if we did have on-ground staff from the various airlines that operate to and from Gibraltar, it would assist in terms of imparting information, which is really the main topic of this question-and-answer session in relation to this issue. Does he have any comment in relation to that? We do have flight handlers, but I understand that Gibraltar Airport no longer has on-ground staff, which would, I think, assist quite a lot in giving out useful information to travellers when they are here.

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Hon. Chief Minister: Mr Speaker, the position in relation to on-ground staff has been established in Gibraltar, as I understand it, since we came into office in 2011, something that pre-dates us. Having on-ground staff is something which is now unusual in many airports. Airlines use ground handlers for all their on-ground needs. That is the case sometimes even in airports as large as Malaga Airport in respect of some very large and established airlines. That seems to be the way the airlines are moving and the Government has no comment in that respect, Mr Speaker.

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Mr Speaker: Next question.

Q541/2022
Landport tunnel –
Upkeep and cleaning

Clerk: Question 541/2022. The Hon. D J Bossino.

1325 **Hon. D J Bossino:** When will the Government upkeep and clean the entry point into the city centre, namely Landport Tunnel?

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

1330 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** The Landport area is swept daily and flushing takes place monthly. Furthermore, as and when it is required or when we are notified, cleanliness in the area is tackled.

Hon. D J Bossino: Once again, Mr Speaker, I have seen it myself and there is also photographic evidence which suggests the contrary.

1335 I appreciate that the hon. Member, in answers to questions that he has provided to this House in the past – and, in fact, I think it formed part of his Budget address – is wanting to refurbish, as part of a wider refurbishment, the whole area, which is actually the answer I thought he was going to give, but can I tell him that it is not quite what he is telling us? In fact, it is far removed from the answer that he has just given us. There are walls which require a lick of paint, I am told even
1340 of cobwebs that are very visible, and indeed, clearly as a result of the heavy rain – certainly as a result of rain – there is actually water seeping through one of the lights in the tunnel. So, like in relation to the toilets, it may seem like a not particularly important matter to raise, but actually our view is that it is highly important because it is, again, a sight which greets people on their almost first entry through our city walls.

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Hon. V Daryanani: Mr Speaker, as the hon. Member said, there is a wider refurbishment plan there. I must say I have not been down to see the leaking walls that he is referring to, but it has been brought to our attention now and I will have it looked at, but there is a wider refurbishment and there are other financial priorities at the same time.

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Hon. D J Bossino: I am grateful for the conciliatory tone in which he has responded on this occasion, and I simply encourage him and ask him to deal again with this as a matter of urgency, fully acknowledging the fact that there is going to be a wider refurbishment. We had this type of debate in relation to the Frontier entry points, but it really ... I appreciate that there are other
1355 priorities, but I think a lick of paint would go a long way.

Hon. V Daryanani: Mr Speaker, I am keen, more than anyone, to have that area and all the areas in Gibraltar looking spick and span, so I can tell him that he has my word that I will look into it.

Q542/2022
Cruise liner terminal –
Refurbishment

1360 **Clerk:** Question 542/2022. The Hon. D J Bossino.

Hon. D J Bossino: When will Government, as a matter of urgency, refurbish the cruise liner terminal and surrounding area?

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

1365 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, this is currently being assessed and plans are being prepared for this purpose.

1370 **Hon. D J Bossino:** Again, as I mentioned in respect of my first question in relation to the coach park, it is the same theme. He said, in relation to the coach park, that the refurbishment programme was in progress. In relation to this, can he please advise this House when the cruise liner walls ...? It is the external walls particularly. They are in a really bad way. I have posted photos on social media, I think. If I have not already, I certainly will now because I need to make the point that this is something which really requires urgent and immediate action, particularly when we are getting, hopefully, more cruise liners coming through. He says he is doing a lot of work in terms of marketing and bringing them here, but then if, again, this is the first thing they see in Gibraltar, it does not really greet them with a particularly attractive sight, so can I urge him to do that as quickly as possible? Then, specifically, by way of further information, can he tell me when he thinks it will start and when he thinks the painting project will finish? He said refurbishments. I am focusing on the painting of the external walls, but maybe he can also answer what type of refurbishment will be carried out.

1385 **Hon. V Daryanani:** Mr Speaker, maybe next time he can vote in favour of a higher budget so I can spend and refurbish the cruise liner terminal. I can see Mr Clinton getting a bit nervous about that.

1385 The hon. Member asked a very similar question on the cruise liner terminal on 20th October, two months ago, and I refer him to the Hon. the Chief Minister's extensive reply on this because he raised the outer walls and he is raising them once again. I suggest he goes to *Hansard* and brings out that extract because the question he is asking me now ... the answer was given to him by the Hon. Chief Minister two months ago.

1390 Insofar as the refurbishment, there are refurbishments – (*Interjection*) There are different –

Mr Speaker: Please carry on.

1395 **Hon. V Daryanani:** We need to decide whether we want to carry out a full refurbishment or a part refurbishment, what is it that we want to do. At the end of the day, it all boils down to finances and that is why we are taking our time before we make a decision on how we want to progress this.

1400 **Hon. D J Bossino:** Mr Speaker, this drills slightly further. I have looked at the responses that were given in relation to this particular issue. My comment to the Hon. Chief Minister following his response was that the issues in relation to the negotiations with the EU and Spain may, I understand, have an impact in respect of the Frontier entry, but I could not understand why it would have necessarily any impact on the cruise liner terminal.

1405 I am not sure that he has answered the specific request for further information, which is when does he think he will be in a position to start and then finish the works, or is he nowhere near that position as yet?

1410 **Hon. V Daryanani:** Mr Speaker, I am working on this, so it will be during the lifetime of this Parliament.

Mr Speaker: Next question.

Q543/2022
Aviation conference –
Breakdown of costs

Clerk: Question 543/2022. The Hon. D J Bossino.

1415 **Hon. D J Bossino:** What was the cost of the recent aviation conference held in Gibraltar, to include the amount that the Government paid in respect of it broken down into the following headings: accommodation, travel, entertainment and use of conference facilities?

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

1420 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the cost of accommodation was paid by the delegates. Their travel was also paid by themselves. Entertainment and use of conference facilities were paid by CAPA. There was, therefore, no cost to the Government.

1425 **Hon. D J Bossino:** I am grateful for that answer, and I need to congratulate the Minister that the taxpayer has not had to incur any expense.

1430 Can I ask the hon. Member what comment he makes in relation to the timing of this? Presumably, given that there is the possibility of the shared use of the Airport and the benefits that we may derive – shall we put it in those terms? – in respect of the EU treaty, would it not have been better to have had certainty in relation to that aspect before holding this conference in Gibraltar?

1435 **Hon. V Daryanani:** Mr Speaker, CAPA has, I think, seven or perhaps even eight conferences a year in all sorts of destinations around the world. They decided that they wanted to hold this, their most important conference, in Gibraltar and it was supposed to take place in December of this year, but they took the decision over 12 or 14 months ago. For me and for the Government it was all about exposure for the jurisdiction and exposure for Gibraltar Airport, of course.

1440 **Hon. D J Bossino:** I appreciate that. I also appreciate that the event only occurred, I think, in the last month or two. Is he able to say whether he has been able to secure anything in the way of progress following from that as a marketing exercise? He rightly points out it certainly would have put, I imagine, Gibraltar on the map with these various airlines, but is he able to say whether there have been any substantive, positive developments arising from it?

1445 **Hon. V Daryanani:** Mr Speaker, I am not prepared to make any comments at this stage because that would lead to speculation. I will only make any announcement once the ink is dry on the contract.

1450 **Hon. D J Bossino:** I had another question, but given the answer, this question certainly arises from that answer. When he is saying when the ink is dry on the contract, is he telling us that there is a possibility of something substantive happening but he is in the throes of negotiations? That in itself, I think, is information which he can disclose to the House and to the public. Is he saying that there are negotiations in place in respect of something substantive coming through, or is he not even prepared to tell me that?

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Chief Minister (Hon. F R Picardo): Mr Speaker, if we make an announcement that we are pursuing a particular objective and then that objective does not materialise, hon. Members accuse us of creating hype and then it comes to nothing. If we do not make an announcement about something that we may be trying to pursue before it is fixed, hon. Members ask us to give them

1460 information about each stage of the approach. So the approach that we are taking, on the advice
of the Hon. Mr Clinton, is that we are not going to make announcements about things until the
ink is dry on the paper of the arrangements that are to be announced. They cannot advise us to
do both of those things – they can advise us to either make announcements when things are fixed
or they can advise us to make announcements as we are ongoing in discussions of things – and so
1465 we are taking the advice to wait until things are fixed before we make the announcements.

Hon. D J Bossino: Fair enough, Mr Speaker. I do not intend to pursue the matter further. I think
that question was more than capable of a shorter reply. I offered to him the answer he could have
given me, and now I get – *(Interjection by Hon. Chief Minister)* Yes, fine. We can leave it –
1470 *(Interjection by Hon. Chief Minister)* Mr Speaker, we can leave it there.

This is my final question. In relation to costs, can he say whether there is anything beyond the
four subheadings that I provided which has incurred a cost to the taxpayer?

Hon. V Daryanani: Nothing in relation to this conference.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q575-76/2022

Ambulances –

Ambulance fire; date of arrival of new ambulances

1475 **Clerk:** Question 575/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain why an ambulance caught fire in
late November 2022?

1480 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, I will answer this question together with Question 576.

1485 **Clerk:** Question 576/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state when the promised new ambulances
will arrive in Gibraltar?

1490 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, I am informed that an ambulance had an issue with a battery
overheating but at no time did the ambulance catch fire.

1495 As the hon. Member will be aware, there are delays with the delivery of all vehicles for reasons
unrelated to Gibraltar. Notwithstanding, I am pleased to report that we expect the arrival of the
new ambulances in the first quarter of 2023.

1500 **Hon. E J Phillips:** Thank you for the answer. Just in relation to Question 576 and the answer
the Minister gave, have there been any concerns expressed by paramedics or drivers of these new
ambulances in relation to the technical aspects? The Opposition are reliably informed that they
have expressed some concerns to the Ministry, or at least those who are responsible for this area.

Hon. A J Isola: Mr Speaker, I am not aware of any concerns being expressed by anyone in relation to these ambulances.

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Mr Speaker: Next question.

Q577/2022

Prescriptions –

Number of people paying due to change in policy

Clerk: Question 577/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Health confirm how many people are now required to pay for their own prescriptions in light of the change in prescription policy at the GHA?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):

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Mr Speaker, the GHA have no data and no method of collecting data with respect to patients who have elected to continue with medicines the GHA no longer supports. The vast majority of patients have transferred successfully to alternative medication which both clinicians and patients have been content with.

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Hon. E J Phillips: Mr Speaker, I receive a number of representations almost on a monthly basis, and I am sure the Hon. Minister does as well, in relation to those particularly vulnerable individuals from low income families who are very concerned about the escalating costs of some of these prescriptions that they require. I know there is an internal debate as to whether they are a requirement or more generic medicine can be supplied insofar as the ailment. What can the Minister say, in terms of reassuring those members of the public who come to me, and indeed must come to him, about their access to these things? They are finding it very difficult to make ends meet when it comes to some of these prescription costs, which are very significantly different to what they were before.

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Hon. A J Isola: Mr Speaker, again, to put these things into context, there are 67 people who have made an application to the committee to have their cases reconsidered. Thirty of those have been approved and accepted, there are 30 that have not and there are seven that are pending. So before we create this huge turmoil in relation to this issue, there are actually very few. Obviously, as time goes by, we may get a couple more. Most of them have been dealt with and mostly in the more senior members of our community.

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In order for the committee to accept the change, there has to be the support of the clinician. It is not just a case of saying, 'I prefer that one,' or 'I like this one.' There has to be a clinical reason as to why you cannot change. There are instances where people have accepted the medicine and then had an adverse reaction, it has gone back to the committee, they have reversed it and it has been accepted; so it is fluid – and there are some that have not been accepted for good reason.

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If you look at the formulary which is being used to decide which medicines are on and which medicines are off, it is a very extensive amount of work that went into deciding which ones were and which ones were not. It was not a simple mathematical with a pound sign on it calculation. The guidance from the NHS was used, the UK formulary was used, NHS guidance and NICE guidance, in particular technology appraisals were used. The British National Formulary editions 82, 84 guidance notes have been used. Three major reference formularies in England have been used; consultation with local – in Gibraltar – medical consultants, both visiting and based in the

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1550 GHA; consultation with other key health professionals, local practice preferences; and another factor, the cost of alternatives and availability. So the cost is one of eight or nine different points that were considered in arriving at this formulary.

1555 So my answer would be the vast majority, 99%, have transitioned with very little difficulty. Some have ... we are dealing with those, and where there is a genuine problem, we are seeking to help and support them either transition or revert and stick to the medication that was working better for them. At the end of the day, it is the patient's needs that count and that is what the committee is very much focusing on. I hope that helps.

1560 **Hon. E J Phillips:** That is an extremely helpful answer and I think it will reassure members of the public – particularly the senior members of the public who have difficulty with paying for these, which sometimes amounts to £100-£150 a month and for those in their senior years on limited pensions it can be the difference between ... I am only [inaudible] but there is a difference, so I am grateful for that answer.

1565 Just one aspect. It appears from the statistic that the Minister helpfully gave me that just under 40% have already been approved insofar as dispensation is concerned over that cost. Is there a discretionary element to the approach as well? I know that there are seven pending, for instance. Is there a discretionary element that takes into consideration means, as well as the other clinical tests that the hon. Gentleman set out?

1570 **Hon. A J Isola:** Mr Speaker, there is a Drugs and Therapeutics Committee which considers each case. They look at the recommendation of the consultants or the GP who is looking after the patient, as well as representations from patients themselves. So, yes.

Q578/2022

Verbal or threatening physical abuse of GHA staff – Number of complaints

Clerk: Question 578/2022. The Hon. E J Phillips.

1575 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of complaints received in respect of verbal or threatening physical abuse occasioned by members of the public towards GHA staff in 2022 so far?

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

1580 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, there have been 66 complaints received in respect of verbal or threatening physical abuse recorded in 2022 across the entire GHA and its services. Forty seven of these complaints were in respect of verbal abuse and 19 in respect of physical abuse. The location of the incidents of physical abuse was as follows. Community Mental Health: Coaling Island, one; Ocean Views, eight; and St Bernard's Hospital, 10.

1585 There were four occasions when police were called. Two were for physical abuse and another two for incidents where the patient made threats towards staff. As the GHA and Government have publicly stated, any form of abuse to our dedicated staff at the GHA will not be tolerated and will be reported for process.

1590 **Hon. E J Phillips:** Mr Speaker, I think everyone in this House will not tolerate abuse of our medical professionals, and there should be zero tolerance of that.

1595 Just one question that follows from that. Of course we have had incidents in the past where
very significant physical harm has been attributed to a medical professional. I think we all know
that particular case. I just wanted to know whether any security measures had been reviewed,
particularly given the fact that the majority of those physical abuses seem to happen at
St Bernard's Hospital. I appreciate that some of the situations arise in the context of mental
health, where it is very sensitive and very difficult, but mostly people are trained to deal with these
incidents. Has the Minister undertaken a review of the security arrangements at this particular
institution so that we can try to mitigate the potential for physical violence against our GHA staff?

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Hon. A J Isola: Yes, Mr Speaker, this is one of the issues that we are looking at in terms of the
current incumbents as porters, as to whether there can be better, more effective use made of
them, as well as potentially an entry system, some form of registration system. These are part of
the plans in the review that we are working our way through, and this is one of the areas that is
also being looked at, yes.

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Q579/2022

**Children aged 16 and under seen by GPs at PCC –
Number in 2022**

Clerk: Question 579/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, in 11 months in 2021, 11,900 children aged 16 and under were
seen by GPs at the PCC. Does the Government have the statistic for 2022 so far?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, the number of children aged 16 and under seen by GPs at the Primary Care Centre
between January and November 2022 was 10,488.

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Q580/2022

**Radiology scans –
Number of people waiting over three months**

Clerk: Question 580/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Health confirm how many people have
waited over three months in 2022 for radiological scans, namely (i) X-rays, (ii) ultrasound, (iii) CT
and (iv) MRI?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, I am informed that currently there are no patients who have waited over three
months for a routine or urgent radiology investigation. If a patient has been scheduled beyond
three months, it is because the scan is planned and intended to be performed at a specific interval,
for example a follow-up scan.

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1630 **Hon. E J Phillips:** This question might slightly go out of the remit, but insofar as MRI ... If the Minister cannot answer it, I am happy to maybe deal with this separately with him in correspondence, or indeed raise it as a different question next time, but is the Minister aware of the potential donation of an MRI scanner from the prostate cancer charity and whether or not that has been accepted or rejected? It is just something that came to me from a constituent.

1635 **Hon. A J Isola:** Mr Speaker, I do not believe that information is correct. I am happy to have a discussion, because I know some parts of what the hon. Member is referring to, but I do not believe that is correct.

Mr Speaker: Next question.

Q581/2022

Gibraltar residents receiving treatment for cancer – Numbers by type of cancer

1640 **Clerk:** Question 581/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many people registered with the GHA and normally resident in Gibraltar are receiving treatment for cancer locally or with tertiary providers abroad, broken down into cancer type?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the number of people currently receiving treatment for cancer locally and in tertiary centres is as follows: brain, two; breast, 86 – if the hon. Member wants me to slow down, I will; gynaecology, 29; head and neck, 10; lower gastrointestinal, 49; lung, 31; melanoma, six; sarcoma, three; skin, non-melanoma, five; unknown primary – which is the place the cancer began is not known – four; upper gastrointestinal and hepato-pancreatic biliary, 12; urology, 42; and haematology, 11.

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Hon. E J Phillips: To clarify, those are individuals treated locally and by tertiary providers abroad, so that is the total combination of figures?

I am grateful for that answer. I think we will digest those and probably come back with further questions next time. Thank you.

Q582/2022

Gibraltar residents receiving treatment for heart or respiratory disease – Numbers by type

1660 **Clerk:** Question 582/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many people registered with the GHA and normally resident in Gibraltar are receiving treatment for (i) heart disease, or (ii) respiratory disease locally or with tertiary providers, broken down, in respect of heart disease, to acquired or congenital heart disease, or in respect of respiratory disease type?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):

1670 Mr Speaker, 974 patients are receiving treatment for heart-related diseases and 1,596 patients are receiving treatment for respiratory-related diseases, broken down as follows: asthma, 1,254; chronic obstructive pulmonary disease (COPD), 414; bronchiectasis, 68; emphysema, 44; pulmonary hypertension, five; pulmonary fibrosis, one.

1675 It is important to note that there are a number of patients who are under more than one of the disease groups described and therefore the numbers will not add up.

Hon. E J Phillips: Mr Speaker, I am grateful to the Minister. I think these are extremely interesting statistics about the state of health of those being treated by our providers, but also tertiary providers in Spain. I think the alarming figures in relation to heart disease and particularly
1680 respiratory disease are very significant.

One of the things we have debated in this House is the risk in the quality of our air and the impact it has on young lungs and the adult population. I wonder, has there been any assessment? There have been recent cases in the United Kingdom that have gone to the High Court and have attributed young deaths, for instance, to air pollution. Is there any data or any assessment as to
1685 the epidemiology of these particular diseases and how they have come about? It would be helpful to understand where respiratory disease ... Is it connected to, for instance, diabetes, which is a significant burden on our Health Service? But is this also related to lifestyle, particularly smoking, prevalence of smoking or indeed air pollution? I wonder whether the Minister might be a bit more helpful as to that. I know the Health Lifestyle Studies document is yet to be published in this
1690 regard, but it would be helpful just to have a bit more data in relation to that.

Hon. A J Isola: Mr Speaker, I think on the basis of this number, in both heart related and respiratory related, I would not jump to any conclusions, for the same reason that we discussed in this Parliament before, which is that 970 patients for heart-related diseases ... we immediately
1695 jump to the conclusion that those are the more serious ones. It could be somebody having a statin because they have a heart disease which requires a statin pill to be taken every day. So I think yes, at first shot they would appear to be high. We are doing, as part of the review to understand exactly what are the issues and whether they are not just high this year but where have they been in the past, so a comparison to understand what the normal levels are, because we do not know
1700 what they are to be able to compare them to these. Also, in doing that, you have to dive deeper into what the actual ailments are, to see whether we do have an unusual problem or this is normal.

Do not forget that when you talk about numbers of people using the GHA, we are not just talking about the 32,000 resident population. We are also talking about other entitled people who work here but do not live here and are also entitled to have GHA treatment. These numbers cover
1705 those too, so you are not talking about 32,000, you are talking about 45,000. All of these things have to be put into context before we can arrive at any conclusions as to what the impact is, or is not.

I would say what I said to the Hon. Leader of the Opposition last time we discussed numbers in this Parliament: great care needs to be taken with numbers not to jump to the obvious
1710 conclusion, which may be wrong. Work is going on to better understand the numbers, with the first step of diving deeper into what those actually are, how many of these heart diseases are serious, and the same with respiratory, and then what are the things that are causing them and can we do anything to help in that cycle.

So there is work going on. Obviously, the Director of Public Health is also involved on the
1715 respiratory side, in terms of the environment and everything else, which is important work too. What I would say is that we are fully aware of the numbers and there is work going on to see what, if anything, we should be doing more of now.

1720 **Hon. E J Phillips:** I am very grateful for that answer. Again, I think these are important questions for our community and I am grateful for the answers from the Minister.

1725 I think insofar as respiratory disease in particular and the high level, the significant proportion of those afflicted with this condition – 1,254 – have asthma. Potentially, and we are not experts but it is likely to be driven by environmental factors so far as those figures are concerned. You have mentioned the environment insofar as the Director General’s position and what he is doing within our community to drive that down, but isn’t the answer in Public Health? The only way our community can drive down the cost of health – and I am sure he will agree with this position – is to attempt to deal with lifestyle, health and the environment, so that we ultimately drive down the cost. Otherwise, healthcare will continue to escalate for many years to come and become uncontrollable. I know the Minister understands that and I know that his predecessor, Mr Costa, 1730 in his time in this House, understood that. I wonder what the Government is doing – my question is really focused on asthma prevention treatment – and, in particular, what is the Director General advising in respect of asthma?

1735 **Hon. A J Isola:** Mr Speaker, I would not be able to answer that question now because I do not want to give an answer that is in any way inaccurate. From my recollection of my regular meeting with the Director General, I may well fall foul of that, so I will be happy to write to him and give him more information in terms of what is being planned and programmed, not just with the DG but also with the Director of Public Health.

1740 **Mr Speaker:** Next question.

Q583/2022
Defective PPE –
Progress to recover sums expended

Clerk: Question 583/2022. The Hon. E J Phillips.

1745 **Hon. E J Phillips:** Mr Speaker, can the Government state what progress it has made to recover the sums expended on defective or otherwise faulty PPE in respect of Gibraltar’s COVID-19 response?

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

1750 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, as my colleague Minister Balban confirmed in July 2020, all PPE purchased by the GHA was compliant, with the exception of two consignments. Although the two consignments were not compliant with the FFP3 standard for use by clinicians, they were appropriate to be used by visitors to the Hospital and were consequently deployed at the entrance for this purpose. The cost of both consignments was reduced by over 70%, ensuring that the GHA paid the cost of 1755 normal face coverings and not FFP3 standard.

Hon. E J Phillips: So to be clear, 70% of the cost that was paid out for these face masks was recovered by the Government directly from their own arrangements, never paid?

1760 **Mr Speaker:** Next question.

Q584/2022
Mental health budget –
Breakdown of spending

Clerk: Question 584/2022. The Hon. E J Phillips.

1765 **Hon. E J Phillips:** Mr Speaker, further to Q282/2022, the Minister confirmed to me in writing that £1,483,238.47 of the total mental health budget was attributed to counselling/psychologists and psychiatrists. Can the Minister now confirm how the balance of the £5.7 million mental health budget, less the £1.4 million-odd, is spent?

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

1770 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I am now handing over a schedule to the hon. Member.

Answer to Q584/2022

GIBRALTAR HEALTH AUTHORITY - MENTAL HEALTH EXPENDITURE (excluding Consultants)	ESTIMATES 2022/23
	£
<u>Recurrent Payments</u>	
<u>Personal Emoluments</u>	
(1) Salaries	2,516,749
(2) Overtime:	
(i) Conditioned	13,451
(ii) Emergency	0
(iii) Manning Level Maintenance	6,724
(iv) Discretionary	0
(3) Allowances	182,131
(4) Gratuities	0
(5) Employer's Social Insurance Contributions	181,440
(6) Employer's Pension Contributions	304,043
<u>Industrial Wages</u>	
(7) Basic Wages	290,388
(8) Overtime:	
(i) Conditioned	0
(ii) Emergency	0
(iii) Manning Level Maintenance	0
(iv) Discretionary	0
(9) Allowances	805
(10) Employer's Social Insurance Contributions	37,580
(11) Employer's Pension Contributions	12,860

Answer to Q584/2022

GIBRALTAR HEALTH AUTHORITY - MENTAL HEALTH EXPENDITURE (excluding Consultants)	ESTIMATES 2022/23
	€
<u>Other Recurrent Expenditure</u>	
(12) Relief Cover	0
(13) Visiting Consultants Fees and Expenses and Other Contracted Medical Services	0
(14) Recruitment Expenses	0
(15) General Expenses	0
(16) Electricity and Water	136,061
(17) Telephone Service	0
(18) Printing and Stationery	2,468
(19) Computer and Office Equipment Expenses	0
(20) Postage Expenses	0
(21) GPMS Prescriptions	0
(22) Drugs and Pharmaceuticals	0
(23) Medical Departments	7,520
(24) Medical and Surgical Appliances	0
(25) Uniforms and Protective Clothing	0
(26) Patients Appliances	0
(27) Dressings, Aids, Medical Gases and Tests	0
(28) Provisions	7,955
(29) Laundry Expenses	0
(30) Cleaning Expenses	49,320
(31) Transport Expenses	0
(32) Fuel and Gas	0
(33) Compensation and Legal Costs	0
(34) Official Visits and Functions	0
(35) School of Health Studies Expenses	0
(36) Insurance Expenses	0
(37) Sponsored Patients	179,116
(38) Dialysis	0
(39) Rents and Service Charges	0
(40) Registration Board	0
(41) Repairs and Maintenance	0
(42) Disposal of Clinical Waste	124,673
(43) Techno-Medical Services provided by GEA	0
(44) Other Maintenance Agreements	144,413
(45) Contribution to Gibraltar Development Corporation - Staff Services (i)	0
(46) Fire Prevention	0
(47) Ex-Gratia Payments	0
Rentals:	
(48) Europort Paediatric Centre	0
(49) Europort PCC - New Build	0
(50) Information Management & Technology - Europort	0
(51) Finance & Procurement Europort	0
(52) Hospital Rental	0
Contracted Services:	
(53) Security Services	0
(54) Upkeep of Planted Areas	0
(55) Radio Communication System - Gibtelecom Ltd	0

Hon. E J Phillips: Mr Speaker, if I can perhaps digest the schedule and, if I have a question, come back to it, and we can get on with the rest of the questions, I would be grateful.

Q585/2022

**Withdrawal of cheques –
Reason for implementation in Gibraltar**

Clerk: Question 585/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government confirm that the Gibraltar Bankers' Association consulted it on the withdrawal of cheques by 31st December 2023; and, if so, why does it agree this should occur in Gibraltar before the United Kingdom, where this was shelved due to objections from stakeholders?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, His Majesty's Government of Gibraltar has indeed been consulted by the Gibraltar Bankers' Association on this matter and I can confirm that the Government fully supports this initiative. HMGoG will continue to work closely with the Gibraltar Bankers' Association on this matter in order to ensure a smooth transition over the next 12 months and to work with any sector that requires assistance during this period.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Minister's answer. Is the Minister aware of the House of Commons Treasury Committee having opened an inquiry in February 2010? The result was that the idea that had been floated to abolish cheques by 2018 was actually shelved and that, I quote, 'cheques will continue for as long as customers need them'.

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To what extent is the Minister satisfied that all stakeholders have been consulted? In the United Kingdom, charities in particular were vocal against the abolition of cheques because that would affect their cashflow. We have all seen in the local paper that whenever there is a charitable donation there is a great big cheque prepared, which everybody stands in front of. To what extent is the Minister satisfied that that sector will be protected? And can the Minister comment as to what the motivation for this is? There are now image-scanning and processing systems which speed up the clearing of cheques, so what is it that is driving the banks to abandon the cheques, whereas obviously in the UK they have not been able to?

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Hon. A J Isola: Mr Speaker, obviously the hon. Member is aware, as a former banker, that those big cheques presented on GBC Open Day are not taken to the bank and money given in value for them. Well, they could be, but I think they are not, and I think he would accept that they are not. *(Interjection)*

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There is an enormous difference between the United Kingdom and Gibraltar, especially in this. Why? Because in the United Kingdom, cheques are cleared by a central clearing agency on behalf of all of the banks. That same clearing system was withdrawn in Gibraltar, so today there is no clearing system for cheques in Gibraltar. The only way that banks that issue cheques can clear them is by physically sitting around a desk with representatives from each bank once a week, twice a week – every day, as it used to be – to clear those cheques by swapping cheques with each other.

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The Bankers' Association has long sought to move away from cheques. Cheques are used less and less frequently. They are not accepted in most places, and certainly most retail shops in Gibraltar – I have not seen one presented there for a very long time – and so it was the obvious step in terms of going to the next level. Let the banks work more efficiently through the more traditional methods of payment, primarily through cards.

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As I said in my answer, if there are specific associations – for example, charities – that require help, we will sit down with the banks and find a solution that works for them, but to keep a system going within our banks that does not work for the banks and requires them to go to extreme cost

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on a regular basis, every week, to sit round a table and pass cheques from one to the other, does not appear to be the right way forward.

1825 **Hon. R M Clinton:** Mr Speaker, of course I understand what he is saying and I am happy to be corrected, but I thought cheque clearing had long since left Gibraltar ... than they have done in the UK, in any case, certainly in terms of electronic scanning of images, so in that sense I do not see any cost or great efficiency gains. I can appreciate the banks will want to abandon what is a very old system of payment going back to Victorian days, but can the Minister advise ...? The GBA
1830 did say in their statement they had consulted stakeholders. Is he aware of whom they consulted?

Hon. A J Isola: Mr Speaker, I know they engaged with a number of different associations. I am not sure which ones those were. I would not be able to say with any degree of certainty every single association they talked to. I believe they made some public statements as well, inviting
1835 comments from the general public at large, and I think they also obviously consulted with Government on the proposed steps and the timeline. There is 12 months until this happens, so there is plenty of time to find the problem areas and seek to address them.

Hon. R M Clinton: If I may, one last supplementary, Mr Speaker, just to bring to the Minister's
1840 attention a comment that was made to me by a signatory to an association. I would interested to hear what the Minister's thoughts would be. Most associations require two signatories to a cheque. I appreciate in bigger organisations, where there are more sophisticated banking payments, you can have somebody who sets up the payment, somebody else who releases it and somebody else who authorises it, but in a small club or an association where they rely on the
1845 control of two signatories on a cheque ... What comfort are the associations going to be able to get without having to obtain an expensive banking system?

Hon. A J Isola: Mr Speaker, I am sure that electronic banking has facilities to enable two people to authorise or approve. It may not be by co-signing a cheque, but I am sure there are electronic
1850 means of signifying consent to a payment transfer. I am sure that is already in place. But again, we will look at it with those affected or impacted by it over the next 12 months.

Mr Speaker: Next question.

Q586/2022
GHA clerks –
Employment company

1855 **Clerk:** Question 586/2022. The Hon. D J Bossino.

Hon. D J Bossino: Which company is employing clerks at the GHA?

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

1860 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the GHA has contracted specialist skills support through a local firm. This is specific and temporary. The GHA is not subcontracting clerks.

1865 **Hon. D J Bossino:** Can I drill down a bit further on the answer? He mentioned a specific firm. I said which company. Is it a limited company? And if so, can he provide details of the name of the limited company?

Hon. A J Isola: Yes, Mr Speaker, it is MBS, which is a limited company.

1870 **Hon. D J Bossino:** I have done research on a company called Micro Business Systems Ltd. Is it that one? Is MBS the trading name? Could I have the name of the company?

Hon. A J Isola: I assume; I do not know. I have been given the name MBS. I assume it is one and the same – I *assume*.

1875 **Hon. D J Bossino:** Maybe if I write to him, he can confirm the position.

Why is this arrangement being entered into? He referred to a specialisation, I think, but the information that has come to me is that it is not a specialised service which they are providing. Basically, there are young individuals who are acting as clerks specifically – and I put it to him so I can give him an opportunity to answer – in the children PCC. Can he comment in relation to that?
1880 I have some further information which suggests that one of them was then assumed as part of the employment core of the GHA – started off with this company and then employed by the GHA.

Hon. A J Isola: Mr Speaker, if somebody applies for a position – and I do not know this to be the case – and is working for someone else and then is successful in the position and moves over ...
1885 I do not know, but that would be a simple and logical explanation.

My information is that the people providing the support are doing things like scanning of medical records. There is a huge amount that requires to be scanned and that is why MBS – which is a technical company, I guess – is providing that support. That is my information.

1890 **Hon. D J Bossino:** So I imagine it is a bespoke service that they are providing. Can he provide further information as to ...? I assume there is some sort of contractual arrangement between the GHA and MBS. Can he provide details in relation to that – how long for, what the cost to the GA is, how many individuals are being employed to do the scanning jobs and for how long?

1895 **Hon. A J Isola:** Mr Speaker, I said in my answer that it was specific and temporary. I do not have any more details on that, but I will be happy to find out and write to the hon. Member to inform him of those details.

Hon. D J Bossino: I did not quite catch the last bit, Mr Speaker.

1900 **Mr Speaker:** He will be writing to you with the details.

Hon. A J Isola: I do not have [*Inaudible*] there is a contract in place for what period. I will write to him and give him those details.

1905 **Hon. D J Bossino:** What is the rationale behind this? Is it because – I think I offered it to him in one of my supplementaries – that expertise is not available? Scanning documents does not seem to be a particularly arduous task – or is it that the complement of individuals they have there are busy doing other things? What is the thinking behind employing the services of this company?
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Hon. A J Isola: Mr Speaker, the GHA does not have people who have free time on their hands to scan medical records, and obviously, rather than employ people and then have to keep them on after their job is finished, it makes much more sense to bring people in for a specific purpose for a short period of time under a contract and then move on.

Q587/2022
GHA vacant posts –
Number filled

1915 **Clerk:** Question 587/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many of the 54 vacant posts in the Gibraltar Health Authority arising from the answer to Q293/2022 had been filled at 13th December 2022?

1920 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I am informed by the GHA that further to Q293/2022, nine of these vacant posts had been filled. Additionally, a further nine posts have been advertised and 36 posts remain vacant with a view to progressing these in January 2023.

1930 **Hon. K Azopardi:** I am grateful to the Minister for giving me that answer. He gave me a long list, a helpful list – because he did not have it last time when I asked him that question – broken down by speciality. I am not going to go through all of those, because of course they are quite detailed. I just wonder how much he has got in front of him. For example, one of the pending vacancies on the list that he gave me in the letter in November was a diabetes nurse specialist, and I understand that ... Obviously, all of those posts are important functions, but in particular there is quite a need for that. Is that one of the posts that has been filled now?

1935 **Hon. A J Isola:** Mr Speaker, I am delighted to say yes, one vacancy has been filled and two vacancies have interviews scheduled for 10th January 2023.

1940 **Hon. K Azopardi:** Do I take it from that answer that the GHA intends to have three trained diabetes nurses in post by January 2023?

Hon. A J Isola: I am talking about within the Department. I am not sure if they are all diabetes nurse specialists. The diabetes nurse specialist vacancy has been filled and there are two others being interviewed on 10th January 2023.

1945 **Hon. K Azopardi:** I see, but does he have further information on that? On the list of 54 I could only see one diabetes nurse specialist. It was not obvious to me that anybody else fell into that category – although there might be, obviously. Does he have any information that would expand on that answer? And does he have any other information in relation to the filled posts that would help me also understand what exactly is being filled right now?

1950 **Hon. A J Isola:** Mr Speaker, if the hon. Member wants me to write to him with which of them have been filled, I will happily do that.

1955 In respect of the diabetes nurse specialist, that position has been filled, but there are two others, which may have been called something else within that Department, that are being interviewed on 10th January. I think that is the answer.

Hon. K Azopardi: And do I take it from the original answer he gave me that the plan would be that all these vacancies would have been filled by January 2023?

1960 **Hon. A J Isola:** No, Mr Speaker. The GHA, by the very nature of its size, with over 100 employees, will always have vacancies. People move in and people move out. The vacancies that the GHA believe are necessary for them to fill will be the first ones they move in on, as they

1965 have done since we spoke last, when 18 of those have been ... not removed, because nine have been filled and nine are pending interviews, but the balance of those will continue to be recruited in the order of priority the GHA has set for them. So they will get on with that in January. Will they finish them all, the 36 pending, by January? I do not know, but progress will begin in January on those pending ones.

1970 **Hon. K Azopardi:** Yes, that is what I was asking. I was not making the point that there will not be vacancies in January. I appreciate that with an entity as large as the GHA new vacancies will arise. I was just asking the question whether by January they are expecting to fill the vacancies or they are putting the motion in place by January for the rest of the 36 posts but do not expect them to be filled until later. That is really what I was asking.

1975 **Hon. A J Isola:** Mr Speaker, I think if one reflects in the context of what we are talking about – we are talking about a GHA with over 1,100 people employed – to have 36 vacancies at any one time is actually a very small percentage and one that most HR people in respective businesses would think is quite a low number of vacancies or positions open.

1980 **Mr Speaker:** Next question.

Q588/2022
COVID self-isolation periods –
Review

Clerk: Question 588/2022. The Hon. the Leader of the Opposition.

1985 **Hon. K Azopardi:** Mr Speaker, does the Government intend to review the current COVID self-isolation periods?

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

1990 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the next Strategic Contingency Group meeting will take place on 31st January 2023, where a review of the current COVID self-isolation periods will be undertaken.

1995 **Hon. K Azopardi:** We will await, obviously, that review, but can I ask him, in advance of that review ...? There have been changes – for example in England, which now has quite distinct ... there are different periods now, clearly. That review took place months and months ago. What was the advice that was being received by the Government in relation to the factors in Gibraltar that withheld that review until late January next year?

2000 **Hon. A J Isola:** Mr Speaker, I am not familiar with the exact details of what those may or may not be, but the hon. Member may be aware that, for example, we have reintroduced masks to be worn within the Hospital. I think the situation, especially now, with the traditional winter, with the blend of influenza, the traditional influenza, with COVID and with other elements which we will discuss shortly ... there is reason to be a little bit cautious, and so I think the timing of this Strategic Contingency Group, on which I do not sit ... will consider all of the advice of the professionals and come back with their recommendations to Government as to what they think should be implemented. I do not want to pre-empt what those discussions may be by opining that we should or we should not. I think it is very much up to them and for us to be driven by what they advise us to do.

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Q589-90/2022

Strep A –

**Number of cases diagnosed;
measures to increase awareness and actions when cases arise**

Clerk: Question 589/2022. The Hon. the Leader of the Opposition.

2010 **Hon. K Azopardi:** Mr Speaker, how many strep A cases have been diagnosed in Gibraltar by Gibraltar Health Authority personnel at 13th December 2022?

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

2015 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 590.

Clerk: Question 590/2022. The Hon. the Leader of the Opposition.

2020 **Hon. K Azopardi:** Mr Speaker, what measures are the GHA taking to make the risks and symptoms of strep A better known in the community and what is it doing to deal with any cases that arise?

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

2025 **Hon. A J Isola:** Mr Speaker, as at 13th December 2022 the Gibraltar Health Authority has diagnosed 55 cases of strep A.

2030 All strep A information has been made public by the Director of Public Health in relation to the signs and symptoms of streptococcal infection, including advice to parents. Information has also been sent to head teachers of schools, so that they are also aware of the signs and symptoms and exclusion periods required from school. The Care Agency have been briefed by the Director of Public Health, so that those caring for children in care are aware of the signs and symptoms also. The Director of Public Health has been working closely with many Departments across the GHA to ensure that all staff are aware of the signs and symptoms of group A streptococcal infection. This includes staff working in A&E, 111, the Primary Care Centre and Paediatrics.

2040 **Hon. K Azopardi:** Mr Speaker, I am sure the hon. Member has seen there has been quite a lot of discussion in the UK about strep A, and some cases are mild but there have been a minority of very serious cases and, indeed, fatalities. I am sure he will join me in wishing that we ensure that information is disseminated in the community on the issue and that we do the utmost possible to make sure that all these cases are diagnosed and kept under control as much as possible.

2045 Can I ask him, does he have information about the age groups of the 55 cases? Does he have that information? Can he say whether, in addition to the steps they are taking, perhaps a campaign of public awareness on the symptoms would be useful?

2050 **Hon. A J Isola:** Mr Speaker, I think it is important to recognise that strep A is a common bacterial infection. Its impact on children is more regular because of the mixing that the natural children's behaviour will lead to, social mixing, and also because of the climate – we are in the winter. But I think, again to put it into perspective, there are zero cases in Gibraltar of invasive group A streptococcal, which is the infection that is so dangerous, and a key part of that, as he will know from what he has seen in the United Kingdom, is early intervention, looking at this and catching it early, which is why I mentioned earlier that the Director of Public Health has taken the steps she has to engage directly with all the different agencies, including the Department of Education and the Care Agency, that deal with children, to ensure that we can spot this early. In addition to that,

2055 press releases have already been issued informing the public and raising awareness within the public of what those symptoms are, so that parents also can be aware of what these are, to make sure we spot it early and ensure that we carry on to enjoy the good record of zero cases of invasive strep.

2060 I think we are doing well. I do not have any of the details of the ages, but most of them, I think, are younger. From January to August, so eight months of this year, there were 31 cases, and from September to December, a far shorter period, there have been 24, so the propensity in the cold of winter is far higher than it is in the rest of the period. I hope that helps.

Mr Speaker: Next question.

Q591/2022

Emergency response –

Measures under consideration re Coroner's recommendations

2065 **Clerk:** Question 591/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what measures are being considered by the GHA in response to the recommendations made by the Coroner in relation to the recent case of an emergency response in a case where a 36-year-old man died?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):

2075 Mr Speaker, as confirmed by the Director General in his interview with GBC last Friday, I can confirm that further to the Coroner's recommendations, these have been welcomed and will be adopted by the GHA. The Director General is currently considering the steps required to give effect to these recommendations.

2080 **Hon. K Azopardi:** Mr Speaker, I am sure the hon. Member will agree that this was a serious case. Some of the facts that emerged in the Coroner's inquiry were that the first responders sent were not trained to fully assist the patient in cardiac arrest, the second ambulance was dispatched and sent to the wrong address, and then, by the time paramedics attended, 22 minutes after the collapse, the person had suffered irreversible brain damage. I am sure everyone in this House joins me in saying that this is an incident we would not want to be repeated and we would want the recommendations of the Coroner to take effect as much as possible. With the seriousness of the case in mind, has the Minister spoken to the CEO about the importance of the immediacy of any recommendations being implemented?

2090 **Hon. A J Isola:** Mr Speaker, as I mentioned in my answer, the work the GHA will do and the strategy they are preparing will go beyond the recommendations of the Coroner.

2095 I think ever since this incident happened, the GHA has been working very closely with the Gibraltar Fire and Rescue Service to make improvements immediately, but of course the improvements are more fundamental than at first blush. It will require a number of steps to be taken to get to where we want to get. Hence my mention of the strategy being designed by the Director General, because we are going to be working in a slightly different way moving forward with GFRS, with the GHA, with those answering the phones and those responding, as well as the use of technology in how these are recorded, to ensure that there is a more efficient system of communicating with ambulances to avoid, precisely, wrong addresses being given. So there are a significant number of steps that require to be taken, which the GHA is working with the GFRS and

2100 the Police to put in place, which will address all of the Coroner's recommendations and go beyond them as well.

At this moment in time I do not want to go any further than that in terms of what those details could be, but I would be very happy to share them with the hon. Member as and when we are in a position to firm these up in very early January.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

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

2110 I would just like to pick up a point that the Hon. Minister just made, that obviously they are talking and working with the GFRS, because clearly the GFRS is the agency that takes the calls initially, from what I understand. My question is: is it on the cards that they might extract this extra layer of GFRS? From what I understand, this extra layer can tend to cause inefficiency, so if we did not have this extra layer, would we be more efficient and more robust as an emergency service?

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2120 **Hon. A J Isola:** Mr Speaker, the system we have in place has been operating well for many years. I do not think anybody should draw any conclusions from what the hon. Lady has said, that anybody has or has not done a good enough job or has not been doing what they are meant to have done. What I am talking about is accepting the recommendations of the Coroner and going beyond those to revisit everything in how we manage, from the call to the collection of that patient in an ambulance and delivery to hospital, to ensure that we get a far better service than we have had in the past with the use of working close together, using technology and getting everybody around the table to find what is the best possible service for Gibraltar. I do not want to go into what the details of that will or will not look like, for the reasons I have already explained to the Hon. the Leader of the Opposition, but as and when we are ready I certainly will.

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2130 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I could just clarify for the hon. Gentleman, I never said that people were not doing their job or delivering a good service; I just know that it is an ongoing debate that this extra layer can add to the time lapse and inefficiencies. I just wanted an update, because I have asked in the House before as to whether it is a live consideration. I am not suggesting that anybody is doing a bad job. On the contrary, I think these are the restrictions that we have, despite everybody doing a good job.

2135 **Hon. A J Isola:** Mr Speaker, we will adhere closely to the advice of the professionals in coming to the best conclusions we believe are appropriate for looking after this very important facility in Gibraltar.

Mr Speaker: Next question.

Q592/2022

Digital services –

Money spent in each year from 2017 to 2022

2140 **Clerk:** Question 592/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how much money has been spent on (1) hardware, (2) software, (3) personnel, (4) equipment, (5) contracted services and (6) consultants in connection with the computer or information technology infrastructure of the Government or its digital systems or

2145 e-Government services over each of the financial years 2017-18, 2018-19, 2019-21 and 2021-22, broken down by financial year and by each of the six individual items in the question?

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

2150 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, it is not possible to answer the question to the level of detail requested by the hon. Member in the time available. I will revert to him with an answer as soon as the information can be compiled and he has clarified the heads of expenditure requested in order to provide a full answer, because of the overlap it causes in terms of the six items he has detailed. The work requires the Department to go through each and every single head over that period of time, and
2155 to have a clear understanding of the heads requested I would require to speak to the hon. Member to get clarification.

2160 **Hon. K Azopardi:** Mr Speaker, I would be happy to give that clarification. I do not understand what I need to clarify but I will speak to the hon. Member and do that, and perhaps he can indicate to me, once we have that conversation behind the Speaker's Chair – I suppose in the tea break – how long he needs to do that process. Not long, he says. Okay.

2165 **Hon. A J Isola:** Mr Speaker, I think if you look at contracted services and consultants, a consultant is a contracted service, so there is an overlap. If you look at equipment, you can have hardware equipment, so there is an overlap. Bearing in mind we need to trawl back and find out into which of those heads each item of expenditure may drop, if that is not clear then we have not got a chance.

2170 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am conscious that you have been in the Chair without moving for three and a quarter hours, and I wonder whether this might be a convenient moment to take the tea break that the Hon. the Leader of the Opposition has just referred to, for 15 minutes until 6.30.

Mr Speaker: The House will now recess to 6.30.

*The House recessed at 6.15 p.m.
and resumed at 6.32 p.m.*

Q593-95/2022

AquaGib –

**Plans re staffing levels; permanent solution re supply;
maintenance of reserves following Power's Drive tunnel fire**

2175 **Clerk:** We continue with Answers to Questions.
Question 593/2022. The Hon. Ms M D Hassan Nahon.

2180 **Hon. Ms M D Hassan Nahon:** What plans does Government have for staffing levels in AquaGib once it renationalises water supplies locally in the form of taking the company into public ownership next year?

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

2185 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, I will answer this question together with Questions 594 and 595.

Clerk: Question 594/2022. The Hon. Ms M D Hassan Nahon.

2190 **Hon. Ms M D Hassan Nahon:** When will a permanent solution to the water supply be completed?

Clerk: Question 595/2022. The Hon. Ms M D Hassan Nahon.

2195 **Hon. Ms M D Hassan Nahon:** Has Government carried out an investigation into the maintenance of water reserves following the Power's Drive tunnel fire?

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

2200 **Hon. A J Isola:** Mr Speaker, Government has no plans to change anything at AquaGib at this time and will review all operational matters with management as and when it completes its purchase.

The Power's Drive tunnel has now been made safe for the permanent pipework to be installed. This will commence in January 2023 and be completed by March 2023.

2205 AquaGib is preparing a strategic proposal to the board for its quarter 1 board meeting, detailing its plans for the long-term future of its water reserves. The water reserves as at the day of the question stood at the maximum level of 72 million litres, which demonstrates a significant improvement in the position since last summer's incident, when they fell to 12.7 million litres.

2210 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just pick up some supplementaries – they are all over, because of the three questions. Firstly, why did the Government decide to renationalise in the first place, even before it could place a figure on the cost of renationalisation?

2215 **Chief Minister (Hon. F R Picardo):** Mr Speaker, for the reasons I set out in detail in my Budget speech. The issue of price is a calculation, it is not a negotiation issue. I also set out some parameters of that in respect of my address at the time of the Appropriation Bill.

Hon. Ms M D Hassan Nahon: Is the Chief Minister saying that these figures have been laid out already and I may have missed them, or that it is not possible to divulge them?

2220 **Hon. Chief Minister:** No, Mr Speaker, that it is an accounts issue. It is a calculation based on accounts. The hon. Lady has to go back and look at what I said.

2225 The contract with AquaGib has come to an end. It was a 30-year contract and at the end of that contract the structure of the contract was such that the assets returned to the Government. There is a calculation to be done as to how much has been invested or has not been invested by AquaGib in keeping with the terms of the contract and based on the accounts of the company. So it is not a straightforward negotiation like a horse trade – what is this worth or what is that not worth – it is that all of the assets come back to the Government as a result of the operation of the contract from 30 years ago. In fact, it was extended for a short period, I think, because of COVID. We made the decision to not further extend, to take back the assets and to therefore buy those shares which
2230 are in the company – the assets are separate from the company – and the price is based on any investment that has been made over and above the assets that are available. This is set out in the contract. It is a calculation that has to be done between the parties, not so much a horse-trading negotiation.

2235 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Chief Minister for his explanation.

Can I just ask the Hon. Minister if he actually answered the question about an investigation into the maintenance? I know he said they are at top level now, but has there been an investigation to date, or will there be one?

2240 **Hon. A J Isola:** Mr Speaker, I am not sure what the hon. Lady means by an investigation. What I have said in my answer is that the works in relation to the tunnel are now safe to be able to start, as a result of investigations we have made into the tunnels, in January. It will be finished by March. I have also said that AquaGib is preparing a strategic proposal to the board for its first meeting in Q1 of next year, detailing its plans for the long-term future of the strategic reserves of water in
2245 Gibraltar. The question is about investigation into the maintenance of water reserves. *(Interjection by Hon. Ms M D Hassan Nahon)* Yes, but I think I have answered that question. If it is something that I have not, I would be happy to have another go. Can I just add, are you referring to lessons learnt?

2250 **Hon. Ms M D Hassan Nahon:** Yes.

Hon. A J Isola: Okay. That will happen, but that will happen when we have dealt with all of the issues arising from the incident itself. There are claims with insurers and stuff which would get in the way of having a full and frank lessons-learnt exercise carried out, which will happen later down the road when that is completed.
2255

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
2260 Can I ask the Minister ...? He mentioned the figure of 12.7 million litres. I presume that was just before the fire. I am happy to be corrected.

Hon. A J Isola: Twelve point seven is the lowest it reached.

2265 **Hon. R M Clinton:** Right. That would have been after the fire, yes?

Hon. A J Isola: Yes.

Hon. R M Clinton: And does he know what the level was before the fire?
2270

Hon. A J Isola: I think we have answered that question before in Parliament, Mr Speaker. I think it was around 24 million or 25 million litres.

2275 **Hon. R M Clinton:** I am grateful to the Minister. And is there, or was there a recommended minimum level of reserves for AquaGib to maintain at all times?

Hon. A J Isola: Mr Speaker, I think we have been through this before because I have actually detailed to this House that in previous years over the summer we have watched very carefully the level of water reserves to ensure that we had sufficient capacity. This year we were on track, as
2280 we had been in previous years, to have no issues at all during the summer. Obviously the knockout of almost the entire production of water during that time is what caused the problem with insufficient water to lose pressure, which is what caused the problem.

2285 Mr Speaker, only this week it was on the news, yesterday evening, that ... I think Tunbridge Wells is basically having seven days without any water at all. So I think this thinking that we should never, ever have a difficulty with water is a desire but in the real world it is not always possible, and although we have to work to attain that by ensuring we have better reserves and perhaps more diversified production of water, which is where the January Q1 board meeting of 2023 will

2290 go, I think we will be in a much more resilient position. But perfection, unfortunately, does not exist, so even in the UK this week there are areas that have zero water, and in fact the complaint was that they were not even providing the community with bottled water, which obviously we did very successfully and I am grateful to AquaGib and all the other teams that managed to do that during our difficulties in the summer.

Mr Speaker: Next question.

Q596/2022
Ocean Views –
Structured activities

2295 **Clerk:** Question 596/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What programme of structured activities is in place for patients at Ocean Views?

2300 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, there is a much varied programme of structured activities for patients at Ocean Views. These services aim to improve and decrease reliance on medication and substitute with exercise, mindfulness, yoga and patient-specific activities designed to meet assessed needs. These activities vary from time to time based on the needs of the users.

2305 A wider range of other social activities include bowling, swimming and attending GFA football matches; social gatherings for morning coffee and lunch at restaurants, where the patients are able to order their food and manage their expenditure, which is part of their rehabilitation; arts and crafts; cooking, working towards being self-sufficient when discharged; cinema outings and attending our community social events, for example the Christmas lights, Calentita Night, the fair, National Day events, etc.

2310 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I think the Minister has described a reality that the user certainly has not experienced. I even suspect that the Minister himself may actually think that this has taken place, but I can assure him it has not because a user has reported, unfortunately, one activity, of all the ones he mentions, in two months. So my question is, what has happened with the activities co-ordinator the Authority was supposed to hire to be in charge of organising these activities? I can assure him they are not taking place and I am sure I do not have to tell him how crucial these activities are for the sake of these patients' mental health.

2315 **Hon. A J Isola:** Mr Speaker, that particular user has had one activity within the last two months, which is what the hon. Lady is being told. That does not mean that nobody else has had any other activities which they may have chosen to do. If the hon. Lady chooses to write to me and give me details of that, I will very happily look into it.

2325 Some of the activities I describe are only possible at certain times. For example, there are not GFA football matches every day, we do not have the Christmas lights every day, we do not have the Calentita Night every day, we do not have National Day events every day, but they occur at different times of the year. They are available as and when they occur, but obviously not every day.

2330

Hon. Ms M D Hassan Nahon: Mr Speaker, I have to say the Minister is always very helpful to me for my constituents whenever I write, and I am grateful for that.

2335 This information came to me very recently and I just want to ask him ... I appreciate what he has come back with, but if you take this average user who has been there for two months and that user has experienced one event, one activity, it is pretty poor. I want to ask the Minister again for the answer to a question that he has not answered, which is are we getting an activities co-ordinator? I think that is key in order for the delivery of these activities to actually take place.

2340 **Hon. A J Isola:** Mr Speaker, it is very difficult to conclude from one user what happens at Ocean Views. We do not know what the circumstances are of that user, we do not know what activities that user can or cannot do, we do not know if there are any restrictions in respect of that user, so I do not think it would be helpful to label the entirety of Ocean Views with not providing activities at all because one user has had a particular experience in the last two months.

2345 I would repeat what I said to the hon. Lady. If the hon. Lady writes to me with specifics, I will very happily look into it and come back to her with either an explanation as to what has happened or could have happened, or other information that may be of use to my hon. Friend in respect of her dealings with her constituent.

2350 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker, and I will write, but can I please ask the Minister, for the third time, about the co-ordinator for activities?

Hon. A J Isola: Mr Speaker, I have answered the question. I am not sure what co-ordinator the hon. Lady is referring to.

2355

Hon. Ms M D Hassan Nahon: Mr Speaker, I am sorry if this does not sound like a question, but I accept his comment and I will write to him in due course. Thank you.

Q597/2022

Vaccination programme – By whom delivered this season

Clerk: Question 597/2022. The Hon. Ms M D Hassan Nahon.

2360 **Hon. Ms M D Hassan Nahon:** Is this season's vaccination programme carried out directly by the GHA or has it been outsourced?

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

2365 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the GHA practice nurses from the Primary Care Centre have delivered this season's immunisation programme for children, the clinically vulnerable, long-stay GHA and ERS patients, as well as healthcare workers. To assist in the delivery of the major vaccination programme in the short window of time available, for healthy individuals over 50 years of age the GHA has sought temporary support from a local service provider.

2370

The GHA will next year seek to commence the vaccination programme at an earlier date, as the combination of cold and influenza vaccinations has delayed the process considerably – and COVID, obviously.

2375 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I ask the Minister whether there was a tender process for the outsourcing of the vaccination drive this season; and also, if there is a cost, if he can give us how much it has cost us to do so?

2380 **Hon. A J Isola:** Mr Speaker, I will happily give that information to the hon. Lady. I do not have information as to whether it was put out to tender. I know the firm that was used is one that assisted us with the COVID vaccinations, the same firm that we contracted after a tender to do those vaccinations, and I think it is the same firm. I am thinking it ceases on 22nd December, which is tomorrow. I would need to come back to her in terms of what the cost of that has been. I will happily write to her and give her that information.

Q598-99/2022

**Primary Care Centre appointments –
Number of new appointments and whether being filled**

2385 **Clerk:** Question 598/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many new monthly appointments are being rolled out at the PCC and are they being filled?

2390 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 599.

2395 **Clerk:** Question 599/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In the last three months, stating month by month, how many PCC appointments have been obtained (1) by phone, (2) online or (3) in person?

2400 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, as was stated in the GHA press release announcing the new booking system, 2,123 new monthly appointments are being rolled out at the PCC. All appointments offered are normally taken up.

2405 In the last three months, the number of PCC appointments obtained can be broken down as follows. Online, in September there were 644, in October there were 944 and in November there were 1,604. In respect of telephone, in September, 8,874; October, 8,906; and November, 9,270. The GHA does not offer booking GP appointments in person. However, if a patient does turn up needing urgent medical care, the GHA would accommodate their healthcare needs.

2410 **Hon. Ms M D Hassan Nahon:** Mr Speaker, just to pick up on the last thing the Minister said about emergency needs, now that there is not an on-call GP doctor, what actually happens when somebody has to be seen outside of hours – palliative patients who need medication, elderly people who do not need hospital, people who need to be sectioned in mental health, and deaths? How is the lack of GPs on call impacting on the appointment system and on the general calling system for patients?

2415

Hon. A J Isola: Mr Speaker, I do not have that information available with me, but what I would say is the suggestion that we have fewer GPs is plainly wrong. I think we have now 33 GPs

2420 providing appointments at the Primary Care Centre. In 2011 I think there were close to 40% or maybe even 50% fewer, so the notion that we have fewer GPs now than before is simply not true.

I am very happy to get those numbers and those details and write to her, as well as answer the substance of the question as to how the GHA operates in terms of offering those services outside the primary care appointment system.

2425 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister just confirm ...? Is he saying that there are on-call GPs or, from his new system, there are not – which is what I understood, and that was the concern – as well as to ask him why we still have complaints about users not being able to access appointments? I would like him to confirm if we do or do not have an on-call GP.

2430 **Hon. A J Isola:** Mr Speaker, I believe we do, but I am not able to confirm that now. I would need to check that with the GHA.

Mr Speaker: Next question.

Q600/2022
Rheumatology and orthopaedics waiting lists –
Current status

Clerk: Question 600/2022. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What are the current waiting lists at the GHA for (1) rheumatology, clinics and operations; and (2) orthopaedics, clinics and operations?

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

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, as at the end of November 2022 the waiting lists were as follows. Rheumatology: clinics, 103; operations, zero. Orthopaedics: clinics, 926; operations, 473.

2445 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is my understanding that only a week ago, a patient came into the Hospital with a broken bone, needing theatre, and was delayed for two days because of the lack of orthopaedic surgeons. I understand a surgeon could not even be located at the time. I know that this is under investigation. I am not actually blaming the GHA, but I would ask the Minister if he thinks we could actually reduce waiting times by making sure that we had a better rota for the orthopaedic surgeons.

2450

I am genuinely trying to be constructive here with my question. Is the Minister aware of this situation? Does he think that perhaps orthopaedic surgeons who have a contract with the Hospital should be working a full day? From what I understand, a lot of the time they cannot be found, and that is quite a concern for patients and for the users and is something that leads to complications and ends up costing the Health Service a lot more.

2455

Hon. A J Isola: Mr Speaker, the waiting list is too long. I accept that and I think we have had an exchange with the Leader of the Opposition, on behalf of the Hon. Mr Phillips when he was not here on the previous question, in the last couple of months. I also told the Hon. Leader of the Opposition at the time that we were hoping in the first quarter of next year to have reached some form of conclusion as to how we propose to tackle waiting lists, not just in orthopaedics but across all other disciplines in the Hospital.

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2465 Plainly – again, putting it into context – there is not a single hospital in the world, I do not believe, that has not got waiting lists longer than they would like, because we would not like to have any, but as a result of COVID the waiting lists are much higher than they would normally have been before COVID. So there is a lot of work to be done, and that is what we are doing now, seeking to understand what is the problem and how we can improve going forward, but dealing with waiting lists almost like a separate ... In other words, how do we come up to date and then how do we work better moving forward? Those are the two exercises that are ongoing at the moment, and I hope to be able to report to this House in Q1 of next year on how we propose to start to do that.

2470 I accept that the waiting lists are too long. I am not aware of the incident the hon. Lady has referred to, but again, if she writes to me, I would be happy to look into it and come back to her with a response.

2475 **Mr Speaker:** Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q601/2022

Learning support assistants – Number and distribution

Clerk: Question 601/2022. The Hon. E J Reyes.

2480 **Hon. E J Reyes:** Mr Speaker, can Government provide details of how many learning support assistants are engaged in all schools, providing statistics showing their distribution among schools together with details of criteria used for allocating these learning support assistants in each school?

2485 **Clerk:** Answer, the Hon. Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the number of special needs learning support assistants broken down by schools on the morning of 15th December was as follows. I will be giving two numbers for each school. The first will be the number of permanent SNSLAs and the second will be the number of non-permanent SNSLAs as of that morning: St Martin's School, 22 and 64; Notre Dame, 14 and 8; Governors Meadow, 15 and 11; St Paul's, 5 and 11; Governor's Meadow, 5 and 11; St Paul's, 4 and 3; St Bernard's Lower Primary, 3 and 3; St Mary's Lower Primary, 2 and zero; St Joseph's Lower Primary, 5 and 4; Hebrew Primary School, 1 and 3; St Anne's Upper Primary, 8 and 24; Bishop Fitzgerald Upper Primary, 10 and 14; St Bernard's Upper Primary, 4 and 6; St Joseph's Upper Primary, 1 and 7; Bayside 14 and 9; Westside, 6 and 16; Gibraltar College, 3 and 2.

SNSLAs are deployed to support identified pupil needs. Allocation of SNSLAs is determined by the multi-agency gazetted Special Education Needs Assessment Panel.

2500 **Hon. E J Reyes:** Mr Speaker, I am grateful that the Minister has ended by saying that the criterion is that the special needs LSAs are deployed when they have identified the need.

So I am certain I am not confused, is there a difference between special needs learning support assistants and just learning support assistants? Are they two different categories of people, or are they all one? If he answers that first, then I can carry on with something else.

Hon. Prof. J E Cortes: Mr Speaker, they are one. The learning support assistants are engaged when there is a special need. The special need can range over a wide spectrum of needs, but they are all needs. So it is just one category that we are talking about.

Hon. E J Reyes: I am grateful for that clarification.

Mr Speaker, I am told by some members of the teaching profession that they had been led to believe that there were going to be special needs LSAs to assist in cases where a concern may have been raised by a teacher and the student may be going through the process of being identified and classified if there is a particular special need and whether they will need a full-time special needs LSA or not. Wishful thinking would be one learning support assistant per class at least, but they have been led to believe there will be one floating support assistant per year in each of the schools, so that the head teacher could, as and when activity arose, deploy the teacher. Can the Minister confirm that that is not the case and that there is not a pool that reports to the head teacher and can then be assigned for a particular class or activity on a particular day? Or is it just identified pupils who will receive that? And what happens in the process whilst they are being identified and classified as requiring a special needs assistant?

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Hon. Prof. J E Cortes: Mr Speaker, a couple of things here. Clearly, the head teacher has discretion on a short-term basis to redeploy the SNLSAs within the school, should they have to cover a particular need on a particular day. That is definite.

I would love to have at least one, if not more, learning support assistants in every class, but that would simply not be affordable. However, what is important is that those children who are identified as having these needs do have the support. The process may or may not be long. It is certainly a process by which, if a child is found to have a situation which urgently needs addressing – for example, may develop a series of meltdowns on a particular week – then clearly that support would be provided quickly and then the special needs panel would assess that retrospectively. We would not wait for the next meeting. They are monthly meetings, but we would not wait for the next meeting if we have a particular crisis. That would be done on the day and the special needs panel would then see whether that support is one that has to continue or not. The main thing here is the need of the child.

Hon. E J Reyes: Mr Speaker, in the statistics that the Minister kindly provided, he put it into two columns. He was identifying those who are permanent and those who are temporary. Is there an explanation? Is there a reason why there are two different categories?

Hon. Prof. J E Cortes: Yes, Mr Speaker. The ones in the first column are those who were – I will say why I say ‘were’ – on the morning of 15th December within the permanent complement, and the second column is those who are non-permanent or are called in on a supply basis. Often it is long-term supply, particularly for children who need the continuity. Within a day or two of the figures being given to me, the increase in complement of permanent SNLSAs which was agreed at the Estimates session earlier this year was increased by, I believe, 120. So if I were to give him the figures now, there would be a shift from the right-hand column to the left-hand column because there are more permanent, and fewer on a supply basis.

Mr Speaker: Next question.

Q602/2022
Wellbeing Support Team –
Number of teachers accessing services

Clerk: Question 602/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government provide a breakdown for the last three academic years showing the number of teachers who have accessed the services provided by the Wellbeing Support Team, indicating the school sector in which these teachers are or were employed?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the breakdown of those teachers who have accessed the services provided by the Wellbeing Support Team is as follows: 2019-20, eight in secondary, seven in primary; 2020-21, 30 in secondary and seven in primary; 2021-22, 31 in secondary and nine in primary.

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Hon. E J Reyes: And the Minister, Mr Speaker, would not happen to have any ...? The secondary I can understand. When he says primary, we often can subdivide that into lower primary and upper primary, because they can be totally different schools in totally different locations with a different type of children undergoing a different key stage in education. If he happens to have it, I would be grateful.

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Hon. Prof. J E Cortes: Mr Speaker, I do not have that information. We are talking about small numbers, so it is not going to be significantly different. I can ask for that information, but I do not have it here.

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Hon. E J Reyes: I know the Minister quite often has certain information. I see that the numbers tend to be very similar from one year to the next, except for a huge jump in the secondary sector, where in the academic year 2019-20 we had eight who accessed the services, and then in the year 2020-21 there was a big jump to 30, and in the year 2021-22 the number stays about the same, 31. Has the Department of Education identified any particular reason why there should be that big jump? I know it is sheer speculation, but does it coincide with the movement of the secondary schools to new buildings, or something? One never knows what hypothesis you can come up with.

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Hon. Prof. J E Cortes: Mr Speaker, I obviously do not have access and do not want to have access to the specific reasons why these teachers have sought this support, but our thoughts are that it is related to lockdown and COVID. We have seen similar increases in the number of pupils who access the counselling services. Without being able to give detailed information because I am not privy to the reasons why, I suspect that the aftermath of the pandemic may have something to do with it, but it is very hard to pin down. Hopefully, the numbers will decrease in years to come.

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Hon. E J Reyes: I am grateful for that, Mr Speaker. If it helps the Minister, because he has been useful with his answers, I purposely worded my question by asking the number of teachers indicating the school sector. I did not want to ask, on this occasion, per school, because in secondary school ... There are a certain number of students in the College but they are included in Year 12 or 13. If in his analysis he has some information without necessarily having to identify the school, but within the school sector or whatever, even if it means he has to give me some information behind the Speaker's Chair, I would be grateful, just to help to identify the figure. I am sure Mr Speaker would not object if we got some information behind the Chair, if it is sensitive.

2595

Hon. Prof. J E Cortes: Mr Speaker, delighted. This is something that I am very happy to share. Clearly, there is concern at the numbers, which the school is looking at addressing and obviously the Wellbeing Support Team is supporting.

2600 As the Clerk knows, whenever I am asked questions I usually copy him into any correspondence so that there is a record that I have provided the additional information. I do not mind being reminded, Mr Speaker, if the hon. Member does not receive it soon; in fact, I appreciate the reminder.

2605 **Mr Speaker:** Next question.

Q603/2022
Alternative learning programmes –
Number of pupils accessing in mainstream schools

Clerk: Question 603/2022. The Hon. E J Reyes.

2610 **Hon. E J Reyes:** Can Government provide statistics showing the number of students ordinarily enrolled in our mainstream schools for whom alternative learning programmes have been provided, indicating the reasons why?

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

2615 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, there are 226 pupils in alternative learning programmes. Such programmes are delivered through personalised learning plans, personalised timetables, higher staff-to-pupil ratios, therapeutic or alternative interventions and nurture. These programmes are set up to deal with significant social, emotional and mental health needs, significant communication and interaction needs, significant cognition and learning needs, or significant sensory and physical needs.

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Hon. E J Reyes: I did not specifically ask him in my question, but would he happen to have an indication, of those 226, which school sectors they pertain to?

2625 **Hon. Prof. J E Cortes:** Mr Speaker, again, I am a bit wary of giving all the detailed information here because you could identify the pupils. What I can say from the breakdown that I have available – which I am happy to share behind your Chair, Mr Speaker – is that of these pupils, we are looking at 24 in secondary alternative learning centres, 56 in secondary learning support facilities, and then remember that we have learning support facilities not in all schools but in some of the schools and they average maybe between 30 and 40 in those primary schools which have learning support facilities, which I believe are full. More information I am happy to share, with more detail.

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2635 **Hon. E J Reyes:** I am extremely grateful. Yes, Mr Speaker, I think the Minister has, across the floor, given as much as he can without divulging anything. I certainly look forward to receiving that information behind the Speaker's Chair, which will be kept, as agreed, on a confidential basis between us. I am grateful for that analysis.

Q604/2022
Drama-related studies –
Provision of non-traditional courses

Q605/2022
Courses delivered at non-secondary school or College sites –
Breakdown of expenditure

Clerk: Question 604/2022. The Hon. E J Reyes.

2640 **Hon. E J Reyes:** Is the Department of Education planning to offer courses in drama-related studies other than the traditional GCSE or A-Level courses which have been provided in our secondary schools?

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

2645 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 605.

Clerk: Question 605/2022. The Hon. E J Reyes.

2650 **Hon. E J Reyes:** Can Government provide a detailed breakdown of all expenditure associated with the delivery of the BTEC-level National Extended Certificate in Music, Technical Certificate in Hairdressing and any other courses being partly or wholly delivered at sites other than our secondary schools or College of Further Education, showing to whom payments are made and in respect of what specific services or other costs?

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

2660 **Hon. Prof. J E Cortes:** Mr Speaker, in answer to Question 604, the Department is considering a range of vocational options over a spectrum of subjects.

On the costs incurred, for the Technical Certificate in Hairdressing, payments are made to Mayfair on Main: vocational hair and beauty courses, £114,855.96 in the last year, obviously; supply of equipment and consumables, £6,756.31.

2665 For the BTEC in Music Performance, payments are made to the Gibraltar Academy of Music and Performing Arts: BTEC Music Performance, £30,696; supply of equipment and consumables, £1,687.68; registration fee, £1,750.

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

2670 In respect of Question 604 I was asking mainly prompted by the explanations we had last month from the Minister on why certain courses like music were not taking place in the schools and so on. This is why I asked. I know the schools, at least since my teaching days, have always been offering drama, but given the popularity among some students perhaps to take on BTEC, and so on, courses in drama ... The Minister, in his answer, said they were looking at a range of vocational courses. Does he classify drama as part of a vocation and are they seriously considering offering drama in alternative places? And if it is, would the schools then no longer offer GCSE and A-level? I am homing in more on drama in this question, because to me it seemed to be the natural transition after music, being one of the performing arts.

2680 **Hon. Prof. J E Cortes:** Mr Speaker, I know exactly what the hon. Member is referring to and exactly what he is getting at. I might just say that we did take part in a school play in our primary school together quite a few years ago, so our love of drama is clearly there.

2685 We are looking at a range of vocational courses. The alternative to the traditional GCSE or A-level would be vocational. We are looking at the wet trades. We are looking at some of the digital courses, which are less academic and more work related. There is a possibility that there would be other vocational options in the performing arts. These are currently under consideration and discussion.

2690 I held a meeting recently with representatives of the drama and dance departments of both secondary schools, together with the College, and we are looking at broadening the opportunities available to young people, but absolutely without doing away with traditional GCSE and A-level courses. The discussions continue and I am looking forward to being able to diversify options for our young people throughout the whole spectrum of courses that we can make available in our educational institutions.

2695 **Hon. E J Reyes:** Mr Speaker, I thank the Minister, above all, for his explanation that he has had those meetings with the heads of department of the schools. Because I need to pose a question, will the Minister assure us that he will keep on meeting up with the heads of those departments so that the best range of products within suitably accredited qualifications end up being provided for our students?

2700 And before I sit down, Mr Speaker, for the curiosity of those who may be listening, if I am not mistaken it was Christmas 1968 when the Hon. Minister and I performed that same play, which I believe was perhaps even written by him. We are over the 50-year mark, so we might even be issued with a special medal to commemorate the event.

2705 **Hon. Prof. J E Cortes:** Indeed, Mr Speaker, for general information I believe it was Christmas 1968, and I did write that play, absolutely – bringing back old memories of the Christian Brothers Preparatory School.

2710 Of course I will carry on these discussions. Only today, I was in Bayside School watching their Christmas performance and chatting to some of the drama teachers there. There is no question at all, we will progress this in a way that will benefit all three institutions and, clearly, as I said earlier, the young people we are responsible for.

Mr Speaker: Next question.

Q606/2022

Provision of hot meals for school pupils – Update

Clerk: Question 606/2022. The Hon. E J Reyes.

2715 **Hon. E J Reyes:** Can Government update this House in respect of their intentions to provide hot meals for pupils in schools?

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

2720 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Government is currently in advanced discussions with a preferred bidder but cannot disclose details at this moment, for commercial reasons. There is no definite start date, but all parties are working for a commencement that is practical and convenient for all stakeholders to ensure students enjoy a quality service. We should hopefully be in a better position to announce something in the New Year.

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

2730 It is obviously work in progress, so at some stage we can follow it up. Can I just, at this stage, ask the Hon. Minister: if it is successful and we are able to offer hot meals for pupils in schools, for those students who may wish to use the current type of facilities whereby it does not have to be a hot meal – they take their own meal but still have the facility to be able to stay in school – will that continue, or will it just be a hot meal or you are out?

2735 **Hon. Prof. J E Cortes:** Yes, absolutely, Mr Speaker, this would be an additional option. They would be getting these meals, but the current facility for children to take their own food, or, in the case of the older students in the secondary sector, often they just go out and maybe get themselves some something in a nearby establishment ... Those options will all be there, absolutely.

2740 **Hon. E J Reyes:** Mr Speaker, is it too early at this stage to ask the Minister, would these meals be provided at a reasonable cost to students or will the school provide it because you are an enrolled student and therefore it becomes free of charge?

2745 **Hon. Prof. J E Cortes:** No, Mr Speaker, these would be paid for. This is the system we used for about a year before, unfortunately, the entity that provided the meals went into administration, which is one of the reasons why this is taking so long, because there are issues about the equipment and so on and so forth. But the intention would be that the parents would pay for the meal at a cost that we would have to agree is reasonable, and this is also part of the discussions with the preferred entity.

Q607/2022

Governor's Lookout Scout Activity Centre and Campsite – Update re works undertaken and costs incurred

2750 **Clerk:** Question 607/2022. The Hon. E J Reyes.

2755 **Hon. E J Reyes:** Can Government provide an update of works undertaken and costs incurred so far in this financial year in respect of the approved £50,000 expenditure under the Improvement and Development Fund, head 102 Projects, subhead 4(k) Governor's Lookout Scout Activity Centre and Campsite?

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

2760 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, this is becoming very intimate: we were also in the Scouts together!
The works are under the direction of the Scouts Association, so I do not have that information. No costs have as yet been incurred by the Government.

2765 **Hon. E J Reyes:** In accepting that some of the details of the works and so on are under the direction of the management of the Scouts Association, when the Minister says no costs, have they paid like an advancement, or on production of invoices made any payment, or the amount drawn down is still zero but there is an approved £50,000 expenditure which is valid until 31st March? Where are we in that respect?

2770 **Hon. Prof. J E Cortes:** Mr Speaker, the allocation is in the Book. We have not yet paid any invoices, nor do we have a detailed update of how much work they have carried out in this

financial year. That is where we are at the moment. Things could change within weeks if invoices come in and we are informed of the work that has been carried out, but at the moment no costs have been incurred and I do not have the details of how much work has been done in recent months.

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Mr Speaker: Next question, please.

Q608/2022

**Gibraltar University courses commencing in February 2023 –
Availability of discretionary funding**

Clerk: Question 608/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Will the Department of Education be accepting and considering applications for discretionary funding towards the recently announced course being offered by the University of Gibraltar with lectures to be delivered in February and March 2023 leading to a Professional Certificate of Competence in Blockchain and Smart Contracts?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Department of Education will accept and consider new applications for discretionary scholarship funding when the next scholarship window opens. The window for Government scholarship funding opens on an annual basis in anticipation of the forthcoming academic year. The window typically closes in June with the results of the applications established prior to the start of the next academic year, usually September. The next window for applications for discretionary scholarship funding awards will open in the second quarter of 2023 for the funding of courses in academic year 2023-24. The window for applications for funding for discretionary scholarship funding awards for the academic year 2022-23 closed in June 2022. The results of the applications received were established prior to the start of this academic year, 2022-23.

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There is no process currently through which individuals can submit new applications for funding for courses starting in February or March 2023. If individuals have not already secured funding for courses taking place during the academic year 2022-23, they will not be able to access funding at this time.

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

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The Minister has given us an answer which, for financial accounting reasons, has a lot of logic behind it. Would the Minister please consider perhaps liaising with the University of Gibraltar, because this course has been advertised by the University of Gibraltar after the closing date for applications. I do not think it has been done with a bad taste, but it is misleading information on behalf of the University of Gibraltar to advertise the course by saying it may attract funding under discretionary scholarship. As you say, it cannot attract funding under discretionary scholarship, if we are being really honest, because the next window does not open, as the Minister said, until the second quarter of 2023, and these payments have to be made now because the lectures are delivered in February and March. You cannot even have a student saying, 'I will get a loan for this, and then when the second quarter comes ...' The Department of Education I think, traditionally, have said if you have already done a course, you cannot retrospectively ask for funding.

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Would the Minister commit himself to at least trying to liaise better with the University in the wording? Both sides of this House want to be supportive of courses being offered, especially in

2820 things that are extremely useful, but we have to think of our constituents who build their hopes up – ‘Oh, look, I could do this course,’ – but come across a civil servant at the Department of Education who unfortunately has to say, ‘No, I cannot take applications until the second quarter, after which will be willing to accept and consider them.’

2825 **Hon. Prof. J E Cortes:** Mr Speaker, the University, of course, is independent. The conversation on the point he has raised has been had. I dare say that if there were any students who were particularly put out by this condition or this reality, they would make contact and we would have a discussion to see what the steps were. But we have to be very careful that we do not open the floodgates and we are dealing with applications which could come at any time of year. That is just not sustainable and therefore we have to state what the policy is.

Mr Speaker: Next question.

Q609-10/2022

Dust emissions –

Number of complaints received; actions taken re breaches of regulations

2830 **Clerk:** Question 609/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many complaints it or the Environmental Agency has received in respect of dust emissions?

2835 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 610.

2840 **Clerk:** Question 610/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what action the Government or the Environmental Agency has taken in respect of breach of the Environment (Control of Dust) Regulations 2010 by individuals or companies?

2845 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

2850 **Hon. Prof. J E Cortes:** Mr Speaker, officers of the Environmental Agency proactively visit and monitor construction activities at all construction sites around Gibraltar, as well as responding to complaints of dust emissions from members of the public.

2855 All companies that are engaged in construction-related activities are required to have a certificate of approval issued under section 5 of the Environment (Control of Dust) Regulations 2010. This follows submission of a dust control plan which must make sufficient provision for the prevention or reduction of dust for all dust-producing activities in which the individual or the company are involved. Officers check that those active in the industry have a certificate of approval issued by the Environmental Agency.

2860 If evidence is found that an individual or a company is not properly implementing their dust-control plan, a prohibition notice can be issued prohibiting the activity – for example, the use of machinery with insufficient dust suppression. The prohibition notice will set out the issues that need to be addressed and the time period in which remedial action is to be taken. Section 11(3)

allows for the Chief Environmental Health Officer to revoke a certificate of approval for non-compliance with a prohibition notice.

The number of complaints received are as follows: 2018, 33; 2019, 54; 2020, 43; 2021, 55; and 2022, 62.

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Hon. E J Phillips: Mr Speaker, I am grateful for the answer by the Minister in respect of the complaints, which was the nature of the question, and I understand that there are proactive attempts by the Agency, and indeed reactive responses by them in relation to complaints that have been made.

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He would agree with me, of course, that the complaints that the Agency is receiving and the growing number of complaints – and the trajectory is north, from 2018 with 30-odd up to 2020 with 66, so significant numbers of increases of complaints in relation to dust in our community. I do not know what is driving this; I suspect construction in our community, increased levels of construction and dust that irritates many in our community. I wonder whether he has any data relating to the nature of those complaints and what they generally describe, because it is important to understand the nature of the complaints and how we can mitigate them.

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Hon. Prof. J E Cortes: Mr Speaker, I do not have data, but from my own experience in the day to day they are generally construction sites and clearly there is quite a lot of construction activity going on now, for example, in areas which are frequented, where people might find it is a problem – like the schools we are building.

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What I can say is that over the last year or two there have been, from my information, 86 warnings issued and 45 prohibition notices, most of which have resulted in compliance, and six successful convictions. We find generally, though, that when they are tackled they do take remedial action. It should not lead to that. It is often as simple as spraying water over the site on a regular basis, but unfortunately sometimes they have to be told. The Agency is very much on top of this, and I obviously encourage them to be so.

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Hon. E J Phillips: I am very grateful for the response to that question. Of course, it is a public health consideration, is it not, that construction dust can lead to very serious health consequences for those breathing in that dust?

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I just wonder what the Minister's view is in relation to the resourcing of the Agency and particularly those inspectors who have to inspect construction sites for those complaints, because clearly the numbers are very high. That is reflective of construction in our economy and that movement, and I wondered whether or not he can clarify that, insofar as the numbers, he is satisfied with the number of people investigating these complaints.

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Hon. Prof. J E Cortes: Yes, Mr Speaker, I am. I believe that if this was something the Agency was not coping with, I would know, and I have not had any representations.

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Hon. E J Phillips: Just one further question, if I may. If the Minister cannot answer, that is fine, we can take it to another session, but insofar as construction more generally, it tends to be on our main thoroughfares as well, and obviously there are health consequences as a result of that. The recent asbestos issue at the old Westside School has raised its head with a number of constituents approaching Members on this side of the House. Does that involve a similar process? I appreciate it is very distinct and there are very distinct laws in relation to the control and management of this particular substance, but does that raise other concerns with the Government? And is the Government concerned about asbestos at the old Westside School site?

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Hon. Prof. J E Cortes: No, Speaker, it is very strictly handled and managed, so whenever there is any suspicion that there may be asbestos ... Remember that asbestos is inert and harmless unless it is dust in the air and is breathed in. There are specialists who deal with this. There is an

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asbestos register. I do not have all the detail here, but it is something that certainly the Agency is very much on top of.

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Hon. E J Phillips: Mr Speaker, I think probably to be clear – and I am very thankful for the answer – is it right, then, to conclude that asbestos has been identified at Westside?

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Hon. Prof. J E Cortes: Mr Speaker, I do not have that information. I am just responding to the theoretical presence of asbestos anywhere. I can answer a direct question if I am asked it, but I do not have that information. I am not commenting because I honestly do not know whether it has been found there.

Mr Speaker: Next question.

Q611/2022
Public Health Bill –
Payments to Benzaquen Associates

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Clerk: Question 611/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state why it has paid over £129,440 to Benzaquen Associates over eight months in 2022 with no Public Health Bill appearing before this House?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the draft Bills are going through an extensive consultation process with all stakeholders and will be published in the coming months.

Hon. E J Phillips: Mr Speaker, just one further question: is the purpose of this Bill to consolidate existing legislation, or is this an entirely new panorama for public health in Gibraltar?

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Hon. Prof. J E Cortes: The purpose of these Bills – I think there are 12 or 13 – is to divide up a very old and out-of-date piece of legislation into sections and update it, so the hon. Member will realise it is a huge undertaking. The drafts exist and we are going through the process of considering all stakeholders. We are dealing with things from hotels to infectious diseases and rodents, so it is a huge area and we are dividing these up into, I think, 13 separate Bills, so it is a complicated process.

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Hon. E J Phillips: Just one further question. Insofar as the large number, 12 or 13 pieces of legislation, is that currently in final form as drafted by those the Government has sought externally to instruct to draft that legislation?

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Hon. Prof. J E Cortes: The process includes the first draft, then the discussion with stakeholders like the Environmental Agency, the Director of Public Health and the Environment Department. Those comments are incorporated into a revised draft, and then that draft is sent to the Gibraltar Law Officers for them to just consolidate and cast an eye over it. We are generally in the latter part of that process, so we do not have a final draft yet, but we have a draft which has already had input from all stakeholders and now the final drafting process is being undertaken.

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2960 **Hon. E J Phillips:** The view that the Minister came to is that we did not have within the Government legal service the available resource to conduct this drafting exercise and therefore it was considered by the Government that they should 'instruct out', as the term is used, to conduct this drafting exercise. Is that right?

2965 **Hon. Prof. J E Cortes:** Mr Speaker, the hon. Member will be aware that the Government Law Officers have been engaged for the vast majority of the time over the last few years – certainly when these drafts were being prepared – in Brexit and related legislation and therefore we have had to call on support of this nature.

2970 **Hon. K Azopardi:** Can I just ask on this issue, have I understood correctly? Is it that 12 distinct pieces of legislation have been prepared modernising 12 other Bills, or is it that the Public Health Act, which is a voluminous statute, has been broken up into 12 different pieces of legislation?

2975 **Hon. Prof. J E Cortes:** The latter, Mr Speaker. The big Public Health Act is being divided up into one on waste, one on contaminated land ... I am just going by memory, so I do not commit myself to those actual headings, but it is one Act that is being divided into separate ones.

2980 **Hon. K Azopardi:** And can I just ask ...? That really goes counter to the trend that ... Normally you do it the other way around. Normally you have consolidating legislation, and to actually have an act that has been around for a very long time ... It requires modernisation, I accept that by all means, but to break it up into 12 Acts is really going against the trend of legislative technique and it probably is unhelpful in terms of the user of legislation and indeed public awareness. Has the Minister considered whether... of course it should be modernised, but it should be kept as one consolidated Act?

2985 **Hon. Prof. J E Cortes:** Mr Speaker, there is such a wide range of often barely related subjects that I am quite comfortable in this approach and I think it will make the use and interpretation of the legislation easier and not more complex. That is my personal view.

2990 **Hon. K Azopardi:** We are still in time, so perhaps I would ask him to reflect on it because the public health legislation in Gibraltar is based on English sources, so it is similar kind of structure in England. I appreciate it is voluminous, but for example, when there has been an exercise done on the Companies Act or the Insolvency Act, the consolidating exercise of the financial services was a consolidating exercise, and here we would be going really against the grain of what ... We should be attempting to make legislation easier to use for someone picking it up. You can have a part on noxious diseases and a part on nuisance and a part on something else, but at least you know it is all in the Public Health Act. It would be perhaps a bit difficult for people to use in that form. I just invite him not to give an instant decision, but to reflect on that. And can I ask him to what extent there has been external consultation on whether that is the preferred option?

3000 **Hon. Prof. J E Cortes:** Mr Speaker, the Public Health Act is a mess – it is very complex to use, very out of date and therefore I repeat what I said earlier: I think that to compartmentalise it strategically and being able to focus on all the different aspects will actually be helpful. Clearly I will reflect on what the hon. Member has said, but I think that it is helpful and all the stakeholders – who are many, covering a range of Ministries and a lot of my colleagues here have supported me in allowing their heads of Department and so on to be consulted – feel that this is helpful. It may be against other trends, but I am not averse to going against the trends anyway.
3005 Certainly I will reflect on it, but I think it is the right move.

Chief Minister (Hon. F R Picardo): Mr Speaker, just to give a flavour of what we are doing, rates are provided for in the Public Health Act, and most young lawyers, when asked to check how rates

3010 are calculated, would not think that the place they would need to go to find the calculation as to
rates is the Public Health Act, and so you are combining issues which relate to what everybody
might associate with public health with issues relating to the cost of a particular hereditament for
a particular period. So in the context of public health, it would not make sense to continue with
the exercise of consolidation, because if we were to do so, public health covers such a wide
3015 panoply of issues at the moment that we might be persuaded to put financial services legislation
under the Public Health Act as well, because there are completely unrelated matters under the
Public Health Act. That is why we have taken the policy decision that it makes sense to strip out
from the definition, the headline of 'public health', many of the areas which are presently covered
by the Act, because the trend is to consolidate things under a subject heading which is in keeping
3020 with the issues that are dealt with in the legislation, and that is why here it does not make sense
to continue in that way.

Mr Speaker: Next question.

Q612-16/2022
Dog licences and dog fouling –
Checks, fines and convictions; DNA testing

Clerk: Question 612/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many checks for unregistered dogs have there been since
1st January 2018 and how many fines have been issued?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 613 to 616.

Clerk: Question 613/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many convictions or fines issued have there been in each
of the last four years for failure to register or license a dog in Gibraltar?

Clerk: Question 614/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many convictions or fines issued have there been for dog
fouling in each of the last four years?

Clerk: Question 615/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, in relation to any convictions and/or fines for dog fouling, how
many have resulted from the Government's DNA testing programme?

Clerk: Question 616/2022. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many DNA samples of dog faeces have been tested since
1st January 2018 and how many fines have resulted from that testing?

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

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Hon. Prof. J E Cortes: Mr Speaker, I will now hand over a schedule with the information requested.

Answer to Question 616/2022

Table 1 Patrols and fines issued by the Environmental Protection and Research Unit in relation to unregistered dogs.

Year	No. of Patrols *	No. of fines issued
2018	Over 260	5
2019	Over 260	2
2020	Over 260	1
2021	Over 260	3
2022	Over 260	1

* The EPRU carry out on a minimum of 5 patrols a week, usually these are done daily with the possibility of more than one patrol a day.

Table 2 Number of samples collected and fines issued as a result of the DNA testing program by officers in the Environmental Agency.

Year	No. of Patrols	No. of samples collected	No. of fines issues
2018	No stats	144	11
2019	47	232	40
2020	41	118	1
2021	59	177	18
2022	50	174	15

Table 3 Number of yearly dog patrols carried out by the Environmental Agency for unregistered dogs

Year	No. of Patrols	No. of dogs checked	No. of fines issued
2018	29	No stats	No stats
2019	41	100	5
2020	27	42	1
2021	40	117	0
2022	54	149	15

Hon. D A Feetham: Mr Speaker, with your leave, may I suggest that you continue with the session and I will analyse the answers? Thank you very much, Mr Speaker.

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Mr Speaker: Next question.

Q617/2022
Mid Harbours garage –
Accumulated rubbish

Clerk: Question 617/2022. The Hon. D J Bossino.

Hon. D J Bossino: Piles of rubbish continue to present a problem at the Mid Harbours garage. When will the Government resolve this longstanding issue?

3065 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the issue arose as a result of a broken door. The door has now been replaced and this should resolve the issue.

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Hon. D J Bossino: Mr Speaker, I have been there myself and, from what I have seen, that does not seem to be a reasonable explanation as to why there are piles of rubbish in the garage area. It may be a question of enforcement, it may be a question of having security cameras out there to monitor what is happening, but unless he can give me more information in terms of which broken door to what and why it is causing that issue ... I have been into the area where the rubbish is meant to be laid, but it is normally laid outside in the garage area, for example, in huge piles, and I am told that that issue has not been resolved after many ... I was going to say years, but I would not be giving him necessarily accurate information.

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Can he give me a bit more information and comment on what I have just said? It just does not make sense.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I agree with him. I have been there too. The Hon. Minister is right in the answer he has given, there was a broken door, but the door was not broken in a way that people could not open it. The Minister for Housing was there with me. What you have is a pristine, clean, rubbish-depositing area. Many of our compatriots open the door, put their rubbish inside the receptacles which are inside the room, and act – it is not even the civic way, Mr Speaker – in the normal way that a human being would behave. Some, and fortunately not very few, take their rubbish and deposit it just outside the door because they cannot be ... (**A Member:** Bothered.) ‘bothered’, I think, is the acceptable word in Parliament – thank you, Minister – to open the door and put it inside the receptacle, the broken door, the repaired door. They leave it outside and then somebody will come behind and see that there is a bag in front of the door and then not move the bag and not open the door and put another bag there. And then somebody will come and put another bag there and another bag.

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The hon. Gentleman will say to me, ‘Put in CCTV.’ I told him last time that one of the things we are doing in another area is experimenting with CCTV. When we put in CCTV, people, in order not to open the door, will turn up with hoodies on, so that the CCTV will give us only images of people wearing hoodies putting their rubbish outside the area with the receptacle. The hon. Gentleman will say to me, ‘Illegalise hoodies, or at least make it illegal for people to wear a hoodie when they are going to deposit their rubbish.’ We will get to a stage where they will say, ‘Employ a refuse disposal area monitor,’ and we will end up with 15,000 Gibraltarians employed to police 15,000 other Gibraltarians, one on one, to ensure that we put the rubbish where we need to put it. For goodness sake!

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I refuse to believe that the people of Gibraltar need to be mollycoddled in this way and that the few *guarroses* there are require us to police them in this way so that they can behave in a manner which is legitimate, proper and normal and put their rubbish in the area which is provided, so that they do not leave their rubbish in the way for anyone. This is the sort of problem that then creates a problem with rodents, that then creates a problem with monkeys, that then creates a problem with gulls, etc.. All of these issues – not in that area, which is covered, but in other areas – create the wider problems that we are dealing with. I refuse to believe that the vast majority of modern Gibraltarians require this level of supervision with cameras or mollycoddling, but if we are pushed to it we shall have the cameras, we shall illegalise hoodies and we shall employ the 15,000 Gibraltarians to take the other 15,000 Gibraltarians by the hand to open the door and put the rubbish in the bleeding receptacle.

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Hon. D J Bossino: Mr Speaker, one can observe and sense the levels of frustration from the hon. Member opposite, and I suppose somebody who has been directing the fortunes of this

community over the last 11 years ... You can see it. It is things like this which must get to him when he is dealing with other issues as well and people simply do not play ball.

3120 If I can go back to the initial reply given by the Hon. the Minister for the Environment, given the reply we have just heard, are we to assume that the door and the replacement thereof will not be the solution to all our woes in respect of this issue, and actually it is the wider and much more complicated and complex issue to resolve of uncivil and unsocial behaviour?

3125 **Hon. Chief Minister:** Well, Mr Speaker, it is something that gets to me, something that frustrates me. I think it frustrates every right-thinking member of this community. I am sure it is frustrating him. I would have thought that he wants to do politics which is different to this. Parliaments have to deal with issues that affect everyday life and macro-economic issues also, but I would have thought that he would prefer to ask us questions on a different issue. We would prefer to be able to visit the estates to deal with issues about how we are going to ensure that the
3130 estate has an extra 50 years of life rather than how we ensure that people comply with the most basic way in which we would expect people to behave.

Dealing with the door is to ensure that there is not any excuse. It was not an unopenable door, but it is now perfectly easy to open the door. There is no question of there being any problem with the door. There is no excuse. This is not about people playing ball. This is about people
3135 knowing how to live in community, and living in community is knowing how to live in a socially acceptable way that does not cause a problem for others, so that others can have peaceful enjoyment of their properties through your peaceful enjoyment of your own and your common care for the common areas.

Today we have people provided with *El Turno* in Government estates. My parents' generation,
3140 his parents' generation, our parents' generation would not countenance anybody coming to clean their front stoop. By the time somebody came to clean our parents' front doors, our parents' front doors would be so spick and span that the person who came to clean it could sit down and have a coffee with our respective parents because our parents would ensure it was clean and would be ready to give the person who came to clean the coffee.

3145 I refuse to accept that Gibraltar has deteriorated socially, morally and responsibly to a stage where it can be anything other than a minority that are doing this, and therefore we will deal with the minority, because otherwise we may as well pack up and go, and I refuse to ever say that we are ready to pack up and go. I will be the last man standing, putting the rubbish bags inside the refuse, even if it is him I have to take by the hand to put his in.

3150 I am sure that we will get there. I am sure that people will be shamed into understanding that this is not a Government problem, this is a problem that people are creating for themselves and others, that it is a few and that we, all together, should shame them and not give them the excuse that because the door might not swing open when you touch it and you might have to pull it, that is enough to then put your rubbish outside. On this we should all be united, we should not give
3155 anybody a way out and we should lead by example, and the example that we lead by should be in this place.

Mr Speaker: Next question.

Q618/2022
Museum –
Updated visitor numbers

Clerk: Question 618/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide the total number of museum visitors by year and month since the last time this information was updated, on 11th December 2019, in table T3 of the online Government statistics.

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I now hand over a schedule with the information required.

Answer to Question 618/2022

Total number of museum visitors by year and month

Year	January	February	March	April	May	June	July	August	September	October	November	December
2019												504
2020	690	952	316	0	15	25	166	395	341	502	185	155
2021	0	0	137	157	442	817	587	753	597	678	908	355
2022	338	489	791	1,018	1,698	957	1,141	1,423	1,153	1,582		

Updated 11-Dec-2022

3170

Hon. D J Bossino: Mr Speaker, can I go on to the next question and perhaps go back to this one, so I have a chance to look at it? I do not think my hon. and learned Friend Mr Feetham will have any supplementaries in relation to his schedule, but if I can ask the next one ...?

Mr Speaker: Does the Hon. Daniel Feetham have any questions? No, all right.

Q619/2022
Tourism levy –
Amounts received since introduction

Clerk: Question 619/2022. The Hon. D J Bossino.

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Hon. D J Bossino: What amounts have been received since the introduction of the overnight stay tax of £3 per person since the measure was introduced?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I now hand over another schedule with the information requested.

Answer to Question 619/2022

Climate Change Act - Tourism Levy

Month	Total Invoiced	Total Outstanding	Total Received
APRIL	£ -	£ -	£ -
MAY	£ -	£ -	£ -
JUNE	£ -	£ -	£ -
JULY	£ -	£ -	£ -
AUGUST	£ 65,433.00	£ 204.00	£ 65,229.00
SEPTEMBER	£ 76,188.00	£ 1,045.20	£ 75,142.80
OCTOBER	£ 61,659.00	£ 14,154.00	£ 47,505.00
NOVEMBER	£ 7,071.00	£ 7,002.00	£ 69.00
DECEMBER	£ -	£ -	£ -
JANUARY	£ -	£ -	£ -
FEBRUARY	£ -	£ -	£ -
MARCH	£ -	£ -	£ -

3185 **Hon. D J Bossino:** Mr Speaker, is the hon. Member able to confirm ...? The title to the schedule suggests the answer, actually – (*Interjection*) sorry, to Question 619 – that ... Is he able to confirm, therefore, that the hotel levy is being paid into what was termed by the Hon. the Chief Minister, during the course of his Budget address, as the Climate Action Fund? So those amounts which are set out there have been ring-fenced in that fund?

3190 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I can confirm that.

Hon. D J Bossino: Can I just ask on this one, the Climate Change Act tourism levy: why is the invoiced sum for November so different to those for August, September and October?

3195 **Hon. Prof. J E Cortes:** Mr Speaker, there could be two reasons. One is occupancy, and the other is that we may not have received all the information for November, as this was prepared a week or so ago, and so there is likely a time lag. I can find out whether it is one or the other, but it could be either or both.

3200 **Hon. K Azopardi:** So the mechanics of it are that it is invoiced later; it is not deducted at source by the hotel? Is that right?

Hon. Prof. J E Cortes: That is correct. We are provided with the information and there is always a time lag before we get the information and the funds.

3205 **Chief Minister (Hon. F R Picardo):** It probably is charged by the hotel to the individual, but then the hotel gives us the information and we send them an invoice for that amount.

3210 **Hon. D J Bossino:** It seems that in the first month the total outstanding amounts are very low, but then they seem to be creeping up in every single month. For example, in the last month the total outstanding is very high. I am not sure whether that is a timing – (*Interjection*) Is that it? Okay, but does that apply to October and September, which are much higher than the August ones? I do not know what the details are, in terms of how long they have to pay. It seems that ...

3215 **Hon. Chief Minister:** Mr Speaker, they should pay immediately, but sometimes they might not. The delay obviously relates to the period for which the invoice has been outstanding, so the August invoice that has been outstanding for longer is likely to have been paid, the September

3220 invoice has been outstanding for a month less than the August one, the October one has been outstanding for a month less than the September one, and the November one has just been sent, so it is very unlikely that you would see the full payment of the November one by December when you have not seen the full payment of the August one by December. So it is just the time lag that you would expect to see and the way that the payments are made. Of course, there is more of a percentage outstanding in the November one because it has just been sent and none of it has been paid. That is not reasonable, it is understandable.

3225 **Hon. D J Bossino:** How long do they have to pay? Is it a month?

3230 **Hon. Chief Minister:** The Government's business terms, Mr Speaker, are usually 30 days for people to repay us, but as he would tend to know, most people do not pay in that period; they get a first chaser etc. He can see that actually the record of payment is quite good because in August, of £65,000 invoiced there is only £200 outstanding. I call that a very good recovery rate. By September you had £76,000 invoiced and £1,000 outstanding, so the hit rate here is actually very good.

Hon. D J Bossino: Thank you.

Q618/2022
Museum –
Updated visitor numbers –
Supplementary questions

3235 **Hon. D J Bossino:** In relation to Question 618, the museum visits – this information had not been uploaded on the website and that is why we wanted updated information – does he have any comment to make in relation to these statistics? It seems that we are going back to pre-COVID levels, so I am sure he will be satisfied by that, although there are higher numbers in 2010-11. I would welcome his ... I cannot ask for his views because I am not meant to, but his comment in
3240 relation to that.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): The numbers are returning to pre-COVID. There will be fluctuation, it will depend on all sorts of things, but we are satisfied that they are consistently higher than they have been. The
3245 museum is a wonderful asset and I am sure it will continue to thrive.

Hon. K Azopardi: On the museum numbers – which I agree is a wonderful asset, although I may not agree that a lot of people are visiting it – does he know whether those numbers include school visits?
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Hon. Prof. J E Cortes: The Hon. the Leader of the Opposition's opinion on the numbers that are visiting it is not really relevant because we know the numbers that are visiting.

I am not sure whether they include these other statistics. I will seek clarification. I apologise for not having that information, but I will seek it. They may be separate because these are
3255 probably based on sales, whereas schools would go as groups, but I will seek that clarification.

Hon. K Azopardi: I would be grateful if he would because I was agreeing with him, it is a wonderful asset. What I am saying to him is that perhaps if he – (*Interjection by Hon. Prof. J E Cortes*) Yes, if he finds out that information, whether it includes schoolchildren or not ... Certainly
3260 if it includes school visitors I would say it is not a lot of people. Even if it does include

schoolchildren, given the importance that we give to tourism in this community and the asset that it is and the vehicle it represents to transmit and inform a visitor to Gibraltar of our history and heritage, we should try to create more public awareness of that wonderful asset so that more people visit it.

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Hon. Prof. J E Cortes: I must add, in order just to assist in this discussion, that the museum does have a virtual presence. I do not have the figures here, but I do know that they have many virtual visitors. Clearly, it is not the same visitor we would also welcome to Gibraltar for a stay and as part of the Gibraltar experience, but there is a lot of promotion of the museum and there are lots of hits on the website, and I will try to share that information as well when I respond on the matter of the schools.

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Q620/2022
St Martin's School –
Number of new pupils expected in 2023-24

Clerk: Question 620/2022. The Hon. D J Bossino.

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Hon. D J Bossino: How many new pupils are expected to be enrolled into St Martin's School in academic year 2023-24, broken down into ages?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, although it is not possible to establish the numbers with certainty just yet, I would predict that approximately 16 new pupils might be expected to be enrolled into St Martin's School, into the pre-pre-school year in Early Birds Nursery for commencement in September 2023.

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Hon. D J Bossino: I appreciate that there will be an inherent lack of certainty, but again I would invite him to say something about that because ... The reason why I ask this question is because in the last exchange we had on this issue in the House I asked by way of supplementary ... Because of – how shall I put it? – the shock number that we had last September, when I think it was 24, or something in that region, which he said was, from the Department of Education's point of view, unexpected, I ask him do we know now, more or less, how many children ...? It seems that we have a number ... It is still, although a lesser number – oh, really, only about three? – than September, it is still a very high number compared to the averages we have had over the last 10 years and I would be grateful for his comments in relation to that.

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How do we cater, not just in the school, which in many respects, although only very recently constructed – and being as neutral, politically, as I possibly can – is now, in terms of size, not fit for purpose ...? The concern now is – going into the future, into the medium-to-long term – the effect that these numbers are going to have.

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He did mention on the last occasion ... I asked a specific question, by way of supplementary, how many children – and he mentioned it now – are going to be using the Early Birds Nursery facility. I can say from personal experience that, for example, when my son accessed that facility I think there were fewer than five, and if you take a snapshot of where we are now, we are talking about more than 40 as things are. So clearly that number is only going to go up and there is a very real potential of that number also going up in terms of the pupils and users who are going to be received at the St Bernardette's facility.

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3305 I am putting all of that in there because it is in my head and I just want to get it out there and give him the opportunity to comment on all of that. I suppose what I am asking is what planning the Government has in relation to what is coming.

Hon. Prof. J E Cortes: Mr Speaker, I am grateful for the largely conciliatory tone of that intervention, but I am not letting him get away with saying that St Martin's School is not fit for purpose. It is extremely fit for purpose. The facilities are excellent and are being very well utilised.

3310 I suspect that what he is referring to is the discussion we had last time, but he himself has confirmed the unpredictability at the time of designing the school that I was alluding to when we had this discussion, because from five, six, seven children a year we have had 19, I think, recently. Now it is 16 – it could be one or two more, so it could be around ... So it confirms the trend, but it also confirms that at the design stage we were looking at the statistics that we had available. I am confident that we will be able, as I have committed here before, to accommodate all these 16 new pupils – be it 16, 15, 17, 18 or 19 – in a school that is extremely fit for purpose.

Hon. D J Bossino: To clarify – and again, it is not that he does not need to let me get away with making the comment – it was only in respect of space. That is what I meant, and clearly the admission of these new 16 – possibly, as he said, a bit more – is going to be plus the same number that have been there now for this academic year, plus the other numbers, so we are going to have ... I would ask him what immediate plans he has in order to cater for these 16. I know there is the possibility, in terms of the construction of that building, of building an extra floor – I think he has said that in the past. Clearly that is not going to happen anytime soon, but in terms of creating space, are we looking at reconfiguring some of the facilities in terms of rooms that are available, for example, for Snoozeland, which is where the kids maybe relax, and maybe turning that into a classroom; or, indeed, as we had in the old St Martin's, the setting up of portacabins again? Obviously parents and users would rather not have to go down that route again.

3330 **Hon. Prof. J E Cortes:** Mr Speaker, as I said – I think it was at the last meeting or the one before that – we are looking at all options and we will ensure that these children are more than adequately provided for.

3335 **Hon. D J Bossino:** Will there also be an impact in terms of teacher and LSA staffing levels in terms of catering for these 16-plus new children?

Hon. Prof. J E Cortes: Mr Speaker, when I answered my first question today and I pointed out that St Martin's School, on the morning of 15th December, had 22 permanent and 64 non-permanent LSAs, it already shows the commitment. This is a school where you have to have the support, you have to have, sometimes, 2:1 staff-to-pupil support, as the hon. Member is well aware, and therefore these will clearly be provided. We have never stopped short of supplying all the staff that these children need and deserve.

3345 **Hon. D J Bossino:** Just one final question. I accept it was a bit of a long preamble to my first supplementary, but specifically what plans does his Department have in relation to the ...? This is going to be a feeder school for St Bernadette's into the future, so now that we know these are the numbers ... Hopefully, that number will decrease because some of these children will improve and go into mainstream schooling, but the unfortunate reality is that most of these children are going to be in the system, and so what are we going to do in relation to St Bernadette's and how they are going to be able to cater for that, now we can plan?

3355 **Hon. Prof. J E Cortes:** Once again, Mr Speaker, we are well aware of that situation and we are looking at various options in order to deal with it.

Mr Speaker: Next question.

Q621/2022
Programme of events –
Planned events for 2023

Clerk: Question 621/2022. The Hon. D J Bossino.

3360 **Hon. D J Bossino:** Please list which events, to include music concerts, the Government or its agencies is planning to hold, sponsor and/or promote during the course of 2023.

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

3365 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I hand over the schedule of proposed events for 2023. Events after 1st April will be subject to provision in next year's Estimates. I must thank the Hon. Minister for Sport and the Hon. Minister of Tourism for supplying information on sports.

3370 I have seen the schedule. I think you may have a previous version because I have seen that the Literary Festival, which I specifically added, has been omitted; so please, with my apologies, accept that there should also be a Gibraltar Literary Festival included.

Answer to Question 621/2022

Culture Events:

Three Kings Cavalcade
GibTalks
Cultural Exchange in Tangier
Young Art Exhibition
World Book Day
Drama Festival
Workers Memorial Day
Shakespeare for Kids
Spring Short Story Competition
Spring Art Exhibition
Spring Celebration of Opera
Book Crossing Day
Calentita Night
Gibraltar Fair
Our Gibraltar Exhibition
National Week Boat Procession
National Day Celebrations to include Jazz at Piazzella, Variety Show and Rock Concert at Casemates
Autumn Classical Concert
Autumn Zarzuela
Cultural Awards
International Art Competition & Exhibition
Autumn Poetry Competition
Autumn Bookmark Competition
Christmas Events (previously Christmas Festival of Lights and the Attractions at John Mackintosh Square)
Gibraltar Literature Week

Sports and Leisure Events:

International Backgammon Tournament
Eagles HC EuroHockey Club Challenge III
Squash International Open
GTSA Open Championships
Veteran Car Rally
Gibraltar Regatta
Harley Davison Motorbike Rally
European Table Soccer Championships
Eurafrica Trail
Junior Darts Corporation World Championships
Rock Masters Ten-Pin Bowling International

3375 **Hon. D J Bossino:** So just to be clear, and he can correct me if I have misunderstood it, when he says after 1st April, obviously he is talking about the financial year, so these are events which are catered for and have been approved in the last Budget – is that what he means? – but in terms of dates, they may happen after 1st April?

3380 **Hon. Prof. J E Cortes:** Mr Speaker, what I mean is these are the events that are planned and in a lot of cases they are standard events that happen every year, but we have a budget which is valid until 31st March. If you look at the cultural events, the Drama Festival is in March, so anything after that will be in the next financial year. And in the sports events, the International Backgammon Tournament I think is in February. The rest would be after the end of March, and therefore, although we expect them to be carried out, we do not have the funding voted in this Parliament in order to carry them out. That is a programme which is a fairly standard programme with one or two additional things added.

3385

Mr Speaker: Next question.

Q622-23/2022

Household waste –

Process re exportation, recycling, collection and treatment

Clerk: Question 622/2022. The Hon. the Leader of the Opposition.

3390 **Hon. K Azopardi:** Mr Speaker, can the Government set out the current process in respect of the exportation, recycling, collection and treatment of household waste?

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

3395 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 623.

Clerk: Question 623/2022. The Hon. the Leader of the Opposition.

3400 **Hon. K Azopardi:** Mr Speaker, how are articles of household waste that are able to be recycled treated in comparison with other non-recyclable articles, and where are they sent to once they are collected and leave Gibraltar?

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

3405 **Hon. Prof. J E Cortes:** Mr Speaker, Gibraltar's household waste, which is both municipal waste and bulky waste, is collected from bin stores around Gibraltar by Gibraltar Industrial Cleaners. It is temporarily stored at the Waste Transfer Station at Europa Advance Road and is then exported to Spain for recovery or disposal under the Transfrontier Shipment of Waste (TFS) regime by a licensed waste exporter.

3410 Mixed municipal waste currently goes to the plant at Los Barrios, where it undergoes mechanical and manual sorting with the residual waste going to landfill.

Separated recyclable waste is collected from kerbside recycling points by Britannia, taken to the Ecopark, sorted as needed, and then exported to authorised treatment facilities in Spain for processing. These exports happen under the Annex VII process of the Waste Shipment Regulations.

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Hon. K Azopardi: Can I ask the Minister: as I understand that process, the recyclables are never then mixed at Europa Advanced Road with the other articles – is that right?

3420 **Hon. Prof. J E Cortes:** That is correct. They do not even go to the same place. The recyclables go to the Ecopark in Devil's Tower Road, and the municipal waste, the common household refuse, goes to the pit at Europa Advanced. I called it the Waste Transfer Station, but I think we know exactly where we mean.

3425 **Hon. K Azopardi:** The Hon. Minister said that the first process, the non-recyclables, where they are exported under the Transfrontier Shipment of Waste regulations ... I think that comes from the EU regime – is that right? How are these arrangements on the exportation of non-recyclables and recyclables going to be affected? Are they going to be affected in relation to the negotiations being carried out now?

3430 **Hon. Prof. J E Cortes:** Essentially, the process has changed. The process used to be one in which the Department of the Environment – and particularly the Environmental Agency, which carries out the supervision and monitors the issuing of these permits – would engage with the authorities of the Junta de Andalucía in Seville. Post-Brexit, it now deals with MITECO, the Environment Ministry in Madrid. The hon. Member will recall the change in the process led to some delays at the beginning of the year of transition, but it is now working and we are now exporting. So the main change has been an administrative one from the permits issuing in Seville to issuing in Madrid.

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3440 **Hon. K Azopardi:** Can I ask, just finally, on that: even though the processes have changed, as the hon. Member has indicated, in terms of who you are liaising with, are those arrangements that are not giving us problems functioning on an ad hoc temporary basis? Would they be affected in the event of a no-deal scenario?

3445 **Hon. Prof. J E Cortes:** Mr Speaker, I do not believe so. We are now not working under the EU directives, we are working under the very similar Basel Convention and therefore that is the avenue by which these permits are being requested, so I do not foresee that that need necessarily be a problem.

3450 **Hon. E J Phillips:** Mr Speaker, just picking up on the recyclables point, around Gibraltar there are various places where there are recycle bins, depending on which recyclable article goes into which bin. How are they collected? I think it just feeds into this point. My understanding is that a truck pulls up, an arm comes out and picks up the respective bins and effectively puts the recyclables in this unit. So whilst the public are separating their recyclable waste into categories,

3455 this all gets reverted into a truck that then has to separate it again. Is that not how it works? I would be grateful if he could just clarify that, please.

Hon. Prof. J E Cortes: Mr Speaker, this is the myth of Gibraltar's recycling. I have been told that it is mixed for the last 11 years, and in these days of social media if it was actually happening we would have had a video showing it.

3460 No, the trucks go from site to site collecting from the different ones. One truck run will be the yellow bins, the next truck run will be the green bins and the next ... So they are different runs, they are not mixed. There have been allegations. We have never, ever seen evidence. If that was the case, then there would be serious consequences on both the company that does it and, I would assume, on the operator who does it. The routes are the same but the process is that they do all the yellows, all the greens and so on.

Hon. E J Phillips: Mr Speaker, that was very helpful. Just one further question that relates to recycling more generally. I noted from his recent public statements that there has been a significant decrease by the population in recycling, and I wonder how the Government, given its purported green credentials, is going to tackle the question and encourage members of our community to reinstate that recycling process.

3470 **Hon. Prof. J E Cortes:** Well, one of the – (*Interjection*) No, absolutely. We are indeed, and one of the issues may be this myth, this lack of confidence in the system. Now that I have explained it, I hope we have allies on the other side of the House who will explain that that is not what happens.

Clearly, there are people who do not respect the different receptacles and do mix them – that is a problem – and then it is separated in the depot. I am considering the possibility of legislating against that, something that perhaps may have to happen. But certainly we are actively encouraging in the media – you will have seen it on GBC television – recycling, and we do that in the schools. So hopefully it will pick up.

3480 One would like to think that the decrease in recycling is in fact because we are using less packaging. I am not convinced it is – it would be a wonderful story if that were the reason – but there we are. We have to promote recycling. It is clearly environmentally sound and I just hope that people will regain confidence in the process.

Q624/2022
St Mary's School –
Annual rental cost

Clerk: Question 624/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the annual rental cost that will be paid in respect of St Mary's School?

3490 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the answer remains as provided in the last session of the House in answer to Question 487/2022.

3495 **Mr Speaker:** If I may interject at this point, Hon. Leader of the Opposition? I came across this question and I noted that it infringed the six months rule, but I used my discretion and allowed it

3500 because it was of public interest. Given that the answer remains as it was last month, I do not think it would be fair for me to allow you to ask any supplementaries.

Hon. K Azopardi: Mr Speaker, obviously I respect your ruling, but the question I was going to ask ... I will just explain it to you, Mr Speaker, and then you can decide.

3505 My recollection – and I know we had an exchange through the Clerk about my explanation on the issue of the six months rule – of the hon. Member’s answer last time was that when I asked specifically what the rental cost was he did not have the information with him, so the purpose of this question was for him to give that information. His answer cannot be like it was last time, because last time he said, ‘I do not have the information with me.’ I have filed the question so that he could then answer it. That is the reason for it.

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Mr Speaker: I understand the explanation.

Chief Minister (Hon. F R Picardo): I actually have the *Hansard*. Well, I have the note of our own internal transcript of what was said and, Mr Speaker, the hon. Gentleman said, ‘The figure is in the public domain, in which case, if the figure is in the public domain then the question should not be asked because it is in the public domain.’ And then the Hon. Minister said, ‘If it is in the public domain, it is in the public domain. I do not have it in my head, but if it is in the public domain, there it is.’

3515 Our position in respect of this has not changed. Our position in respect of this is that when the lease is finalised, that is when the actual figure is crystallised and that is when we can give them the actual figure. Everything else is the estimated figure, which is the figure that we were talking about last time, but that does not change and that is exactly the position as it was. If we are going to have the same debate every month despite the rules, then we are not going to be able to make much progress.

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Hon. K Azopardi: No, Mr Speaker, I was not intending to have the same debate. I had understood ... and we are all working from our own notes, his note, my note. My note indicated, yes, that there was that exchange, but also an exchange that indicated that the hon. Members did not want to commit to a figure because we had said there was something in the public domain but they were not sure about confirming it and I wanted to give them the opportunity to do so. If they are not prepared to do so until there is a signed document, we will file the question then, but that is the intention of the question. It was not a trap or anything like that. I thought I was responding to their position that they did not want to commit last time because they did not have it in front of them.

3535

Hon. Chief Minister: No, Mr Speaker, and what we have to be careful with here is that we could end up with a dispute as to the measurements etc. We do not want to be fixed with having agreed with the hon. Member across the floor of the House a particular amount, maybe the relevant one, if we are then, when it comes to preparing the lease, having a dispute with the landlord as to what the actual amount is, and he turns around and says, ‘Well, actually, the figure that you are disputing now is the figure that you accepted in Parliament is the right one,’ when the time comes and we have measured and we no longer take the view it is the right one.

3540 I want to be very clear that the Government has an estimation, which is the one that we have debated, but the amount will be the amount that is set out in the lease when the parties agree that the measurements are the accurate ones etc., and then that is what is in the interest of the taxpayer.

3545

**Procedural –
Question 625/2022 to be asked at tomorrow’s sitting**

Mr Speaker: The next question would have been posed by the Hon. Marlene Hassan Nahon, but she had to go off, and so I have agreed that she can put her question at tomorrow’s session.

DEPUTY CHIEF MINISTER

**Q626/2022
Rosia Bay expressions of interest –
Reason for short period allowed for submission**

Clerk: Question 626/2022. The Hon. D J Bossino.

3550

Hon. D J Bossino: Why was the time for the submission of expressions of interest in respect of Rosia Bay so short?

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

3555

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, Rosia Bay has already come out to expression of interest several times. The only new component was a decision this time to include the Alternative Fortress headquarters building as part of the EOI. The time given was therefore judged to be enough for interested parties to put their names forward.

3560

Hon. D J Bossino: I am sure the Hon. the Deputy Chief Minister is aware of the reaction that some of the NGOs have had to this expressions of interest. An interview was given on behalf of the Gibraltar Heritage Trust by Mr Keith Farrell, where, whereas I think he broadly welcomed the project he was critical of the short period of time in which expressions of interest had been allowed to come forward. In this connection, in his press release he said:

3565

We must however note some concern and reservation that the notice given for submission of any Expressions of Interest is only 2 weeks, which may not be sufficient time for well thought through and feasible proposals.

He then adds:

The Government should consider extending this period to allow more time for high quality proposals.

Do I take it from the hon. Member’s response that that is not being considered by the Government?

3570

Hon. Deputy Chief Minister: Mr Speaker, I was aware of the comments issued by the Heritage Trust – indeed, I have them here. Their concern was simply the narrow concern that it may not be sufficient time for well thought, thorough and feasible proposals. We have received well-thought, thorough and reasonable proposals within the time that was given, so that concern, although we understand and fully respect their views, is unfounded.

3575

An expression of interest only requires basic details of a very preliminary nature, literally expressing an interest, indicating the level of premium, indicating the land use. It may include layout plans or sketches or very basic concept design, but it is not a full engineering drawing or architectural drawings that are required for that, so it is possible to do them in a relatively short period of time. There have been five interested parties who have submitted an expression of

3580 interest. Two of them were of the basic type that I have described, but the other three were
actually very detailed and included more information than required for an EOI. So although I
understand the concerns that were expressed and the Government understands them, in fact the
basis for the concerns was not necessarily and I am happy to be able to allay their fears this
evening.

3585

Hon. DJ Bossino: Of course, ultimately that is a question of judgement, which I assume is being
exercised by the Government and him personally in relation to, if I quote the press statement,
whether the proposals are 'well thought through and feasible'.

If I can press him on one further point, the expressions of interest which have been ... As he
3590 says, there have been more than one and I think this may indeed be the third expressions of
interest; I was certainly aware of one of them. The difference with this one is that it now includes ...
I think it is called the AOH Centre, and there are certain requirements in relation to what they
should provide. It is the AHQ building and it is to be converted into a boutique hotel incorporating
an information centre. As I understand it, the original expressions of interests included and
3595 allowed for a residential area. That is not featuring in this EOI and I think the NGOs have
commented on that to the extent that they think the expectation is – and in respect of which they
are drawing comfort because they objected to that particular feature – there will not be a
residential area to be constructed. Can he confirm what the position is in relation to that aspect?

3600 **Hon. Deputy Chief Minister:** Mr Speaker, let me say, first of all, that the Government has not
had the opportunity to examine this in the detail that we would need to actually appoint a
preferred bidder. We have gone through them.

The fact that we have received substantial responses in the period of time given is not a
question of judgement, it is a matter of fact. The responses are there and we have received them.
3605 There have been several expressions of interest, as I said in the answer. There have not been
three, there have been five altogether and these go back to around 1999 when the whole thing
started, when Rosia Bay was put out by itself – that is to say only the bay. There was then another
one, which included the bay and the nearby Victualling Yard. Then, around that point, which must
have been 2000-02, the then Government took the view that it was really not economically or
3610 commercially viable to put out these two sites to tender or to expressions of interest without
some kind of residential component forming part of the overall package. Developers who had
made representations to them at the time had indicated that the project was not commercially
viable, that without some kind of residential element to it the whole thing was not viable.

What happened then, after that, in the next expression of interest, is that the then Government
3615 issued another one, which included the Grand Magazine site with the intention that the residential
project at Grand Magazine would be enough to finance the development of the bay and the
Victualling Yard. That went out to tender. It was a requirement of the tender that that should
happen. In the event, the development at Grand Magazine, which is there today and was
supposed to be a three-to-four storey, ended up being an eight or nine-storey development, being
3620 the residential element, but the development, refurbishment and restoration of the bay did not
happen because, at the time, the Government agreed with the developer that they would pay the
sum of £300,000 and with that sum get out of the commitment to refurbish and restore the bay.
So the residential, which is supposed to be part of the project to finance it commercially, went
ahead and the refurbishment/restoration of the bay sadly did not happen, and I say that ... Just to
3625 get to the residential point, some of the proposals the Government has received include a
residential element and some of the proposal received do not include a residential element, so
there are two types. Clearly the premiums involved are very different.

In terms of the AHQ building, the Heritage Trust was actually consulted in advance. My office
arranged with LPS to take them round the building to express views and opinions as to what they
3630 felt could and could not be done and to make that a part of the expression of interest process
before it was issued, so this is something which, as the hon. Member has said, the Trust has

3635 actually welcomed. They had also written to the Government before the EOI came out, indicating an understanding that, as a result of the pandemic, economic priorities had changed and there was a need to stimulate and encourage investment and that one way of doing that was putting out the AHQ building for potential use as a boutique hotel, which is what we have done. They also welcomed the holistic approach to the whole area, saying that the hotel would fit in very nicely with that kind of outcome.

3640 So, to answer the hon. Member's question, the Government has not, at this stage, selected a preferred bidder. There are several options and we need to sit down and analyse them properly.

3645 **Hon. DJ Bossino:** The hon. Member may not be able – it may not be appropriate for him across the floor of the House at this stage because he is going to be considering all five proposals – to indicate what the Government's view is in relation to the residential aspects of the development. He mentions the things which the NGO is happy with, but in fact, in relation to the residential development they perhaps rather naively thought, given the answer he has just given, that ... Well, they took encouragement that the invitation does not refer to residential development, which they describe as a very firm red line for them, as any building of significant massing at the sites, including [inaudible] the historical monuments at the site. Presumably at this stage the hon. Member is unable to assuage the NGO's concerns in relation to that, and it is actually within the realms of possibility, depending on which one he chooses, that there will be a residential aspect to the development.

3655 **Hon. Deputy Chief Minister:** And the next step probably would be that the Government would convene a panel to actually examine two bidders, for example, of the three – the most substantial ones, or indeed perhaps one of the others – in greater depth and greater detail. In the past, the Heritage Trust has formed part of those panels. Even though there have been Government bodies in some of these EOIs with a heritage dimension, they have been included in them to be able to put across their point of view, something they also do as a voting member of the Development and Planning Commission in the event that eventually there were to be a proposal and eventually that proposal were to go to Planning. So there are plenty of opportunities to provide an input in that respect.

3660 There is no preferred bidder, no final decision has been taken and it is a process which is very much at the beginning rather than at the end.

3665 **Mr Speaker:** Next question.

Q627/2022
Old airport terminal –
Plans

Clerk: Question 627/2022. The Hon. DJ Bossino.

3670 **Hon. DJ Bossino:** Does the Government have any plans for the area of the old airport terminal; and, if so, what are they?

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

3675 **Deputy Chief Minister (Hon. Dr JJ Garcia):** Mr Speaker, yes, the old air terminal site went out to expressions of interest and the Government continues in discussion with a preferred bidder.

3680 **Hon. D J Bossino:** Maybe by way of comparison to the question and answer session we have had in relation to Rosia Bay, do I take it from that ...? I think this expressions of interest is quite dated and maybe he can ... The question is when was it issued. I know it is information which is publicly available. I do not have it in front of me, but how far ...? He says 'a preferred bidder', so presumably, of all the expressions of interest they have had, they have now alighted on one and he is now discussing the finer detail in relation to that one. Is he able to reveal any information as to what they are going to be doing there?

3685 **Hon. Deputy Chief Minister:** Mr Speaker, yes, this expression of interest came out ... it must have been around 2014, around that time, because one of the reasons why the thing was frozen for a while was because the area needed to be used for border queues. Remember, this was a time when I think Margallo was Foreign Minister of Spain and we did not want to commit the site to any other use, given what was actually happening at that moment in time.

3690 We are in negotiation with one preferred bidder. I think we are quite close to coming to an agreement, given the time it has taken. The intention is that the site would be for commercial use. There would be a pay-and-display multi-storey car park and there would also be storage facilities and a bus terminal, and commercial use generally, in terms of commercial units, retail outlets.

3695 **Hon. D J Bossino:** Is he able to provide any further detail in relation to that, in terms of how many commercial units, parking spaces, the size, that type of thing? And does he know when he expects to be in a position to announce the launch of the project?

3700 **Hon. Deputy Chief Minister:** Mr Speaker, we are not there yet. Obviously, some of this is commercially sensitive and I would not like to make any announcement – far from it – until we have actually concluded the negotiation.

Mr Speaker: The Hon. Roy Clinton.

3705 **Hon. R M Clinton:** Thank you, Mr Speaker.
Can I ask the Minister whether this particular project would form part of the National Economic Plan?

Hon. Deputy Chief Minister: Mr Speaker, no.

3710 **Mr Speaker:** Next question.

Q628/2022
Midtown car park rooftop residential development –
Expressions of interest

Clerk: Question 628/2022. The Hon. the Leader of the Opposition.

3715 **Hon. K Azopardi:** Mr Speaker, how many expressions of interest have been received for the residential development on the rooftop level of Midtown car park, and has the Government identified a preferred bidder?

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

3720 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, a total of 11 expressions of interest have been received in respect of a residential development at the rooftop level of Midtown car park. The Government has not yet identified a preferred bidder.

3725 **Hon. K Azopardi:** I guess these have arrived fairly recently, so you would want some time to consider, but does the Government have a view on breaking that down? Are they very diverse in their expressions of interest?

3730 **Hon. Deputy Chief Minister:** Mr Speaker, I can say that nine were in respect of residential developments of different types. Some had a greater density, others were smaller, single dwellings, and two were for leisure activities.

Hon. K Azopardi: Leisure mixed with residential?

Hon. Deputy Chief Minister: *[Inaudible]*

Adjournment

3735 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is nothing that makes me happier than to hear hon. Members laugh at Joe Bossano, because he always gets the last laugh.

3740 Tomorrow is the fourth Thursday of December and we will come back at three o'clock for Chief Minister's Questions. The reason we did not meet on the third Thursday in December is because we had our welcome guests in the area of the foyer and the lobby, GBC, who were holding their GBC open day on that day.

I look forward to returning tomorrow and I now move that the House should adjourn to tomorrow at 3 p.m.

3745 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 22nd December at 3 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 22nd December at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 22nd December at 3 p.m.

The House adjourned at 8.46 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 8.24 p.m.

Gibraltar, Thursday, 22nd December 2022

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The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q635/2022
COVID-19 memorial –
Government plans

Clerk: Meeting of Parliament, Wednesday, 22nd December 2022.
We continue with Answers to Questions.

5 **Mr Speaker:** A slight correction: today is Thursday.

Clerk: Question 635/2022. The Hon. E J Phillips.

10 **Hon. E J Phillips:** Mr Speaker, can the Government state when it intends to erect a memorial to those who were lost to COVID-19?

Clerk: Answer, the Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is currently finalising plans for the erection of the COVID-19 memorial and expects to make an announcement early in the New Year.

Mr Speaker: Next question.

Q636/2022
Rt Hon. Alexander Downer –
Reason for payments re legal fees

20 **Clerk:** Question 636/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state why the Government is paying the Rt Hon. Alexander Downer £3,000 a month in respect of legal fees?

Clerk: Answer, the Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has contracted the professional services of the Rt Hon. Alexander Downer in respect of work related to the United Kingdom and Gibraltar's departure from the European Union and the establishment of commercial links with other Commonwealth countries.

30 Mr Downer is a former Foreign Minister of Australia, a post he held for 11 years, and a former Australian High Commissioner to London between 2014 and 2018. He is, therefore, well qualified in the areas in which he works with us.

Hon. E J Phillips: I am grateful for the answer. I was just slightly perplexed that the cost of this service that the Rt Hon. Alexander Downer was providing the Government was included in a legal services schedule, given the fact that I do not believe that this individual is legally qualified, and therefore I wonder whether the Chief Minister might investigate whether this amount might be more appropriately put in a different schedule, rather than for legal services.

40 **Hon. Chief Minister:** Mr Speaker, the Hon. the Deputy Chief Minister I think is right in saying that this is paid for through the office of the Attorney General because he is running that part of the negotiation and this cost has been assigned there. Like him, I too believe that Mr Downer does not have a legal qualification so it would not be a legal fee. I think it is being paid through the GLO office and for that reason may have been put on a legal expenses list, but I will go back and ask that it be removed from a schedule that relates to legal expenses.

45

Mr Speaker: Next question.

Q637/2022

Bullying claims against Government or GDC – Claims and settlements

Clerk: Question 637/2022. The Hon. D A Feetham.

50 **Hon. D A Feetham:** Mr Speaker, how many bullying claims have been made against the Government or the GDC, and how many has the Government settled and for what amount?

Clerk: Answer, the Hon. the Chief Minister.

55 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Employment (Bullying at Work) (Amendment) Act 2022 came into operation on 27th May 2022. This Act introduced vicarious liability of employers for their employees' conduct, as prior to its introduction there was no such liability.

There are currently 22 claims at different stages of the grievance process.

60 **Hon. D A Feetham:** Mr Speaker, how many bullying claims has the Government settled since the amendments were introduced?

Hon. Chief Minister: Mr Speaker, from the schedule I have before me, I think I can point to one that has been settled.

65

Hon. D A Feetham: Can he indicate what amount that claim has been settled for?

Hon. Chief Minister: From the information I have here, Mr Speaker, £5,000.

70 **Mr Speaker:** Next question.

Q638 and Q645/2022

GDC –

Number of vacancies; number of current employees

Q639 and Q648-49/2022

Government agencies and authorities, HM Customs, and Borders and Coastguard Agency –

Number of vacant posts

Q646-47/2022

Administrator posts in Government Departments –

Number of vacancies and number of acting or temporary post holders

Clerk: Question 638/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies are there within the GDC?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 639 and 645 to 649.

80 **Clerk:** Question 639/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies are there within Government agencies and authorities, identifying the agency and authority?

85 **Clerk:** Question 645/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many people are currently employed within the Gibraltar Development Corporation at 13th December 2022?

90 **Clerk:** Question 646/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many vacant administrative posts in Government Departments were there on 13th December 2022?

95 **Clerk:** Question 647/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many officers were occupying administrative posts in Government Departments on an acting or temporary basis at 13th December 2022, broken down by particular clerical grade?

100 **Clerk:** Question 648/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many vacant posts were there in HM Customs at 13th December 2022, including those filled by officers on an acting basis or on temporary promotion?

105 **Clerk:** Question 649/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many vacant posts were there in the Borders and Coastguard Agency at 13th December 2022, including those filled by officers on an acting basis or on temporary promotion?

110

Clerk: Answer, the Hon. the Chief Minister.

115 **Hon. Chief Minister:** Mr Speaker, successive administrations, including the one the Hon. Mr Feetham and the Hon. Mr Azopardi were a part of, have consistently told the House they take the view that the GDC is a provider of labour. Consequently, there are no vacancies within the GDC. The continuity of roles within the GDC is assessed on a case-by-case basis and there are currently six posts within the GDC ongoing recruitment as at 13th December 2022.

In respect of Questions 639 and 647, I now hand over a schedule with the information requested.

Answer to Questions 639/2022

Agency	No of Vacant Posts
Borders & Coastguard Agency	5
Gibraltar Electricity Authority	30
Gibraltar Health Authority	105
Gibraltar Industrial Cleaners Ltd	10
Gibraltar Port Authority	3
Gibraltar Sports & Leisure Agency	1
Housing Works Agency	17

Answer to Questions 647/2022

Substantive Grade	Substitution Grade	No of Officer
AO	HEO	4
AO	EO	31
AA	PS	2
AA	EO	1
AA	AO	37
EO	HEO	25
PS	EO	2
HEO	SEO	17
HEO	Accountant	1
GDC Gd 1	AO	8
GDC Gd 1	EO	2
GDC Gd 1	GDC Gd 2	5
GDC Gd 2	EO	1
GDC Gd 2	GDC Gd 3	1
GDC Gd 3	GDC Gd 4	1
SEO	SO	5
Assistant Director	Director	1
TYPIST	EO	1
Clerk/Word Processor	AO	1
Stats Lvl2	Stats Lvl4	1

A total of 273 persons were employed with the Gibraltar Development Corporation as at 13th December 2022.

125 There were a total of 72 vacant administrative posts within Government Departments as at 13th December 2022, of which eight vacant posts are within HM Customs, two of which are covered by acting officers and six of which are vacant posts for customs officers.

There are five vacant posts within the Borders and Coastguard Agency.

130 **Hon. K Azopardi:** Mr Speaker, while I look at the schedule and put any appropriate supplementary to the Chief Minister, can I first start by asking him, given that he says that there are 72 administrative posts that were vacant in Government Departments – I think that is the number he gave me – is it the view of the Government that they will commence or undertake the recruitment in respect of those posts, and how many of those posts are being currently recruited or filled?

135 **Hon. Chief Minister:** Mr Speaker, that process ... it is not a question of it having begun or not begun, it is a process which is constantly ongoing. There are vacant administrative posts and the process in the Civil Service, as he will recall from when he was in government, is that you start to fill the ones at the top, and as a vacancy becomes open at the top you fill it and that leads to another vacancy below. And so that is an ongoing process. There are boards ongoing for SO and 140 SEO, then there will be boards for HEO and EO etc. So that is an ongoing process.

It is not a large vacancy rate in the context of the Civil Service. It is a 2.6% vacancy rate, and that is not vacant posts at the bottom; that is promotions which are being provided for almost all the time.

145 **Hon. K Azopardi:** Mr Speaker, the reason I ask that question ... and obviously I hear what the Chief Minister has said, but his Minister for Economic Stability has indicated in the press on a number of occasions that it is not necessarily the case, given the current situation, that vacant posts will be filled. Is he saying that the policy of the Government will be to fill those vacancies?

150 **Hon. Chief Minister:** Mr Speaker, the position of the Minister for Economic Stability is a little bit more complex than that. What we are embarked on, for example, in the filling of vacancies throughout the hierarchy of the Civil Service, is ensuring that the resources of the public sector more generally are properly applied. So, if you are paying for someone in the wider public sector, then the fact that they are brought into the Civil Service to fill a vacancy, if they fill the criteria for 155 that and they go through the proper process of application, is not going to affect financial stability because you are paying for that person in any event.

I think it is not possible to extrapolate from the statements of the Minister that there is anything which contradicts what I am saying in respect of the Civil Service, because the hon. Gentleman has not asked about the public sector, he has asked about the Civil Service. In terms 160 of the wider public sector, which is the Civil Service, the GDC, the companies and all of the agencies and authorities, we do not want to see that grow any further, but that does not mean that each of those constituent elements of the public sector should not, where appropriate, have their vacancies filled in the Civil Service as one of those where we are doing that and we are constantly doing that.

165 **Hon. K Azopardi:** My understanding of the answer, then, is that they will do so on a case-by-case basis, depending on which department requires it or does not require it. I think that is how I have understood the answer, but he can clarify perhaps when he gets up whether that understanding is correct.

170 Can I ask him also, if he has the information in front of him ...? I have asked about the vacant administrative posts and he said 72. Does he have information as to which departments those arise in?

175 **Hon. Chief Minister:** Mr Speaker, the information I have does not break down where those posts are. Usually that is information that I would see at the time of the preparation of the Estimates Book in the event that there were any vacancies that had not been filled at that time, and then the assessment can be made about whether or not a vacancy has been kept vacant because it is not considered by a head of department, for example, to be necessary to fill it, or a wider discussion is required about filling it. But I have not got that information broken down by department.

180

Hon. K Azopardi: Will the Chief Minister provide me with that information if I write to him to request that information? Otherwise, I am happy to file a fresh question on that basis.

185 **Hon. Chief Minister:** Mr Speaker, I think it probably better to file a fresh question, because in any event we are about to go into a break now, which will take us to more or less the time when I will be calling the next meeting of the House in January, and I think it will be helpful for all of us if the information is provided into *Hansard* rather than simply by exchange of letter in respect of this, as it is a follow-up about this particular number.

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

Hon. K Azopardi: Can I just ask, on the answer to Question ... Oh, it is my hon. colleague Mr Feetham, so I will not – (*Interjection by Hon. D A Feetham*) No, you can ask that.

195 Mr Speaker, on Question 647, which is my question – I will keep to mine, if I may, at this stage – I see that there were 37, I think, AAs acting in AO posts. Am I reading this table correctly? That is that is how I understand it, the answer to Question 647. As I understand the breakdown, the first column presumably is the grade that the officer has and the second column is the grade in which they are acting. I am assuming that is how it works. There are quite a number of AAs, as I understand the table, acting as AOs – 37, if I am reading it correctly – and 25 EOs acting as HEOs.
200 Again, I ask the same question: is the Government taking steps to substantively fill these posts?

Hon. Chief Minister: Mr Speaker, the answer to that is yes, as part of a process that I have provided for. When there are those vacancies, there is not always ... The words 'vacant post' do not mean necessarily that there is no one there. It means that there is somebody acting up into the post. He will recall that we had a recruitment of a large number of AAs – time is a little bit elastic now; I do not know whether it was just after the pandemic or just before, and I do not want, on my feet, to speculate about the date – and so at the bottom we had more people than we had vacancies in order to be able to ensure that as we filled the vacant posts they provided the number of people required below as well from the pool that was available, already recruited.
205 That does not mean the post is not vacant. The post is vacant until the PSC nominates the individual who is going to fill it and the Governor signs off in that respect, but there is a person acting in the post and at the bottom you have more than you had provided for, and therefore everything should settle into the complement being filled.

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

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

220 In relation to Question 639, the Gibraltar Health Authority, the number of posts is 105. Last night, the Hon. the Minister for Health indicated that there were 1,100 employees within the GHA. That is 10%, I make it. (*Interjection*) Well, even if it is ... Let me just ask the question, because it may well be that we have got the figure wrong. I have asked my colleagues and they have heard the same thing. In any event, the question is this: does he consider that 105 vacancies within the GHA, on the information he has, is unusually high? And, if so, what is the reason for that high number? It does appear, to me, to be high at 105.

225 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, yesterday I had an exchange in Parliament with my hon. Friend the Leader of the
Opposition and I undertook to get him some further information and breakdown in respect of the
vacancies. Remember, there were nine filled, nine in the process of interviews and a further 36
which were going to be taken up in January. I promised to write to the hon. Member and give him
230 some more details. This morning, as I have been going through those numbers I have been told
that there are more than the number I disclosed yesterday to the hon. Member, and I have now
seen the 105 in this answer, so I will pursue the answer to give correct information if what I gave
yesterday was wrong. If that was wrong and this is right, then that requires a different answer. If
my information yesterday was right and this is wrong, that it is not 105 but closer towards 50
235 something, which is the number that I gave yesterday, 36 plus nine, plus nine ... I think with the
GHA, as I mentioned yesterday in two different interventions, there are certain areas where –

Hon. K Azopardi: Will the hon. Member give way?

240 **Hon. A J Isola:** Yes, of course.

Hon. K Azopardi: If the hon. Member will give way, I think all the figures may be correct,
because if he recalls, when he gave me the figure of 54 it was at a different point in time, and my
hon. colleague has now asked a question subsequently in terms of the numbers of current
245 vacancies, so the situation will have moved on because when he gave me that figure, 54, I think it
was probably about a month or six weeks ago. So it may be that yes, the figure he gave me was
correct yesterday in relation to the figure of 54 – how many posts had been filled and how many
were ongoing in terms of recruitment – but since that time there is now a much bigger number of
vacancies. If that is helpful ...

250 **Hon. A J Isola:** I am grateful for that. The information I was disclosing yesterday was the current
position. In other words, the information as to how many interviews are actually in progress now,
how many we are going to be working on in January. So there is a difference in numbers and I
realised when I saw this answer that there is a discrepancy and we will need to revert.

255 What I was going to say was, as I also disclosed yesterday in answer to questions, there are
certain services that we have actually subcontracted in, to get help. Those will be in areas where
we have not been able to fill some of the vacancies. So the jobs are being done. The numbers of
vacancies ... It is not that that work is not happening, the work is happening. Is that number higher
than I would like? I said yesterday I thought 50 in an organisation of some 1,100 – I think it is just
260 over – is a relatively low number. If it is 100, then it is a little bit more – it gets closer to 10% rather
than 5%. I will undertake to revert to the hon. Member with more details and clarity in respect of
what is the actual position in respect of these numbers of vacancies at the GHA.

Hon. D A Feetham: Bearing in mind that he is going to revert, could he also perhaps provide a
265 breakdown of where these 105 – if it is 105, or if it is 54 – vacancies actually lie? That perhaps will
then allow us to analyse the figures and ask further questions next time, Mr Speaker.

Hon. A J Isola: Yes, Mr Speaker.

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

Hon. E J Reyes: Thank you, Mr Speaker, sir. You may recall during the course of this current
calendar year I have had, at times, questions to the Hon. Minister for Sport in respect of the
staffing at the Gibraltar Sports and Leisure Authority. I think there is a typing error in the Chief
275 Minister's schedule, because by legislation it is Sports and Leisure Authority.

The Minister was telling me at the time that he was in the process of undergoing discussions in respect of the staffing and so on. Seeing that the Chief Minister, in his answer, has put that there is one vacant post, does that mean the staffing exercise is now completed and therefore one post will be subsequently advertised, or is the Chief Minister basing these figures on what had
280 been previously agreed, which may or may not result in the advertisement of one post?

[A mobile phone rings]

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, it happens to be my mum. *(Interjections)* Yes. Hi, Mum. Sorry.

Mr Speaker, in relation to that vacancy, it is one where somebody has probably retired and will
285 be replaced automatically. We are still going through the process of looking at staffing levels in the GSLA, but the information that the Chief Minister would have got, rightly, is one vacancy.

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

Then, in Question 638 my hon. colleague Mr Feetham asked about vacancies in the GDC, to
290 which the Chief Minister explained that there were zero because those are on a case-by-case basis. Last month, in exchanges I had with the Father of the House, he was telling us that the process was ongoing because the adverts had gone out in respect of the Construction Training Centre – one post for centre manager and I think it was two, if not three, instructor posts – and applications were invited to be sent to the GDC. Because the Chief Minister said it is on a case-by-
295 case basis, does he have any more information in that respect? I believe, sir, later on the Order Paper you are going to allow me to ask about the Training Centre manager, but not ... I had not filed a question in respect of the other vacancies because I know it was only asked a month ago. Given that this has arisen now, maybe the Chief Minister does have some information in respect of the instructors, not the Training Centre manager, in this GDC vacancy.

300

Hon. Chief Minister: I do not, Mr Speaker.

Mr Speaker: Next question.

Q640/2022
Chatham Views –
Changes to plans and designs

Q641-42/2022
Bob Peliza Mews, Chatham Views and Hassan Centenary Terraces –
Construction costs

Clerk: Question 640/2022. The Hon. D J Bossino.
305

Hon. D J Bossino: Please state whether the plans and designs for Chatham Views have been changed in order to accommodate current residents of the old Westside School. I think Westside Mews is probably appropriate.

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 641 and 642.

Clerk: Question 641/2022. The Hon. D J Bossino.

315 **Hon. D J Bossino:** Why has the Government not already negotiated the construction prices for Bob Peliza Mews and Chatham Views?

Clerk: Question 642/2022. The Hon. D J Bossino.

320 **Hon. D J Bossino:** When were the construction costs agreed in respect of Hassan Centenary, broken down in respect of each phase?

Clerk: Answer, the Hon. the Chief Minister.

325 **Hon. Chief Minister:** Mr Speaker, the design for Chatham Views has not been changed in order to retain the Westside Mews building. The easternmost block has been shifted slightly south but the layout and configuration of the apartment blocks and the apartments has not changed.

The tenders for Bob Peliza Mews and Chatham Views were issued over three and a half years ago. During this period, there have been major changes in construction costs due to external factors such as COVID-19. In order to ensure that HMGoG receives value for money, a decision
330 has been taken to retender the projects on a competitive basis rather than negotiate with a preferred bidder.

The construction costs for Hassan Centenary Terraces were established through the tender process carried out for the entire project. These costs were agreed in December 2019, albeit there
335 were some commercial points to close out.

Hon. D J Bossino: If I can take the last point first, in relation to Hassan Centenary, Mr Speaker, he refers to one date, which is the December 2019 date, and in fairness to him, in answers to supplementary questions that we had in the last session he said that as far as phase 1 was
340 concerned the contract price had been fixed before COVID, I think he said, so that is before March 2020, and I am assuming that that is the date which applies, but that in relation to phase 2 it was fixed before, I think he said, the war in Ukraine, which would have been February this year.

Can he give a bit more information – because I have not been able to take a full, detailed note of his answer – in relation to the date? He has only provided one date. Is that the date when the
345 construction costs were agreed in respect of both phases? Is that his position now?

Hon. Chief Minister: No, Mr Speaker. In fairness to me – and I am surprised that the hon. Gentleman gets up to say that he is going to preface things ‘in fairness’; I do not think there is any other way in which we should be addressing each other, other than in fairness – what I have said
350 is that in December 2019 the constructions costs were established through a tender process but there were commercial aspects to provide for, and those commercial aspects included some elements which relate to aspects of the price. Those had not been resolved until, I think, May 2022, when we were able to start the second phase, and the second phase included the work on the revetment, not just the work on the towers.

355 **Hon. D J Bossino:** Let’s put it in simple terms. In relation to phase 2, the costs were fixed in May 2022, as I understand it, once the commercial aspects had been provided for, he says, in relation to the price. In relation to phase 1, at what point in time were the construction costs in relation to that development fixed? The concern here – and I raised it at the last session of the House – is that the information I have received is that construction started before there was a
360 fixing of a price and that that in itself has resulted in an over-expenditure to the tune of ... I have been provided with various figures of between £30 million and £50 million. If we had had a fixed price earlier, that would not have happened. That is the concern that we have on this side of the House insofar as the management of this particular development is concerned.

365 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is wrong, the information that has come to him is wrong and the figures that have been given to him are entirely wrong because the basis on which they have been provided to him is wrong. I checked the dictionary definition of the word 'drivel', which he used yesterday: it means nonsense, and what he has said is drivel.

370 **Hon. D J Bossino:** Can he answer the specific question that I required clarification on, which related to when the price was fixed in respect of phase 1? He has given me a lot of dates. He has mentioned December 2019, no doubt in order to provide as confusing an answer as possible, but can he ...? He says that May 2022, as I understood it, was the date of the fixing of the price in respect of phase 2. When was the fixing of the price in respect of phase 1 arrived at, contractually signed?
375

Hon. Chief Minister: Mr Speaker, I do not think I have given him a lot of information in order to confuse him, but of course that betrays the principle that when faced with a lot of information he believes he might be confused, which is a worrying aspect for somebody who purports to want to do a ministerial job, because in a ministerial job you will find that you face a lot of information a lot of the time.
380

Hon. D J Bossino: *[Inaudible]* and I do not think that is parliamentarily acceptable and he should be called to order.
385

Hon. Chief Minister: Mr Speaker, I am not casting aspersions on anyone's character. The hon. Gentleman has said that I have given him a lot of information in order to confuse him. That suggests he is a person who, when faced with a lot of information, is potentially confused. He may have cast an aspersion on his character if he believes that putting a lot of information to a person leads them to confusion. It is a matter for him, but in fact I do not seek to cast aspersions on his character. I think his character speaks for itself and there is no need for me to characterise his character in any way. If he wants the information, I have a date here: 18th December 2019.
390

Hon. D J Bossino: Mr Speaker, are you going to give a ruling in relation to the point of order I have just raised? *(Interjection)* **(A Member: Wow!)** *[Inaudible]*
395

A Member: You give me a lot of information to confuse me.

Hon. Chief Minister: If I get all the information, I may be confused.
400

Mr Speaker: I think Members need to settle down after lunch and just get stuck in and dig into the answers given by the Government, and both sides should refrain from using words which cast aspersions on individuals. I would ask you to continue with the way that the questions were being answered and put before by other Members of the Opposition and let's continue in that vein.
405

Hon. D J Bossino: Mr Speaker, in relation to the answer the hon. Gentleman provided in relation to Question 641, I think he talked about retendering. The point is – and this ties in with the response he gave at the last session of the House, which is that construction prices had as yet not been arrived at or indeed fixed because they had not been negotiated yet in relation to Bob Peliza Mews and Chatham Views – we also have information from the hon. Gentleman, in answer to questions that we posed, that the prices in respect of those flats which have been allocated will remain fixed insofar as those purchasers are concerned. Given the rise in inflation and given, therefore, the reported rise in construction costs in the region of 30% or 35%, according to the international press, will that not result in the Gibraltar taxpayer having to foot the excess bills?
410

415 **Hon. Chief Minister:** I could not hear what you said because the expression seemed to have been tangled on your tongue.

Mr Speaker, the things that are said in the international press about construction prices –

420 **Mr Speaker:** The Hon. Chief Minister, as I mentioned before, should just get on with the question without making any remarks that might upset other people.

Hon. Chief Minister: Well, Mr Speaker, if I am not going to make any remarks that might upset the hon. Member opposite, then my answer will be in words of one syllable: no.

425 **Hon. D J Bossino:** Mr Speaker, he carries on and does it. He has completely ignored your recommendation.

430 **Hon. Chief Minister:** Mr Speaker, I begged the hon. Gentleman's pardon because I did not hear the last phrase. He made a barbed comment from a sedentary position, so I responded in kind. The hon. Gentleman is the typical who can give it but cannot take it. He needs to learn just not to give it so he does not have to take it, or to give it and take it.

435 **Hon. D J Bossino:** Can the hon. Gentleman be stopped? What is he talking about, giving it and taking it? Again, he is casting aspersions on my character. He keeps on doing it. He is not following your recommendation.

Hon. Chief Minister: How am I casting aspersions on your character *[inaudible]* give and take?

440 **Hon. D J Bossino:** *[Inaudible]*

Mr Speaker: The Chief Minister was supposed to answer a question posed by the Hon. Damon Bossino. Can the Hon. Damon Bossino repeat the question?

445 **Hon. D J Bossino:** I think he has answered.

Mr Speaker: Right.

Hon. K Azopardi: Can I ask in relation to the answer that they are going to retender on Bob Peliza and Chatham Views, is that a recently arrived-at position?

450 **Hon. Chief Minister:** Mr Speaker, it is one we have informed the House of some time ago, already.

455 **Hon. K Azopardi:** I welcome that clarification. It is just that, if he recalls, I had asked about Bob Peliza and Chatham Views and he said, 'Ask me in February and I will be able to give you ...', so I thought that perhaps there had been, now, a new decision to retender. That is not the case?

460 **Hon. Chief Minister:** No, Mr Speaker, the answer I gave him was that we were tendering, that we would be fixing the prices in that context and that that process would not be finished until then, and that is when I expected to be able to give him the numbers.

465 **Hon. D J Bossino:** Just by way of clarification, in relation to the answer the hon. Gentleman gave in respect of Question 640, which dealt with Chatham Views, did he say that it is the ...? As I understand it, there are two blocks and one is on the eastern side and that is the one that is being shifted slightly – I think he used that term – in a southerly direction, and that is presumably to make space for the residential area which is now being kept. It was not going to be kept in the

original plans; there was an open space there. Is that the position? Have I understood his reply correctly?

470 **Hon. Chief Minister:** Mr Speaker, that is an accurate comprehension of the first answer I gave.

Hon. D J Bossino: Mr Speaker, are purchasers aware of the change of plans? I am told that there are individuals who will be expecting to find an open space on the northern side of that particular block, and now they are going to be faced with a building. Are they aware of the change
475 of plans? Is that known to the purchasers?

Hon. Chief Minister: Well, Mr Speaker, it appears from the way that he has structured his question that the answer can only be yes.

480 **Mr Speaker:** Next question.

Q643/2022

Flight diversions to Malaga – Arrangements for Gibraltar passengers

Clerk: Question 643/2022. The Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, what measures are in place for passengers on flight diversions to Malaga to be able to cross the Frontier to catch flights there and leave the aircraft to return to
485 Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, HM Government of Gibraltar has been in
490 contact with the Spanish government following the difficulties faced by air passengers diverted to Malaga airport from Gibraltar last week. I have received assurances directly from the Spanish Minister of the Interior, Sr Fernando Grande-Marlaska, that the Spanish authorities at the border will continue to accept a boarding pass for a diverted Gibraltar flight departing from Malaga as a valid reason for entering the Schengen Area. Additionally, passenger manifests will be provided
495 to ensure accurate data is available containing those who are coming into Schengen because they are booked on a diverted flight.

Any suggestion that British citizens require any sort of visa to enter the Schengen Area for less than 90 days is nonsensical and has no basis in European law.

500 May I add that in all my communications with him, Sr Grande-Marlaska has always sought to be helpful and has shown a regard for the well-being of people who may have to cross the Frontier for all legitimate reasons, although his very positive attitude may not always filter through to the front line.

Hon. D J Bossino: Mr Speaker, can he assist the House, perhaps by way of explanation, in
505 connection with the requirement that ...? As I understand it, the implementation of this measure affected only British nationals and other non-Schengen nationals. It did not affect British nationals who are eligible residents and were able to produce a red ID card. Why is there a need for the boarding pass?

510 I know of individuals who were there at the relevant time and the question that was being put to me was why haven't the immigration authorities on the Spanish side of the Frontier allowed British nationals who are not residents of Gibraltar simply to cross over and stamped them in the

usual way? So they would be stamped going into Schengen and then stamped again leaving Malaga. Why the need for that extra layer?

515 **Hon. Chief Minister:** Mr Speaker, this Government is not answerable in this House for the actions of the Spanish immigration authorities.

Mr Speaker: The Hon. Daniel Feetham.

520 **Hon. D A Feetham:** I was on that flight and I can tell the House what actually happened because I was at the very front. Essentially, we crossed the Frontier from the Gibraltar terminal and Spanish police officers set us to one side. One of the Spanish police officers then came round asking for those with Spanish passports. Those with Spanish passports were then allowed to cross. I then intervened and said, 'Well, I have a Spanish passport and a Gibraltar ID card.

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Two Members: A British passport.

Hon. D A Feetham: A British passport, sorry. I beg your pardon. *(Interjections)* That's right. We are in the Christmas and generous spirit here, so I will give them ammunition for their next grubby podcast.

530

Hon. Chief Minister: Mr Speaker, I am sorry, on a point of order –

Hon. D A Feetham: I am going to ask a question.

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Hon. Chief Minister: Mr Speaker, how can we not have aspersions cast on our character and, indeed, our production facilities if our podcasts are referred to as grubby?

Hon. D A Feetham: I will withdraw then – their magnificent podcasts. So they can use that in their magnificent podcast. *(Interjection by Hon. Chief Minister)*

540

I showed my passport and the ID card and they allowed me to cross. One of the things that I regret not doing at the time is saying to the Spanish police officer, 'Hang on a minute, it has nothing to do with a boarding pass – British passport holders are perfectly entitled to cross and then,' as the hon. Gentleman, my hon. Friend has said, 'get stamped going into Schengen and then get stamped in Malaga airport coming out of Schengen.'

545

Is that the understanding from the Government of Gibraltar's point of view, that nothing should have prevented them from actually going into the Schengen Area? They could have been stamped and they could have been stamped coming out at Malaga when they left.

This not designed to be contentious, by the way, so I hope the hon. Gentleman does not take it in that way.

550

Hon. Chief Minister: No, Mr Speaker, I do not believe that the hon. Gentleman is being contentious by factually telling us what happened to him, and I am grateful that he has shared that with the House, but I must tell him that what he is wrong about is his interpretation of the Schengen rules. A British citizen is not entitled to enter Schengen. Those days are gone. We were entitled – No, whether we are stamped or not. We are not entitled to enter Schengen. You have to understand that, because it is fundamental to understanding how we resolve issues that British citizens, whether they are resident in Gibraltar or not, may have crossing the Gibraltar-Spain Frontier into Schengen.

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We are able to access the Schengen area without a visa if we can prove what we are going to do and we have evidence that that is what we are going to do. Therefore, in some instances one may need proof of a reservation to go and do a thing, and one may need proof of one's ability to sustain oneself within the Schengen Area for that period. So if you say, 'I am going to catch a

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565 flight,' and you do not have evidence that you are going to catch a flight, in particular because you do not have a booking for a flight that leaves Malaga airport because your flight was not ever intended to leave Malaga airport, you may be asked to prove that you are on a diverted aircraft and that you have a boarding pass for that diverted aircraft.

570 It is a complete misnomer to think that because we are not visa-requiring nationals, because British citizens are not visa-requiring nationals, we are entitled to enter Schengen. Those days are gone. Brexit did for that. We are no longer European citizens. We do not have the right to access the Schengen immigration zone.

Mr Speaker: Next question.

Q644/2022
ITLD –
Resolution of dispute

Clerk: Question 644/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, how is the Government going to address the dispute with civil servants in ITLD?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, HM Government of Gibraltar continues to liaise with ITLD through its representative union, the GGCA. The Government has tabled a series of measures further to the concerns expressed by the workforce. We are optimistic that there will be a favourable resolution very soon.

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Hon. K Azopardi: Mr Speaker, does the Government recognise there is a dispute with ITLD?

Hon. Chief Minister: Mr Speaker, the Government does not declare a dispute. The Government has not declared a dispute with ITLD. The structure of our Trade Union and Disputes Act allows a union to declare a dispute with the employer, in this case the Government.

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Hon. K Azopardi: Mr Speaker, the union appears to have declared a dispute, but the Government appears not to recognise that there was a dispute. Hence my question: does the Government recognise there is a dispute with the GGCA in relation to ITLD?

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Hon. Chief Minister: The union has declared a dispute. The Government is seeking to resolve any issues that we may have with the members of the union who are responsible for ITLD. If I may say so, Mr Speaker, despite attempts extraneous to the union, to ITLD and to the Government to create more problems, I am very happy to say that both the leadership of the union, the leadership of the Digital Services Ministry, the Industrial Relations Ministry and my office, with the people in ITLD, have been able to assess what the issues between us are and have worked very well to try to resolve them, trying genuinely to understand what may be causing difficulties and how those can be resolved and those concerns can be assuaged. I think that is the best way to continue to try to work together going forward.

600

Hon. K Azopardi: Mr Speaker, does the Government accept that ITLD was set up to fail?

Hon. Chief Minister: No, sir.

605

Hon. K Azopardi: He has talked about measures that are being ... that he is engaging with the GGCA, or at least the Government is engaging with the GGCA, in respect of a resolution of the dispute. Can he give us a bit more information about how the Government thinks that dispute will be resolved?

Hon. Chief Minister: No, Mr Speaker, the Government does not believe that whether one is dealing in a negotiation with ITLD or whether one is dealing with the negotiation of a treaty between two high contracting parties, it is in the interest of any of the parties to put the issues that are being discussed into the public domain and to put positions into the public domain. It is better to put solutions into the public domain. Otherwise, one ends up having the negotiation in the public domain. That can only lead to each party needing to satisfy an audience rather than just satisfy its criteria.

What I would ask the Leader of the Opposition to do is allow us the space to resolve the issues in a way that is satisfactory to the excellent civil servants in ITLD and the excellent civil servants in Digital Services and Industrial Relations, so that we can ensure that we move forward together in a way that provides the service that the public and other civil servants beyond ITLD require – something which I am very confident we will be able to do.

Hon. K Azopardi: Finally, Mr Speaker, can I just ask – without asking how the matter will be resolved, giving him the space that he says he wants – is resourcing one of the issues at the heart of the discussions that the Government is having with ITLD? Does he think ITLD have been properly resourced?

Hon. Chief Minister: Mr Speaker, I know the Hon. the Leader of the Opposition has a slightly thicker skin than Mr Bossino, so he will not, no doubt, spring to silence me if I say that it is a little bit like doublespeak to say he will give me the space to do what I have asked him to permit me the space to do, but at the same time ask me details about what is ongoing in the negotiation, which might do the opposite of what he has suggested he would do by giving me space. So he will forgive me for keeping my counsel in that respect, because I think it is important that we do not put our respective positions out there. We did that when the matter was raised into the public domain when the issue first arose. We are now trying to resolve matters, and I think it is better that we continue to try to resolve matters and not seek to exacerbate them further.

Mr Speaker: Next question.

Q650/2022
Dialysis patients –
Arrangements re treatment whilst in EU member states

Clerk: Question 650/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, are there any current arrangements in place or proposed arrangements being contemplated in the event of a EU-UK treaty on a future relationship in respect of Gibraltar that would allow Gibraltar dialysis patients to obtain dialysis treatment while away temporarily in EU member states?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there are currently no reciprocal healthcare arrangements between Gibraltar and the member states of the European Union. The

655 arrangements with Spain came to an end on 30th June 2020 and with the rest of the EU on
31st December 2020. This means that, absent other arrangements, patients from Gibraltar on
holiday or otherwise in the EU need to avail themselves of private medical insurance as part of
their travel insurance scheme, much as would be the case if a Gibraltar dialysis patient were
traveling anywhere else.

660 **Hon. K Azopardi:** Mr Speaker, that answer deals with part of the question, if I may say so, which
was what are the current arrangements in place? He has given me that, but are there any
proposed arrangements being contemplated? Perhaps he could comment. I have asked generally
on other occasions as to whether there is a healthcare dimension to the discussions should a
665 treaty emerge. Are there any arrangements being contemplated which would benefit these
patients?

He will understand the thrust of the question. Clearly, dialysis patients who are having to
undergo treatment several times a week are rather limited in terms of their options for travel and
so on. When we were members of the EU, it was easier, of course, to come up with some kind of
reciprocal treatment when you were away, but this has now ended, as he says, and they will get
670 relief if they know that it is within contemplation of the Government to provide for them within
the context of a new treaty.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman and I, I think, both care just as deeply
and equally about dialysis patients in Gibraltar who may want to travel to Spain or beyond in the
675 European Union. And not just dialysis patients, there are many other classes of individuals who
have health issues, who nonetheless want to be able to travel and during our period of
membership of the European Union had protections which enabled them to travel in that respect.

I do not want to get into the detail of the negotiation in respect of the treaty between the UK
and the EU, either directly when I answer a question about it, or tangentially by answering a
680 question about any particular aspect. If I do, I may prejudice my opportunity to negotiate
something for dialysis patients or for other patients, because by putting out there that something
is important and matters to Gibraltar, the price that one may have to pay for that in the context
of a negotiation would obviously go up. Not least because a Chief Minister may have told the
Leader of the Opposition that this something which he agrees is important, should be on the table
685 and he will try to achieve, immediately the cost of that is multiplied in the negotiation because
there is a public commitment, which then there would be a loss of face in not achieving. He will,
no doubt, understand that, and for that reason, Mr Speaker, expressing my sincere concern to
ensure that our dialysis and other patients are able to continue travelling freely throughout the
world, as we have always sought to achieve, I would pray that the Hon. Leader of the Opposition
690 ask me no further in respect of this particular subject.

Q651/2022
Tax returns –
Online registrations

Clerk: Question 651/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many online registrations have there been for this year's
695 tax returns?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, to date, 18,705 online users have registered with the Tax Office for the purposes of submitting their tax returns.

700

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for that answer. Can I ask if there is any information on the split – how many were via email and how many on the actual e-Government portal?

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Hon. Chief Minister: Mr Speaker, those are all on the portal. Additionally, 7,866 have come in via email. So the 18,705 are the portal, 7,866 are email, and 32,735 people have registered for all e-services.

710

Hon. Ms M D Hassan Nahon: Mr Speaker, if my information is correct, there were 18,705 on the e-Government portal and 7,866 on email, which represents about 30% of the entire subscription being email. Can Government explain to us why perhaps, after an average of £20 million spent, most of this year's returns – if not most, a good part of them – have been on email and not the portal? Can we understand when that might migrate more towards a fully online service instead of people having to resort to email, which is effectively a pretend e-Government service, really?

715

Hon. Chief Minister: Far from it, Mr Speaker. To be clear, what that represents, given that we expect approximately, from the information I have, 41,000 returns, well more than half have come in through electronic means and almost half have come in through the portal, which in the context of the process which is being undertaken seems to me to be an extraordinarily successful number. Of course, we would all wish that everybody would come in through the portal, but this seems an extraordinarily successful number given the difficulties we have had in the period when we have been going digital. It is moving only in one particular direction.

720

I would say that some of the issues that prevent people from submitting digitally have nothing to do with the portal. They have more to do with fear of the portal and not being confident in going in to do the return in this way, which seems to me to be by far the easiest method for the submission of a tax return that I have come across. So I do not think that there is any reason for the implied criticism that the hon. Lady has proposed. There is a cause for celebration.

725

Hon. Ms M D Hassan Nahon: Thank you for that answer.

Mr Speaker, while we celebrate, can the Hon. Chief Minister tell us if the Government has any ideas or plans to encourage a bigger uptake generally on the portal for next year?

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Hon. Chief Minister: Yes, Mr Speaker.

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Hon. Ms M D Hassan Nahon: Can I ask in what form these ideas might be planned to be?

Hon. Chief Minister: Yes, Mr Speaker, they will be announced closer to the time.

740

Mr Speaker: Next question.

Q652/2022
Airport terminal –
Anticipated opening date

Clerk: Question 652/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government give the people of Gibraltar a date by when the Airport terminal will be completed and open to the public?

745

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, I have. As I already said during my most recent *Direct Democracy* before the time for filing questions, we expect the tunnel to be operational by the end of the first quarter of 2023. The Airport tunnel site has now been handed over to the Government and we are currently in the process of ensuring that we exercise all of the systems and instruments in the tunnel and do all the things that we need to do in order to achieve final certification. Therefore, I fully expect that, as I already announced publicly, the tunnel will be operational by the end of the first quarter of next year.

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The best way to describe this project colloquially is as having had the gestation period of a mule. Thankfully, we now expect to be able to see the tunnel operational. I will say more about the frankly abysmal performance of the contractor in the near future. Our job, however, has been to ensure that we got the right product for the taxpayer.

760

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

I did want to put this question here in the House to the Chief Minister for the record of *Hansard*. Have there been any additional costs to the project due to this delay of the gestation of a mule?

765

Hon. Chief Minister: Yes, Mr Speaker, considerable costs have arisen as a result of the failure of the contractor. We have had to take the contractor to litigation. We have recovered a lot of our costs, but not all of them. We have supervisory costs in respect of changes required to the tunnel works from the original plans, and I think I have shared schedules of those costs in this House in the past.

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

Is the Brexit outcome likely to have any bearing on the deployment of this infrastructure in the next few months with the ongoing negotiations and talks?

775

Hon. Chief Minister: Yes, Mr Speaker, it may just have a very big roundabout at the end of it.

Mr Speaker: Next question.

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

Q544/2022

**Construction Training Centre Manager –
Breakdown of costs**

Clerk: Question 544/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can Government update this House in respect of the selection process for the vacant post of Construction Training Centre Manager?

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

785 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Yes, Mr Speaker, the successful candidate for the Construction Centre Manager post has now been identified.

Hon. E J Reyes: Thank you, sir.

790 Having identified the successful candidate, does the Hon. Father of the House know if he is already in post or will be taking up post shortly in the New Year – a start date?

795 Mr Speaker, last month, the Hon. Father of the House explained to us that he had not yet finalised training courses to be offered during 2023. My logic tells me it makes a certain amount of sense to wait for a new centre manager to be appointed. I am asking so he gives me a guideline of when to next pose a question about trades courses being offered in 2023. That is why I seek that information – not just being petty but to plan ahead and keep tabs on the development of the Training Centre.

800 **Hon. Sir J J Bossano:** I am not involved in that kind of detail, but since the person selected is an internal candidate, yes, I think the question of making arrangements for the post that is being relinquished and then taking over the post in the Construction ... I would expect it to be happening in January.

805 **Hon. E J Reyes:** And just seeking clarification ... The answer is that there has been an internal candidate. By that, does the Member mean internal within the Training Centre itself or internal within the Government, the GDC, or whatever set-up it is going to be?

Hon. Sir J J Bossano: Internal within the Government.

Mr Speaker: Next question.

Q545/2022
Modular units –
Financial arrangements

Q546-47/2022
Public finances –
Update

Q548-49/2022
GBIC Ltd –
Directors' remuneration; National Economic Plan projects

Q550-53/2022
Community Supplies and Services Ltd –
Fees paid to directors as directors or lawyers;
purchase of loans notes and security given; charity registration

Q554-56/2022
National Economic Plan –
Role of Gibraltar Properties Ltd and GSBA Ltd; cost to date and proportion financed by GSB

Q557-59/2022

Victoria Stadium –

Loan notes and security given; financial analysis re viability

810 **Clerk:** Question 545/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the manufacturers of the modular units in China, or any other entities, are providing any special financing arrangement for the purchase of these modular units; and, if so, what are the financing arrangements?

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

820 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Questions 546 to 559.

Clerk: Question 546/2022. The Hon. R M Clinton.

825 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st November 2022?

Clerk: Question 547/2022. The Hon. R M Clinton.

830 **Hon. R M Clinton:** Can the Government advise the balance on the General Sinking Fund on the following date: 1st November 2022?

Clerk: Question 548/2022. The Hon. R M Clinton.

835 **Hon. R M Clinton:** Can the Government advise the remuneration paid to each of the directors of GBIC Ltd?

Clerk: Question 549/2022. The Hon. R M Clinton.

840 **Hon. R M Clinton:** Can the Government advise why GBIC Ltd is the preferred contractor on building projects in its National Economic Plan?

Clerk: Question 550/2022. The Hon. R M Clinton.

845 **Hon. R M Clinton:** Can the Government advise if the directors of Community Supplies and Services Ltd have been paid any fees as directors or lawyers; and, if so, please identify the amount since incorporation?

Clerk: Question 551/2022. The Hon. R M Clinton.

850

Hon. R M Clinton: Can the Government advise which Government-owned company or companies, Gibraltar Savings Bank-owned company or companies, or Gibraltar Development Corporation-owned company or companies have purchased loan notes from Community Supplies and Services Ltd and in what monetary amount and for what tenure and interest rate?

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Clerk: Question 552/2022. The Hon. R M Clinton.

860 **Hon. R M Clinton:** Can the Government advise what security has Community Supplies and Services Ltd given in respect of loan notes purchased by Government-owned company or companies, Gibraltar Savings Bank-owned company or companies, or Gibraltar Development Corporation-owned company or companies?

Clerk: Question 553/2022. The Hon. R M Clinton.

865 **Hon. R M Clinton:** Can the Government advise why Community Supplies and Services Ltd has not registered as a charity?

Clerk: Question 554/2022. The Hon. R M Clinton.

870 **Hon. R M Clinton:** Can the Government advise what role does Gibraltar Properties Ltd play in the National Economic Plan?

Clerk: Question 555/2022. The Hon. R M Clinton.

875 **Hon. R M Clinton:** Can the Government advise what role does GSBA Ltd play in the National Economic Plan?

Clerk: Question 556/2022. The Hon. R M Clinton.

880 **Hon. R M Clinton:** Can the Government advise the estimated cost to date of the National Economic Plan and how much of this will be financed by the Gibraltar Savings Bank?

Clerk: Question 557/2022. The Hon. R M Clinton.

885 **Hon. R M Clinton:** Can the Government provide the details of the monetary value, interest rate and term of the loan notes to be purchased by the Gibraltar Savings Bank in respect of the proposed Victoria Stadium development?

Clerk: Question 558/2022. The Hon. R M Clinton.

890 **Hon. R M Clinton:** Can the Government advise who conducted the financial analysis of the viability of the Victoria Stadium development and has this been subjected to independent expert review?

895 **Clerk:** Question 559/2022. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise what security will be given in respect of the loan notes to be purchased by the Gibraltar Savings Bank for the Victoria Stadium development and what loan-to-value ratio does this represent?

900 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

905 **Hon. Sir J J Bossano:** Mr Speaker, neither the manufacturer of modular units in China nor any other entity is providing any special financing arrangements for the purchase of the modular units.

The gross public debt and the aggregate debt after the application of the Sinking Fund to gross debt, cash reserves and net debt figures were, on 1st November 2022: gross debt, £872.7 million; aggregate debt, £846.3 million; cash reserves, £84.6 million; net debt, £761.7 million.

The balance on the General Sinking Fund on 1st November 2022 stood at £26.4 million.

910 The directors of GBIC are not remunerated.

GBIC is the preferred contractor for the delivery of the National Economic Plan projects because, as the GSD Government told Parliament at the time when they placed their delivery of their £1 billion-plus programme of construction projects in the hands of a consultant, the construction sector generally charges higher prices when they work directly on Government
915 contracts than for private sector projects.

The Government has not paid CSS any fees as directors or lawyers.

Gibraltar Community Projects is purchasing loan notes at 4% for three years from CSS. The total sum is £22 million to date and the use of most of these funds has been to meet the construction cost of the new Rooke residential home. The security provided by CSS is the value of the assets
920 that have been created by GBIC.

I am not aware whether CSS has registered as a charity or not, but if the hon. Member knows that it has not and from the nature of the questions thinks it should be, I will pass on his advice to the owner of CSS, that happens to be registered as a charity.

At present, Gibraltar Properties Ltd plays no role in the National Economic Plan.

925 GSBA invests in real estate in Gibraltar and in some instances will sublease land for the purpose of delivering a project in the National Economic Plan.

At this stage it is not possible to say what interest rate or terms the loan notes will be subject to in the future funding of the Victoria Stadium complex. These matters will be dealt with when the issue of the loan notes is required. The funding to be provided to the National Stadium
930 company whilst it is in the ownership of the Savings Bank will represent 100% of the required expenditure for the construction of the project unless some parts of the project are sold off plan to outside investors.

The financial analysis of the viability of the Victoria Stadium complex development has been conducted as an exercise with input from people with expertise from the property market and
935 assessed by a former partner of EY and has had input in terms of the technical features which lead to assessing the viability financially from experts in construction of stadiums, including the person who was the project manager of a stadium with 60,000 seats who happens to be currently a member of the staff of GBIC, and the design team that produced the concept that has been made public which has had an input from the construction of a number of stadium projects in Portugal.

940

Hon. R M Clinton: Mr Speaker, with your indulgence, given the number of questions, it will take a bit longer to analyse the Hon. Minister's answer. I am grateful.

If I could just ask the Minister to repeat his answer in respect of the ... I think he said £22 million or 4%. I did not quite catch the name of the company. If he could just repeat that bit, I would be
945 grateful.

Hon. Sir J J Bossano: Of the money that has been used for the construction of the residential people's home? Well, the company that is building the home is GBIC. (*Interjection by Hon. R M Clinton*) The entity that is financing, with a loan, the building is CSS.

950

Hon. R M Clinton: Sorry, Mr Speaker, I think the Minister misunderstands me. What I asked was specifically who had purchased the loan notes, and I think he gave us the name, but I did not quite catch it.

955 **Hon. Sir J J Bossano:** The loan notes are CSS and the cash obtained from the issue of the loans is paid to GBIC, which is building the home.

Hon. Sir J J Bossano: Mr Speaker, I understand that perfectly, but my question related to who had purchased the loan notes from CSS. If the Minister recalls, we had this discussion at the last
960 session of Parliament and he could not recall which Government company actually had bought the loan notes issued by CSS.

Hon. Sir J J Bossano: The loans are purchased by Gibraltar Community Projects.

965 **Hon. R M Clinton:** And Gibraltar Community Projects is owned directly by the Government – is that correct? – following on from what he had said in the last session of Parliament.

Hon. Sir J J Bossano: Not the GDC, but one of the two.

970 **Hon. R M Clinton:** And if I may, Mr Speaker, it is £22 million, if I understood correctly, at 4%? I am not sure that I heard the tenure of the notes over what period.

And if I may ask the Minister, where does Community Projects obtain its funding from?

975 **Hon. Sir J J Bossano:** The tenure is three years, but it is not ... That is to say the money is provided as it is needed, and therefore the three years is not the whole £22 million from the same date. As the project has been developing, loan notes have been issued, and therefore the three years starts when the loan notes are issued, so the money is not ... The money comes from money within the companies or money that has been obtained from the Savings Bank. The hon. Member knows, because I give him a breakdown every House, that there are loan notes issued by Government companies to the Savings Bank.

980

Hon. R M Clinton: Mr Speaker, yes, I understand what the Minister is referring to, but as he knows, there are a number of entities of that description that have borrowed money from the Savings Bank and I would be grateful if the Minister could indicate which one of those it would be that is the primary supplier of funding to Gibraltar Community Projects. I can give them a list, or at least... For the benefit of the House, is it Credit Finance Company Ltd? Is it the Gibraltar National Mint Ltd? Is the GSBA Ltd? Is the Gibraltar Properties Ltd? Is it Gibtelecom Ltd? Which one of these entities would it be?

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Hon. Sir J J Bossano: Some of it will be the GSBA. Credit Finance is principally funding, as the hon. Member knows, the purchase of annuities for civil servants.

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Hon. R M Clinton: Mr Speaker, I really must beg your indulgence because this is a quite complicated topic, although I am sure it is quite simple for the Minister.

Looking at the last schedule that I had from the Minister, on 30th September, GSBA, so far, had issued £40 million worth of debentures to the Gibraltar Savings Bank, which have tenure of five years. Of that £40 million, I assume £22 million has been earmarked for the Rooke project. How much of that £40 million remains to be earmarked? One of my later questions is about the cost of the National Economic Plan to date. How much, does he anticipate, of that £40 million is going to be used for other projects within the National Economic Plan?

1000

Hon. Sir J J Bossano: The way the National Economic Plan will work, Mr Speaker, is that the Savings Bank, as we stated in the manifesto, is financing the delivery of projects, and then, after the projects have been finished, we expect that the project will be invested in by private investors and therefore the money can come back and be recycled. The original programme in 2019 provided for an investment of up to £500 million. I do not think we will be able to invest that much in the time that there is left of our term office, but the fundamental methodology is that it is to make the projects happen that the funding is ... although there may be some that appear to be particularly attractive and the Savings Bank may want to take a long-term part in any project that it thinks it is worth having its money invested in. But fundamentally what will be happening will be that as new projects come in the investment will be provided, and as projects are completed and then sold, or other people invest in the finished product, the money will then be used to repay the loan notes and will come back to the Savings Bank.

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1015 **Hon. R M Clinton:** Mr Speaker, again, your indulgence. If the Minister could perhaps just clarify
my mind as to the actual financing arrangements, we all now understand that GSBA Ltd is the
main funder for the National Economic Plan. How does it transfer the money to Gibraltar
Community Projects? Does Gibraltar Community Projects in its own right issue loan notes to GSBA,
or under some structure of loan which obviously will then pay an interest, I guess to GSBA, and
1020 Gibraltar Community Projects in turn then buys the loan notes issued by CSS Ltd? Is that correct?
What is the mechanism in between?

Hon. Sir J J Bossano: That is exactly how it happens, Mr Speaker.

1025 **Hon. R M Clinton:** So Gibraltar Community Projects then issues loan notes to GSBA. Will they
match exactly the tenure of the loan notes issued by CSS Ltd – i.e. are they back to back? So if
there is £22 million of CSS loan notes bought by Community Projects, Community Projects issues
exactly the same amount and for the same period – I do not know if it takes a margin on the rate –
to GSBA Ltd.

1030 And just to confirm the rate, because again I may not have heard him correctly, was the rate
4%?

1035 **Hon. Sir J J Bossano:** Mr Speaker, the 4% for three years is the rate that is higher than the
Savings Bank pays on the investments. The matching is not 100%. There may be times when the
money may have moved into Gibraltar Community Projects and not yet been used to buy loan
notes and therefore there may be a situation where the loan notes that are next bought are
bought from money that has already been obtained. So it is not that it has to happen strictly
synchronised 100%, but ultimately the flow of money is as he has described it, and the rate of
interest eventually is the one that provides the 6% return to the Savings Bank, which is what
produces the profits of the Savings Bank.

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Hon. R M Clinton: Again, Mr Speaker, your indulgence. Does Community Projects keep any
margin on this transaction? Does it, for example, charge CSS Ltd 4% and pay, say, 3½% to the
Savings Bank? Does it retain any margin?

1045 Also, what security does Community Projects itself give to the Savings Bank – it is not the
Savings Bank, sorry, it is GSBA Ltd, which is obviously owned by the Savings Bank – in exchange
for those loan notes? You have described how the loan notes issued by CSS Ltd would be secured
on, albeit unfinished, construction projects, but what security does GSBA Ltd get in return for the
loan notes issued by Community Projects?

1050 **Hon. Sir J J Bossano:** Mr Speaker, I have already told the hon. Member that when it goes into
being used, the money is secured on the building that is being delivered by a joint venture
company of the Government. The hon. Member knows that all the companies pool their cash,
which was a system invented by the former Government, and therefore if all the companies pool
all their cash, what you have is a net figure of available cash, which itself consists of companies
1055 that are in surplus and companies that are in deficit. That is what was happening before 2011 and
has continued happening since. There has never been any attempt to say the ones that are in
deficit have to produce some security for the ones that are in surplus, because they are all owned
by the same entity.

1060 **Hon. R M Clinton:** Mr Speaker, I understand what the Minister is saying but I think he misses
my point because GSBA Ltd is not a Government-owned company, as he knows, it is owned by the
Savings Bank, so what I am asking is what security does the Savings Bank have through GSBA on
Community Projects? Full stop.

1065 **Hon. Sir J J Bossano:** The security that the one that guarantees the solvency of the Savings Bank is the owner of the company. I would not have thought that it needed more security than the fact that the company from which it is buying the loans is owned by the Government, and the Government underwrites the whole of the Savings Bank according to the Act – so why should the Savings Bank be afraid of lending money to a Government company?

1070 **Hon. R M Clinton:** Mr Speaker, I was not suggesting that there is any notion of fear in lending to a Government company, but if it were a normal commercial transaction I am sure he would accept, and in fact he would demand, that there be security for any money effectively advanced from the Gibraltar Savings Bank through GSBA Ltd. But effectively what is telling the House – and
1075 I am happy to be corrected by him – is that this is de facto Government borrowing and there is nothing backing up the borrowing by Community Projects. Is that correct?

Hon. Sir J J Bossano: Not only is it wrong, it is complete nonsense. He may want to call it Government borrowing, but in fact the borrower is the entity that is financing the construction project, and that is not a Government company, and that is where the money is used. Before it reaches that point, the money is unused. So if Gibraltar Community Projects borrows £2 million and lends £1 million, the security it has on the £1 million is the security of the structure of the building that is going up, and that security obviously is available to the Savings Bank because it is available to the borrower from the Savings Bank. The £1 million that has not been passed over is
1085 not a debt of the Government because the Government is not using that money. It is there until it is needed. It is just that clearly CSS is not going to be issuing loan notes and having to pay interest unless it needs the money, because it would otherwise be incurring a liability to pay interest when there was no asset being created. Therefore, the timing is driven by the pace of the construction project.

1090 **Hon. R M Clinton:** Mr Speaker, I am sorry to labour this, but I really need to understand the methodology.

Given that he is comfortable that CSS has security, and on that basis anything that Community Projects lends it should, by logic, also be secured, would it be the case that if I did a search on Gibraltar Community Projects I would find there has been an unlimited charge registered against it by GSPA Ltd? At the end of the day, they are completely different entities in terms of control. And also, by parallel reasoning, why is it that when you do a search on CSS Ltd there are no charges registered against it, given that he has already issued £22 million worth of loan notes?

1100 **Hon. Sir J J Bossano:** We are talking about what is happening with the development of the National Economic Plan as if we were giving money to people in another country or people who might disappear over the horizon, where we therefore need to be concerned about the risk that is being taken. We know exactly where every penny that is being borrowed is finishing up, because fundamentally the work is being done by a company which is 50% owned by the Government. So
1105 we know where the money going. There is no question of not being able to track it and, therefore, what other assets do they have to be secure. All the concern for security that people have is because they are dealing with people where they may not be able to be confident about what they claim to be, and therefore they need to have something solid if something goes wrong.

In this situation we have created a mechanism that enables us to mobilise the funds of the Savings Bank for investment in creating assets in Gibraltar that will produce income and wealth and therefore, at the same time, generate an income for the Savings Bank which we cannot get by having it sitting in bank accounts, cash, or having it invested in London by the Crown agents, where the returns would not enable us to maintain the level of interest rate that we have consistently paid in the last 11 years to our investors, principally to the pensioners, who have been
1115 getting a very favourable rate. We are able to do these things because we have to make ... and the more money we have in the Savings Bank, the more we will need to find ways of reinvesting

1120 it profitably. The Savings Bank has now got a total amount of deposits of £1½ billion. We are not going to have the £1½ billion sitting there doing nothing. What we need to do is put it to work, to make money for the bank – which ultimately is good for Gibraltar because it is the rainy day fund of the future – and create activity and help us to restore financial stability in Gibraltar, which is part of my responsibility. The mechanism in which it works, he may think, is risky. I do not think it is risky, and therefore I am satisfied that the guarantees that are there by de facto being within our sight all the time is sufficient. That is how it is. He may not agree with it – he does not have to agree with it; it is information that I am providing.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, and yes, I am purely seeking information here.

1130 Can I turn, if I may, to the answer he gave to Question 549 when I asked why is GBIC the preferred contractor on building projects in the National Economic Plan? He referred to some agreement with which I am not familiar, but he did not actually answer why GBIC itself. He talked about the costs to Government contracting directly being higher, which again is something I fail to understand, why that happens in Gibraltar. But why GBIC? There are a multitude of other contractors. Why is there not a tender put out for each and every project for this particular plan, the National Economic Plan? It just seems to be that GBIC always appears in every project to do with the National Economic Plan. I could be wrong and I am happy to be corrected.

1135

Hon. Sir J J Bossano: The role of GBIC is to deliver the National Economic Plan in terms of construction projects. That is what it exists for. It may also obtain work for our people, but principally it will be working on the delivery of the National Economic Plan, and there is, in fact, an agreement between the Ministry for Economic Development, which has the responsibility for making the plan happen, and GBIC to be the one that delivers it.

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1145 Why don't I go out to tender? Well, Mr Speaker, the possibility of other companies coming in cheaper would be difficult to assess because what tends to happen is that, whereas in the case of GBIC there is a situation where we are 50% owner and we therefore know exactly what the cost of the things are, what invariably happens in Gibraltar is that the companies that sometimes come in cheaper at the beginning tend to come in very expensive at the end. There is a long history of that, which can be studied. Sometimes the tender process produces the most expensive results because there are people who put in prices that other people say are below what is reasonable in the market to make a profit, but then, along the line, all sorts of things happen to be discovered or not discovered or added or taken away, and then it finishes up becoming very expensive. So the kind of things that happen in the construction company which sometimes make things take a very long time ... The tunnel is a spectacular example, which the former administration had many occasions of experiencing. Sometimes, companies that were the most competitive at the beginning disappeared over the horizon without paying anybody anything in Gibraltar and leaving a whole host of debts. Eventually, the former Governor had to engage GJBS to finish half the projects that they had put out to tender in the private sector. That is the kind of experience we have had with Government projects in Gibraltar and I am sure that the delivery of the projects that are going to be done in the National Economic Plan are not going to be affected by any of those possible risks, because in fact the delivery is by a company that is there for that purpose.

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Hon. R M Clinton: Mr Speaker, again, I thank the Hon. Minister. He mentioned an agreement between the Ministry for Economic Development and GBIC. If I may ask him a couple of questions on this, I assume that if I were to ask for a copy of the agreement he would say it would be commercially sensitive, so I will put that question out there, but I would not be surprised if he does not answer.

1165

Also, what is the timeframe for the agreement? Is it solely in respect of the delivery of the National Economic Plan and does it have a value ascribed to it in terms of value of projects? Has

that in any way affected the pricing of the modular units – i.e. are the purchase of the modular units and the signing of this agreement in any way linked?

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Hon. Sir J J Bossano: No, Mr Speaker, the only link with the pricing of the modular units is the fact that our partner is a very important company and a very large company in China and therefore they are able to use their purchasing power to help us buy. That is the only advantage we gain in terms of the sourcing of the material.

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In terms of the quality, we have an advantage, where if we did not have the partner we have it would probably be risky to buy in China, in the sense that everything we buy in China that is now on its way to Gibraltar has been supervised by high executives from our partner's company, to be sure that what is coming is what is supposed to be coming. In a situation where you do not have a presence there, you run a risk that the product you bought and the product you get may not be the same. Because of the relationship we have there, we have been able to have a level of confidence in what we are buying. And of course we have, in the United Kingdom, as our architects, a UK company that is very experienced in dealing with modular building, and with the immediate owner of shares of a joint venture, which is the Manchester company, which is the headquarters of the international branch of the company.

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So those are the safeguards we have, which makes us confident that we are going to be able to deliver this at the most competitive price possible. Obviously, the interest of the Government is not to get the product at a lower price at the cost of the quality. We are happy that everything we are going to be delivering in the next six months is British standard. We are going to have British craftsmen from Manchester coming here to put the final building together. They are familiar with the technology, but they are working for the Manchester company and therefore time will tell, but I am confident that we will be proving that we have got something that is very good value for money and that we will be providing a facility that is needed and would not have been delivered, in my judgement, in any other way.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, but I asked him specifically about the agreement between the Ministry for Economic Development and GBIC: (1) would he be willing to provide a copy; (2) what is its total value, if there is a value, in terms of committed projects, or is it an exclusivity agreement for the National Economic Plan included in there; and (3) what would be the timeframe this agreement covers?

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Hon. Sir J J Bossano: The timeframe is for as long as we are in government, unless, if they ever get into government, they see the merits of what has been done and decide to continue it.

There is no value because the National Economic Plan is open ended. That is to say we identified in the manifesto a number of things that we already expected would be needed. That was in 219. Some of them are being included, but, for example, the stadium did not feature in 2019 and if somebody else had been able to find a way of delivering the stadium, it probably would not have featured at all. The reality is that the National Economic Plan is going to be delivered on the basis that things that we think are needed or that we think are worth having because they will be profitable, or things that will help us to be self-sufficient will be added as we become aware of them or as people approach us with ideas and we think it is worth supporting those ideas and it will be at no cost to the Government's capital or recurrent expenditure and the activities will generate some revenue for the Government and at the end of the day we will have facilities that we would not otherwise have had. That is the concept. The hon. Member has to understand that that does not mean that there is a written agreement that says all the things I have just told him. There is an agreement that they will be the entity that will assist the Ministry for Economic Development in turning into reality what is written on a piece of paper, but there is no specific list of items there.

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1220 **Hon. R M Clinton:** I thank the Minister, sir. If I understand correctly – and, again, I am happy to be corrected – the agreement is basically an agreement which, as he says, is open ended but effectively ... Just to get this absolutely crystal clear, it effectively has an exclusivity agreement with the Ministry for Economic Development in respect of anything to do with the National Economic Plan. Would that be a correct characterisation of the agreement?

1225 **Hon. Sir J J Bossano:** Exclusivity to the extent that it is the preferred construction company, which was the hon. Member's original question, and that therefore the Ministry will use GBIC in preference to anybody else to do the delivery unless what we are going to be doing is something that GBIC does not have the capacity to deliver or something which is very specialised that requires a company with different set skills to deliver. But if it is possible for GBIC to be the one that delivers a product, then GBIC will deliver it.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister again. I will move on now, just slowly ticking off the questions as we go along.

1235 In relation to Question 555, in respect of GSBA, Ltd I think he mentioned something about real estate and subleasing, although we also now understand that it plays a role in purchasing loan notes. Can he expand on what the real estate angle activity of GSBA Ltd is, specifically in the context of the National Economic Plan? As he knows, I am aware that, for example, it owns the Treasury building.

1240 **Hon. Sir J J Bossano:** The Rooke plot of land currently is owned by GSBA and when the building is finished it will sublease the land for a shorter period than the head lease that it has purchased.

1245 **Hon. R M Clinton:** Is this the same mechanism? I imagine the Minister has a blueprint as to how each individual element of the National Economic Plan is undertaken. Is this the methodology that was used, for example, in the Jewish Home project? I presume CSS must have issued loan notes to Community Projects, who in turn issued loan notes to GSBA, and GSBA would have somehow acquired an interest in the lease of the Jewish Home. Is that the same kind of methodology?

1250 **Hon. Sir J J Bossano:** The Jewish Home lease is related to the trustees of the McIntosh Trust, whereas the Rooke site was Government land that was on sale, so the GSBA bought the land from the Government in the Rooke case, and in the other, the actual lease arrangements with the trustees have not yet been finalised in the case of the Jewish Home. It could be that we have a similar process, that it passes through the GSBA first, but that has not happened.

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Hon. R M Clinton: On that particular project, just to follow that last thread, the financing structure – has that actually occurred in terms of the Jewish Home, in terms of GSBA providing the financing for the Jewish Home project, or is that something that has yet to be finalised, given the lease etc?

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Hon. Sir J J Bossano: Construction was originally financed, but it has not yet been filed. The whole thing has not yet been finalised.

1265 **Hon. R M Clinton:** I may, Mr Speaker, later on, file an additional question, in the next session, about the financing arrangements and how that structure is organised for the Jewish Home.

I am trying to get through them as fast as I can, but there is a lot of material here.

In Question 556, when I asked about the cost to date of the National Economic Plan and how much is financed by the Savings Bank, I think it would be safe to say that all of it would be financed by the Savings Bank, but I was not quite clear as to the estimated cost to date of the Economic Plan.

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Hon. Sir J J Bossano: I have told the hon. Member the bulk of the money that has been used in the financing of the plan is the investment in the Rooke plan, so that has taken up the bulk of the £22 million. That might be £20 million on the Rooke and then a couple of million spread in three different things. I gave the hon. Member a list, in the last meeting of the House, of the number of projects at this stage, other than the Jewish Home, which is now completed.

Hon. R M Clinton: Does the Minister have an idea ...? He mentioned before the sum of £500 million. Is that, in his mind, the total facility that he would like to make available for the National Economic Plan? Does he have a limit in mind, in terms of how much the Savings Bank would advance under the plan?

Hon. Sir J J Bossano: No, Mr Speaker, because this is demand driven. The £500 million was a ballpark figure in 2019, and it was on the basis of a level of activity of £125 million a year over a four-year period. Given what happened in February 2020, we lost the first two years and we started late in the third year, so it is highly unlikely that, however much I try to catch up, I will be successful in spending £500 million, I regret to say.

Hon. R M Clinton: But certainly – if the Minister could confirm – £500 million was the number I think he ... I remember we had a discussion about it during the election campaign and this is the amount of money he would have originally envisaged to utilise from the Savings Bank for his National Economic Plan. Is that correct?

Hon. Sir J J Bossano: As I have just told him, yes, that was the plan in 2019. The rate of delivery would have been roughly £125 million every year over a four-year period. It has not happened and it will be difficult to deliver that much activity, but the projections, for example on the GDP and so on, are all tied to that activity happening. That activity happening is part of how it would be possible in a post-Brexit situation to continue to maintain a level of activity, notwithstanding the negative effects. That is why when we had the last election we came up with a post-Brexit plan, and what we have today is something that is still capable of being a post-Brexit plan if we find ourselves in that situation in the next few months.

Hon. R M Clinton: Thank you, Mr Speaker. I would remind the hon. Member that when we did discuss this at the time of the election I had understood him as I understand him now, but then I was told later that I had misunderstood him and that he was talking about £500 million of GDP growth. Obviously we misunderstood each other. I think we now understand what we are talking about here.

Mr Speaker, if I can move on a bit, to the Victoria Stadium, I asked specifically in Question 557 about the financing and the issue of loan notes, and I think his answer was it is not possible to say at this stage, but he must have in mind a number in terms of how much he is willing to advance from the Savings Bank in respect of the Victoria Stadium. If I can then combine that with his answer to Question 558, which was who conducted the financial analysis, I think if I heard him correctly, he mentioned a partner from EY. If I could ask him was that a partner from EY Gibraltar or from another office? And if so, presumably they charged professional fees for that review.

In summary, if he could give us an indication of what value of loan notes the Savings Bank would be willing to purchase in respect of the Victoria Stadium and which office from EY conducted the review and was it on a paid professional basis?

Hon. Sir J J Bossano: Mr Speaker, I think the problem we have with the hon. Member's questions, and not his alone, is that the moment we mention something they expect us to be at the end of a process when we are at the beginning. Since I made the announcement, being totally transparent in the middle of the stadium, not much has happened that has defined anything beyond the original concept, which we had been talking about for several months.

1325 When we have something concrete that is reliable in terms of the accuracy, I will provide the information that the hon. Member is seeking, but I think it is wrong to speculate. When I was asked how much will it cost, I said it could be up to £100 million. That immediately no longer became *up to* £100 million. The maximum became the minimum. I am not going to give any numbers on anything until the numbers are solid and clear and are not going to be changed and I am not going to have other people say, 'But that is not what you said before.' So I am not going to say anything that may need to be changed.

1330 At the moment, the position is that we have done enough work to be confident that this a project that will produce a good return for the Savings Bank and will produce something that is very important for Gibraltar to have, not just for the many thousands of people who enjoy football – amongst whom I do not find myself – but also for those of us who want to see us having a strong economy and people coming here and spending money, amongst whom I do count myself.

1335 So the answer is that what I have given him is the state of play at the present. As it develops and there is more detail to provide, I will provide the detail.

Mr Speaker: May I interject? Are we getting close to the end of the questioning, or have you ...?

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Hon. R M Clinton: Well, Mr Speaker, it very much depends on the Minister's answers. I think you will appreciate that, given the number of questions that have been rolled up, I am trying to be as expedient as possible and keeping my questions short.

1345 The Minister will appreciate that from this side of the House and probably outside this House there is a degree of interest in the stadium, and the reason is that the £100 million number was the number first put into the public domain. It became £100 million investment, then it became £100 million value and now it is up to £100 million and there has also been the number banded around of £40 million, which is why there is so much public interest in actually what is the number.

1350 I think we on this side of the House and also the general public would appreciate some clarity as to what kind of number we are talking about. Is it tens of millions, hundreds of millions? Is it mid-range? He has to have some idea in his head how much he is prepared to put into this project, especially if this project has been reviewed professionally – there will be spreadsheets, there will be projections, there will be returns on investment. All these numbers must have been available to him for some time now before he made the announcement, so for him to say, 'We are at an early stage, we cannot say' ... With the greatest of respect to the Minister, he is the one who made the announcement. He must have had an idea before he made the announcement, otherwise I doubt he would have made such an important announcement.

1355 And then, lastly, I did not quite hear an answer in terms of the EY office that conducted the review.

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Hon. Sir J J Bossano: [*inaudible*] because he has just given me a good reason for not doing it. He was just saying there are all sorts of numbers floating about. I am not going to give him a new one to add to the ones that are floating around. I will give him the number when the number will not suffer any further change.

1365 As regards the EY input that we had, it was a former partner of EY. I am not sure if it was local or not, but I was told that it was a former partner of that company. He is retired and therefore it is not EY that was doing it, but the person who provided an input a person who had that accounting background, just like I might have asked him to give me advice in banking, having been a retired banker. It was not something that we paid for. It was something that was provided to us through the relationship that we build around the people who are interested in delivering this.

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Hon. R M Clinton: Mr Speaker, he will appreciate that when the name of a professional firm is mentioned, such as EY or any other firm, there is a degree of comfort that will come from hearing that professional firm's name being mentioned, but the Hon. Minister has just advised the House

1375 that the person who gave the ... why it was asking for an independent financial review ... I do not
know to what extent this person is independent of the project – he may have a tangential interest,
I do not know – but it is evident that it is not a professionally engaged review. It is not an arm’s-
length review from a professional services firm of accountants, for which there would be an
1380 engagement letter and standards and processes involved. What the Minister has told us, unless I
have misunderstood him, is it is a person who used to work for EY – I do not know at what level; I
think he said partner, presumably professionally qualified, but whether he or she holds a
practising certificate and is entitled to give such advice on such projects I do not know. I would be
grateful if the Minister could give the House some comfort that this particular individual actually
has the required experience to give this type of advice on this particular project. There are
1385 accountants and there are accountants – I do not claim to be an expert on everything under the
sun to do with finance – and all accountants have limitations.

Hon. Sir J J Bossano: If my thought process had followed the line of the hon. Member, the
National Economic Plan would never have got off the ground. As far as I am concerned, I give him
1390 the information and that is the information that I am prepared to give him on this. When I have
more information as to the next stage in the project, I will give it to him. That is the information I
am giving him in answer to his questions. That is information I have that I am willing to give him
now, and if I have something that is more concrete and more specific at a later stage, I am happy
to give that to him. Whether he gets comfort or discomfort is not what I am here to do. I am here
1395 to give him the information that I think it is possible to give with the confidence that I am not
saying something that is incorrect.

Hon. R M Clinton: Mr Speaker, this will be my final supplementary. I will ask him this question
and if he says no, I will accept it. Is he willing to identify the person, the retired EY partner who
1400 has provided the financial analysis?

Hon. Sir J J Bossano: He is right in thinking that he knows what the answer is: no.

Mr Speaker: Yesterday, there were a number of questions for which information could only be
1405 provided by the Hon. Minister Sir Joe Bossano and we said that you would be asking several
questions when he was here ... whoever it was.

Hon. K Azopardi: Before we do that, Mr Speaker, can I just ask on these questions, if I may?
On Question 557, I think the Minister has said he is not prepared, right now, to give detail in
1410 respect of that, but if I remember rightly, he did go on a GBC programme at the time of the stadium
announcement – he was wearing a suit, not a football shirt on that occasion – and I think he
suggested that the interest rate return would be something like 6% or 7%. Is that the kind of
ballpark figure, or is he saying that it is not fixed yet?

Hon. Sir J J Bossano: In the present climate of returns, that would be the minimum it would be
1415 reasonable to expect from a project like this, but of course when you are talking in a situation
where we do not know how far the Bank of England or the Federal Reserve Bank or anybody else
is going to go before they stop putting it up and start bringing it down, the timing of these things
will have an impact on the return that one expects. It is not a particularly good time, when interest
1420 rates are rising, to be borrowing money, because then you borrow long and they fall, but this is
where we are. I said it in the context of the current rates that there are.

Hon. K Azopardi: But to be clear, while in the Minister’s opinion that is a reasonable rate of
return to aim for in respect of the investment into the stadium project, is he saying that is not an
1425 agreed rate of return as yet, it is something that is still being negotiated or will be negotiated in
the future because of the explanation he gave earlier?

1430 **Hon. Sir J J Bossano:** The thing is that that is the minimum because it may have to be ... The rate of return will depend not on what the stadium produces but on what the complex produces. That is what will finance the rate of return, and that rate of return might need to go up if the market rates of interest go up. But in the context of the present market rate, everything we have seen suggests that we will be able to achieve that rate of interest at the moment. If, tomorrow, we have 12% inflation and the construction costs go up, then it might be that we have to say we need to be changing some of the things we had in the original plan to produce something that produces more money, to make sure that we are still getting money that is sufficient to service
1435 what we need to obtain to finance the project. If the project was happening today, we are confident we would be getting 6% to 7% and that that would be above the money we need to pay to finance the project.

**Q531/2022 Chilton Court youth club –
Source of funding for proposed development –
Supplementary questions**

Mr Speaker: Would the hon. Member quote the question number, if you can?

1440 **Hon. D J Bossino:** Mr Speaker, yes, I do agree – I think now is an appropriate time because the question dealt with the issue of funding, with which the Hon. Minister would be able to assist.

The question number is 531. For the benefit of the hon. Member I will just read the question out to him: who is funding the proposed development at the Chilton Court youth club? I think he has provided an explanation in answers to questions from the Hon. Mr Clinton as to how the funding structure works. I think the initial response was it is being funded by Community Services and Supplies Ltd. Then I referred to the full planning design statement, which referred to it being submitted by GBIC Ltd on behalf of CSSL Ltd. That is just by way of background so he understands the premise of the question. I asked is GBIC providing the funding and I think the answer to that is going to be no, because GBIC is the company which is delivering the projects, but that the funding is, as he has explained, with the various loan notes and moneys, in effect flowing from the Savings Bank down the drain to CSS Ltd. Can he confirm that that is how this particular project is being funded?
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Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): In all the projects, not just this one, the methodology is going to be the same. The only caveat to that is that there are people in the market – I mentioned them before, in the previous meeting – who are interested in working together with the Ministry for Economic Development on projects that are planned by us in the National Economic Plan. They have approached me. They have said, ‘Would it be possible to take part in this and put money into this?’ and I have said yes. And there are people who say, ‘I have a project. Would it be possible to discuss the opposite direction? That is to say the project that I have, the Government would be interested in sponsoring it and making it part of the National Economic Plan and either being involved in the construction phase or being involved in another.’ I have also said we are prepared to look at that because it would depend on the nature of the project.
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We are not in the business of entering the market, which is already well populated, of providing properties for which most of the population have not got the resources to buy. That market is well populated and well served, and I do not think there is a place for us to go there. The market we are looking at is the one that we are trying to create, which meets the requirements of people who have not got the financial capacity to meet what is now the going rate on many properties. This is why, for example, as I explained last time, the home in Laguna for homeowners who are pensioners is designed to meet a specific thing because they are in a property which has a higher
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1475 value and which is being underutilised, and if they sell that property they will probably have
difficulty in being able to buy another property for much less than they are getting, so it is difficult
for them to move. At the same time, because of the concept, rightly introduced by the former
administration, that homeowners are not eligible to obtain rental accommodation from the
Government, it means that homeowners who are now reaching retirement age are not eligible to
rent, from the Government, pensioner flats. That is the problem that we have tried to resolve, and
therefore we are entering the market to produce something at a level that will provide a profit
through this mechanism but will provide a product which will not be for the open market but for
1480 a specified identified sector of the market, who will be the only ones eligible to buy, with the
condition that no other property has that they would only be able to sell back to the charity they
buy the property from, so that it would remain for that market and it would not then eventually
go out, as has happened with all the earlier 50/50s, that they are no longer limited to a long-term
residents of Gibraltar where anybody can come from anywhere and pay a higher price and take
1485 that property out of the market.

That is an example of something where somebody else identified the existence of a problem
and brought it to my attention and therefore we came up with an answer which we think will
work, and the interest there is subsequently shows it will work. The same thing would be
happening in other areas with other entities. This is why the flexibility of the National Economic
1490 Plan is that although the volume is unlikely to be what was originally intended, because we have
wasted so much time because of COVID and other things, that does not mean we will not be able
to be doing more things, because it would be on a smaller scale and because other people are
coming forward and providing ideas to us, which is something that I welcome because the things
they provide are things that are pointing to something where there is a demand but there is no
1495 supply.

In the area where we are talking about the estate and what we provide for the estate, there
you have a situation where the Government is not in a position to invest in things like that when
it is in a situation of having to borrow to meet recurrent expenditure – that is self-evident – and
therefore, if we can find a way of producing what the Government would have liked to produce
1500 by making it part of a bigger development with profitable elements in it, then that is the win-win
situation that we aim for. It has to be able to produce a profit for all the parties, otherwise it will
not work, obviously. So the costings of these things have to be very carefully scrutinised because
at the end of the day, if we are committed to delivering it, we do not want to finish up with GBIC
or anybody else in a loss-making situation. That is not where we want to be.

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Hon. D J Bossino: Mr Speaker, I am grateful. I think the last part of his answer is the one I was
interested in, because it arises from the question I asked yesterday. As I understand it, it ordinarily
would have been a Government project, but because of the situation of the Government's
finances this route is being taken as available cash which can be sought and obtained from the
1510 Savings Bank.

In relation to this project, which refers to several community facilities, rented office space and
rented storage space, and I think there are also 26 parking spaces, is that where the profitable
elements will then go back to the Savings Bank, by the rental or sale of these? Is that where he is
seeing the profitable element with the sale of these units?

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Hon. Sir J J Bossano: *[Inaudible]* will be done by GSBA because that is the mechanism that we
have, and then, if in the process ... As we have more and more projects happening, there will be
times when the actual delivery of a project and the fact that there are funds coming in from sales
may mean that instead of repaying a note ... The notes are for three years because they are
1520 intended to be not for the long term but for the construction period. If a project is started and you
have three-year money and the project is finished in, say, nine months, then instead of saying I
am going to pay back early the three-year money and then go back a month later and ask again
for three-year money to do something else, there may be occasions when the time of the project

1525 goes from the initial phase to the finish phase and brings back cash. If that is within the three
years, it will probably make more sense to reinvest that money than to liquidate the original loan
note early and then have to go back and ask for another loan note. Other than that, the three-
year period is intended to be the longest the money will be available because we do not expect
projects to take more than three years from the initial funding to the end, so that is why the period
is short.

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Hon. D J Bossino: Mr Speaker, with respect to the hon. Member, I do not think he has answered
the question as to where he identifies, in respect of this particular project, the profitable elements
will emanate. I do not think he has answered that question. He has provided useful answers in
relation to the duration of the loan notes and what would happen should they be redeemed
1535 earlier, but not in relation to where he identifies, in respect of this project, the profitable elements
lie.

Hon. Sir J J Bossano: Mr Speaker, the exercise of determining the profitability takes place
before we actually get into doing the project. We do not start the project first and then discover
1540 whether it is profitable or not. Every project where we say yes, it is going ahead, and we put in for
planning permission and organise the delivery ... it is because we are confident that it is going to
make money. The only thing that we cannot guarantee is, in the market that we are in today,
where inflation is going to be in a month's time or in three months' time. Nobody in the world can
guarantee that. I cannot either. On the basis of present costs and on the basis of our ability to
1545 purchase what we need and pay the workers the current rate, these projects are profitable
projects that will be able to service the loan, produce a profit and provide a free facility to the
Government. That is the answer.

Hon. D J Bossino: And presumably it is simply too early to say what the cost of this particular
1550 project will be?

Hon. Sir J J Bossano: Mr Speaker, I do not like making speculative statements because if you
try to be helpful and produce a figure, other people seem to think it is an advantage they have if
it turns out not to be the eventual figure. When I am confident beyond any doubt that there is not
1555 going to be a change I will tell him what the figure is, but I do not think it is a good idea to speculate
because I do not want to add to the turmoil that there is out there about so many different figures
by producing new ones.

Hon. R M Clinton: Mr Speaker, thank you for your indulgence.

1560 I just want to pick up on something the Minister just said. It has just occurred to me and
perhaps he can shed some light ... Obviously he is talking about the duration of the financing and
the cashflow to service etc., but if you take the Rooke project and its £22 million loan notes at, I
think, 4%, he said, I am not sure whether that is 4% ... paid when? Is that 4% paid at the end of
the project or is it 4% paid monthly? The reason I ask is because during the construction phase I
1565 cannot see how the Rooke site could generate positive cashflow, so how would it be servicing its
loan notes to Gibraltar Community Projects, who in turn need to service their loan notes to
GSBA Ltd, who in turn need to pay the Savings Bank monthly, by the looks of it – monthly income
debenture. How is he managing that maturity transformation question on cashflow, where he has
money going into a project which obviously will take some time to complete, when meanwhile he
1570 has loans to service? And how are those loans being serviced in terms of cashflow? Or is it that
the loan notes are structured in such a way that the interest only becomes payable at a much later
date?

Hon. Sir J J Bossano: I am not 100% sure, but I do not think it is at a much later date; I think it
1575 is paid during the time of the loan. But of course both the construction company and CSS have

cashflow from other projects. The flow of cash only changes when it is needed. If money comes in because you have sold something and you have to pay the 4% of the money that was provided for the Jewish Home, you do not say, 'No, wait a minute, this not from the Jewish Home bit of the plan, this from another bit of the plan, so I cannot use that money.' It is not all in different pockets. 1580 The servicing of the loan I do not believe will be at the end of the three years. It will be during the course of the year, but I do not know at what intervals without going back and checking.

Mr Speaker: Next question.

Q560/2022
Government-owned companies –
Number of vacancies

1585 **Clerk:** Question 560/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies are there within Government-owned companies, identifying the company?

1590 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, there are no vacancies within Government companies.

1595 **Hon. D A Feetham:** Can he explain why there are no vacancies in Government-owned companies? Is it because there is some technical appreciation that I have not appreciated? Or is it that all the vacancies in Government-owned companies have been filled?

1600 **Hon. Sir J J Bossano:** Because Government companies function as Government companies and not as Civil Service Departments, and therefore they have the staff they need for the work they have to do. As I have already said publicly on a number of occasions, in the public sector we will scrutinise every vacancy to make sure that we need to fill it, or we do not need to be spending that money, or there is a more pressing need in some other direction for which the money could be better deployed.

1605 Part of my duty to deliver the restoration of financial stability is that we make sure that when there is something on which we are spending money, we stop spending money. Because the person who was doing that job is no longer there, we do not just say it is going to be filled because it was there before. It has always been the case that the companies do not have an establishment that appears to be written on tablets of stone. The companies take on more people if they have more work and tend to shed people if they have less work. There was a company the Government had in 2011 which had quite a lot of workers because of the projects they were working on then – it was a subsidiary of another company; it was a construction company – and when that company finished the work they just terminated the construction workers they employed, and that was done before the 2011 election.

1615 **Hon. D A Feetham:** Does the Minister agree that Government-owned companies advertise vacancies?

1620 **Hon. Sir J J Bossano:** A vacancy is created in a company either because it is undertaking something which requires more people or because it has finished doing something and the people

1625 who were doing it have no other work to do. Even when there is no work to do, people do not get sacked from Government companies, but when they retire and there has been a period when they have had very little work to do, there is no automatic filling of the vacancy. At the moment there is no company in the situation that there are vacancies, in the sense that there are fewer people today than there were six months ago and there is a vacancy there. A vacancy is created the day the person leaves and then a decision is taken by the management: do we really need to employ somebody else when in fact there is not enough work for the people we have here? That is how the companies work. It is how it worked when he was in government.

1630 **Hon. D A Feetham:** Therefore, the answer to my supplementary is yes. Given that the answer to my supplementary – (*Interjection and laughter*) Yes, it is. The answer to my supplementary is yes, because Government-owned companies do advertise for vacancies.

1635 I understand what the Hon. Minister is saying. The Hon. Minister is telling me we may advertise for vacancies but there is no complement – that is what he is saying – in the public service sense. But given that the answer to my supplementary is yes, does he therefore not agree with me that at any given point in time there must be vacancies in Government-owned companies – or not, as the case may be? It may be that there has not been any advertisement of any vacancies at that point.

1640 As at the date when I asked the question, were any vacancies in Government-owned companies advertised that had not been filled? That at least would have answered my question.

Hon. Sir J J Bossano: [*inaudible*]

1645 **Hon. D A Feetham:** Mr Speaker, bearing in mind that the Minister does not have the information and I do not want to be contentious, could I therefore, next time around, ask a more specific question that would allow the Hon. Minister to provide me with the answer? It is clear to the House what I am after. I know what the Hon. Minister is saying: no complement. I understand all that. I want to know, as at today's date, how many vacancies there are in the sense, at the very least, that those vacancies have been advertised. It may well be that the answer is zero, there have been no vacancies advertised, but may I ask it next time round?

1655 **Hon. Sir J J Bossano:** It is not clear what he is saying. Has any company that is owned by Government advertised vacancies? I am not aware of any. If he knows of some, then he knows more than I do.

1660 **Hon. D A Feetham:** The question is very simple. As at today's date when the question was posed, were there any vacancies in Government-owned companies that were to be filled? He is going to say to me there is no complement and therefore there are no vacancies. I am saying to him at the very least you can tell me whether, as at the date when I posed the question, Government-owned companies had advertised for any vacancy. That, at least, he can tell me.

1665 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman is driving us to a potentially very difficult situation. Have Government companies advertise vacancies? The answer to that is yes, they have, because the word 'have' is past tense. How many have they advertised? We would have to go back to the first Government company advertising of a vacancy to give an accurate answer. The first company incorporated under the Government was incorporated under the ACR. It was not the land reclamation, it was the one to do with the sands on the Eastside. Every time the bus company advertises for a bus driver, it would come within scope. So the hon. Gentleman may want to say to us – the Hon. Father of the House has given him the answer in respect of the day when he asked him – 'Were there vacancies in any Government company, although there is no complement but because they were driven to require somebody to be employed, on 1670 13th December 2022?' which is the date in respect of which he or the Leader of the Opposition

asked me questions about other aspects, and on that date, if a Government company has advertised for what they consider to be posts that they need filled, we will give him the answer.

1675

Hon. D A Feetham: That is the question, Mr Speaker.

Hon. Chief Minister: Well, okay, Mr Speaker, he has already got the answer to that question as at the date he asked the question. If he wants to ask it again, he can ask it again, and if on that day there is a vacancy that has been advertised, not because there is a complement but because there is a need for an individual to be employed by a company, we will say, 'Yes, here,' and if there is not, we will say no.

1680

Hon. D A Feetham: The Hon. Minister has told me, 'I do not know.' I think the question was clear. He has chosen to answer it in terms of 'Well, there is no complement and therefore there are no vacancies.' I understand that, but the question is clear: as at that date, either it is no, there are no vacancies – in other words, we have not advertised for any vacancies that are still pending to be filled on that date – or there are, and I am just asking for leave from Mr Speaker to ask it next time because he does not have the answer.

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Hon. Sir J J Bossano: It says 'how many vacancies are there within Government companies, identifying the company?' 'Within Government companies' is not 'Has there been a vacancy advertised today or last week?' 'Within' suggests that there are unfilled jobs which we consider, because they are unfilled, are vacancies that need filling. That is the only way I can interpret the question.

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Mr Speaker: I think if you pose the question next month, I will permit it.

Q561-62/2022

**North Mole Road parking facility –
Developer; intended users**

Q563/2022

**Workers' hostel –
Location, timing and developer**

Q564/2022

**Community Services and Supplies Ltd –
Role**

Q565/2022

**Wonderworks Media Ltd –
Employees in Government Departments**

Clerk: Question 561/2022. The Hon. D J Bossino.

1700

Hon. D J Bossino: Mr Speaker, who is developing the new parking facility at North Mole Road?

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

1705 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer together with Questions 562 to 565.

Clerk: Question 562/2022. The Hon. D J Bossino.

1710 **Hon. D J Bossino:** For whose use is the new parking facility at North Mole Road being constructed?

Clerk: Question 563/2022. The Hon. D J Bossino.

1715 **Hon. D J Bossino:** Where and when will the workers' hostel be constructed and by which company?

Clerk: Question 564/2022. The Hon. D J Bossino.

1720 **Hon. D J Bossino:** What work does Community Services and Supplies Ltd do for the Government?

Clerk: Question 565/2022. The Hon. D J Bossino.

1725 **Hon. D J Bossino:** Are employees of Wonderworks Media Ltd working in Government Departments; and, if so, how many, in which Departments, the duration of their employment contracts and why are they working there?

1730 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, the North Mole Road project was originally being done by GJBS in 2017 and is now being completed by GBIC.

The parking is for businesses in the area, in accordance with the original terms agreed in 2017.

The workers' hostel proposed for the Eastern Beach site is currently on hold.

1735 Community Services and Supplies Ltd is not currently providing any services or supplies to the Government.

No employees of Wonderworks Media Ltd are working in any Government Department.

1740 **Hon. D J Bossino:** In relation to the first one, which relates to the parking facility at North Mole Road, he said it is now being done by GBIC Ltd. Is the funding arrangement in respect of that particular project the same one he has described in relation to the National Economic Plan this afternoon? In other words, funding through CSSL and so forth?

1745 **Hon. Sir J J Bossano:** Except for one element, which is the materials that were purchased already by GJBS, or by the Government, which had been unused. For those materials, we have asked the people involved and benefiting from this to provide the funding. So the funding of the actual work is being done through the normal media, but the reimbursement to GJBS of the materials that were already provided is being done by the users in the area who will be the beneficiaries of the scheme being finished.

1750

Hon. D J Bossino: In other words, the businesses in the area that he talked about in answer to the second question, which is Question 562, for whose use the new parking facility is being constructed.

1755 Is he able to give me numbers as to how many parking spaces are available and what the take-up has been? Probably 100%, I imagine.

Hon. Sir J J Bossano: I do not have that detail because I am not directly involved in these areas, but I can get the information and send it to him.

1760 **Hon. D J Bossino:** Just to be clear, it is those businesses which are going to be paying for the materials that were used but came from GJBS?

1765 **Hon. Sir J J Bossano:** The businesses that are in the area, but again I do not know which those businesses are. I know that in the process of looking at the funding that was required we have not funded the purchase of what had originally been put on site by GJBS way back in 2017 when they were engaged in doing it, because we thought it would not be something that ... The system in place is not designed to do that, so we went to the people who had been originally involved in the negotiations and said to them, 'Since GJBS is not going to be doing it and we have to acquire this from GJBS, we expect you to pay for this up front,' and then that will not form part of the cost of the development because they will have paid for it.

1775 **Hon. D J Bossino:** In relation to the next question, which related to the workers' hostel, he said it was on hold. May I ask why that is the case? The project was designed specifically to alleviate the demand for temporary housing for locals who are experiencing difficulties prior to being allocated a permanent home. Given the delays which are going to be experienced in connection with the affordable homes projects, it would seem that it is a highly relevant demand and need. Or is it that the Coaling Island project is going to be meeting that need? I know in the last session it was slightly controversial because I think the hon. Member was not willing to answer any questions in relation to the purpose behind the Coaling Island project, but I just wanted to understand why a project which is going to be addressing such an important social need is currently on hold.

1785 **Hon. Sir J J Bossano:** I am not sure that the project was going to meet what he thinks it was going to meet, Mr Speaker, because it was predominantly a project to be able to develop the areas where we now have the hostels and, of course, to give the people in the hostels something which is better, because the hostels are really not up to scratch and those places should have been replaced a long time ago. That was the primary aim and I think it said it would also be available for people who became homeless or when families separated and they have not got the ability ...

1790 There is a concept that I am pursuing, but I have not yet got to the stage of being able to announce something specific, which is to try to come up with what I would call transitional housing for people who are in the process of purchasing and not in Government housing and are therefore having extreme difficulty, having down-payments and paying private sector rents. I am looking at the possibility of producing transitional housing, which would have a specific market, which would be people in that category – that is to say people who would be renting. It would be using the same mechanism of the GBIC/CSS funding but they would be renting the property on the basis that when they bought they would move out, so it would not be a permanent thing, and their rents would be below the lowest that is available in the market, maybe half of what the market is charging, because it would still have to be capable of being self-financing. It is not subsidised but it would not be producing big profits, because we are not in the business of investing in real estate to make big profits.

1800 What he has identified, which I think exists and has to be addressed, I do not think would have been addressed by what we are doing there, and what we are doing there cannot go on because

1805 of the complications dealing with where the roundabout is going to go, coming from the tunnel. We were stopped initially by the Planning Department from doing anything there because at that time, six or nine months ago, it might have meant doing something that would have affected the works in the tunnel, and the experience we have had is that anything that affected works with the tunnel is immediately used by the other party to say, 'You are doing something you shouldn't be doing.' Given the unhappy relationship we had with the party that was doing the tunnel, I was told that I should not go anywhere near it, so we put a stop to it and we concentrated on doing other things. That is the only reason for it.

1810 I think when mention was made of providing for families, it was more for people who are not adequately catered for by the hostels we have, which are for single men who are workers and not for anybody else. For the people who are buying, I think you would need to have something that would be really home and not a hostel. The people who are buying and renting simultaneously I think would only move from where they are if they got something perhaps equivalent in size and so on at an unsubsidised rent but just a rent that barely covers costs, which is what I am hoping to be able to deliver. I am not sure that it is possible to do, but I think if I am able to deliver it, it will meet the problem that he identifies, which I agree with him exists.

1820 **Hon. D J Bossino:** The way I understood it is the way he has just explained is the temporary housing for those people who are waiting for affordable housing. That is the way I understood it, but it is possible that it is open to the interpretation that he is giving it, because if you read on it says it will act as a stepping stone for those who may be experiencing a sense of homelessness before being moved into adequate housing by the Gibraltar Government. So it is possible, but he has explained the position and that there is no connection with the Coaling Island project.

1825 Just to confirm, because the planning application was filed on behalf of CSSL, again is the idea that once this gets off the ground – and he has explained that the reason why it is on hold is that it is, in effect, as a result of planning considerations, if I can put it in those general terms – the funding for that project is going to be the same model that is used for the National Economic Plan?

1830 **Hon. Sir J J Bossano:** At the moment, that is the only model available. If we are not doing this, it will not happen. I am at an early stage of talking to potential local developers who have expressed an interest in being involved. It may not lead anywhere because maybe they are looking for profit margins. That is not what I am producing, so they may not want to come in, and maybe they only want to come in where there is the possibility of bigger profit margins, given that the market seems to operate, from what I see as an outsider, as people buying something off plan and then reselling it when it is still off plan and there are resales several times before the first brick is laid. That is not the kind of situation that the National Economic Plan is going to be producing. But there may be some areas where people see the potential of buying to resell, expecting revaluations, and therefore, if the funding that comes in is something that adds value to what I am trying to do with the National Economic Plan, I am willing to listen to it. But until that happens, it will all be either from the origin of the Savings Bank or from retained profits that are being reinvested, which would be a very small part because the profit margins are not the normal profit margins of normal commercial property developers.

1845 **Hon. D J Bossino:** And may I ask him, finally, in respect of this point, Mr Speaker, when he thinks that ...? Presumably the planning considerations have been addressed and resolved, and if that is the case, when does he think this particular project will get off the ground? I hear what he says about the possibility of an outside investor providing the finance for this. Presumably, he wants to explore that. If that is exhausted and it comes to nowt, he will then use the funding, as he has described to my hon. Friend here to the right, from the Savings Bank?

1850 **Hon. Sir J J Bossano:** I think we would be in a position to revisit the project if the tunnel reaches the final stage in three months' time. We will have to wait and see. There have been a few previous

1855 dates when it was supposed to be finished and it has not been finished, but if it finishes when it is
supposed to be finished this time, which is in the first quarter of next year, then we will go back
to looking again at that project after that.

Mr Speaker: I think the Hon. Damon Bossino should continue with his supplementaries and
1860 then – (*Interjection*) Yes. Go ahead.

Hon. D J Bossino: Continue with the supplementaries in respect of the questions posed? It is
just that the Hon. Mr Clinton had a supplementary in relation to this particular question.

So continuing with Question 564, which dealt with Community Services and Supplies Ltd, the
1865 hon. Member's answer was that this company is not providing services – I cannot remember what
he said; my note is not very good (*Interjection*) – or supplying work to the Government. In fact, as
far as the latter point is concerned, he was very clear on the last occasion that this company is not
1870 hiring labour to the Government. He was very clear about that. But if I can quote him ... I do not
think the *Hansard* is out, but I have watched the video online. Can he provide some further
information in relation to this by way of assistance? He said that we do not hire labour from CSS,
which addresses the point I have just made, but he says we may give them work to do with their
labour from us. I was not very clear about that latter bit – 'but we may give them work to do'.
Hence why I do not understand why he has answered the question in the way he has, because he
1875 did say that we give them work to do with the labour force, but we do not hire labour from them
as a Government. That was his full reply, but he is now saying he is not providing services or
supplying labour.

Hon. Sir J J Bossano: Mr Speaker, the answer is specific to the question I have got. If the
Member wants to ask different things as supplementaries when he has the opportunity [*inaudible*]
1880 he should not wait for the supplementary in the first place. The question is whether we are
currently, and we are not. We are not currently. The Government is not currently.

CSS is involved in providing a service that is related to the development of all the projects. That
does not mean that tomorrow CSS might not do something else, but as I speak today there is no
service being provided by CSS to the Government and no labour being provided by CSS to the
1885 Government. CSS is only involved in the delivery of the National Economic Plan at the moment. It
is not that it will not do it or it cannot do it; I am saying it is not happening at the moment.

Hon. D J Bossino: Mr Speaker, the question was very simple and it arose from the answer he
gave last time. He said, very simply, we may give them work to do, and the question was what
1890 work is this company doing for the Government. It is very simple. Is the answer nothing? Or is it
that last month it was doing work for the Government and now it is not doing work for the
Government? I am not following what he is saying. It just requires clarification, I think. I do not
think there is anything particularly controversial.

Hon. Sir J J Bossano: I am not trying to be controversial, Mr Speaker. It is just the understanding
of the English language that is at stake here. 'We may' means we may give it or we may not give
it, and I have said we have not given it, but we may give it tomorrow. Since he is asking me the
question today, as at today we have not given them any work that needs to be done for the
Government. They are working on things that are in the National Economic Plan, which is at arm's
1900 length from the Government, and they may enter into providing services at some stage, but at the
moment the service they provide is in connection with the delivery of the National Economic Plan
and nothing else. That does not mean that we see anything wrong in anything different happening,
it is just that it is not happening at present but it may. He can, of course, ask me every month if it
has happened and I will tell him whether it has or it is still in the 'may' area.

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Mr Speaker: Can I suggest that in the future, when you table a question, why don't you refer to something? I think that was the situation which arose in the Minister's mind. He could not make the connection because you had not given him the connection. You gave him the connection as a supplementary but not in the original question. That is what I am saying.

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Hon. D J Bossino: Mr Speaker, yes, it is a recommendation that one can consider, but he has understood it and he knows where I was coming from. One can look back and understand in response to which question I asked he responded in the way he did. The implication was, the way I understood it, that work was being given, but he has clarified the position.

1915

In relation to the final question that I posed, which was in relation to Wonderworks Media Ltd, which is a company that is a subsidiary of CSS Ltd, given that we have to be careful with the use of semantics here to make sure that we get the answer we want, he is saying that there are no employees of this company working ... The question was in Government Departments. The information that I have, and I have said so in this House now on at least two occasions in the past, is that there are employees of this company working within Government Departments. I have heard of 10 in the Town Planning Department, I understand that there are two in the Tourism Department and I understand also that there are some – I do not know how many, or at least I do not recall – in the Social Security Department. If the question was phrased differently, so if we said working *for* Government Departments, as opposed to *in* Government Departments, would that produce a different response?

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Hon. Sir J J Bossano: It is not that I am trying to withhold information from him, so I am not playing semantic games. If I have information, I give it to him, and if I tell him I do not know it is because I do not know. If he has difficulty in believing that I am telling the truth, I do not like it because he has known me long enough to know me.

1930

On 26th October, I am informed, having made inquiries, the Planning Department asked for the assistance of this company and this company sent a trainee for five days and did not charge any money, so whoever told him that the company is working or that workers in the company are doing the work of civil servants in the Planning Department does not know what they are talking about or is deliberately misleading the Member. It is an initiative from the Planning Department because their computers were down and the paperwork was piling up. They had contact with this company because the company is involved in the planning of the projects that we have, and they asked the company, 'Can you help with the backlog we have here?' and the company took one of its employees, sent them for five days to help bring the load down and then brought him back. He was not employed, paid for, hired or anything.

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That is the information that I have obtained – of which I had no knowledge – to find out why he was insistent that there was somebody working in the Planning Department when I was sure that there was not. If he wants to say that that is something that should not happen and that the next time, if they ask for help, even if somebody is being provided free of charge, it should be denied, then he is entitled to have that view.

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The employee was there for five days, did the work, but was all the time employed by the person who provided him and not hired, and no payment changed hands. I do not consider that to be somebody working, but if he wants to see it as somebody working ... That person was not replacing a civil servant and was not doing the work of anybody else; it was just because it was in the interest of the applications that we have in the pile, to help reduce the pile. The people who are employed in Wonderworks Media who may be doing work for CSS were keen to ... When they made enquiries about the delays and they said, 'The delays are for this reason,' they wrote an email and said, 'If you send us somebody to help, we may get through the pile quicker,' and that is what they did. No sinister movement there.

1950

As far as some people working in the Social Security Department, I am the Minister for the Social Security Department and I had two people who were with me in the Ministry for Economic Development and I have sent them over to help in my other Department. Nothing to do with

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Wonderworks or anybody else. I do not know about the Tourism situation, but I will find out and let him know.

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Hon. D J Bossino: I must say that I find it quite remarkable, his answer, but let's leave it at that.

Just so I understand it, what he is saying is that CSSL, which is involved in so many planning applications, enquired as to the delay in relation to the projects in respect of which it is filing planning applications with the Planning Department, and they said, 'We cannot do it because we are short staffed,' (*Interjection*) – if I can just finish the point; he has a good memory and I am sure he will take a note of what I say – and provided, through its subsidiary, an employee to finish the job. I find that somewhat remarkable in terms of due process and the way Government works.

1965

He is saying, whether he was paid or not, presumably paid by the Government ... Presumably that individual would have been paid – if not, he would have been working illegally – by Wonderworks Media Ltd, but it was not charged to the Government. I understand that, because it was a benefit to its parent company, which is CSSL. It was not an expense to the Government, but that is almost by the by.

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In terms of due process and things like that, is he able to confirm that this individual, although he or she was there for five days – or it could have been one day or 10 minutes – was subject to things like the Official Secrets Act and all the rest of it, data protection, to ensure that the information that this individual was seeing was not then distributed, which would have resulted in advantage to CSSL in terms of the planning process?

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Hon. Sir J J Bossano: Mr Speaker, I have made the enquiry in order to be able to reassure the Member that the information that he claimed to have was inaccurate. It is quite obvious that having failed to be able to continue to criticise me for what he was criticising me for before, he has now, while he was listening to my explanation, come up with a new reason for criticising me.

1980

I am not responsible for any of it. I was trying to be helpful, to put him at ease given the anguish he was suffering from not being able to reconcile what he was hearing from me with the truth. The information I have given him is the information I solicited in order to put the record straight for his advantage.

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As far as his supplementary, I am not going to be his messenger to seek any more information on this or anything else.

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Hon. D J Bossino: It is the typical response I would get from the hon. Member.

Mr Speaker, it is obvious and clear that with a change of one word in my question – and he is saying that he is not playing with semantics – we have had information being provided. It was obvious what information was being sought, so all I had to do was change an 'in' to a 'for' and I have had this information.

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Can he confirm and undertake that he will provide me with information so that we do not have to go through this piecemeal process again? If he wants, I will write to him. If not, I can pose questions in this House. He says he does not know whether there are employees of Wonderworks Media Ltd working for the Tourism Department. That puts me in some doubt as to whether there are other employees of Wonderworks Media Ltd providing services by way of labour to other Government Departments. So can he, next time, if I ask the question, provide me with a full list – I will make sure it says 'for' and not 'in' – of those employees of this company working for Government Departments?

2000

Hon. Sir J J Bossano: Mr Speaker, I have to provide information as the Minister for Economic Development, as Minister for Social Security and as the person responsible for the National Economic Plan, but I am not here to provide ... whatever question he chooses. And when I try to be helpful and give him more information he then accuses me of playing with semantics.

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The reality is that since the hon. Member is 24 hours a day, seven days a week, 52 weeks a year on a campaign to replace Mr Azopardi, we have to put up with all this nonsense. He wants to make

2010 sure that he is on the front page every day as the most aggressive Member of the Opposition. Well, I am not going to assist him in that task, so the answer is very simple. If I have told him something, I am telling him what I am in the knowledge of. If I say as far as I know there is nobody working in any Government Department, he immediately says that must mean that I know there is somebody, that I am lying and that I am hiding and playing semantics by saying 'as far as I know'.

2015 He has mentioned specifically the Tourism Department, which is not mentioned in the question, because he says 'in any Government Department', and the last time he mentioned Planning and Social Security. As far as I am concerned, there is nobody working in any Department. Has any Department given work to somebody who is using an employee of that company? Maybe, I do not know, but the hon. Member seems to think that I have nothing better to do than to try
2020 and not give him information. Well, I can assure him that he gives me work because I seek to satisfy his interest in a piece of information, and that for all the effort I make the net result is that that, in his eyes, proves I was deliberately misleading him.

I am not going to play his game, so the answer is I will not go around trying to find out if there is anybody anywhere, because it is not my job to do that. I have only done it as a consequence of
2025 the previous time when I told him I did not have information about something and he said he would not believe me. He found it very difficult to believe me. Well, that is his opinion of me. I regret that he should think that of me.

Hon. D J Bossino: Mr Speaker –

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Mr Speaker: No. (*Interjection by Hon. D J Bossino*) Right. One final question, but I want moderation in the tone.

Hon. D J Bossino: Mr Speaker, the moderation in tone is something that I would counsel the
2035 hon. Member to employ. If my aim was to make him irate, I certainly think I have achieved that. The other things he talks about I think are totally and utterly irrelevant to the questions I am posing. The fact is we are getting somewhere. We are getting some information from the initial answer he provided.

I am going to ask a question, Mr Speaker. It is this. We had the same situation yesterday and
2040 we had the same situation last month. The questions are filed. They are not directed. We do not direct and decide who of that lot answers the question. (**A Member:** That lot?) They are the ones who decide and set up –

Mr Speaker: You withdraw that? Okay.

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Hon. D J Bossino: The hon. Members opposite are the ones who decide who answers the questions. This question is posed and made of the Government and the hon. Member has said he does not have that information available. I have said 'if there are individuals employed by this company working in a particular Government Department'. I do not need to identify which
2050 Government Departments. The question is very clearly laid. It talks about 'in Government Departments', which are then amended to 'for', which resulted in the answer he has given.

I mentioned the Tourism Department. Mr Speaker, the Hon. the Minister for Tourism is sitting here in this House today. Can't he answer this question? Can't he say whether his Department has individuals working for it who are employed by this company?

2055

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, he is going to have to give notice for that question.

Mr Speaker: I think we need to move on. Hold on. I think the Hon. Marlene Hassan Nahon
2060 wants to ask a question. (*Interjection*) The Hon. Roy Clinton will have an opportunity.

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

2065 I did not actually pose this question myself – it is a supplementary of my colleague on the right here – because I actually knew the answer. Gibraltar is a very small place and we all know the answer. We all know who works where and why, so when the Minister talks about ‘as far as he is concerned’, ‘not relevant here’, ‘we do not know’, going round in circles, we all know the answer. That is why I did not ask it myself, but I want to exercise my right to ask a supplementary and ask if he actually insulting our intelligence, because we all know the answer.

2070 **Hon. D J Bossino:** Mr Speaker, I would like to raise a point of order in relation to the comment that was made before as to whether I had given notice of the question. The question very clearly says, in relation to this company, ‘working in Government Departments’. That includes the Ministry for Tourism. It is a Government Department, therefore notice has been given – the due notice, which was five days.

2075 **Mr Speaker:** Does the Hon. Minister have an answer for that? Does he have any information that he may ...? He does not? Fine.

2080 **Hon. V Daryanani:** Mr Speaker, I do not have any information on which company or anything of that sort. That is why I am saying he should give specific notice.

Mr Speaker: You have answered the question. You do not have any information. Fine. Does the Hon. Minister, Sir Joe, wish to –?

2085 **Hon. Sir J J Bossano:** [*Inaudible*] the introductory remarks of the hon. Member. At the end of the day, whether people on that side of the House believe what we tell them from this side of the House is a matter for them, just like it was when we were on that side and we were told lots of things that we thought lacked apparent credibility, and presumably the people who were then in government thought they were giving all the information that should be given. Nothing has changed.

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Mr Speaker: The Hon. Roy Clinton.

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

2095 If I can ask the Minister, going back to Question 561, just two elements: (1) can he confirm that this particular project is now being undertaken or completed under the auspices of the National Economic Plan using the funding mechanism that we have spent some time exploring; and (2) why was it that GJBS could not complete the project?

2100 **Hon. Sir J J Bossano:** I have no idea, because it goes back quite a long way. We are talking about five years ago, 2017. I know in 2017 they were involved in many other projects and maybe they found that they did not have the resources. They were involved in the big project here in the middle of town and then they went on to do all the work in the Island Games. I can only assume they had a project there which was something they might have started when they did not have a lot of work and then found that at different stages they were not able to go back to doing it. They were taking on a very big workload after 2017, 2018 and 2019 – 2019 was the Island Games and then, after that, of course, during the COVID years there was the practical closure of much of the construction industry. Now I think that to go back to it is something that ... They do not have the resources now that they had then, because the Government is not putting money into the I&D Fund and they are very tight for funding.

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It has been, already, seven years since it was started and when it was brought to my attention I thought it was something that was viable and worth doing and that we should be able to do it through the finance system that we have created for the National Economic Plan, so we

2115 incorporated it as one of our projects. The only thing is that I did not want the complication of the materials that had already been paid for to be creating an anomaly in the system, so I asked that that should be refunded by the ultimate beneficiaries back to GJBS and not through us.

Mr Speaker: No, we are –

2120 **Hon. D J Bossino:** No, Mr Speaker, it is not a question, it is a point of clarification, with the Chair's leave.

2125 The Hon. the Minister for Tourism does not have the information available to him in respect of a question that he had notice of. I just want to make absolutely sure that I will be able to ask the question in the next session, a specific question in respect of his Ministry and in respect of this company, and not be bound by the six-month rule. I am very surprised they did not have this information, because at the end of the day that Department, I do not think, is that big in terms of staff.

Mr Speaker: No, we proceed now to the next question. Next question, please.

Q566/2022

**Child welfare payments –
December delay**

Q567/2022

**£25 million additional borrowing –
Whether used**

Q568-69/2022

**Victoria Stadium –
Premium re site development; room composition of apartments**

2130 **Clerk:** Question 566/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, why have child welfare payments been delayed in December?

2135 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Questions 567 to 569.

2140 **Clerk:** Question 567/2022. The Hon. the Leader of the Opposition.

2145 **Hon. K Azopardi:** Has the Government spent or used any part of the additional £25 million which the Minister for Financial Stability confirmed in answer to Q491-92/2022 had been borrowed this financial year; and, if so how, much and on what?

Clerk: Question 568/2022. The Hon. the Leader of the Opposition.

2150 **Hon. K Azopardi:** Has the Gibraltar Football Association or any other entity paid or agreed to pay a premium for the development of the current site of the Victoria Stadium; if so, which entity and in what amount?

Clerk: Question 569/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many one, two, three and four-bedroom apartments are projected to form part of the new Victoria Stadium development?

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

Hon. Sir J J Bossano: Mr Speaker, I am informed that child welfare grant payments were delayed as part of an essential annual exercise to reassess the eligibility and current rates of existing claimants to the grant. All individuals who have submitted the required paperwork and documentary evidence should have received their payments by now.

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The £25 million additional drawdown was credited to the Consolidated Fund and not the Improvement and Development Fund, which means it has not been used on any specific project.

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No additional premium is going to be paid for the development site already owned by the Gibraltar Football Association, for which they have already paid £16.5 million.

The detailed configuration of the Victoria Stadium development has not yet been finalised.

Hon. K Azopardi: Mr Speaker, in relation to the child welfare payments, the Minister has clarified that everyone who is eligible has now received the payments, and that is a good thing but the reason for the question is because we were being approached at the time by people who obviously got concerned. Child welfare payments, by their very nature, are targeted relief for families – single mothers a lot of the time – and so any kind of delay, even if it is as a result of a fairly sensible explanation, as the Minister has given, because there needs to be an annual review and so on, causes concern to people who are living with very low means. So can I just urge the Minister, given that this has caused concern to several people, that the Department take on board that if it has to – well, it will – do annual reviews in future, it does so in a way that can ... I am not sure how, but that he talks with his officials so that they do so in a way that factors in that it does not then delay payments, so that there is some kind of assessment that can be done before payments trickle out?

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Hon. Sir J J Bossano: I agree with him, Mr Speaker. I am told that part of the complication this year was that although it is supposed to be an annual review, it had not been done since before the COVID epidemic. That was the last time, and therefore I suppose it was slightly more complicated because of that long interruption. Hopefully it will not occur again in the future.

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Hon. K Azopardi: Mr Speaker, I am sure that will be welcome news for people who will be concerned about those child welfare payments.

Can I ask on the £25 million? His answer was, I think – I took a note – that it went to the Consolidated Fund, not being used for a project. I was not asking whether there was a specific project in mind because he said it is not credited to the I&DF. I get that. My question was more generic. If he looks again at the language of my question, what I am asking really is the £25 million was credited to the Consolidated Fund – has it been used? Has it been spent, and if so, on what?

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Hon. Sir J J Bossano: The problem with that is that the pound notes that make up the £25 million are not different from the notes that were already in the Consolidated Fund, so if the Consolidated Fund is, say, £3 million lower, is it from the £25 million or is it from the money that was there before? Twenty five million was added. I think it is something like £3½ million down compared to the figures that I gave a month ago, but you cannot say the £3½ million came from the £25 million.

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2205 **Hon. K Azopardi:** I see. I understand the explanation. I suppose the answer to the question will be that at the end of the year we will know whether that money has been used, in effect, because the final profit and loss, if I can put it that way – the balance sheet exercise – would be correct wouldn't it?

2210 **Hon. Sir J J Bossano:** [*Inaudible*] to understand, because I have explained it before to the Hon. Mr Clinton that the Government's outlay is more or less steady every month but the revenue sometimes comes with much bigger figures in one month than in others. So although we may be actually running in a deficit situation, there are months when we are in surplus. Unfortunately, the months in surplus are fewer than the ones in deficit, so the reality is that you could actually find that when the money in the kitty went up by £25 million, the next month we might be £5 million down and you would say we must have spent £5 million of the £20 million, but then a month later we might have £25 million coming in because there was a big payment of company tax or something, and the level would be up. It really is a daily thing. This changes every day, so the only real figures are the figures at the end. Throughout every month you estimate the money at the time of the day and it might be one figure at 10 the morning and another figure at closing time. So it does give an indication, I think, when there is a lot of money going out and very little money coming in, but when it is more or less balanced – and at the moment, fortunately, we are more or less balanced since that £25 million, otherwise we would have been down and we would have been having to seek to draw more money. So we drew the money then. The decision was taken that even though we did not really need it at that time, we should draw it, and the balance has not changed more than £3 million or £4 million in one direction or the other since we took the £25 million. That may help to understand the state of play.

2225 **Hon. K Azopardi:** Yes, Mr Speaker, that is helpful, thank you.

2230 Can I ask about the football stadium now? I think his answer in relation to my question has the GFA paid a premium is that the GFA will not pay a development premium, that no development premium will be paid – that is, I think, what he said – not just by the GFA, by any entity. No development premium will be paid. Can I just explore that? That would be different to every time, at least to my knowledge, or at least most of the times the Government negotiates. If someone wants to develop a plot of land and wants to build houses on it, for example, they would negotiate a premium to develop that land from the Government, because that provides the taxpayer the value for money of conferring development rights on the entity – the developer, in this case, who wants to build houses, say.

2235 The GFA bought the land on which the stadium is built for £16.5 million, but at the time never paid development rights because all they were doing was acquiring the football stadium; they were not acquiring development rights. But now, as part of this project – we have seen the images – this project is not just going to be a rebuilt stadium, it is going to include commercial units. It is also going to include residential, and hence the next question that I had on the Order Paper. In the normal way, anyone who wants to build commercial or residential would pay a premium for that, so why is the Government satisfied that the taxpayer, not the savers – because obviously the savers, through the Savings Bank, are investing in the project, and so the savers might be protected through an interest rate return, which we spoke about in relation to the other question – but in relation to the taxpayer, who is conferring the land on which the development will be built and how is the taxpayer obtaining value for money if no premium will be paid for the development?

2250 **Hon. Sir J J Bossano:** I think it is self-evident. The taxpayer is going to benefit from the fact that the project will happen. The taxpayer pays taxes because the Government has to tax people to deliver services. If we create an asset that produces economic activity, that allows the football home matches to be played here, that people come and visit Gibraltar, the effect on Government

revenues and economic activity is to the benefit of the taxpayers, who would otherwise maybe have to pay more taxes for things that the Government provides.

2255 If the taxpayer was rewarded at the beginning of this process by saying there has to be a premium on this, as there would be in any other luxury development, it would not happen, so the taxpayer will have nothing. The taxpayer would be worse off because, on the basis of the figures that we have looked at, a premium at this stage would appear to tip the balance, which would mean that the return on the project would not be enough to satisfy us that this is a project that
2260 needs to be ... We are convinced that it needs to be done, but it needs to be understood that the National Economic Plan will not undertake anything where there is not at least, as a minimum, the money that services the loan and that everything else breaks even.

If we treated this as if it were a plot of land on which people were going to make money and that was it ... but of course it includes a stadium, which has no return. The stadium part of the
2265 project does not produce a profit. The expenditure of the whole/home cannot be the expenditure on the commercial bid alone. If it was the expenditure on the commercial bid alone and there was no stadium there, then you could argue that the people there are going to make a lot of money so they should be taxed for the money, but that is not the case. This is why originally there was no provision for doing anything else, and this is why that has had to be changed. It has not been
2270 changed so as to enable the Government to tax the developer. It has been changed so as to enable the National Economic Plan to be confident that this is worth supporting because it is going to be a viable proposition. We would not be as confident that if they had to pay £x million up front before doing anything else the project would then have the same viability.

It may be something we have to revisit when the whole thing is finished and we see what the
2275 profit levels are, but it is not something that anybody is going to put their money in, and certainly the National Economic Plan is not going to give them a premium to do it, and the GFA does not have the money to give a premium. The answer is that if you look at it realistically, if it is going to go ahead, it will only go ahead on the basis that there is no further premium at this stage, and I do not think, frankly, there will be a further premium in the future either, but we will not know
2280 until that happens. I am confident that it is viable, I am confident it will make a good profit, I am confident that we will recover the money, but I am not confident that if we tax it at the beginning, before it has even got off the ground ... If you do that at the beginning, then you have to change all the other numbers, and if it is not going to happen then the taxpayer is no better off. Gibraltar is worse off because it has not happened.

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Hon. K Azopardi: Mr Speaker, with respect to the hon. Member, there is a difference between economic value and value for money for the taxpayer, which is what I am talking about. I am not engaging necessarily on the issue of economic value. I recognise that if you put, alongside a stadium, residential and commercial, as a project it may have economic value. Of course. I accept that.
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My question is more directed on value for money for the taxpayer. He says, 'If I front load the premium issue, well then it may not happen and we may need to change the numbers,' but the question is ultimately ... Savers are putting in money, on which they are getting a return, but there are going to be valuable economic assets created in the entire project – the residential aspects,
2295 the apartments, the housing and the hotel – and it is a slightly curious answer to say if we did that the project would not happen. If they took that view with every other development, no developer would pay a premium for land.

The core question here is when the stadium project happens, based on the fact that savers have put in money on which they are going to get a return and it produces profits in the
2300 apartments and the commercials, someone is going to keep the profit. Who is that? And if the entity that is keeping the profit is not the Government, that is the reason why you charge a premium. If he is going to say to me we are not charging a premium but the profits of the apartments and the commercials are going to the Government, that may be an argument for it,

2305 but normally when someone is allowed to do a residential development, the Government – the taxpayer – gets its value through the premium.

Hon. Sir J J Bossano: *[Inaudible]* understand it. If somebody was doing the development that is commercial and that somebody was not also doing a stadium, they would make a lot of money on the commercial. The cost of the stadium is going to be part of the cost of the commercial. 2310 Nobody is going to pay separately for the stadium. The complex will have a cost because it is a complex with a stadium that it would not have if it was accomplished without the stadium. If it was accomplished without the stadium, there would be a premium for the land because there would be no extraneous cost encumbering that development.

I do not know if I should take the dangerous step of giving examples, but let's say that the 2315 whole project was £10 and the stadium was £2, so without the stadium it is £8, the guys can make £2 more but they will not be able to pay £2 more because they have to start building a stadium which costs them £2, and that increases the cost of the project by 25%. If we say that the development has to include a stadium, for which the GFA will not pay, and has to pay a premium of the land to the Government, then the effect of that, in my judgement, means that the level of 2320 profitability inevitably is reduced from what it would be if the stadium did not exist, which is what would generate the premium. So the premium on the land would not be there unless we said we were going to do a development but not do a stadium, and then you would value the commercial benefits and the commercial profits and forget about the stadium. You would say, 'You have to pay so much for land,' and the guys doing the development would pay it gladly because they would 2325 be making more than sufficient money to pay the premium and still have a hefty profit. This not what is going to happen.

What is going to happen is that there is something that is being allowed to happen, which previously would not have been allowed, as a way of being able to deliver the stadium. If the GFA 2330 had been able to obtain sources for doing the stadium alone, then the rest would not have existed and no premium would have existed. So either there is a premium for property and no stadium or there is a stadium that somebody from outside comes along and buys, invests in and gives it to us without charging anybody anything; or, as far as I am concerned, the property has been created and allowed to happen not in order to make money for the Government but in order to make the stadium available. The fact that the stadium is made available we think in the long run will mean 2335 there is a benefit to the Government from the activity generated.

Imposing a premium on the land is done because you do not want the property speculator to make more money without the Government, on behalf of the people, taking a share of the cake. There is not a share of the cake. The cake has been increased to make the first thing happen. We are confident that it can do it on the basis that there is no extra funding required to pay the 2340 premium. If tomorrow there was a premium, the only way it would happen would be if the National Economic Plan, out of its profits, paid to the Government the premium, which would be going from one pocket to the other because there is no other party in this.

We have to see how this develops. There are people who are expressing an interest in participating, there are people who are expressing an interest in buying already, but this is at a 2345 stage where you cannot take these things and ... You cannot bank people's interest. This has to be a solid development that works for what it is intended to do. It is only happening because I have been persuaded that it is worth supporting as part of the National Income Plan because it is in the national interest. And because it is in the national interest and it is not a cost to the taxpayer, it is going to happen in the way I have explained it because that is the way I have conceived it and that 2350 is the way I have discussed it with other people.

You cannot say the taxpayer is going to be losing out. The taxpayer not going to be losing out because the premium would never have happened if the stadium had been provided for by UEFA, or whoever it was. If that had happened, there would have been no premium other than what had been paid and there would have been no other developments. I am convinced with the figures I 2355 have seen, which do not include a premium, but I would not want to put the confidence that I

have in those figures at risk by saying, 'Before you start, you have to pay a premium for the land.' That is the reason, as far as I am concerned, why there will be no premium, because either it happens without a premium or it does not happen.

2360 **Hon. K Azopardi:** Hopefully my last question. It is not that I am not trying to understand it ... I am trying to understand it and I hear what the hon. Member says, but in effect what is happening here is ... I do not want to tread into the hon. Lady's questions. I am sure she will have something to say, because there are questions on the Order Paper in her name that will probe the question as to whether it would or would not have happened, because we all know the historic
2365 commitments that there were about UEFA money in the refurbishment of the stadium, but what we have here is the Savings Bank jumping in to make the project happen, in effect subsidising the whole situation.

This not a private developer who comes to the Government and says, 'I want to do this,' and takes the risk of finding the financing, is going to profit from the development and the Government
2370 takes a premium. No one is taking any risk. No private party is taking a risk here. The Savings Bank is investing money, on which it wants a return. All I am saying is that if profits are then going to be created by the project, you would have expected the taxpayer to be compensated in terms of premium or keep the profits of the development. Or is it that the Minister is saying that, in essence, on the financial studies that they have done so far, the profits of the residential and
2375 commercial are going to equate to the investment of the Savings Bank together with the return that the Savings Bank is going to make?

Hon. Sir J J Bossano: What I am saying, Mr Speaker – which is the same as I have said already, but he has put it in a different way – is that the viability of the project to be done on the scale that
2380 is being done ... The scale is being determined precisely in order to be able to ensure that there is no risk to the investment by the Savings Bank. If you had to take bigger profits out, then you might have to try and do a bigger project. That is not impossible, but what I am saying to the hon. Member when he says the Savings Bank has had to dive in and do it is that the reality is that if it had been possible to be done in some other way, it would have been done already.

This has been going on for many years and we have had international football matches here in Gibraltar. Because the people in UEFA have been approached and they have been asked for an extension and they have just said there is no more extension, when it came to the stage where there was no more extension and therefore no more home teams – the last one was the one that was held – and with people having to go to Portugal, I was approached and they said, 'Is there any
2385 way that you can help with what you are doing with the National Economic Plan and all the developments they are doing?' Like anything else, and I have told the hon. Member, whether it comes from the private sector or it comes from investors or anybody who wants to do things that create economic activity, my doors are open, so I looked at it and I thought this looks feasible. It also means that the massing of the project has been looked at on the basis that what will be
2390 allowed to happen will be what is required to produce a viable return for all the elements that are going to be involved in the expenditure and the return on those moneys, and not for either making big profits or paying any premiums.

It is possible to produce a premium by increasing the commercial side and then producing more profit and then producing a premium, but every single home that has been built in the co-ownership system that the first socialist Government invented in Gibraltar has been built on land
2400 that was given away. The taxpayer subsidised people who have made more money on buying a home and reselling it than they would have done if they had won every lottery since 1988. Was that the right thing to do, or should we have charged premiums to people who, after a relatively short period of time, were free to sell their property on the open market?

You take decisions when you need to take them on the basis of the position that exists at the time. The position I see now is that the package we have and the way we have approached it is the way that, as far as I am concerned, will guarantee that this will make money – not a huge

amount of money but enough money to meet all the necessary criteria – and that it will be a viable proposition. If we were to add a cost, we would have to add to the income. To add to the income, we would have to build more. If we had to build more, it may be more difficult to convince the DPC to allow even more on something that was never intended to be there. This why, as far as I am concerned, as the person who is responsible for endorsing the policy – because I am the policymaker in the National Economic Plan; I am not the guy who lays bricks, I am the policy maker, I take the political responsibility – I will defend this because I am convinced it works. I am not prepared to put more cost on, which reduces the potential success, and I do not think that putting more cost on and then increasing what we need to produce to deliver it will be as successful because I think there will be perhaps more difficulty in convincing people of how much we can put on the land that is there. It is a matter of judgement. That is my judgement.

2420 **Mr Speaker:** The Hon. the Leader of Opposition, could he make that the final ...?

Hon. K Azopardi: I hope to, Mr Speaker.

Given all that and the explanation he has given on the scheme as it is envisaged, can I just ask him to confirm whether as part of the project, in the way that it is envisaged, any private party is going to take a share of the profits of this project?

Hon. Sir J J Bossano: I have said that already. When I was asked originally about whether we were funding everything, I said if there are people who come in and buy off plan, they may be people who get a lot of money in profit, not because they have been involved in the construction, not because of the costings we have and not because there would have been a premium or not been a premium, but because it is something that seems to happen quite frequently in everything else that has happened in private sector property developments. So if tomorrow somebody says, 'Your plan is going to be that these are the properties that are going to be there' ... I have told him we are not at that stage, but we are at the stage where if somebody comes forward and says, 'I want to buy all the flats and I am going to pay you up front,' we might say, 'Okay, the figure we have is the figure that we need to sell at to make the returns that we need.' This is all hypothetical, of course. This is not answering with factual information, this all hypothetical. If that were to happen, as has happened on other developments, the original developer may be –

2440 **Hon. K Azopardi:** Will the hon. Member give way?

Hon. Sir J J Bossano: Yes.

Hon. K Azopardi: That is not really what I am asking. I am not asking are people going to buy the properties off plan in bulk and then sell them off and make a profit; that is not what I am asking. What I am asking is ... The project will have someone doing it. I am not sure how it is going to be organised, whether it is going to be through CSSL or whatever in the end. Are the profits going to be channelled, in effect, to pay for the stadium and the return, or is any private party going to take a share of the profit, any private party that is involved in the development of the project? That is my question.

Hon. Sir J J Bossano: But what I am saying to the hon. Member is that that does not mean the other situation I have described will not happen. It may happen that somebody will come in and buy everything and then sell it for double the price.

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Mr Speaker: Next question.

Q570-72/2022

Victoria Stadium –

GSB loan to GFA; expected cost; UEFA/FIFA involvement in cost

Q573/2022

**Minister for Social Security, Economic Development, Enterprise,
Telecommunications and the GSB –**

Criteria for seeing constituents with grievances

Q574/2022

**Disability allowances –
Decision-making body**

Clerk: Question 570/2022. The Hon. Ms M D Hassan Nahon.

2460 **Hon. Ms M D Hassan Nahon:** How much has the Gibraltar Savings Bank loaned or intend on loaning to the GFA for the purposes of the new stadium development and at what interest rate?

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

2465 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Questions 571 to 574.

Clerk: Question 571/2022. The Hon. Ms M D Hassan Nahon.

2470 **Hon. Ms M D Hassan Nahon:** What is the overall cost of the new stadium expected to be?

Clerk: Question 572/2022. The Hon. Ms M D Hassan Nahon.

2475 **Hon. Ms M D Hassan Nahon:** Can government tell this House why it has deviated from the original plan to allow UEFA/FIFA to pay for the development of the stadium?

Clerk: Question 573/2022. The Hon. Ms M D Hassan Nahon.

2480 **Hon. Ms M D Hassan Nahon:** Could Minister Bossano explain his criteria for seeing constituents who seek to visit him to address their grievances?

Clerk: Question 574/2022. The Hon. Ms M D Hassan Nahon.

2485 **Hon. Ms M D Hassan Nahon:** Is there a board in place to decide on the granting of disability allowances?

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

2490 **Hon. Sir J J Bossano:** Mr Speaker, the GSB is not lending money to the GFA.
The overall cost of the new stadium is not yet available.

I am informed that there has never been a Government plan to allow UEFA/FIFA to pay for the development of the stadium, so the Government has not deviated from any such plan.

2495 I have no knowledge of any constituents seeking to visit me to address their grievances. I do, however, have many constituents who wish to see me to seek my help or advice on problems they

may have. I hold such constituency surgeries, as they are called in the UK, on Saturdays and Sundays as I work a seven-day week, except for the weekends containing 1st May and Boxing Day. The only criteria that is applied to the opportunity I provide for constituents to share their problems with me is the time I have available.

2500 I am informed that there are two panels, one to process applications by children and one for adults. These panels are composed of medical and health professionals, who offer their advice and recommendations to the Director of Social Security.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I could just ask you, do you think it is logical to bunch up questions that have nothing to do with each other?
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Mr Speaker: There is nothing against a Minister grouping his answers.

Hon. Ms M D Hassan Nahon: Mr Speaker, when they are relevant you would expect that, but to group questions that have nothing to do with one another is only a way to obfuscate the poser of the question, I think, and the material that I can ...
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Mr Speaker: But you can still ask the supplementaries.

Hon. Ms M D Hassan Nahon: Okay. Mr Speaker, regarding the Minister saying that it has not deviated from the original plan of UEFA, I think we are starting to live in a parallel universe in this House because certain things are said and then they seem to have never been said, and it is hard to even refute at this point because of all the things that come out, which are just a circular mishmash.
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2520 I wanted to ask – or say, and then ask – the Victoria Stadium plot was sold at a price that did not account for the potential to build residential and commercial units within it, and now the GSB is loaning money, effectively – I do not understand how he can say now that the GSB is not – to the GFA at below-market cost to enable it to develop what they promise to be a very lucrative project. But why is the Government so intent on directly or indirectly funding lucrative ventures by the GFA? Aren't they capable of running successful businesses? Is it fair on other sporting, cultural or charity organisations for Government to fund, directly or indirectly, a project with these parameters and these perks?
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Hon. Sir J J Bossano: Mr Speaker, this not charity, this an investment which will produce a return. I am quite happy, if any charity has a project and they cannot raise funds and it can be combined with something profitable, to do the same thing, provided that ...
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2535 What we are trying to do is find a formula in the difficult financial circumstances that Gibraltar and the whole world finds itself. The UK has, this month, just borrowed £52 billion for one month. When there is a problem you have to think outside the box and try to deliver what is important for the community in a way that is not at a cost to the taxpayer and in fact produces economic activity and revenue for the Government.

2540 It is not that the Government is being charitable and donating money to the GFA. If we were saying we are going to use taxpayers' money and build a new stadium at our cost and then let them have it, she might have an argument saying, 'Why are you doing that and not building something else?' In fact, the biggest investment to date is something that is going to provide homes for people who are on the waiting list and have been waiting a very long time to be able to go to the residential facilities we have, which have been full for a very long time. There we are doing it and we expect it to be able to be self-financing, not a cost to the taxpayer.

2545 If she has any charity that would like to do something which involves capital spending – because this not recurrent spending, this is capital – and they are able to come up with a proposal that we can combine with a way of joining something that is profitable to it, so at the end of the

day the bit that does not make money can sustain the participation of the cost of that with the cost of something else that cross-subsidises, then ...

2550 I think it is a model that works for both the recipients, and it is one that we are going to be using in every opportunity where we see that we can do something that otherwise would not get done.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. It definitely works for some people.

2555 A supplementary to Question 573. Sir Joe says that he does see people on Saturdays and Sundays, which is exactly what I wanted to ask about because it is some of these people who have gone to him on Saturdays and Sundays and have been told, 'Vete al' GSD, you are not one of the party, get someone else to help you.' My question is does the Minister not understand that, especially on Government premises, he is paid to work for all of the electorate and not just members and supporters of his party? Does he believe in real democracy or just in the rights of
2560 those who vote for him?

Hon. Sir J J Bossano: [*Inaudible*] that there is one word of truth in what the hon. Member has said and she has been misled by whoever went to her with a story because I never ask people who they vote for or do not vote for when they come to me with a problem. Frankly, nine times out of
2565 10 they come to me with a problem that I am not able to solve because it is not my Ministry and all I can do is say I will make sure that the relevant Ministry is aware. If people come talking about unemployment, then I have to pass on the message to the Employment Service, and if people come because they have a housing problem, I pass it on to Housing. There are very few people who come to say, 'I want to invest money.' Those, I see on weekdays. On the weekends I see the
2570 guys who have not got money and want help, and I try to help them as much ... Even when I know that they vote for anybody here except me, I still do it because I am not doing it to get votes. I do it because I love the work I do and I get satisfaction out of helping people.

I regret that somebody who came to me went to her, lied to her and said that I said, 'I will not help you because you vote for the GSD.' The vote is secret. People do not normally come and tell
2575 me, 'I voted GSLP', and anyway, when they do occasionally say 'I voted GSLP' I do not take it for granted that they are telling me the truth – I assume that even if they did not, they would tell me they had. Nobody that I know of has ever come to me to say, 'I voted GSD, but I want your help.' That has never happened to me. If it had happened, I would have told them, 'I have not asked you who you voted for. You tell me you have a problem. If I think you have a genuine problem and you
2580 should be listened to, and you are telling me that you cannot reach the people who may be able to solve the problem, I am prepared to contact the relevant Minister of the relevant Department, explain what your problem is and ask them to see what they can do to help you.' There are very few cases where I can help, myself, directly, because the work I do does not involve helping people – except perhaps now that I have Social Security, there may be people in that area. For
2585 example, the delay there has been in delivering benefits: if somebody comes along in that area, the fact that somebody may have been given an answer that does not make sense, which sometimes happens, then I investigate it.

Never, ever, now or since I joined this House in 1972, have I discriminated against people because they have exercised their democratic right to vote for whoever they like.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am sorry to say that I do believe these constituents. In the lifetime of this Parliament it has come to my attention a handful of times and this is why now, towards the end, I thought I would actually ask a question because it has a pattern.

2595 My question is: if any of these people actually had the guts to go back to Sir Joe and remind him of what he told them, how would he deal with them? Is he going to lie to them?

Mr Speaker: You cannot say that. You must withdraw the 'lie'.

Hon. Ms M D Hassan Nahon: I withdraw that he lied.

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Mr Speaker: And apologise.

Hon. Ms M D Hassan Nahon: Is he going to –?

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Mr Speaker: And apologise.

Hon. Ms M D Hassan Nahon: I apologise.

Will he be forthright with these people and talk to them as if they are regular voters who are entitled to his attention?

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Hon. Sir J J Bossano: Mr Speaker, I do not believe they exist. I have never, ever in my life said to anybody ... Other Members of the benches have called me about people with problems in the last week and I have said I will look at it and I will try to help. It would be a natural assumption for me to say if they have gone to the Opposition it must be because they feel more comfortable going to the Opposition than going to the GSLP. That has never stopped me trying to help the individual, ever.

2615

She does not believe me, she believes the people who have told her ... Well, it is her prerogative to believe whoever she wants. What she is saying to me is the people who claim that I have refused to help them and I have lectured them for not voting for me want to come back to me, but want security that they will not be victimised. You could not invent this. I would have thought that if I am telling her that it is not true ... How else does the hon. Member expect me to react? I would like to meet these people. I am happy to meet them with her and they can say the date and the time and the occasion when I have said to them, 'I will not help you because you did not vote for me.'

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Hon. Ms M D Hassan Nahon: I think it would be amazing if they met him, but I think there is too much fear of repercussion for that.

I have one supplementary on Question 574, about the board on disability allowances. The Minister says it is composed of medical and health professionals. Is it possible to know the names of the people on these panels? And can I also ask how often do these panels meet?

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Hon. Sir J J Bossano: Mr Speaker, my understanding is that it is not possible to name them. *(Interjection by Ms M D Hassan Nahon)* It has never been possible to name them. It is not something that I have introduced because they are GSD or GSLP or anything else; I think it is because ... She may not have noticed it, but in Gibraltar if you are on a panel of anything, everybody will find a way of collaring you and lobbying you, and therefore people are not comfortable to be on panels and have either people lobbying them to get the decision they want or people insulting them for not having delivered the decision they want. It happens not on this panel alone but on almost every panel that there is anonymity to protect the people on the panel, because if there was not it would be very difficult to find people willing to be on the panel. That is the answer. It is not a policy decision introduced by the Government. It is something that, to my knowledge, has always been a problem because we all know – except her – that if you are on a panel, whether it is housing or promotions or recruitment, or whatever it is ... People come to me, sometimes, of different political affiliations, and say, 'Can you try and make sure that they select my son or my grandson in a promotion?' and I say, 'I do not do it for anybody in my family, never mind anybody else's. I do not believe in this, it should not be done, and I do not do it.'

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So the answer is that the anonymity is a requirement which appears to be necessary for the continuity of the system.

2650 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker. I accept that answer. I wanted to just follow up on how often they met – I do not think the Minister answered that – if he has some kind of idea.

Hon. Sir J J Bossano: I do not know how often they meet.

2655 **Mr Speaker:** The Hon. Edwin Reyes.

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

2660 I thank the Hon. the Father of the House. In my opinion, he answered Question 572 correctly in the manner that it was posed because Government had never had any original plan. But because of public interest, perhaps the Hon. Minister, or another Member if that is more appropriate ...

2665 If we go back through exchanges we have had in this House over different question sessions, mainly by the Minister for Sport and myself, it has come to light that the Gibraltar Football Association was interested and eventually purchased the lease over the Victoria Stadium. I do not know how clearly or how ... but it was implied and always understood that the GFA was able to do that thanks to grants it was going to receive from international sporting bodies such as UEFA and FIFA. It may or may not be something of but at least that is the understanding we always had here. The general public had then been led to believe that the Government of Gibraltar had decided to sell that stadium partly because that would then allow the Football Association to develop that facility for football exclusively. I do not think they were making a secret of it. The Government explained that the money received from the premium of that sale was what it was going to use to enhance the facilities. That is why we have ended up with Lathbury Barracks. So all that seems to have been fair and above board.

2675 The part that brings big confusion amongst the local population is everyone thought that UEFA and FIFA were still going to give additional funding to the Football Association now that they had got the lease, now that it was theirs. In fact, I had heard that there were obstacles, that they could not receive further funding because they were not willing to subsidise a landlord who was going to be the Government of Gibraltar, so it was now theirs exclusively. Is the Government aware of the Gibraltar Football Association not having any other financial resources available, hence why – what the Father of the House was explaining – they had to seek other funding methods? Or is FIFA or UEFA one of the parties that, alongside whichever other entities, are also going to be financial contributors?

2685 That is still the big question hanging over people, whether it is directly Government's responsibility to offer those answers or not I understand and appreciate, but perhaps the Government Members are aware of certain facts that can help people put the subject to rest and we can talk about something else over Christmas. Other than the typical family conversation on Christmas Day, is there going to be who has what amount of money in respect of the stadium?

Hon. Sir J J Bossano: They must be very happy with it because it keeps going up, actually.

2690 I am not familiar with the background to this, I am only involved because of the need to make it happen, but my understanding is that there are payments that are provided beyond the £16½ million and that they still continue, but those payments would be for the upkeep of the stadium and, depending on the size of the payments, they might have been enough if it was possible to produce a stadium at a sufficiently low cost and raise the money privately and service the loan with those payments, but the amount of money they receive and will continue to receive for the stadium ... I do not know whether they will stop if there is no stadium. If there is no stadium here, the payments may stop if they cannot be used, but the money was available on the basis that there would be a stadium there. Having looked over a number of years for the most economic stadium that could be built, we are nowhere near enough to say we can use that to raise a loan

2700 and then pay the interest and repay the loan out of that maintenance money and still have money to do maintenance.

This is the information that I have been provided with. I cannot vouch for the accuracy, but it makes sense that they had got to the stage where they were being told, 'You are not going to be allowed to continue there anymore,' and then it would have meant that Gibraltar would have had to go to Portugal or wherever for the home games. On the actual investment that is being made, I am confident that it will work. I am told that the holding of matches here means that you get people coming on charter flights and that it does mean that the economy will benefit, that the private sector will benefit. And then, of course, if there is activity and the private sector is making money because we get lots of people coming to watch football, it will be quite unique to have a situation where the fans who come to Gibraltar on a plane get off the plane, cross the tarmac and there is the hotel and the stadium. That probably does not exist anywhere else.

2710 It is seen as something that would be quite successful by the people who are involved in this, which is not me, and it seems to make sense. I am sure that if they had been able to make the equation work, they would have done it without coming to me to look for help.

2715 **Mr Speaker:** Next question.

Hon. D A Feetham: I hope the Hon. Minister can help. He may recall that I asked a question several sessions ago about the amputee who had applied for disability benefit. In June 2021 that application had not been determined. Given that we are talking about constituents and assisting constituents and also about disability allowance, I have written to the Hon. Minister and I am told by his PA that the letter is on his desk. Could I at least go back to the constituent and say that you will look at it in within a prompt period of time? She is in desperate situation and it would be a phenomenal Christmas gift for her.

2725 **Hon. Sir J J Bossano:** I can tell him I will get it tomorrow at six o'clock in the morning.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q625/2022

Sewage treatment plant – Announcement re successful bidder and start date

2730 **Clerk:** Question 625/2022. The Hon. Ms M D Hassan Nahon.

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

On the matter of the sewage treatment plant, by when does Government expect to announce a successful bidder and start date for this long-awaited project?

2735 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, we expect to announce the successful bidder and start date in the first half of 2023.

2740 **Hon. Ms M D Hassan Nahon:** Mr Speaker, as we all know, we have been on the verge of getting on with this project for quite a while. I genuinely, constructively, ask the Minister to give us some

information, or maybe give us some clue that maybe will actually be a long-lasting promise or commitment to the people of Gibraltar in what is an election year and people could be thinking as just one more of these promises from a long time ago.

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Thank you.

Hon. Prof. J E Cortes: Mr Speaker, I think the hon. Lady knows that I do not make that kind of promise; nevertheless, I will respond.

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The House is well aware of the difficulties that we have had from the outset: first, in getting the right technology; and second, after an advanced work contract had been given, work had started and the design had been taken to Planning, the joint venture in question went into administration and then we had to look at all sorts of legal complexities to see what the next steps were. We are finally through that hurdle. The call for expressions of interest closed on 28th November. There were a handful – five or six; I am not quite sure how many – of proposals put forward. These have now been sent to our technical assessors, who are the people who have been advising the Government ever since the start of this project. We are told that the technical analysis and recommendations will take between four and six weeks, so in February we should have the technical recommendations of the specialists. Obviously, then we have to look at the financials.

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So my answer, which said we expect to make an announcement in the first half of the year, is accurate as far as all the information I have. We are making progress.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, and I thank the Hon. Minister.

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Can I just ask, pending these recommendations, is that what they are waiting for – to know exactly, more or less, where they are going with the contractor who will get this project? Do they have any idea where this is going? Do they seem to feel a preference for one entity over another?

Hon. Prof. J E Cortes: Mr Speaker, this is a purely technical assessment by technical experts. We have sent them all the proposals, which have a range of different variables within them, and we will then consider the technical reports to see which is the best option available, of course going hand in hand with the financial assessment, which will be carried out by people with financial expertise.

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Mr Speaker: Are we proceeding to the next question?

Chief Minister (Hon. F R Picardo): Mr Speaker, after your remarkable four and a half hours in the Chair until now, I wonder whether this might be a convenient moment to have a short recess for 15 minutes before we come back and deal with the final questions and one Bill, I believe.

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Mr Speaker: The House will now recess for 15 minutes, to return at quarter to eight.

The House recessed at 7.31p.m. and resumed at 7.46 p.m.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q629-30/2022

Carrying and use of offensive weapons –
Convictions in past four years

Clerk: We continue with answers to questions. Question 629/2022. The Hon. D A Feetham.

2785 **Hon. D A Feetham:** Mr Speaker, how many convictions have there been in each of the last four years for crimes associated with carrying, or injuries caused by the carrying of knives, guns or other offensive weapons in Gibraltar?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 630.

2790 **Clerk:** Question 630/2022. The Hon. D A Feetham.

Hon. D A Feetham: How many convictions have there been in the last four years in respect of the (a) importation and (b) supply of cocaine, cannabis and heroin in Gibraltar?

2795 **Clerk:** Answer, the Hon. the Minister for Justice, Equality and Standards.

Hon. Ms S J Sacramento: Mr Speaker, convictions in respect of the importation of cocaine: 2018-19, seven; 2019-20, nine; 2020-21, two; 2021-22, four; and 1st April to date, one.

2800 Convictions in respect of the importation of cannabis: 2018-19, 11; 2019-20, 14; 2020-21, six; 2021-22, eight; and 1st April to date, five.

There have been no convictions in respect of the importation of heroin.

Convictions in respect of the supply of cocaine: 2018-19, 11; 2019-20, four; 2020-21, five; 2021-22, seven; and 1st April to date, one.

2805 Convictions in respect of the supply of cannabis: 2018-19, 14; 2019-20, three; 2020-21, 11; 2021-22, five; and since 1st April, four.

There have been no convictions in respect of the supply of heroin.

Convictions for crimes associated with the carrying of knives: 2018-19, two; 2019-20, one; 2020-21, none; 2021-22, one; and since 1st April, three.

There have been no convictions for crimes associated with the carrying of guns.

2810 Convictions for crimes associated with the carrying of other offensive weapons: 2018-19, four; 2019-20, six; 2020-21, two; 2021-22, seven; and 1st April to date, four.

Mr Speaker: Next question.

Q631/2022
National Disability Strategy –
Expected date of publication

2815 **Clerk:** Question 631/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to when the Government expects to publish its National Disability Strategy.

2820 **Clerk:** Answer, the Hon. the Minister for Justice, Equality and Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, as I mentioned in the previous answer, a lot of work has been done and continues to be done on this. This something that cannot be rushed if we are to do it right. The Disability Strategy will be published when it is ready.

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2830 **Hon. D J Bossino:** Yes, and I agree with the sentiment that this is something that should not be rushed and it should be done right, but is she able to give some indication to the House as to which subject areas are causing the delay? Let me put it this way: which areas are pretty much done and dusted, crystallised and developed to a point where she could publish but she has to develop other areas? In other words, is she able to provide some sort of audit as to where we are by way of a snapshot now?

2835 **Hon. Miss S J Sacramento:** Mr Speaker, I would invite the hon. Gentleman to refer back to the *Hansard* of my Budget speech earlier this year, where I explained it – but I am happy to explain it again, because it is obviously something that is very important.

Our strategy will go hand in hand with the work that we are doing in order to request the extension of the implementation of the UN Convention to Gibraltar, because that is really what provides our roadmap and our pathways in terms of the strategy and what we are doing.

2840 As I have explained in relation to a previous question that the Leader of the Opposition posed on this back in May, and as I did in June as well, the Disability Strategy will deal with different types of disability. It will deal with learning disability, it will deal with physical disabilities, it will deal with both, and there is also an overlap with disability as there is with mental health. Within that, there are different themes and different structures through the Disability Strategy. As I explained on the last occasion, a lot of work has been done in relation to the autism pathway, so there is a document that is almost ready. It is something that I commissioned last year in my capacity as Minister for Health and Care. It is something that originally was started as part of the Mental Health Strategy we did, and it is led by the Gibraltar Health Authority and the Care Agency. I think that is something that is now in its final stages, so that will deal with a big aspect of the strategy, but in addition to that, there are lots of other things.

2850 I am happy to, beyond this House, Mr Speaker, of course, speak to the hon. Gentleman and update him in greater detail.

2855 **Hon. D J Bossino:** I am grateful for that very full reply. I do not think I caught in her answer any reference ... We have had this ... not discussion or debate, but we have had this exchange in this House in relation to the Special Needs Co-ordination and Liaison Office, which I know works under the auspices of the Chief Minister, and that office I think has set up a website and also a Special Needs and Disability Council, in respect of which I think they were inviting people to be members and provide a contribution. What role do they have? I know it falls under her ministerial responsibility as well, so in what way are they assisting in populating this strategy?

2860 **Hon. Miss S J Sacramento:** We all work together, Mr Speaker. This is a Government strategy, so everyone will input into the strategy, and then it is led and co-ordinated by my office. But we all certainly work together because this one Government.

Q632/2022
Bayside School –
GRA investigation re breach of data protection

2865 **Clerk:** Question 632/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that a full independent investigation is being carried out by the GRA in relation to a serious breach of data protection in relation to a child at Bayside Comprehensive School on 14th December 2022?

2870 **Clerk:** Answer, the Hon. the Minister for Justice, Equality and Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the GRA is currently considering the matter.

2875 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer and I appreciate that the GRA would
conduct an investigation in relation to this matter, but what other steps is the Government taking?
We do not want to – of course – delve into some of the details because they are extremely
sensitive and have been disseminated to a wide number of people in this community, who have
been asked to delete this particular email that was sent by the admin of the school. What is the
2880 Government doing to ensure that there is not a repetition of an extremely serious breach of data
protection in our community and one that should be, and I think is probably going to be, rightly
handled by the Minister?

Hon. Miss S J Sacramento: Mr Speaker, the supplementary question is different to the initial
question. The initial question relates to the regulator, and of course the regulator will deal with
2885 the matter independently of the Government because the GRA is the independent regulator in
this respect.

In relation to the additional question, I can advise the hon. Gentleman that of course this a
matter that is been taken very seriously. It was, in fact, the Government that reported the matter
to the GRA, and the Government and the Data Protection Officer of the Government have
2890 undertaken a report and all necessary steps in this regard, so I can assure the hon. Gentleman that
this matter has been taken extremely seriously.

Hon. E J Phillips: I am grateful for the answer. Can the Minister also confirm that the family in
question is being given every support that is necessary, given the extremely sensitive nature of
2895 this particular data breach?

Hon. Miss S J Sacramento: Mr Speaker, I am loath to give any detail in relation to this matter
across the floor of the House. I can speak to the hon. Gentleman in private, but I remind the hon.
Gentleman that the question here relates to the regulator and not to the actual incident, and given
2900 the nature of what we are discussing, I would not like to give any further detailed information in
this House. I do not think it is appropriate to do so.

Q633-34/2022

Fees paid to law firms by Government – Services provided

Clerk: Question 633/2022. The Hon. E J Phillips.

2905 **Hon. E J Phillips:** Mr Speaker, can the Government state what legal services were being
provided by the law firm Hassans for the Government to pay the same £3.09 million-odd in legal
fees over the last three years so far?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

2910 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 634.

Clerk: Question 634/2022. The Hon. E J Phillips.

2915 **Hon. E J Phillips:** Mr Speaker, can the Government state what legal services were being provided by the law firm Isolas for the Government to pay the same £2.87 million-odd in legal fees over the last three years so far?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

2920 **Hon. Miss S J Sacramento:** Mr Speaker, those law firms, together with a number of other law firms in the jurisdiction and outside it – including the firms of which the Hon. Mr Azopardi and Mr Bossino are partners – provide legal drafting, advisory and litigation services. The sums the hon. Gentleman quotes are, however, not just for that type of work and can include disbursements paid to third parties, for example leading counsel in London, medical and other
2925 experts etc. It has not, however, been possible to provide a breakdown of the figure further in the time available.

Hon. E J Phillips: Mr Speaker, to assist the hon. Lady, when I delivered those calculations I only focused on the fees that were due to those firms, not the disbursement. So she is incorrect in her
2930 answer because I calculated them myself, unless my fingers were wrong on the calculator. They relate to fees to those law firms and not disbursements to counsel or any other firm from London, so I struggle to understand how, over the three year period, the Minister cannot set out in detail by way of schedule what those fees were for, and I would be grateful if she could clarify on what basis she cannot quantify them.

2935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Lady has said ‘in the time available’. It is not that in the time available there are, because he is asking about two years, two bills. There are very many bills in the period of a year, and therefore it is not possible to give the breakdown.

I do wonder why it is that he is concentrating on Hassans and Isolas and is not asking about the
2940 other law firms. For example, TSN had £6.5 million paid in the financial year 2019-21, which was the double financial year, £1.2 million paid in the financial year before that, £2.1 million paid in 2016-17 and £6 million paid in just one year, which was 2014-15, when Isolas had £300,000 paid and Hassans £2.3 million paid.

I do wonder whether there is just a political game being played, but the fact is that in the time
2945 available it has not been possible to provide more breakdown. Neither are we going to give hon. Members a breakdown on a case by case basis.

Hon. E J Phillips: I do not agree with the Chief Minister. He is not looking at the specific
2950 schedule that relates to legal services. That is the direction of my questions, not in relation to other schedules that appear on the Government’s website. I have specifically asked in relation to legal services, which amount to over 90% of those legal fees going to the two firms that I have referred to in this House. So the references the Chief Minister is making to other forms of services that are being offered by those firms ...

I have focused on those particular two firms for the following reason, Mr Speaker. He will recall
2955 that in his 2011 manifesto a commitment was made to the people in his so-called – now infamous – New Dawn manifesto, where he said the following:

We believe that the Government’s legal work should primarily be handled by the Counsel employed in HM Attorney General’s Chambers. Here we will increase the number of Senior Crown Counsel. Where the necessary expertise is not available ‘in-house’ it should be outsourced. The process of outsourcing legal work must be done fairly and equitably – and legal work must not be given to one or another set of Chambers who may be close to one Minister or another. We will ensure that all legal services procured from the private sector for Government provide value for money, are provided by practitioners with recognised expertise in their field and are evenly spread throughout the legal community.

Does the Chief Minister agree with me that 90% of legal services provided to two firms in which two Ministers – including himself as a seconded partner of Hassans, and Mr Isola, who is closely related to Isolass the firm – is a breach of that promise to our community in 2011?

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Hon. Chief Minister: No, Mr Speaker, I do not, because that is not what has happened. He might want to say that, for the purposes of trying to persuade anybody who is not seeing this in context that that is the case and to create a scandal around it, but that is not the position.

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In one year we paid Triay & Triay £3.5 million. That was in 2016-17. In that year, Hassans had £1 million and TSN had £600,000. In the year before, TSN had £2 million. It just does not make any sense for the hon. Gentleman to be casting aspersions in the way he is now. In 2014-15, TSN had £6 million of legal fees, Isolass £300,000 and Hassans £2.3 million, so the calculation is the complete opposite that the hon. Gentleman suggests. Indeed, if we look at the fees from 2011 to 2022, Triay Stagnetto Neish have had £21 million of legal fees from this Government and Hassans have had

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£28 million – except, of course, Triay Stagnetto Neish have approximately 20 lawyers, so that is £1.4 million per lawyer, and Hassans have about 80, so that is about £300,000 per lawyer.

So we are doing exactly what we said we would do. We are going to people who have the expertise, and if we do not go to some, it is because we do not rate them.

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Hon. E J Phillips: Mr Speaker, I understand the Chief Minister is going to get slightly frustrated by the question. I am asking only about legal services – I know he is getting very hot under the collar about the subject – and the reason why I confined it to legal services was ... represents that particular figure. He has sought to draw this out and look at other areas which are not germane to this question. He is introducing irrelevant ... and not the subject matter of the question. He is doing it for a purpose and he is attempting to mislead the House in this way, Mr Speaker. He should be –

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Mr Speaker: You must not – (*Interjection*) No, hold on –

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Hon. Chief Minister: He should put a motion, Mr Speaker.

Mr Speaker: You have to withdraw the – (*Interjection*) You have to – (*Interjections*)

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Hon. Chief Minister: Mr Speaker, every single word that I have provided to this House is in the schedule that has been provided to me by the Treasury. Therefore, it is entirely true, and if the hon. Gentleman does not like the sound of the truth, then he has no place in this Parliament. This is a place of truth, and truth only.

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Hon. K Azopardi: Will the Chief Minister provide us with a copy of that schedule?

Hon. Chief Minister: Of course, Mr Speaker.

Questions for Written Answer

Clerk: We go on to Written Questions.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W70/2022 to W80/2022.

Order of the Day

GOVERNMENT MOTION

Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2022 – Motion carried

Clerk: (ix) Order of the Day. Government motion. The Hon. the Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank.

3005 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I beg to move:

That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2022.

3010 This Order seeks to amend the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order by increasing the rates of old age pension and survivor's benefit by 7.6% with effect from 1st August 2022, which represents the annual increase. Mr Speaker, that, of course, has already happened and what I am seeking is the approval of the House for the last increase in old age pension, which was related to the level of inflation at the time, as is the case with annual reviews.

3015 **Mr Speaker:** I now propose a question in the terms of the motion moved by the Hon. Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank.

Does any hon. Member ...? The Hon. Roy Clinton.

3020 **Hon. R M Clinton:** Thank you, Mr Speaker.

I recognise what the Hon. Minister has said, and I can confirm to the House that this in line with what was announced in the Chief Minister's Budget speech on lines 745 and 746, that the old age and disability benefits would go up by the rate of inflation, which at that time was estimated to be about 8%. I can confirm to the House that I have checked the RPI calculator for 1st April 2022, and that is, as the Hon. Minister has said, 7.6%. I can also confirm to the House that I have, just for sake of clarity, compared, on a test basis, the rates as in his Legal Notice 209/2022 published on 21st July 2022 with the similar Notice 348/2021 published on 26th July 2021, and that the difference in the amounts quoted is in fact, as the Minister has said, 7.6%. I say that just to give assurance to the House that we, on this side of the House, have also looked at what the Minister has said, and I can confirm that what the Minister has said is in line with the calculations.

3030 I believe we obviously will, as stated at the time of the Budget, be supporting the motion.

Mr Speaker: If no other Member wishes to speak, I will call on the mover to reply.

3035 **Hon. Sir J J Bossano:** The support of this measure has always been a unanimous decision of this House.

Thank you.

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank. Those in favour? (**Members:** Aye.) Those against? Carried.

BILLS

FIRST AND SECOND READING

Merchant Shipping (Miscellaneous Amendments) Bill 2021 – First Reading approved

3040 **Clerk:** (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993. The Hon. the Minister for Business, Tourism and the Port.

3045 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 be read a first time.

3050 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Merchant Shipping (Miscellaneous Amendments) Act 2021.

Merchant Shipping (Miscellaneous Amendments) Bill 2021 – Second Reading approved

3055 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I have the honour to move that the Bill for the Merchant Shipping (Miscellaneous Amendments) Act 2021 be read a second time.

I have had a favourable discussion with the Hon. Mr Phillips in respect of this Bill already, but as we know, unfortunately he is not with us at the moment.

Clause 1 contains provisions in relation to the title and entry into force of the Act.

3060 Clause 2 amends section 49 of the Merchant Shipping Act. Section 49(5) of the Merchant Shipping Act provides that any reasonable expenses being incurred by a ship owner in respect of illness and burial of any seafarer shall be deducted from the wages of the seafarer. This is in conflict with regulation 29(1)(a), (b) and (e) of the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 and impedes the need to give effect to standard A4.2.1(d) of the Maritime Labour Convention 2006. Regulation 29(1)(e) says that the owner of a Gibraltar ship must meet the burial costs of the death of a seafarer on board the ship or ashore during the seafarer's period of engagement, and regulation 29(1)(a) and (b) obliges the owner to be responsible for medical care and board and lodging whilst the seafarer is ill, in accordance with sub-regulation (2). The Maritime Labour Convention has been extended to Gibraltar as from 7th August 2013. We therefore propose to remove the deduction from wages imposed on the seafarer by section 49(5).

3070 Today, Mr Speaker, I have also given written notice of an amendment to the Bill, which I believe has already been circulated to all Members. The amendment adds a new provision in section 2 of

the Bill, adding at the end of the current sentence after section 49, before the full stop, the following:

and for section 179 page 5 substitute:

(5) Gibraltar has a right to exclude the application of article 2 paragraph (1)(d) of the Convention on Limitation of Maritime Claims 1976 as amended. Gibraltar excludes article 2 paragraph (1)(d) of the Convention on Limitation of Maritime Claims and therefore applies unlimited liability in respect of wrecks. Additionally, sections 179P(5) and (vi) are repealed.

3075 The consequence of this amendment will be to amend the Merchant Shipping Act in order to give effect to the exercise of the right to exclude the application of article 2(1)(d) of the Convention on Limitation of Maritime Claims 1976, as amended, and to equalise the liability with regard to wrecks of non-Gibraltar registered ships with that applicable to Gibraltar registered ships.

3080 I would make the following additional points on this amendment. The new section 179H(5) provides that Gibraltar has exercised its right to exclude the application of article 2(1)(d) of the 1976 Convention as amended. This mirrors paragraph 15 of the 2014 administrative instruction which applies to Gibraltar registered ships. The effect of this new section 179H(5) is to provide unlimited liability for owners with regard to costs relating to the removal of wrecks. The
3085 amendment also removes the reference to insurers being able to rely on the right to limit liability on the removal of wrecks. This does not, however, affect the limits on the wreck removal insurance, which is required for all ships entering or leaving the Port of Gibraltar.

Article 12(1) of the Nairobi Convention provides that owners are required to maintain insurance or other financial security to cover liability under this Convention in an amount equal
3090 to the limits of liability under the applicable national or international limitation regime, but in all cases not exceeding an amount calculated in accordance with Article 6(1)(b) of the Convention on Limitation of Liability for Maritime Claims 1976 as amended.

Section 179J(3) of the Merchant Shipping Act states that a foreign ship with a gross tonnage of 300 or more may not enter or leave the Port of Gibraltar unless that ship has wreck removal
3095 insurance. No reference is made to the amount of wreck removal insurance in the Merchant Shipping Act. However, regulation 4(3), (4) and (5) of the Gibraltar Merchant Shipping Insurance for Maritime Claims Regulations 2012 (the Insurance Regulations) state:

(3) Every shipowner of a ship flying a flag other than the flag of Gibraltar must, if in conformity with international law, have insurance in place when that ship is operating in BGTW.

(4) The insurance referred to in subregulations (1) to (3) must cover maritime claims subject to limitation under the 1996 Convention.

(5) The amount of the insurance for each and every ship per incident must be equal to the relevant maximum amount for the limitation of liability as laid down in the 1996 Convention.

It follows from these provisions that ships must have wreck removal insurance and that it must cover the maximum amount for the limitation of liability as laid down in the 1976 Convention.

3100 In addition, article 12(10) of the Nairobi Convention states that even if the registered ship is not entitled to limit liability, the insurance may limit liability to an amount equal to the amount of the insurance required to be maintained in accordance with paragraph (1), i.e. subject to the limits in the 1976 Convention.

In the circumstances, notwithstanding unlimited liability by the owner on wreck removals, the
3105 insurer may seek to argue that his liability is limited to what is provided for in the insurance.

We have also considered and sought advice on whether, where Gibraltar exercises the right to exclude the limitation of liability for wrecks and this liability is unlimited, regulation 4 of the insurance regulations should be amended to reflect this. In the Government's view, based on
advice, it would be neither prudent nor practicable to do this. It is extremely unlikely, if not
3110 impossible, for an insurance company to be willing to provide unlimited wreck removal insurance.

This is particularly so having regard to article 12 of the Nairobi Convention, which only requires insurance not exceeding the limits of liability in the 1976 Convention. This is, therefore, what all ships will have. Imposing an insurance requirement for ships entering or leaving Gibraltar which ships are not able to comply with would lead to the collapse of all commercial shipping operations – including cruise liners – in Gibraltar. The upshot of all this is that the proposed amendment to the Act as set out in the amendment, written notice of which I have this morning ... created unlimited liability for owners.

3115 The Gibraltar Merchant Shipping, Maritime and Labour Convention Regulations 2013 are made partly under section 118 of the Gibraltar Merchant Shipping Safety Act 1993.

3120 Clause 3(1)(a) of the Bill introduces a new section 3A into the Gibraltar Merchant Shipping Safety Act 1993. This clause 3A will allow the Maritime Administrator, with the approval of the Minister, to issue Maritime Labour Notices for certain purposes under clause 3A(1)(a) to (e). All these purposes are centred around compliance with any requirements under the Maritime Labour Convention and/or providing any relevant guidance in relation to any requirement.

3125 I will now explain clause 3 of the Bill. Taking clause 3A(1) as a whole, Maritime Labour Notices should be used to (1) implement any requirement under the Maritime Labour Convention, (2) provide guidance on how to achieve compliance if the requirement under the Maritime Labour Convention does not provide for this; (3) provide guidance on compliance with any requirement under the Maritime Labour Convention; (4) provide explanations and other information to ship owners and seafarers on how to comply with any requirement under the Maritime Labour Convention, including the recommendations of any international bodies who monitor the standards under the Maritime Labour Convention; and (5) prescribe forms for different purposes under the Maritime Labour Convention.

3130 Clause 3A(2) would make the Maritime Labour Notice have the force of law and therefore there is a requirement to publish in the Gibraltar Gazette, as happens in the case of administrative instructions issued under section 3(5) of the Gibraltar Merchant Shipping Safety Act 1993.

3135 Clause 3A(3) contains enforcement provisions to ensure compliance with Maritime Labour Notices. If a master or owner of a ship does not comply with a Maritime Labour Notice, this would constitute a summary offence and the ship is then liable to be inspected and detained in accordance with amendments and regulations 44 and 45 of the Gibraltar Merchant Shipping (Labour Convention Regulations) 2013, which should be brought into force by the enactment of this Bill and are now contained in the Gibraltar Merchant Shipping (Maritime Labour Convention) (Amendment) Regulations 2021.

3140 A defence is available as provided in clause 3A(4). The Gibraltar Merchant Shipping (Maritime Labour Convention) (Amendment) Regulations 2021 include a definition of ‘Maritime Labour Notice’ under regulation 2(1) and reflect the enforcement provision under clause 3A(3).

Clause 3A(5) contains various definitions which are relevant for the purposes of understanding and interpreting clause 3A.

3145 Clause 3(1)(b) of the Bill contains an amendment to section 21 of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993. The aim is to repeal section (2) of section 21. This provides that in the case of shipwreck or loss of a ship, proof that a seafarer has not exerted himself to the utmost to save the ship, cargo or store bars has claimed for wages. Due to changes to the Maritime Labour Convention and the fact that section 21(2) conflicts with regulation 21 of the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, section 21(2) should be omitted. Regulation 21 obliges the ship owner to pay wages to the seafarer on a ship which is lost or found if certain permissions are fulfilled.

3155 Clause 3(1)(c) of the Bill contains an amendment to section 118(1)(c) of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993. Section 118 is a regulation-making power, and the purpose of section 118(1)(c) is to inter alia give effect to Gibraltar to international conventions or agreements by regulation. We are adding to the words of section 118(1)(c) to provide expressly that implementation by regulation is also possible where a relevant international agreement or convention is revised, modified or amended.

Mr Speaker, I commend this Bill to the House.

3165 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I rise because at one point I used to have responsibility for the Port. I do not have the benefit of the discussions he says he has had with my friend Mr Phillips, who was dealing with the matter in detail.

3170 This is a Bill which, in discussions on this side of the House, we were going to support in any event, but I would ask him to clarify just a few points. If he goes to the explanatory memorandum, it basically says that these amendments are being done. I would say that the substantive amendments are set out in clause 3 of the Bill by imperative of the Convention, which is the Maritime Labour Convention 2006, but is he able to clarify and confirm that there are other provisions that are being introduced as a result, which are outside the requirements set out in the Convention I have just referred to? It is clear that it sets out in his letter introducing the amendment to section 179H(5) of the Act, where he wishes, in effect, to disapply article 2 to another convention, which is the Convention on Limitation of Maritime Claims 1976. In relation to that one, can he give us an insight as to what the rationale is behind this application?

3180 I may have missed this, but he was referring to the Nairobi Convention and I think that impacted on issues in relation to maritime insurance. I think what he was looking at there was the removal of the limitation. Can he just give an explanation, as well, as to what the rationale is in relation to that?

3185 If I can split them into two, basically these amendments are as a result of the 2006 Convention, which have to be done, and I understand that, but these other amendments seem to suggest that it is as a result of Gibraltar-focused thinking and I wanted to understand what the rationale was behind that thinking.

3190 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just rise and address both of those points in the context of my own address, to say that the first point that arises, in relation to maritime labour, as the hon. Gentleman has identified, is a change that we have to make and it is a change that does not go beyond what we are required to make.

3195 The second point, which relates to issues relating to the Nairobi Convention and the insurance related thereto, is a choice that nations are entitled to make under the Nairobi Convention. It is not a choice that we had been alerted to. The ability to make that choice in Gibraltar we have now been alerted to, and as a result we have been advised that most nations have uncapped liability in that way, but that they uncap it in relation to owners of vessels, not in relation to insurers. Otherwise, insurers might take the view that if there is uncapped liability for insurers, they would not insure vessels transiting the territorial sea of a state that has made such a choice. So, for that reason, the limitation of the choice that we are making is to make unlimited the liability of owners, but to keep limited the liability of insurers.

I hope that is helpful.

3205 **Hon. D J Bossino:** Sorry, Mr Speaker, in relation –

Mr Speaker: I think you cannot speak. If you had asked for leave –

3210 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question, which is that a Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

3215 **Clerk:** The Merchant Shipping (Miscellaneous Amendments) Act 2021.

**Merchant Shipping (Miscellaneous Amendments) Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Business, Tourism and the Port (Hon. V Daryanani): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

3220 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

**Merchant Shipping (Miscellaneous Amendments) Bill 2021 –
Clauses considered and approved with amendment**

Clerk: Committee Stage and Third Reading.

3225 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the Merchant Shipping (Miscellaneous Amendments) Bill 2021.

In Committee of the whole House

Clerk: A Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993.
Clause 1.

3230 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

3235 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** I move the amendment in the terms of the letter that I have circulated.

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

3240 **Hon. E J Reyes:** Mr Chairman, just for the record, the title, I think –

Mr Chairman: Is 2021, yes.
Clause 2, as amended, stands part of the Bill.

Clerk: Clause 3.

3245 **Mr Chairman:** Clause 3 stands part of the Bill.

Clerk: The long title.

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

**Merchant Shipping (Miscellaneous Amendments) Bill 2021 –
Third Reading approved: Bill passed**

3250 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Merchant Shipping (Miscellaneous Amendments) Bill has been considered in Committee and agreed to with an amendment, and I now move that it be read a third time and passed.

3255 **Mr Speaker:** I now put the question, which is that the Merchant Shipping (Miscellaneous Amendments) Bill 2021 as amended be read a third time and passed. Those in favour of the Merchant Shipping (Miscellaneous Amendments) Bill 2021? (**Members:** Aye.) Those against? Carried.

Adjournment

Mr Speaker: The Hon. the Chief Minister.

3260 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it has been a long year, and as we come to move the adjournment *sine die*, today I received a letter which I thought I should refer to the House. I am not going to name the individuals who sign it, but it says this:

Dear Mr Picardo

I would just like to take this opportunity, along with my wife, to express the deep gratitude for all the valuable work you and your Ministers do on behalf of all of us living in Gibraltar, especially over the last year or two, having to deal with many frustrating situations with great diplomacy.

We have lived here happily for the last eight years and have seen Gibraltar go from strength to strength. From day one, we were made to feel part of the family, and the friendliness and help that we have experienced from every person in every walk of life has been truly exceptional. If possible, please pass on our grateful thanks to everyone for the excellent service at the GHA, the Civil Status staff, MoT and Licensing staff who have made our life just that little bit easier and enjoyable.

In closing, it is truly an honour to live amongst people who come together as one, respect one another and still retain, in a modern world, the core family values.

Wishing you every success for the future.

3265 Mr Speaker, I include this Parliament in the institutions of Gibraltar that do us proud on many occasions. Even when we might be at our most rancorous and cantankerous, we are all seeking to ensure the best for our people, and given the year we have had, I thought that was a quite lovely way to end it.

3270 Mr Speaker, I have a message tonight for our children before we adjourn. The Commander of British Forces has been in touch with NATS, who are responsible for air traffic control. They have confirmed that air traffic control will be available without any difficulties from the early hours of 25th December to ensure that flight SANTAWIZZ1 is able to land at Gibraltar. MeteoGib have confirmed that we expect easterly winds, so the sleigh will land from the west runway with no

3275 crosswinds. The tunnel will be available for the reindeer to remain in, if they wish, whilst Father
Christmas is in Gibraltar. The Minister for Equality has provided that the same services will be
provided to all of the reindeer, regardless of the colour of their noses. The GHA have lifted all
3280 COVID restrictions, except in the Hospital and ERS, and the Borders and Coastguard Agency have
confirmed that all Gibraltar border requirements have been agreed for arrivals from Finland and
Lapland. Returns, in keeping with the Schengen Border Code requirements, have been agreed
with both Brussels and Madrid. All necessary arrangements have therefore been made by the
public sector to ensure that one Father Christmas will be able to visit each and every home in
3285 Gibraltar this year. So, despite the very difficult prevailing economic circumstances and with the
support of our charities and in the spirit of community that characterises the best of Gibraltar at
difficult times, I am sure that every home in Gibraltar will be visited by Father Christmas this year.

Mr Speaker, I thank you and all your members of staff for all your help this calendar year.

3285 I thank all hon. Members for their work collectively with us in this Parliament this calendar
year.

I wish all of Gibraltar a very Merry Christmas and a happy New Year and Happy Hanukkah.

Mr Speaker, I move that the House should now adjourn *sine die*.

Mr Speaker: I now propose the question.

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Hon. Member: Am I allowed to reply?

Mr Speaker: No. *(Interjection)* No, I must say – *(Interjection)* I have to say I glanced and there
was no light, so I said, 'Well, it's ...' *(Interjections)* **(A Member:** Hear, hear.) I do this with utmost
3295 respect, no ... *(Laughter)*

I now propose the question, which is that this House do now adjourn *sine die*.

I put the question, which is that this House do now adjourn *sine die*. Those in favour?
(Members: Aye.) Those against? Passed.

This House will now adjourn *sine die*.

The House adjourned at 8.24 p.m.